LDF Files Amicus Brief in Ohio Death Penalty Case

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in the Supreme Court of Ohio in support of Glen E. Bates, arguing that defense counsel failed to protect Mr. Bates’s constitutional right to an impartial jury by allowing three individuals with clearly stated racial bias to sit on the jury. The brief was filed in conjunction with Squire Patton Boggs.

“Any punishment – especially the death penalty – meted out by a jury infected by racial bias undermines faith in the integrity of our criminal justice system,” said Alexis Hoag, Assistant Counsel at LDF. “LDF remains unwavering in our commitment to combating the pernicious and often deadly effects of racial prejudice in the judicial process.”

In Mr. Bates’s case, three jurors expressed blatant racial bias in their questionnaires. One of the jurors who sat in judgment of Mr. Bates, an African-American man, explained in writing that she strongly believed Black people were more violent than other races and that she felt uncomfortable around Blacks. Two other jurors agreed with the sentiment that members of some racial and ethnic groups tend to be more violent than others. Nonetheless, counsel for Mr. Bates failed to take any action and allowed the death penalty trial to proceed with a jury that harbored known prejudicial views based on race.

Three times in the last couple of years, the U.S. Supreme Court has reversed or questioned the validity of criminal sentences based on concerns about the reliability and legitimacy of jury verdicts infected by racial bias. That includes LDF’s case Buck v. Davis, where the Supreme Court ruled that the possibility of race infecting a jury’s decision “is a disturbing departure from a basic premise of our criminal justice system: Our law punishes people for what they do, not who they are.” The Buck Court recognized that the stereotype of black men as “violence prone” can have a powerful and deeply harmful influence on members of the jury in death penalty cases where jurors assessed the dangerousness of the defendant.

LDF’s brief contends that allowing the outcome of Mr. Bates’s trial to stand—despite the explicit racial bias expressed by three of members of his jury—not only violates Mr. Bates’s constitutional rights, it also undermines Ohioans’ confidence in their criminal justice system.

Read the full brief here.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the
Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.