

## THE SIXTH AMENDMENT'S CATCH-22: BALANCING JURY IMPARTIALITY AND A FAIR CROSS-SECTION IN THE SOCIAL MEDIA ERA

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### Introduction

While walking on a Manhattan street on the morning of [December 4, 2024](#), [UnitedHealthcare CEO](#) Brian Thompson was shot by an unidentified attacker. Later that day, the New York Police Department (NYPD) [released](#) a blurry image of a man seeking the public's assistance in identifying and apprehending the suspect. The public was immediately captivated by the story, and speculation [grew](#) as police [disclosed](#) their initial findings from the scene. Investigators [recovered](#) two shell casings and a bullet engraved with the words "DEFEND," "DENY," and "DEPOSE." The release of this information contributed to the massive [public speculation](#) about the shooter's motive and identity.

Then came the photograph with the smile. As the public viewed the assailant's smile, discussion [centered on](#) the suspect's appearance and the emerging [glorification](#) of the killing of an insurance CEO. This shift signaled a public fixation on the suspect himself, and it only intensified once someone was formally identified and apprehended. On December 9, 2024, a then 26-year-old Luigi Mangione was [arrested](#), and shortly afterwards, formally [charged](#) with Thompson's murder. While several [state](#) and [federal](#) charges have been dismissed, as of today's publication date, April 1, 2026, Mangione still [faces](#) nine state charges, including second-degree murder, and two federal interstate stalking charges for the killing of Thompson.

The public's fixation on Mangione manifested most visibly on [social media](#), where he quickly became the subject of widespread [online discourse](#). Viral videos praising him as a [dashing "folk hero"](#) standing up to corporate greed circulated on TikTok. The hashtag [#luigimangione](#) now has over 65,000 TikTok posts. An [NBC News](#) TikTok reporting the dismissal of Mangione's state terrorism charges drew nearly 500,000 likes and 25,000 shares. The level of public fixation was so intense that it even spilled into [real-money speculation](#) on predicted [future outcomes](#) in Mangione's case. A [dedicated website](#) maintained by Mangione's legal team further illustrates the depth of this public fascination. This site even includes a "[Mail Catalog](#)," allowing supporters to confirm with Mangione that their mail was received, reflecting a level of interest more commonly associated with celebrities than criminal defendants.

As support for Mangione intensified on social media, [negative commentary](#) also increased. [Commentators](#) and lay [social media users](#) alike have criticized both Mangione's alleged actions and the public [sympathy](#) he has received. The online discourse quickly expanded into mainstream political commentary, with

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government officials joining the frenzy to publicly accuse a man of being an extremist killer, despite not yet being convicted by a court of law. Following this wave of social media support, Attorney General Pam Bondi publicly [characterized](#) Mangione as a “cold-blooded” assassin who deserves the death penalty, and White House Press Secretary Karoline Leavitt [called](#) Mangione a “left-wing assassin” at a news conference in September 2025.

In response to the public politicization of Mangione’s case, much of which has been amplified through social media and subsequently reinforced by official federal government commentary, his defense team [moved to dismiss](#) the federal indictment. They argued that Mangione’s constitutional rights had been violated. Specifically, the [motion](#) states that “[a]s part of an orchestrated effort to secure a death-eligible indictment against Mangione and achieve maximum publicity in the process, the Attorney General and other law enforcement officials have intentionally and serially violated his constitutional rights.” They [argued](#) that the repeated public commentary by administration officials “[indelibly prejudiced](#)” Mangione’s right to a fair trial. This Essay uses the Mangione example as a conduit to highlight a brewing tension within Sixth Amendment doctrine. Although his proceedings arguably present a cascade of potential constitutional failures, this Essay focuses on how social media-driven pretrial exposure increases the risk of bias infiltrating the courtroom, particularly in high-profile criminal cases.

A foundational principle in our American justice system is that criminal defendants are supposedly [presumed innocent](#) until proven guilty. Unfortunately, this principle is becoming hard to sustain in today’s social media era, as highly reactive, algorithmically amplified discourse allows narratives about a defendant’s culpability to spread long before trial. This widespread circulation heightens the risk that the jury pool will be exposed to prejudicial pretrial content. As a result, counsel may wish to [rely](#) more heavily on pretrial screening, like *voir dire*, to eliminate potential bias. In *voir dire*, attorneys can research and question potential jurors’ social media usage to determine their exposure to prejudicial social media content and whether it has impacted their ability to remain neutral.

