



For Immediate Release
Friday, June 21, 2019

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U.S. Supreme Court Reverses Curtis Flowers' Conviction and Institutes Protections Against Racial Bias in Jury Selection

The U.S. Supreme Court today condemned racial discrimination in jury selection, [reversing Curtis Flowers' 2010 conviction and death sentence](#) because the prosecution was motivated by racial discrimination in striking a prospective Black juror from serving at Flowers' trial. The ruling comes in *Flowers v. Mississippi*, a case in which the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) condemning the use of practices that prevent eligible Black Americans from sitting on juries and participating in a key part of the democratic process. Justice Kavanaugh wrote the opinion for a 7-2 majority, with two critical lines: “[e]qual justice under law requires a criminal trial free of racial discrimination in the jury selection process” and “Other than voting, serving on a jury is the most substantial opportunity that most citizens have to participate in the democratic process.”

“Racial discrimination in jury selection almost cost Curtis Flowers his life, but the Court’s ruling vindicates the principle that racial bias must not be permitted to infect the criminal justice system,” said [Sherrilyn Ifill](#), President and Director-Counsel at LDF. “Mississippi’s Fifth Judicial District has a long, disturbing history of denying Black people the right to serve on and be judged by a fair jury. As today’s opinion indicates, these rights are just as integral to full participation in our democracy as the right to vote, and they must be protected just as vigorously.”

Although the Supreme Court has long forbidden the discriminatory exclusion of Black jurors, state and local officials have employed various mechanisms to avoid that prohibition. LDF’s brief catalogued these efforts, along with Mississippi and the Fifth District’s long history of denying Black people rights that are integral to democracy, including preventing Black citizens from exercising the right to vote and denying them the right to attend integrated schools.

“Systematically keeping people off juries because of race not only harms the defendant and their right to an impartial trial, but also undermines the rights of Black Americans to enjoy full citizenship,” said [Sam Spital](#), Director of Litigation at LDF. “Throughout our nation’s history, state officials have doggedly pursued ways to seat biased juries, but LDF will continue to guard against these unconstitutional efforts.”

LDF’s brief also shed light on the decades-long efforts by District Attorney Doug Evans—the lead prosecutor in Mr. Flowers’ trial—and his office to exclude Black people from jury service in the Fifth Judicial District. According to an [American Public Media Reports \(APM Reports\) analysis](#), Mr. Evans’ office struck Black jurors 4.4 times more frequently than white jurors over the course of his tenure. Prior to the Supreme Court case, Curtis Flowers faced six trials for the same charge, with each of his prior trials resulting in either hung juries or convictions that were reversed because of prosecutorial misconduct. Over the course of these six trials, Evans removed 41 of 42 possible Black jurors and struck Black jurors 20 times more frequently than their white counterparts.

Read LDF’s amicus brief [here](#).

Read the full opinion [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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