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LDF Files Amicus Brief Asking Supreme Court to Hear Case Challenging Mississippi's Racist Felony Disenfranchisement Provision

The [Legal Defense Fund](#) (LDF) has filed an [amicus brief](#) supporting a United States Supreme Court cert petition in *Harness v. Watson*, a case challenging the Mississippi state constitution's felony disenfranchisement provision (Section 241), which was enacted in 1890 with overtly racist intent. The American Civil Liberties Union (ACLU) joined LDF's amicus brief.

Section 241 permanently disenfranchises people convicted of 10 specific crimes, eight of which were chosen by all-white delegates in 1890 and based on their belief that Black people were more likely than white people to be convicted of those crimes. While Black adults are 36% of Mississippi's voting age population, they make up 59% of its disenfranchised people.

Petitioners Roy Harness and Kamal Karriem are Black men who have been disenfranchised by Section 241. They brought suit asserting that it is unconstitutional under the Fourteenth Amendment. The Fifth Circuit Court of Appeals rejected their claim in a deeply divided en banc opinion.

"Section 241 is Jim Crow law, which created a deliberate and invidious scheme to disenfranchise Black people," said Patricia Okonta, LDF Assistant Counsel. "Today, Black Mississippians continue to be disproportionately harmed by this provision. While the state is home to the highest percentage of Black Americans of any state in the country, it has not elected a Black person to statewide office since 1890. It is imperative that the Supreme Court intervene – as it has in other cases where overt racism undermines the principle of equal justice under law – to eliminate this unconstitutional provision."

"No one disputes that Mississippi's felon disenfranchisement law was enacted more than one hundred years ago for the announced purpose of maintaining white supremacy and blocking Black citizens from voting," said David D. Cole, the ACLU's National Legal Director. "Racially motivated laws don't become valid over time. It's just as unconstitutional today as it was when it was enacted. That such a law remains on the books today is a stain on the state's law books, and plainly unconstitutional."

Read the full amicus brief [here](#).

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. 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 Legal Defense Fund or

LDF. Please note that LDF 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.