

THE LAW STUDENT'S HELPER.

WOMEN JURORS TO TRY FEMININE MURDERERS

IT is a legal tradition that it is practically impossible to secure a sentence of capital punishment against a woman, no matter how guilty. It is equally true that a murder charge against a woman is seldom successfully prosecuted. The situation is of course most noticeable in the large cities and has caused the public officials to seek a remedy.

State's Attorney Wayman, who is the public prosecutor for Cook County, Illinois, in which Chicago is situated, believes that women jurors should be used in trials of women on homicide charges. His suggestions are arousing no little interest on the part of the bar as well as the general public and the arguments which he advances in support of his proposal are worthy of serious consideration.

"It is next to impossible to secure a woman's conviction for murder in Chicago under the present jury system," says Mr. Wayman. "Twelve men simply cannot be brought to believe, no matter how strong the evidence, that a woman is guilty of the gravest crime on the calendar. Therefore, I have made the announcement that I am in favor of having women juries try women on trial for homicide."

The records in Chicago, as elsewhere, bear out this statement. It seems that men as jurors can never overlook the sex element and judge impartially and without emotion. The defendant need not be beautiful; if she merely appears feminine on the stand she is safe. The Bernstein case, which recently attracted much attention in Chicago is cited as a typical example.

The evidence was strong to show that Mrs. Bernstein shot her husband in the back and killed him while he was asleep. There was much evidence of premeditated, deliberate murder. The woman's defense was very weak, not even the time-worn insanity plea being offered. She simply threw herself on the mercy and chivalry of the twelve men in the jury box, and the result was an acquittal.

An investigation was conducted among the women confined in the Cook County jail awaiting trial on homicide charges to determine their attitude toward women jurors for their cases. Almost without exception they seemed strongly opposed to such an idea. They were frank in their statements that they wanted no women on their juries. Some

women who have had experience as defendants admit, however, that women would make much more efficient jurors. They agree that no one but a woman can understand a woman, and that women are most competent in weighing the testimony of a feminine defendant.

Judge Mary Bartelme, the first woman ever given a seat on the bench of Illinois, thinks women should be permitted to serve on juries.

"Women on juries will change lots of things for the better," she says. "You will find the lawyers must depend on facts and offer sound arguments if they hope to impress a jury of women, or even mixed juries. Women will puncture a good many balloons that now prove good for dizzy flights in the courts nowadays."

Belief in this suggestion is not confined to Cook County as public prosecutors in New York City have expressed themselves as favorable to such a plan. The same situation exists there, as everywhere. The Nan Patterson and Thaw cases are cited as instances where a feminine witness and her influence on the male jurors has turned aside the course of justice.

Women jurors are neither unknown or untried in this country. The states of Washington and California have woman suffrage and women being citizens of full status they have been called upon for jury duty. So far the trial has been limited to petty cases but it is viewed as an entire success. The intention in these states is to increase the scope of feminine juries, both grand and trial. Women are rated equally with men and mixed juries are, therefore, more common than those composed of women only. It is stated that no difficulty has been experienced in handling these mixed juries.