However, the push for more pretrial screening creates a tension between the Sixth Amendment’s dual guarantees of an [impartial jury](#) and a jury drawn from a [fair cross-section](#) of the defendant’s community. Because social media is disproportionately consumed among young adults, particularly ages eighteen to twenty-nine, heightened scrutiny of social media exposure during *voir dire* risks systemically excluding younger citizens from jury pools, thereby undermining a defendant’s right to a fair cross-section.

This Essay argues that the rise of viral pretrial publicity, together with the prevailing reliance on *voir dire*, exposes an unacknowledged doctrinal tension between two foundational Sixth Amendment guarantees. In high-profile cases that go viral on platforms like TikTok, this tension becomes particularly apparent. Part I discusses how TikTok heightens the risk of prejudicial pretrial exposure and how *voir dire* seeks to mitigate these risks. Then Part II briefly summarizes the caselaw

surrounding the Sixth Amendment protections. Finally, Part III analyzes how using *voir dire* to screen specifically for social media exposure threatens defendants' right to a fair cross-section by disproportionately eliminating younger jurors, even though it works to protect their right to an impartial jury.

## I. Social Media, Pretrial Publicity, and the Use of *Voir Dire*

Jury selection is the process by which courts attempt to impanel an impartial jury from the broader jury pool. The jury pool consists of all potential jurors summoned for jury duty. From this broad pool, prospective jurors are questioned during a process known as *voir dire* to identify prospective jurors' bias, prior knowledge of the case, and other factors that may impair impartiality.

*Voir dire* has been considered a fundamental safeguard against prejudice because it filters out jurors who have formed fixed opinions either about the defendant, the charge, or the potential punishment. Social media-driven pretrial publicity of high-profile cases often goes viral and seeps into everyday conversations. Attorneys must then rely more on *voir dire* to detect exposure to prejudicial online content, including social media posts that either praise or condemn the defendant.

However, reliance on pretrial screening for social media exposure risks the systematic exclusion of younger jurors. Because social media use is heavily concentrated among younger adults, screening prospective jurors' digital consumption may function as a proxy for age-based exclusion, thereby undermining the fair cross-section guarantee while attempting to protect impartiality. This Part examines the growing pervasiveness of social media and how it can impact public narratives in high-profile criminal cases. It also analyzes the structural features of modern platforms, particularly TikTok, that accelerate the spread and reinforcement of case-related content, while reshaping how courts and attorneys attempt to safeguard jury impartiality.

### A. TikTok and Pretrial Exposure to Prejudicial Content

As social media usage becomes increasingly pervasive, thereby impacting public perceptions of crime, it is also becoming a primary source of crime-related news for younger Americans. Research shows that younger Americans are most likely to obtain information about local crime from social media, while older Americans rely more heavily on traditional news outlets. In fact, adults under thirty "are roughly twice as likely" as those over 65 to report receiving news about local crime from social media.

This growing reliance on social media for crime-related news is significant because social media operates differently from traditional news media in structure, the speed of information dissemination, and how users engage with the platform. Unlike traditional news content, which is typically shaped by editorial fact-checking and geographic market limitations, social media allows content to circulate continuously and instantaneously, with essentially no barriers to entry. Social media platforms generally lack the fact-checking processes that many traditional

news organizations have, adding to the likelihood that unverified or misleading information will [spread](#) widely before it can be corrected.

These dynamics are particularly evident with TikTok, whose [recommendation algorithm](#) distinguishes it from earlier forms of social media. [TikTok's](#) “algorithm is based on ‘interest signals,’” and “[t]he short-video format enables TikTok’s algorithm to become much more dynamic and even capable of tracking changes in users’ preferences and interests across time.” Unlike Facebook or YouTube, TikTok’s “[For You](#)” page does not solely rely on a user’s explicit network or search history. It instead curates content almost entirely through behavioral [prediction](#).

Though TikTok’s popularity is also attributable to how it shapes user habits through its ability to [foster creativity](#), “for many users, who consume without creating, the app is [shockingly good](#) at reading [their] preferences and steering [users] to one of its many ‘sides.’” TikTok’s algorithm measures every second of watch time, replay, and pause to infer emotional engagement. Once the algorithm has studied the user, TikTok feeds users sensational or emotionally charged material to [hold their attention](#).

