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Study Finds Jury Selection Process Tainted by Racial Discrimination in Southern States

June 4, 2010 - Posted by Aaron Gregg

According to [a new study by the Equal Justice Initiative](#) (EJI), African Americans are disproportionately excluded from jury service in the South, especially in criminal trials and death penalty cases.

EJI examined jury selection in eight southern states -- Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee -- and interviewed more than 100 African Americans who were subjected to discrimination and excluded from jury service. Key findings include:

- Evidence that in some areas as many as 80 percent of eligible African Americans are turned down during the jury selection process.
- Evidence that defendants in some majority-black counties were tried by all-white juries.
- Evidence that some prosecutors in these states were actually trained to exclude blacks from juries.
- Evidence that African Americans have been excluded because they appeared to have "low intelligence"; wore eyeglasses; were single, married, or separated; or were too old for jury service at age 43 or too young at 28.

"The underrepresentation and exclusion of people of color from juries has seriously undermined the credibility and reliability of the criminal justice system, and there is an urgent need to end this practice," remarked EJI Director Bryan Stevenson. "While courts sometimes have attempted to remedy the problem of discriminatory jury selection, in too many cases today we continue to see indifference to racial bias."

Racial discrimination in jury selection was outlawed in [the 1875 Civil Rights Act](#) and further limited by the [Supreme Court's 1986 decision in *Batson v. Kentucky*](#), which held that the use of a prosecutor's peremptory challenge to exclude potential jurors on the basis of race violates the Constitution.

EJI offers several policy recommendations to solve the problem, including:

- Ensure dedicated and thorough enforcement of anti-discrimination laws;
- Create a system of fines for prosecutors who repeatedly deny minorities from jury service;
- Support the criminal defense bar in ensuring that state officials do not wrongfully exclude minorities from jury service;
- Strengthen state policies and procedures to ensure that minorities are adequately represented in jury pools; and
- Apply the decision in *Batson v. Kentucky* retroactively to cases tried before the 1986 ruling.

Categories: [Criminal Justice System](#)



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