

*Summer 2019: Tribute to Valparaiso University Law School (1879-2019)*

### Introduction to Justice Robert D. Rucker's Article, "The Right to Ignore the Law: Constitutional Entitlement Versus Judicial Interpretation"

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**INTRODUCTION TO JUSTICE ROBERT D.  
RUCKER'S ARTICLE, *THE RIGHT TO IGNORE  
THE LAW: CONSTITUTIONAL ENTITLEMENT  
VERSUS JUDICIAL INTERPRETATION***

**Robert F. Blomquist\***

It takes a scholar and a gentleman—with deep traditions and connections with Valparaiso University Law School, like Justice Robert Rucker—to focus on an apparently obscure clause in the Indiana Constitution allowing the jury to decide both the law and the facts in a criminal case.

We learn that the doctrine originated in medieval England, leading to a variety of American cases. We apprehend that Alexander Hamilton used the doctrine in a case he was handling for a client in the United States. And we come to realize that these antecedents framed the nineteenth-century Indiana constitutional provision. Yet, a mystery about the Indiana constitutional provision emerges in recent years, according to Justice Rucker, where the criminal jury must apparently now accept the trial court's interpretation of the law.

Justice Rucker tells a tale of a legal mystery loaded with history, jurisprudence, criminal law, and state constitutional law.

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