

There is an independent judiciary

In addition to a separation from the executive and legislative branches of government, the judiciary must be free from undue influence from political affiliations, personal interests, or retribution and must remain committed to the preservation of the rule of law and the protection of individual rights and liberties. The example below is dated before U.S. independence from England but is no less a valid example of the power of an independent judiciary.

The Crown v. John Peter Zenger (1735)

In the early 1730s, John Peter Zenger, a German immigrant, started publishing *The New-York Weekly Journal*. In it, he printed articles by opponents of Governor William Cosby criticizing his removal of the colony's Chief Justice from office. These articles mocked Cosby while warning against leaders who put themselves above the law. Outraged, Governor Cosby ordered copies of select issues seized and burnt and Zenger was eventually indicted for seditious* libel.

After months in jail, Zenger's trial began, but his lawyers were disbarred and prevented from defending their client. Andrew Hamilton, a Philadelphia lawyer, took over the case and offered a defense that went against traditional English law.

In England, proof of publication was all that was necessary to convict a publisher of libel. Whether the alleged libel was true or not didn't matter. Hamilton insisted that the truth should make a difference: if Zenger had published the truth, he couldn't be guilty of libel.

When the court rejected Hamilton's argument, the lawyer urged jurors to decide for themselves. They acquitted Zenger, setting a precedent in favor of truth that was later affirmed by courts in England and the United States. Thus, a jury of regular men helped lay the foundation for one of the freedoms in the First Amendment of the U.S. Constitution.

*Sedition: word or action inciting rebellion against the authority of a state.

Newspaper Activity: Read the newspaper, in print or online, and check other news sources to look for reports about jury trials. Research and review the basic facts about the case. As a class, discuss why it is important in upholding the rule of law to have an independent judiciary. How might this same issue be handled in an authoritarian form of government?

Next installment: **Human rights are guaranteed for all**

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