

STILL IN PRISON

In April 2020, the US Supreme Court in *Ramos v. Louisiana* ruled that it's unconstitutional to convict a person by a jury.

Non-unanimous juries were created to silence minority voices on juries. Even conservative Justices recognize its racist origin.

NON-UNANIMOUS JURIES:

A MONUMENT TO OREGON'S RACIST PAST AND THE PERSISTING INJUSTICE

- ❑ At the time of the decision, Oregon was the ONLY state to allow non-unanimous jury verdicts in felony cases (with the exception of murder cases). This meant that if one or two jurors did not think a person should be convicted, the jury could still convict.
- ❑ Louisiana and Oregon were the only states to allow non-unanimous jury verdicts for many years, until Louisiana voters changed their state constitution in 2018 to require unanimous convictions. Justices Gorsuch, Ginsberg, Breyer, Kavanaugh, Sotomayor, and Thomas ALL agreed that non-unanimous jury convictions are unconstitutional.
- ❑ Because of this decision, people convicted by non-unanimous juries who were in the appeal process of their case were granted a new trial.

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- ❑ “In light of the racist origins of the non-unanimous jury, it is no surprise that non-unanimous juries can make a difference in practice, especially in cases involving black defendants, victims, or jurors. After all, that was the whole point of adopting the non-unanimous jury requirement in the first place.” (Justice Kavanaugh concurring in Ramos).
 - ❑ Justice Gorsuch (joined by Justices Ginsberg, Breyer, Kavanaugh, Sotomayor, and Thomas) recognized that “Oregon’s rule permitting nonunanimous verdicts can be similarly traced to the rise of the Ku Klux Klan and efforts to dilute the influence of racial, ethnic, and religious minorities on Oregon juries.”
 - ❑ Already not enough minorities end up on juries, so allowing a 10-2 or 11-1 decision effectively silences minority voices. And Black Oregonians make-up approximately 2% of Oregon’s population, which makes it less likely that they will be included in the jury pool, let alone get selected to be on the jury.
 - ❑ Black Oregonians are significantly more likely than whites to be prosecuted and incarcerated.

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While convictions by non-unanimous juries are no longer allowed, there are still people in Oregon who have been affected by this unconstitutional practice.

The Oregon Legislature must act now to fix the injustice.

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- ❑ There are hundreds of people currently incarcerated in Oregon who were unlawfully convicted by non-unanimous juries and many of them have served significant portions of their sentence.
- ❑ Over decades, there may be thousands of people who have been convicted by non-unanimous juries who have been released but continue to bear the stigma of a criminal conviction that prevents them from getting jobs and housing.
- ❑ Oregon AG Ellen Rosenblum acknowledged Oregon's non-unanimous jury rule "has been linked to racism and antisemitism" and is "an embarrassment to our otherwise progressive state." Yet she has continued to fight in court against Oregonians simply seeking the chance for a new, fair trial. But there is hope beyond her.

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- ❑ In 2021, the United States Supreme Court decided that the states: Oregon and Louisiana—should decide for themselves whether the *Ramos* decision finding non-unanimous jury convictions unconstitutional should be applied to cases in the past.
 - ❑ The Oregon Legislature must act now to ensure that all who are seeking relief from the racist stain of non-unanimous jury convictions will have their convictions vacated. A vote for justice in the Legislature would not automatically release or grant retrials, but simply allow local District Attorneys to decide whether to dismiss the case or retry the case fairly and justly.
 - ❑ Every single conviction based upon this racist law that silenced jurors is infused with doubt and uncertainty, and would not have resulted in a guilty verdict in any other state (except Louisiana) or the federal courts. Allowing this racist law to stand is not only injustice for those wrongfully convicted, but survivors of crime, directly impacted families, and the Oregon justice system.

We all have a responsibility to dismantle systemic racism and oppression.