



Written by [Bruce Walker](#) on April 7, 2011

Judge Sentences Politically Incorrect Juror to More Jury Duty

The randomness is important not because any neat cross-section of America has greater wisdom in this truth-finding process. Instead, the American judicial system sees virtue in having the composition of a jury uncertain. (Elections are intended to perform a similar function: If politicians never know for sure who will be in or out of power, then they will be cautious about giving government too much power).



What is the purpose of the First Amendment? It is to allow citizens to hold and to express views that are not in keeping with the majority, the powerful, or the chic establishment. If “freedom of expression” means simply the right to parrot what government officials, high-level bureaucrats, and federal judges want the people to say, then it means about as much as the notional “freedom of speech” in the Soviet Constitution meant to subjects of Bolshevik power. The most slavish sycophants to power have the “right” to say what the high and mighty relish hearing.

Judge Nicholas Garafis, a federal district court judge in Brooklyn, sees things differently, however. To recap the case in point, an Asian woman in her twenties, referred to simply as Juror Number 799, was recently called up for jury duty in a criminal case involving the Bonanno crime family. As part of the screening process, she was presented with a lengthy questionnaire. More than 1,000 New Yorkers had been given these questionnaires, although many were disqualified because of their difficulty with English, their fear of Mafia retribution, or their views on the death penalty (which is being sought in this case). Jurors are, presumably, expected to tell the truth on the questionnaire; if they do not, then the whole lengthy process makes little sense. Jurors, as free citizens of a constitutional republic, are also allowed to have whatever sentiments they wish.

But maybe not. Juror 799 was asked on the questionnaire to name three people she least admired, and her answer was “African-Americans, Hispanics, and Haitians.” The judge asked her what she meant by that and she responded, “You always hear about them in the news doing something.” She went on to say that she thought that the New York police were lazy. Judge Garafis was outraged by her answers and asked her, “Why didn’t you put ‘Asians’ down also?” She answered: “Maybe I should have.”

American citizens are free to form opinions and answer questions about their beliefs. Judge Garafis, however, felt that her answers were impermissible. Rather than simply dismiss her from jury duty, as



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the Assistant United States Attorney requested, the judge declared: “She’s coming back Thursday and Friday — and until the future, when I am ready to dismiss her.”

This federal judge, in effect, sentenced her to a term of involuntary servitude of indefinite duration for the offense of telling the truth. He was punishing Juror 799 for not committing perjury and suborning the judicial system. What this federal judge wants, apparently, are automatons who mouth what he deems society demands, and woe to anyone who holds opinions about society in conflict with his personal opinions. If Juror 799 wanted off jury duty, then she could have simply answered that she did not believe in the death penalty, or that she was too afraid of Mafia retribution, or that she believed what she read about the case in newspapers. Juror 799 could have been sneaky and avoided her right and her duty to serve on a jury. Instead, the very institution which citizens are constantly informed is their only protection against the loss of their civil liberties— the federal courts — are the worst oppressors of Juror 799’s civil liberties. Furthermore, she cannot sue in federal court, because it is a federal judge who is imposing the sentence upon her.

Though the purpose for keeping Juror 799 as part of the jury pool is so that she can be called to serve in a trial, her answers would almost certainly disqualify her from most trials. Moreover, Judge Garafis was not keeping her coming back to the Brooklyn Federal Courthouse to sit for long days so that she could serve on some jury. He ordered her back specifically because he would deem her unsuitable to serve on any jury. In short, the judge himself is corrupting the system of justice by using jury duty as a way of lashing the politically incorrect. What if she was lying about her prejudices just to get out of jury duty? If the judge felt that she was dishonest, he should have ruled her ineligible for jury duty: How can a trial be fair when a juror is corrupt? Americans do not want criminals, liars, or other disreputable people serving on juries, do they? If she was on a jury, and if in jury deliberations she indicated that black people were more likely to commit crimes than white or Asian people, would those jury deliberations, presumably sacrosanct, be grounds for a mistrial? Could Juror 799, as “punishment,” be placed again on jury duty, without possibility of “parole”?

The offense that Juror 799 committed was against the dreary conformity of the elitist establishment. Her punishment for the thought crime of disliking certain minorities or feeling that government employees (NYPD) are lazy was to be compelled to be in a jury pool with no chance that she would ever actually serve in a jury. How long will her sentence be? Franz Kafka, perhaps, could help estimate that sentence length. George Orwell, perhaps, could tell Juror 799 the precise nature of her offense against the judicial system. Thomas Jefferson, in 1800, observed: “I have sworn upon the altar of God eternal hostility to every form of tyranny over the mind of man.” Those words, clearly, mean nothing to Judge Nicholas Garfaris. To him, tyranny over the mind of man — or woman — is acceptable if it sates some lust for the ephemeral notion of social justice.



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