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Are Hearing Impaired citizens fit to serve on jury duty?

Lawmaker after lawmaker declared Thursday (7/16/09) in the NC House that hearing impaired individuals are unfit to serve as jurors merely by virtue of their disability. This is in flagrant violation of Federal Law (ADA) and ignores the scores of jurors who have successfully served in multiple jurisdictions nationwide.

You really have to hear it to believe some of what was said that afternoon. Below is some very rough and unofficial transcribing I have done after listening to the unofficial copy of the debate. Particularly interesting remarks are highlighted in red. My own notes are in yellow. I have kept both to a minimum as the facts speak for themselves.

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Transcription, Debate on SB293

Original Source:

<http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=9&sFolderName=/2009-2010%20Session/Audio%20Archives>

Thursday, 7/16/09. House Floor, NC General Assembly

Starting at 28 minutes

1. Johnston, Rep. Daughtry, asked who pays? Int. Glaier: The Services Fund, AOC, who provides interpreters, has no opposition to this bill.
2. Speaker, not id. (Current law) "Pretty well knocks out the blind and the deaf." How can courtroom handle additional person, and how to pay for it.
3. Robeson, Rep. Sutton, 31:43 minutes. "As an attorney I am not going to let a deaf person serve on a jury. And no other responsible attorney will." Note: Other of his remarks make great sound bites, have been widely reported, and are best comprehended if you listen yourself.
4. Orange, Rep. Faison, 34 minutes. Many studies say subtle factors are important part of communication. Jury room – need to reason with each other. "I can't imagine why anyone would want to serve on a jury. We aren't doing anyone any great favor to put them on a jury." I can't allow a hearing impaired person to sit on a jury. I will never know if translator got it right. I would be forced into position of using a preemptory challenge. "They cannot participate fully and completely in trial process."
5. Unidentified, move to re-refer bill to Ways and Means.

6. Cumberland, Rep. Glazier. Bill came from W & M and Judiciary without a problem. Opposes motion. ADA interpreter coordinator says there have been trials where hearing impaired interpreters have been used in NC. Many states already have this provision. Vote no please.
7. Wake, Rep. Stam. Thought was already law in 1989. Also against it. He then recounts a trial where the inflection of a witnesses' voice when he finally answered no, caused the judge to spin around in his chair. A juror who was just being translated would not have heard the same thing. You know everything by inflection of voice. Bill not politically correct because it says "deaf." **Political correctness should have nothing to do with justice.**
8. Jackson, Rep. Phil Haire. 43:5 **As an attorney, I don't see how this can work.** Does the interpreter understand what is being said?
9. Orange, Insko. Is it true that hearing impaired persons are currently serving on juries. What bill does is provide for interpreter.
10. Glazier: allows us to comply with 10th circuit decision, many states have this provision.
11. Mecklandburg, Samuelson. Not an attorney, has a number of hearing impaired friends. They may not hear inflection, but will feel it, intuit. Interpreters are highly trained. Superior vocabulary.
12. Robeson, Sutton. **Presently in NC, deaf people serve on juries? yes "How does that comport with the law..." "If that's the case they were in violation of NC law." "I just don't believe . . . that deaf people are serving in juries in the state of North Carolina. If they did, in my interpretation, they were violating the law."**
13. Forsyth, McGee. Speak as a juror. You don't have the same courtroom in the jury room. Jurors can have three or four conversations going on as they are discussing the case. Juror might miss critical conversation.
14. Wake, Rep. Ross. Committees that have heard this bill have done a good job. Rep. Samuelson is right – may be perceptions brought to trial that benefit finding of truth. There are plenty of people who can hear, but don't listen. Someone who can't hear pays a lot more attention. It may make other jurors pay closer attention, not talk over each other, and have better deliberative process. There is nothing in this bill that requires seating hearing impaired juror. Just allows it in the right circumstances. Why would we give up an opportunity to let all of our citizens ... think beyond own experiences.
15. Iredale, Rep. Mills: Attorney. Folks there is a lot of stuff going on. Much will be lost in trial and jury room.
16. Mecklandburg: Rep. Mackey. Support motion. Things going on in courtroom during course of trial require members of jury to make independent judgment. Would you also allow interpreter for people who don't speak English. Glazier: Law doesn't address that because people must understand English. Mackey: "Why wouldn't you change that?"
17. Lincoln, Rep. Rhyne. Debate today argues for sending bill back to committee. 56 minutes. Decisions need to be based on facts and proof in courtroom. Differences

of opinion on what the NC law is. Need to talk more about what states do and do not allow deaf jurors, and what goes on in jury room.

18. Carteret, McElraft. Would a deaf person be required to serve on jury, while they are now currently exempt. Ans. Yes, but if a deaf person thinks they can't serve, they would probably be excused as a practical matter.

19. Glaizer, postpone to a date certain to Tuesday. 56:43 Yield yes – Note: I finally heard the slightest bit of exasperation in his tone, after 30 minutes of great cordiality.

20. Postponement passed 64-54. End of debate: 1 hour.