



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

**FUNDAMENTAL RIGHT: THE RIGHT TO TRIAL BY JURY
AS FORESHADOWED BY DECLARATION OF INDEPENDENCE**

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In our last article, we discussed how the Declaration of Independence laid the foundation for the rule of law and the concept of equality under the law. In this article, we discuss how the Declaration also foreshadowed one of the most essential components of democratic self-rule and the rule of law—trial by jury. The Constitution articulates the right to trial by jury in Article III and in the Sixth Amendment. What started as concrete grievances in the Declaration of Independence in 1776 became fundamental rights when the states ratified the U.S. Constitution in 1788 and the Bill of Rights in 1791.

RIGHT TO TRIAL BY JURY.

The authors of the Declaration charged that “[t]he history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States.” One of the injuries the authors had in mind was how colonists were being tried for purported criminal offenses by the British: they charged the King with “depriving us in many cases, of the benefits of Trial by Jury.”

The British tried many of the colonists in Vice-Admiralty courts, where there was no right to a jury. These courts originally handled maritime disputes, but expanded to include enforcement of customs laws and criminal smuggling charges. In Vice-Admiralty cases, a judge heard all the evidence and decided on his own how the dispute should be settled. The colonists’ resulting experiences and feelings of injustice under George III helped to motivate the preservation of the jury trial right we enjoy today.

RIGHT TO BE TRIED IN LOCAL COMMUNITY.

Another complaint in the Declaration was that the King had transported colonists accused of crimes “beyond Seas to be tried for pretended offences.” The British could send colonists to England to be tried for certain offenses—treason, burning royal ships, or destroying supplies. The rationale was that colonial juries would not convict the accused. A similar rationale led the British to establish a “super” Vice-Admiralty court in Nova Scotia, to which a colonist from anywhere in the continent could be transported and tried.

RIGHTS INCORPORATED INTO THE CONSTITUTION.

Years after the Declaration, the Constitution incorporated those fundamental protections. Article III, Section 2 of Constitution provides that “The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed” The Bill of Rights reiterates this in the Sixth Amendment, which states that, “[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed”

These fundamental protections did not come out of thin air; they were the Framers’ direct answers to the abuses catalogued in the Declaration. Jury trials guard against tyranny and authoritarian government by reserving to the people the power to decide important disputes between citizens and disputes between citizens and governments. This is another example of the Declaration’s dual function as both a warning and a guide.

CONCLUSION.

Today, the right to a trial by jury and the guarantee of proper venue are so deeply embedded in American law and culture that we often take them for granted. We do not have to fear being judged by a single government official if we are charged with a serious crime. Nor do we have to fear being transported to some distant location to be tried. The origin of our jury trial right stands as a reminder that procedural rights are not mere technicalities; they are essential to the rule of law and democratic self-rule. They ensure not only that justice is done, but that it is done fairly, transparently, and geographically close to the people it affects.

Nearly two and a half centuries later, the grievances of the Declaration still resonate in courtrooms across the nation. When ordinary citizens leave their everyday pursuits to come into a courtroom, work together as a jury, and decide local disputes, they uphold a legacy born from the grievances that helped spark American independence.

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