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LDF Submits Amicus Brief in Support of Overturning Case that Allows Non-Unanimous Jury Verdicts

The NAACP Legal Defense and Educational Fund, Inc. (LDF) submitted an amicus brief urging the Supreme Court to overturn its decision in *Apocada v. Oregon*, a case that allowed states to have non-unanimous jury verdicts. Data from over 199 recent verdicts reveals the discriminatory effect of this provision; the influence of Black jurors (who are 2.5 times as likely to be in dissent) was diluted.

“The drafters of the 1898 Louisiana Constitution had an expressly stated purpose in mind: to establish white supremacy,” said LDF/Fried Frank Fellow [Kristen Johnson](#). “To accomplish this, they created a rule that jury verdicts in criminal trials need not be unanimous. This rule worked to silence Black jurors and over-convict Black defendants for over 100 years. Today we ask the Supreme Court to overturn its decision in *Apodaca v. Oregon*, which allows states to have non-unanimous jury verdicts.”

Before 1898, juries in Louisiana required a unanimous decision for a felony conviction. But, with the passage of the Fourteenth Amendment and the Civil Rights Act of 1875 which allowed Black men to sit on juries, came Article 116 of the 1898 Louisiana Constitution. Its provision for non-unanimous jury verdicts was, in the words of its delegates, one of the ways the Constitution would “perpetuate the supremacy of the Anglo-Saxon race in Louisiana.”

Read our amicus 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.

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