

Anonymous Ladies and Gentlemen of the Jury Concerned About Tampering, Threats, Judges Consider Withholding Identities

By [ASHBY JONES](#) And [NATHAN KOPPEL](#)

(Please see Corrections and Amplifications [below](#).)

A contentious legal issue has emerged during the corruption trial of former Illinois governor Rod Blagojevich that has nothing to do with his guilt or innocence.

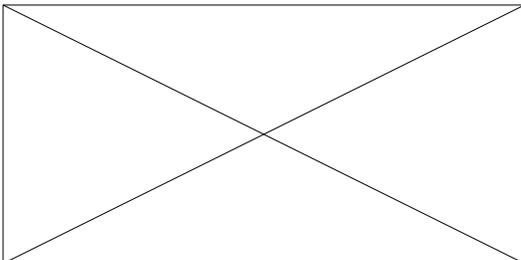
It is whether names and addresses of the jurors should be withheld from the public during the trial, a question that is popping up frequently in courthouses across the country.

"It's coming up in the silliest trials," including those that don't generate much publicity as well as some civil trials, said Lucy Dalglish of the Reporters Committee for Freedom of the Press, a Virginia-based non-profit that advocates for media organizations on First Amendment and freedom of information issues.



Associated Press

In the trial of Rod Blagojevich a debate has renewed over whether names of the jurors should be withheld from the public.



It is difficult to quantify how often judges have shielded jurors' names from the public. But legal experts say the pervasiveness of the Internet and bloggers, an increasingly hungry press and the rise of witness and juror intimidation are leading more judges to grant anonymity to jurors during trial, and in some cases, after.

Free speech advocates and members of the media say the trend runs counter to the way trials have been held and in some circumstances, the U.S. Constitution. "There's a long tradition in our country of trials being open... and the press has a strong First Amendment right to gather news," said

Steven Zansberg, a media lawyer in Denver who has represented media organizations in numerous high-profile criminal cases. Judges should withhold juror names during trials "only in extremely limited situations," he said.

In the Blagojevich corruption case, Chicago federal judge James Zagel ruled in May that juror names would stay out of the public out of concern that bloggers and others would try to contact jurors during the trial, which started last month. One concern appears to be that media questions could prompt the jurors to do their own outside research on the case, which is prohibited. Earlier this month, an appellate court acknowledged the risk that media questions could prompt the jurors to do their own research on the case, but still ordered the judge to reconsider his ruling after several media outlets complained. Judge Zagel is to hold a status hearing on the matter Monday.

Natalie Spears, the lawyer representing the media outlets, declined to comment. Calls to Mr. Blagojevich's lawyers weren't returned.



Associated Press

Shawana Tyler was a juror in the former Mayor Sheila Dixon's trial in Baltimore. The jurors' names were shielded by the judge. When the names were released, a newspaper discovered Ms. Tyler and other jurors had Facebook conversations about the case while a verdict was pending.

The U.S. Supreme Court hasn't given specific guidance on jury anonymity. So the approach has varied widely from state to state, county to county. Many courts require that judges find a particular reason exists to withhold juror names—for instance, that jurors have good cause to fear for their safety.

Since the mid-1990s, trial courts in Los Angeles county have shielded juror names in most criminal cases, a policy initiated by Superior Court Judge Philip Mautino after he found in informal surveys that 98% of them wanted to be anonymous. "Once we made it that you can be anonymous and leave without repercussions, trials went much more smoothly," he says.

Others say that little is lost by shielding identities from the public during trial. Nancy King, a law professor at Vanderbilt University, said that even when names and addresses are withheld, other information, such as occupation, is revealed. "In the vast majority of cases, the public gets everything it needs to evaluate whether the trial is fair."

Yet media lawyers and free-speech activists argue the press can play a vital role in ensuring a jury's integrity. In 2006, for example, the Chicago Tribune broke news during the criminal trial of Mr. Blagojevich's predecessor, George Ryan, that two jurors had lied about their criminal records on jury questionnaires. The judge dismissed the jurors but if the facts had been revealed after the trial, the judge might have had to retry the case. "Perfect example," said Ms. Dalglish. "When the public gets information, people uncover things."

Maryland judge Dennis Sweeney supports jury anonymity but said there are advantages to disclosing names. When now former Baltimore Mayor Sheila Dixon was prosecuted last year on corruption charges, Mr. Sweeney decided to withhold jurors' names during trial. They would have been "subjected to anyone in the public trying to contact them, by Facebook, MySpace, or emails, to give [the jurors] their opinion about the case," concluded Mr. Sweeney, who is retired but still hears cases on occasion. The trial ended in December, with Ms. Dixon convicted of a misdemeanor for improperly using gift cards from a developer.

After Judge Sweeney released the jurors' names, a Maryland newspaper discovered five of the Dixon jurors had "friended" each other on Facebook and mentioned the case in Facebook discussions while the verdict was still pending—a violation of the judge's orders. A possible retrial was avoided because Ms. Dixon agreed to a plea deal in which she received probation and resigned, according to Judge Sweeney and Ms. Dixon's lawyer.

"One could argue that if the jurors' names had been out there during the trial and reporters had been checking jurors, [the Facebook incident] would have been discovered earlier," said Mr. Sweeney, who is nonetheless confident that the decision to guard jurors' privacy was the wiser course.

"Not everyone appreciates the veil of insulation that jurors are supposed to have," he said, adding that Mr. Blagojevich's trial raises similar concerns about possible jury tampering should the jurors' names become public. "There may not be a sentient person in the country who doesn't have some views about Mr. Blagojevich."

Write to Ashby Jones at ashby.jones@wsj.com and Nathan Koppel at nathan.koppel@wsj.com

Corrections & Amplifications

The name of the federal judge presiding over the Rod Blagojevich corruption case is James Zagel. A previous version of this article incorrectly referred to him as "James Zager." In addition, the name of the former Baltimore mayor is Sheila Dixon. A previous version of this article incorrectly referred to her as Shelia Dixon