As a result, coverage of criminal cases [spreads](#) even faster through [algorithms](#) than with traditional media, [making](#) it easier for prejudicial content—like speculation about guilt, character judgments, and narratives about the alleged crime—to go viral. This viral content can reach millions of viewers within hours, most of whom have no prior connection to the event or the defendant. Because algorithms [amplify](#) emotionally charged material, potential jurors may be repeatedly exposed to these narratives, increasing the risk that jury pool members will form fixed impressions about a defendant or the case before trial. Thus, social media risks undermining a defendant’s right to an impartial jury by [transforming](#) pretrial publicity into a personalized feedback loop that [shapes](#) public opinion, entrenching bias long before jurors ever enter the courtroom.

## B. Litigation Risks Created by Social Media-Driven Pretrial Publicity

The growing pervasiveness of social media-driven pretrial publicity creates significant litigation risks for both defense counsel and prosecutors. Attorneys on both sides must confront the possibility that jurors will enter the courtroom with fixed impressions about the defendant, or even the alleged crime. Defense attorneys often fear that pervasive pretrial publicity will produce jurors [predisposed](#) to convict, while prosecutors may worry that favorable media narratives towards the defendant will [encourage](#) the return of not guilty verdicts through jury nullification.

The risk of pretrial prejudicial exposure is not unique to Mangione’s case but instead reflects a feature common to high-profile prosecutions. The Boston Marathon bombing [case](#) provides another well-documented example. [There](#), [68%](#) of the original jury pool of 1,373 individuals had already formed opinions that the alleged offender, Dzhokhar Tsarnaev, was guilty before trial. And [85%](#) believed Tsarnaev was guilty or reported some “personal connection to the bombing.”

Tsarnaev’s [attorneys argued](#) that “the entire jury pool ha[d] been poisoned by what they call[ed] ‘a narrative of guilt’ from a ‘tidal wave’ of media coverage.”

While Tsarnaev’s case illustrates defense-side concerns about media-driven hostility, social media exposure can create a different, but still significant, risk for prosecutors. In high-profile cases, prosecutors may face the risk of [jury nullification](#). [Jury nullification](#) occurs when jurors, despite finding that the prosecution has proven the elements of the charge beyond a reasonable doubt, decline to convict based on moral disagreement with the law, sympathy for the defendant, or approval of the defendant’s conduct. [Critics](#) of jury nullification view it as a threat to the uniform enforcement of law, the “popular will expressed through laws,” and the integrity of verdicts, particularly when extrajudicial socio-political narratives influence juror decision-making.

The risk of jury nullification in Mangione’s case may be particularly [high](#). Pervasive and often favorable social media posts risk encouraging jurors to excuse culpability on moral or political grounds rather than evaluate guilt based solely on the evidence presented in court. Although the nature of Tsarnaev’s pretrial media coverage differs from that of Mangione’s, both cases raise similar concerns about jury bias arising from pervasive pretrial exposure. In Tsarnaev’s case, the defense argued that the jury was hostile towards the defendant due to the [widespread media coverage](#), including the dissemination of [false information](#), and the Boston community’s close personal connection to the bombing.

In contrast, most of the pretrial exposure Mangione has received has been [favorable](#), particularly among [younger audiences](#) on social media. Nevertheless, Mangione’s case, like that of Tsarnaev’s, reflects a jury pool burdened by a presumption of guilt that precedes the evidence. Where Tsarnaev’s defense warned that media-driven hostility could lead to a wrongful sentence, the prosecution in Mangione’s case faces the risk that media-driven sympathy may result in acquittal, regardless of proof of guilt.

### C. Counsel’s Support of *Voir Dire* as a Mechanism to Combat Prejudicial Pretrial Exposure

As a method for combating social media’s growing influence on prejudicial pretrial exposure and its impact on juror impartiality, commentators have [recommended](#) heightened reliance on *voir dire*, specifically screening potential jurors’ social media activity through asking questions and conducting research. *Voir dire* has been criticized as a method of “[internet frisking](#)” jurors. Even so, [commentators](#) endorse *voir dire*’s potential to account for the massive scale, pervasiveness, and personalization of today’s social media algorithms.

In practice, using [voir dire](#) to screen for social-media pretrial exposure may involve attorneys conducting public searches of prospective jurors’ social media profiles or questioning the prospective jurors directly about their online exposure to case-related content. With respect to public research, the [general rule](#) is that “attorneys may view jurors’ publicly available social media profiles, provided there

is no communication with the juror.” The limits to this type of research are [guided](#) by the Model Rules of Professional Conduct.

