A Brief History of the Criminal Jury in the United States
Albert W. Alschuler and Andrew G. Deiss

The University of Chicago Law Review
Vol. 61, No. 3 (Summer, 1994), pp. 867-928 (62 pages)
Published By: The University of Chicago Law Review

https://doi.org/10.2307/1600170
https://www.jstor.org/stable/1600170

Cite this Item

Journal Information
The University of Chicago Law Review is a quarterly journal of legal scholarship. Often cited in Supreme Court and other court opinions, as well as in other scholarly works, it is among the most influential journals in the field. Students have full responsibility for editing and publishing the Law Review; they also contribute original scholarship of their own. The Law Review's editorial board selects all pieces for publication and, with the assistance of staff members, performs substantive and technical edits on each of these pieces prior to publication.

Rights & Usage
This item is part of JSTOR collection
For terms and use, please refer to our Terms and Conditions.
The University of Chicago Law Review © 1994 The University of Chicago Law Review
Request Permissions

Explore JSTOR
By Subject
By Title
By Collections
By Publisher
Advanced Search
Data for Research
About JSTOR
To help federal crime victims better understand how the federal criminal justice system works, this page briefly describes common steps taken in the investigation and prosecution of a federal crime. As part of its investigation, the grand jury also has power to compel testimony, including the testimony of a crime victim. If the grand jury concludes that there is probable cause to believe that a particular individual committed a crime, the grand jury will issue a charging document known as an indictment. See also: History of United States prison systems. When early colonists first came to America, they did not include trained lawyers or other law-knowledgeable persons. Many parts of the criminal justice system in colonial America were similar to those in England, France, and the Dutch Republic. Gradually French and Dutch influences disappeared in the islands. What remained was the basic idea many had of the English common law system. This system was the best-known to seventeenth-century colonists. In the criminal justice system of the period, the sheriff acted as a reactive official. His job was to follow up on complaints or information of misconduct from the other citizens. He was paid through a system of fees rather than a set salary which came mostly from tax collecting. The U.S. Attorney represents the United States in most court proceedings, including all criminal prosecutions. The grand jury reviews evidence presented by the U.S. Attorney and decides whether it is sufficient to require a defendant to stand trial. At an initial appearance, a judge who has reviewed arrest and post-arrest investigation reports, advises the defendant of the charges filed, considers whether the defendant should be held in jail until trial, and determines whether there is probable cause to believe that an offense has been committed and that the defendant has committed it. Juries played a vital role in the mid-eighteenth century in resisting English authority in the contest that ultimately led up to the American Revolution. The most noted of the colonial cases was the trial of John Peter Zenger, a New York printer whom the jury acquitted on charges of seditious libel, forty-one years before the drafting of the Declaration of Independence. King George III responded to such jury nullification of English laws by expanding the jurisdiction of non-jury courts, such as the admiralty courts, and increasingly using those courts as the vehicles for enforcement. Albert W. Alschuler & Andrew G. Deiss, A Brief History of Criminal Jury Trial in the United States, 61 U. Chi. L. Rev. 867 (1994). Andrew Joseph Gildea, The Right to Trial by Jury, 26 Am. Crim. L. Rev. History. Early on, criminal matters in the Department of Justice were assigned to different Assistant Attorneys General. The nucleus of what would become the Criminal Division began to form around 1915. A more detailed mission statement for the Criminal Division appeared in a message from President Calvin Coolidge to the House of Representatives in 1929 entitled, “Origin and Development of the Office of the Attorney General.” There, President Calvin Coolidge wrote The tax work remained in the Criminal Division for a very brief interval, as it became apparent in six months that a separate legal division was needed for that work. In 1933, the Criminal Division transferred its tax work to the newly created Tax Division.