

## Racism still blights southern US juries: study

By Lucile Malandain (AFP) – Jun 6, 2010

WASHINGTON — Having an "out of wedlock child" was enough to remove a black juror from a 1998 Mississippi murder trial involving an African-American and a white victim. Since then, nothing much has changed in the old south, a newly released study has said.

When it was all over, Alvin Robinson was found guilty by a jury of 10 whites and two blacks, and sentenced to 20 years behind bars for a murder he claimed was in self defense.

Two years later, an appeals court annulled the sentence arguing that prosecutors used seven of ten allowed peremptory strikes on prospective jurors who were black.

One of the candidates stared too long at a prosecutor, another had failed to mention she was divorced, and yet a third was declared an outsider after living in the same county for 10 years.

The appeals court found the prosecutor's reasons far fetched, exaggerated and improbable, labeling them as racist.

But not all African-Americans in southern United States are as lucky as Robinson.

Equal Justice Initiative (EJI), a non-profit equal justice advocacy group, published a report last week showing that prosecutors from southern states continue to select juries by the colour of their skin, in particular when the defendant is black.

Most of the time, the report added, the prosecutors' decisions are upheld in courts of appeal.

"From 2005 to 2009, in cases where the death penalty has been imposed, prosecutors in Houston County, Alabama, have used peremptory strikes to remove 80 percent of the African American qualified for jury service," the advocacy group said.

For its report, EJI interviewed 100 people who were struck from juries and studied law books from eight southern states -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina and Tennessee.

Some of the arguments for excluding black prospective jurors included "stupid," "low intelligence," "lack of education," "she's chewing gum," "she wore eyeglasses and a large hat," "he's single," "he's married," "he's separated," "he looks like a dealer," "tentative and timid," "he seems odd to me," and "he lives in a high crime area."

"Although in every state there is evidence of general indifference to the seriousness of excluding people from jury service on the basis of race... some states seem particularly resistant to enforcing every citizen's right to serve on a jury," said EJI Director Bryan Stevenson.

In Tennessee, for example, all complaints over jury composition from convicted felons have been dismissed by the courts.

The US Supreme Court in 1986 ruled to eliminate racial discrimination in jury selection, but only required prosecutors to produce "race-neutral" arguments for peremptory strikes, leaving the judge to decide on their appropriateness.

Since then, prosecutors in the south have come up with different ways of sidestepping the law and training sessions are even held on how to present unassailable arguments in court.

The result is that entirely white juries are selected in counties with populations that are more than one third black.



Photo 1 of 3



A new study has found many courts in southern US states continue to rule out black jurors using questionable criteria



Map



Most studies have found that mixed juries take longer to deliberate and make fewer mistakes in judgement. Black jurors have also been found to be less inclined to vote for the death penalty.

"Racially, diversity on juries is especially critical because the other decision-making roles in the criminal justice system are held mostly by people who are white, from police officers who decide whom to stop and arrest, to prosecutors who decide what charges are brought against which defendant, to trial and appellate judges whose decisions impact powerfully on outcomes at each stage of the criminal justice process," said Stevenson.

The EJI report said there are no black prosecutors in Arkansas, Florida or Tennessee.

Over the past 30 years, more than 130 convicts on death row have been found to be innocent of their crimes.

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