By [conducting](#) research through reviewing a potential juror’s page, attorneys can identify potential predispositions and “tailor *voir dire* questions around . . . [these] hidden biases before stepping into the courtroom.” Once these tailored questions are developed, attorneys may then ask the potential jurors about them directly. If asked, potential jurors must explain their online activity, the nature of their exposure to case-related content, and their capacity to remain impartial despite any such exposure.

The Boston Marathon bombing case provides [an example](#) of *voir dire*’s use to screen for juror bias arising from social media exposure. In preparation for jury selection, the [prosecution and defense](#) “jointly proposed a 100-question form to screen the prospective jurors.” [Many](#) of the “questions . . . probed whether media coverage might have biased a prospective juror.” [For example](#), “[o]ne question asked if the prospective juror had ‘formed an opinion’ about the case because of what he had ‘seen or read in the news media.’” [Other questions](#) included inquiries into “the source, amount, and timing of the person’s media consumption” and “whether the prospective juror had commented or posted online about the bombings.”

However, because social media consumption [patterns](#) vary by [age](#), by relying on *voir dire* to assess for this type of exposure, attorneys risk inadvertently excluding younger jurors. The volume of social media consumption generally skews younger, particularly on a platform like [TikTok](#). [59%](#) of U.S. adults who are under 30 report using TikTok, compared with 40% between the ages of thirty and forty-nine, 26% between the ages of fifty to sixty-four, and only 10% ages sixty-four and older.

Therefore, this generational disparity increases the likelihood that younger users will be disproportionately exposed to viral content related to high-profile cases and will engage with it on social media [more](#) frequently than older adults. Such exposure can be prejudicial because it may shape viewers’ [opinions and attitudes](#) towards the case. And thus, if questioned during *voir dire*, these younger jurors might also be disproportionally struck, potentially skewing the jury composition and undermining the [fair cross-section](#) requirement, even while aiming to protect jury impartiality.

## II. Sixth Amendment Requirements for Impartiality and Representation

The [Sixth Amendment](#) guarantees a criminal defendant the right to an impartial jury. This Part examines how more reliance on *voir dire* to screen for social media exposure—especially as social media becomes more pervasive in society, specifically among younger populations—creates a tension between two Sixth Amendment protections: the right to an impartial jury and the right that the defendant’s jury is sourced from a fair cross-section of the defendant’s community. Although the [right](#) for a jury to be representative of a defendant’s community is “not an explicitly stated constitutional right,” the Supreme Court has long understood

that impartiality cannot be separated from the [understanding](#) that juries reflect the broader community's conscience and must be representative of that community.

### A. Impartiality

The challenge of ensuring impartial juries in high-profile cases predates social media. In [Skilling v. United States](#) (U.S. 2010), the Court reaffirmed that “[p]rominence does not necessarily produce prejudice, and juror impartiality . . . does not require ignorance.” *Skilling* arose out of the well-known [Enron scandal](#). In 2001, the Houston-based company Enron Corporation filed for bankruptcy, becoming the [largest bankrupt corporation](#) in U.S. history at the time. In connection with Enron's collapse, [Jeffrey Skilling](#), Enron's CEO, was charged and convicted on nineteen counts for his role in the company's fraudulent accounting practices.

During his trial, Skilling argued that to receive a fair trial, his case needed to be transferred out of Houston. The Enron crash had tanked Houston's economy, leaving a catastrophic economic effect on the Houston community. [Skilling argued](#) that “unlike any other venue, residents of Houston and its surrounding communities had a personal, emotional, and economic stake in the case, resulting from Enron's dramatic . . . [effect] on the region's history.” [Additionally](#), “the media in Houston covered the demise of Enron and the ensuing criminal prosecutions with a fervent, inflammatory, and demonstrably prejudicial point of view.”

The Supreme Court ultimately rejected Skilling's change of venue motion. The Court emphasized that large and diverse communities can still yield unbiased jurors, even in highly publicized cases. Justice Ginsburg [explained](#) that jury exposure to “news accounts of the crime” does not automatically deprive the defendant of their constitutional right to an impartial jury. Rather, the Court reaffirmed its earlier holding in [Irvin v. Dowd](#) (U.S. 1961), which recognized that impartiality does not demand complete ignorance from the jury. [Instead](#), the “relevant question is whether the jurors . . . had such fixed opinions that they could not judge impartially [a defendant's] guilt.”

The Court also [highlighted](#) that Skilling's Sixth Amendment right to an impartial jury was well-protected through the *voir dire* process because “all of Skilling's jurors had already affirmed on their questionnaires that they would have no trouble basing a verdict only on the evidence at trial,” notwithstanding how the Houston media portrayed Skilling and Enron. In affirming Skilling's conviction, the Court [distilled](#) three factors to guide lower courts evaluating whether pretrial publicity would prejudice the defendant and thus require a potential change of venue: (1) the size and characteristics of the community, (2) the nature of the publicity, and (3) the time elapsed between the publicity and trial.

