

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/unanimous-juries-bring-21st-century-justice-to-louisiana>

Public Facing Advocacy Writing

It is a new day in Louisiana.

We have ceremoniously buried another vestige of Jim Crow, removing his 120-year-old perch from the jury boxes of our criminal courthouses throughout the state. On November 6, 2018, Louisiana became the 49th state to require unanimous juries in all felony trials. Oregon now stands alone and is already feeling immense pressure to follow the lead of Louisianas people.

Starting January 1, 2019, our juries will require unanimity meaning all 12 jurors have to agree on the verdict of a case. The threshold previously has been ten out of 12 votes to carry a verdict.

As director of the Vera Institute of Justices New Orleans office, I see a profound commonality between the systems reform work we do every day and the legal reform brought about by Louisianas Constitutional Amendment #2. Both aim to uproot the racist history of our criminal justice system in slavery and Jim Crow. Now at Vera, we are learning not simply to look ahead. Rather, we are learning that in order to effectively change our justice system, our society, and ourselves, we need to have open and hard conversations about our justice systems origins especially those rooted in racism.

In Louisiana, it is almost impossible to ignore the evolution of our slave plantations into prison ones. [Our bail system also shares those roots.](#)

Our states non-unanimous jury scheme was codified at the 1898 Louisiana Constitutional convention where leaders like Confederate Senator Thomas Semmes made their intentions clear, to establish the supremacy of the white race in this state to the extent to which it could be legally and constitutionally done. A product of this white supremacist convention were non-unanimous juries designed to not only make it easier to convict black people, but also nullify the vote of any black person that might make it onto a jury. And it worked. According to [Tilting the Scales](#) by The Advocate newspaper, non-unanimous verdicts not only disparately convicted black people accused of a crime, but in most cases the two not guilty votes were cast by black jurors.

As a public defender in New Orleans, I saw this all the time. In all of the 12-person jury cases where I lost at trial, there were at least two people who did not believe the prosecutor proved their case beyond a reasonable doubt and cast not guilty votes. For their ten fellow jurors, there was no need, and therefore no opportunity, for the thoughtful and meaningful deliberation required of unanimous verdicts. This non-unanimous jury scheme left many New Orleanians feeling powerless especially the ones voting not guilty to no avail, the people on trial, and also jurors who felt implicated in a system that was less fair than the ideals we were taught growing up.

The risk to justice is real. Since 1989, at least 12 people in Louisiana have been exonerated who were convicted by a non-unanimous verdict and there may be more.

In June 2018, Senator JP Morrell led the state legislature sending this fundamental issue of justice to the people to approve a constitutional amendment.

The Unanimous Jury Coalition a collaborative of community members, nonprofits and legal advocates quickly formed to join forces and rally support for Amendment #2. As a volunteer, I joined arms with my neighbors in this effort not only in honor of those I knew directly impacted by this law but also to prevent further incidences of unfairness at trial. Through the hard work of the coalition and many others, awareness and support grew in barber shops and salons, law schools and universities. More than 75 percent of voters in the City of New Orleans approved Amendment #2, and the amendment passed in all but three of the states 64 parishes.

Now, prosecutors will have to meet their burden of proving their case beyond the reasonable doubt of 12 people arrived at through meaningful deliberation.

By passing this amendment, Louisiana declared it wanted a new criminal justice system one free of its racist roots and in line with protecting individual freedom and liberty for everyone. Today, the scales of justice are a little more balanced in the State of Louisiana.

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