



**For Immediate Release**  
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## **NAACP Legal Defense Fund Applauds the Supreme Court's Ruling That Racial Bias Cannot Be Tolerated in the Criminal Justice System**

The NAACP Legal Defense Fund (LDF) applauds today's decision by the Supreme Court of the United States in *Pena-Rodriguez v. Colorado* reaffirming the longstanding and foundational principle that racial bias can have no place in our criminal justice system, including in jury deliberations.

“For decades, LDF has been involved in cases seeking to erase the stain of racial prejudice from the jury system. The Supreme Court's ruling here represents a significant milestone and reflects a keen appreciation of history and the unique harms at stake, including the ‘systemic loss of confidence in jury verdicts.’ Now more than ever it is important to ensure that bias and discrimination play no part in the administration of justice – and today's cogent and commanding decision does just that,” said [Sherrilyn Ifill, LDF's President and Director-Counsel](#).

“This is the second time this Term that the Court has declared, in no uncertain terms, that the constitution does not permit a conviction or sentence contaminated by false and pernicious racial stereotypes. Together with the *Buck v. Davis* case -- which LDF litigated -- the Court's message to the lower courts is unmistakable: the criminal justice system cannot and will not tolerate racial discrimination,” remarked [Christina Swarns, LDF's Director of Litigation](#).

“We were especially gratified to see Justice Kennedy recognize the importance of the ‘equal dignity of all persons’ in this context. Together with his decisions in *Fisher II* and *Inclusive Communities Project*, Justice Kennedy has now rightfully reaffirmed our nation's historic and imperative commitment to progress across multiple areas of civil rights law. That is an important step for the Court and for the country,” stated [John Paul Schnapper-Casteras, LDF's Special Counsel for Appellate and Supreme Court Advocacy](#).

The case involves the conviction of a Latino man after a juror made overtly racist statements during deliberations, such as, “I think he did it because he's Mexican, and Mexican men take whatever they want” and that an alibi witness was not credible because he is an “illegal [immigrant].” Mr. Peña-Rodriguez moved for a new hearing on the grounds that this racial bias violated his Sixth Amendment right to a fair and impartial trial, but lost at the Colorado Supreme Court, which held that the rules of evidence prevented the impeachment of jury verdicts.

In [a potent and sweeping opinion written by Justice Anthony Kennedy](#), the Supreme Court held that these comments violated Mr. Pena-Rodriguez's constitutional rights and impermissibly undermined conviction. The decision concluded with this paragraph:

The Nation must continue to make strides to overcome race-based discrimination. The progress that has already been made underlies the Court's insistence that blatant racial prejudice is antithetical to the functioning of the jury system and must be confronted in egregious cases like this one despite the general bar of the no-impeachment rule. It is the mark of a maturing legal system that it seeks to understand and to implement the lessons of history. The Court now seeks to strengthen the broader principle that society can and must move forward by achieving the thoughtful, rational dialogue at the foundation of both the jury system and the free society that sustains our Constitution.

LDF [filed a brief](#) at the certiorari stage, urging the Supreme Court to grant this case in the first place. On the merits, LDF filed another amicus brief, together with the National Association of Criminal Defense Lawyers (NACDL) and the American Civil Liberties Union (ACLU). The law firm of Arnold & Porter LLP served as co-counsel and ably represented NACDL on the merits and also filed a separate brief at the cert. stage.

**Resources:**

- [Supreme Court Hears Oral Argument in Racial Bias in Jury Deliberations Case](#)
- [Peña-Rodriguez v Colorado Amicus Brief](#)
- Read Liliana Zaragoza's piece in Justice Watch: [Peña Rodriguez v. Colorado and the Persistence of Racial Bias in the Criminal Justice System](#)
- Christian Science Monitor: Henry Gass, [At what point does a racist juror undermine the legal system?](#) (Oct. 10, 2016)

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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.*