However, each factor the Court presented in *Skilling* presumes conditions that present-day social media [erodes](#). Publicity is no longer geographically bound or time-limited; viral content persists indefinitely and reaches nationwide audiences within hours. When platforms like TikTok saturate potential jurors' feeds with

related content, traditional remedies like a change of venue do not resolve the problem—moving the trial does not avoid the algorithm.

Other recent high-profile prosecutions reflect the growing tension between *Skilling*'s assumption that large communities contain enough untainted jurors and today's realities of pervasive social media exposure. In *State v. Chauvin* (Minn. Ct. App. 2023), the Minnesota Court of Appeals upheld the denial of a motion to change venues for the police officer convicted of murdering George Floyd despite widespread protests, extensive media coverage, and viral social media content. Like in *Skilling*, the Minnesota court emphasized the Supreme Court's point made in *Irvin* that a defendant's Sixth Amendment right to impartiality does not mean the jury must be "totally ignorant of the facts and issues involved," even in a case where videos and commentary spread instantaneously across social media platforms like TikTok.

## B. Representation

The Supreme Court has long recognized the importance of representativeness to ensuring defendants receive a fair trial. In *Smith v. Texas* (U.S. 1940), the Court held that "[i]t is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community." Later, in *Taylor v. Louisiana* (U.S. 1975), the Court formalized this principle, declaring that "the selection of a petit jury from a representative cross-section of the community is an essential component of the Sixth Amendment right to a jury trial."

Defendants can bring a fair cross-section challenge to contest jury compositions that systematically exclude distinctive groups from their communities. The Court clarified the framework for fair cross-section challenges in *Duren v. Missouri* (U.S. 1979) establishing three requirements defendants must meet to bring this challenge: "(1) the alleged exclusion affects a 'distinctive group;' (2) the number of members from the group is unreasonable in proportion to the number in the community; and (3) the underrepresentation is the result of 'systematic exclusion.'"

Scholars have argued that, beyond the formally accepted distinctive groups of race and gender, age should also be recognized under *Duren*. Young adults possess identifiable social perspectives shaped by technological immersion, and their exclusion distorts deliberations. This argument has become more compelling as generational cohorts like Gen Z have developed increasingly distinct "peer personalities" shaped by unique historical events and technological immersion. For example, Gen Z is "the first generation to grow up with the internet as a part of daily life." As "digital natives," Gen Zers "turn to the internet when looking for any kind of information, including news." Importantly, social media occupies a central role in the lives of most Gen Zers, with "66% of Generation Z stating that [social media] is essential to their daily routine."

### III. Age, Social Media, and the *Duren* Framework

As a response to the change of venue issue raised in Part II.A, [attorneys](#) have turned to [voir dire](#) as a way to ensure their defendants receive an impartial jury. In [theory](#), *voir dire* protects jury impartiality by allowing attorneys to determine potential jurors' biases by researching their social media habits and questioning them about their exposure to case-related content. However, as will be discussed, attorneys using *voir dire* to eliminate jurors exposed to this type of [case content](#) may inadvertently be manipulating the jury pool in ways that compromise its representativeness. This creates a potential catch-22: aggressive exposure-based screening intended to preserve impartiality may inadvertently compromise representativeness, pitting one Sixth Amendment guarantee against another.

Beyond intensifying the volume of pretrial case-related content available to the public, the rise of social media has also altered how this pretrial content is distributed across the potential jury pool. Social media platforms such as TikTok, Instagram, and X deliver content unevenly across [demographic lines](#), disproportionately reaching [younger](#) users.<sup>2</sup> Thus, younger jurors may be disproportionately [exposed](#) to [prejudicial content](#).

This uneven distribution of prejudicial content undermines an assumption implicit in *Skilling*: that pretrial publicity spreads uniformly and can be mitigated through conventional *voir dire* without distorting the representative composition of the jury. In today's social media era, when attorneys [strike jurors](#) because they have engaged with viral case-related content, they risk disproportionately removing digital-native cohorts, particularly Gen Z, who are [increasingly joining](#) the jury-eligible population. In this way, striking jurors for pretrial social media exposure creates a structural risk of "[systematic exclusion](#)" within the *Duren* framework.

