

Distributing FIJA Literature in Front of Courthouses

FIJA activists frequently stand on the public sidewalks near courthouses, or near the jurors' parking lot, and distribute FIJA brochures to all passersby. If you are interested in a particular case, we encourage you to establish a presence at least two weeks prior to a particular jury trial, and continue at least a week after. This makes you a "part of the landscape" and keeps you from being associated with a specific case. Of course, you will also reach a lot more prospective jurors that way! Some activists tell us that the best time to be there is when the whole jury pool is first assembled (often on Monday mornings; be there bright and early, 7:30 or 8:00 AM). At this time those summoned are not yet officially jurors, and the authorities are less likely to bother you. On the other hand, authorities sometimes confiscate brochures from prospective jurors as they enter the courthouse. For this reason, it has been suggested that a better time to distribute literature may be late in the afternoon, to catch people as they come out.

FIJA activists should make it clear that they are only passing out information of general interest to all citizens, and are not trying to influence any particular case. No case-specific literature should be distributed with FIJA literature to anyone who might be a prospective juror. FIJA literature, which informs jurors of their rights and powers in general terms and which seeks reform of the judicial process, is protected speech under the First Amendment. If other people present are passing out literature protesting the case or cases which happen to be going on inside, fine. It is their right to protest, and the sidewalk is a traditional public forum for First Amendment purposes. (U.S. v. Grace et al, 461 U.S., 1983)

Literature distribution is most effective if you dress neatly and conservatively, smile, and are polite. A FIJA button in your lapel would also be appropriate. It is not good to engage in long debates with anyone, while dozens of people walk by without receiving your material – unless you have enough people to do it. Limit your interaction to a minute or less, and have a short, prepared delivery speech to use as you hand out literature. Do not stray from your message, and never discuss any cases, either past, present, or future.

Thousands of people have now distributed FIJA literature at courthouses, the vast majority without any trouble. Although a few people have been hassled, some even arrested, we have rarely had anyone convicted of anything for passing out FIJA brochures. One conviction was for disobeying a court injunction to cease literature distribution (this is being appealed at this time). (If you are facing contempt charges for violating an injunction, as things stand now, you do not get a trial by a jury of your peers; instead, a judge decides if you are "guilty", too often the same one who issued the injunction.) Another arrest and conviction was for refusing to cease literature distribution and leave the interior of a courthouse (also being appealed). A handful of "jury tampering" charges have been filed for simply passing out FIJA literature. Juries have so far refused to convict people so charged.

Usually when the authorities decide there is not much they can actually do to stop brochure distribution, they stumble over themselves in their haste to dismiss charges or otherwise back down. Perhaps they come to realize that prosecuting you for jury tampering will mean giving

FIJA brochures to your jury as evidence... and they realize that distributing political/informational brochures in a public place is a clearly protected First Amendment right. In addition, prosecutions are liable to generate a great deal of local media interest and exposure for FIJA's message – and this is the last thing judges and prosecutors want!

You're more likely to encounter trouble if you insist on distributing brochures inside the courthouse, but it has been done successfully. In any case, if the government agents react at all, expect them to warn you first and ask that you leave. Some of our activists have refused to leave because they were trying to be arrested, but even so couldn't induce an arrest. And some "arresting authorities" are now facing civil suits brought by FIJA supporters. However, let me emphasize that we are not offering legal advice. These are just things we have observed.

There are many ways to get the message out in your community. The FIJA Media Disc with the Power Point Presentation "Called for Jury Duty?" and many FIJA documents and masters is now available for you to use. FIJA audio and video Public Service Announcements (PSAs) are available. These have run on stations across the country. Since PSAs from FIJA National are produced by a 501(c)3 organization, (we send documentation upon request, or you may be able to use this sheet for that purpose), many stations are willing to run them. You can also use local cable access TV to air FIJA videos and DVDs, which include not only PSAs, but various talks and programs on jury veto power. You can order them through the Media Catalog on our web site at www.fija.org or by mail or calling the office.

Brochures are available in pdf format from the Library on the web site, and you can download and print brochures directly from there.

Presentations, interviews, letters to the editor, and sharing brochures and posters at local coffee shops and restaurants (with permission, of course!) are all good ways to reach people with the message of the authority of the juror.

Let us know of your efforts, and be sure to post any local or state news to the web forums. You can also contact us to do local interviews and for help writing letters to editors of local papers, too.