Few institutions in the criminal justice system are more revered, or perhaps less understood, than juries. And though juries have a central place in our conception of the criminal justice system, the reality of plea bargaining means that juries in fact have a relatively minor role in the actual administration of criminal justice in most cases. In the operation of the death penalty, however, juries are in fact central decision-makers. Most capital convictions are the result of jury trials, and juries also have, literally, a life-or-death role during the sentencing phase of death penalty cases.

Though there is significant academic literature examining the death penalty, the scholarly spotlight is not often focused directly on the meaning and impact of juries in the operation of capital sentencing systems. As evidenced by the articles that follow, the story of capital juries is rich and dynamic: our authors examine, from a range of perspectives, various legal, policy and practical issues which surround the selection and decision-making of capital juries. Especially at a time when the Supreme Court’s recent decision in Blakely v. Washington is leading to a broad reconsideration of the role of juries in the criminal justice system, we expect that even readers who do not regularly work in or study capital sentencing systems will be able to draw many important insights from this symposium.

Douglas A. Berman
Guest Editor