First, digital-native generations constitute a distinctive group. Their [formative experiences](#) have occurred within curated media environments that shape not only communication habits but perceptions of authority, credibility, and social meaning. *Duren* challenges based on age have been [rejected](#) because of the generally perceived temporary nature of age. For example, a nineteen-year-old will be twenty within a year. The state of being nineteen is thus temporary. However, "[s]everal courts [note](#) that if age groups were held to have distinct characteristics, then" they would be more willing to recognize age as a distinctive class. Generational cohorts like [Gen Z](#) and [Millennials](#) will retain certain cognizable dispositions throughout their jury-eligible years. For example, [Gen Z](#) grew up during the aftermath of the 2008 Financial Crisis and entered college and the workforce during the COVID-19 pandemic. These collectively [shaped](#) attitudes regarding finance, institutional trust, and mental health that directly inform jurors' capacity to evaluate evidence.

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<sup>2</sup> The notable exception to this trend is [Facebook](#), whose use has declined among younger generations.

For example, because Gen Z came of age in the wake of the 2008 financial crisis, a Gen Z juror's [experience](#) with institutional failures may [bring](#) to deliberation a perspective that better [understands](#) the defendant's motive or mental state in cases involving a perceived [institutional betrayal](#). This may [inform](#) judgments about culpability or appropriate sentencing. Likewise, a Gen Z juror's exposure and comparative usage of digital tools, [especially](#) AI and AI-generated [deepfakes](#), may enhance awareness for detecting digital content that is fabricated or manipulated, potentially encouraging more critical evaluation.

Further, Gen Z [may](#) "bring[ ] along an emphasis on safety and protection that could influence how claims are made and defended." This [emphasis](#) can influence how jurors interpret reasonableness standards, potentially leading jurors to expect actors to take maximal protective measures rather than merely reasonable ones, which is often what is required by law. These generational perspectives are only a few examples of ways Gen Z can constitute as a distinctive group.

[Research](#) on digital-native populations supports the argument that early and sustained exposure to technology likely produces durable differences in cognition, communication, and perceptions of authority that persist into adulthood. We can see the effect in the intergenerational [communication gap](#) between digital natives and digital immigrants. Because these differences arise from shared structural conditions, they undermine the argument that age-based distinctions necessarily dissipate over time and support treating generational cohorts as analytically comparable to other socially constructed groups such as race or gender.

Second, exclusion through *voir dire* could produce measurable underrepresentation. [Data](#) consistently shows that adolescents and young adults consume substantially more social media content than older adults and are therefore more likely to have encountered viral narratives about pending cases. If attorneys strike jurors for any such exposure, the potential result is a [venire](#) that under-includes younger participants relative to their share of the community.

Third, exclusion through the *voir dire* process is *systematically* exclusionary. For a practice to be systematically exclusionary, [it](#) "requires the defendant to show that the underrepresentation . . . 'was systematic—that is, inherent in the particular jury-selection process utilized.'" A defendant must show not that the exclusion based on age was [intentional](#), but rather that it was a direct and repeated result of the system used. The structural conditions that *Duren* described are replicated here through algorithmic design and generational media habits.

Over time, the practice could create juries disproportionately composed of older, less digitally engaged citizens, eroding the representative legitimacy that *Taylor* identified as central to the Sixth Amendment. Although generational differences in social media use may narrow over time as digital fluency becomes more universal and digital natives become a larger percentage of the jury-eligible population, this development does not eliminate the broader structural concern. Communication technologies and dominant platforms evolve across generations.

This means that disparities in exposure to emerging media ecosystems and the potential for systematic jury exclusion are likely to persist in new forms.

### **Conclusion**

The concern this Essay highlights is not that impartial juries are *impossible*, but that mechanisms designed to preserve impartiality, particularly *voir dire* to screen for pretrial exposure to prejudicial social media content, can inadvertently reshape the identities and demographics of impartial jurors. When defendants belong to younger cohorts, as in recent high-profile prosecutions of Luigi Mangione and [Tyler Robinson](#), excluding digital-native jurors severs the jury from the community context, and, in turn, from its purpose as the conscience of the collective community.

Gen Z jurors, whose formative experiences unfold across digital spaces, bring [unique perspectives essential to understanding](#) the motives, culpability, and the evidence against Gen Z defendants. Systematically excluding young jurors risks verdicts detached from the full range of community experience. Courts and attorneys should weigh how social media-based *voir dire* may compromise the Sixth Amendment's representativeness requirement, as social media usage remains disproportionate across generations.