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### **LDF and MJC File Appeal in Mississippi Jury Discrimination Lawsuit**

On Feb. 5, 2021, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and the Roderick & Solange MacArthur Justice Center (MJC) filed a brief appealing a September 2020 district court decision dismissing its jury discrimination case, *Attala County NAACP v. Evans*. LDF and MJC had filed suit on behalf of the Attala County, Mississippi, branch of the NAACP and a class of Black prospective jurors who reside in Mississippi's Fifth Circuit Court district. The lawsuit seeks to stop District Attorney Doug Evans and his office from deliberately using peremptory challenges to exclude Black Mississippians from sitting as jurors on criminal trials. (*Note: LDF and the NAACP have been separate organizations since 1957.*)

“Since he took office in 1992, District Attorney Doug Evans and his staff have engaged in rampant, unconstitutional jury discrimination against Black jurors, striking them from criminal trials 4.4 times more frequently than white jurors,” said Chris Kemmitt, Senior Counsel and Director of Professional Development at LDF. “Jury service is a fundamental part of American citizenship, and Doug Evans has for too long treated Black Mississippians as second-class citizens through his discriminatory jury selection practices. This blatant discrimination also violates the rights of criminal defendants, and undermines public confidence in the fairness of the criminal system.”

The Supreme Court itself has already recognized District Attorney Evans' actions as racially discriminatory. In a 2019 case, *Flowers v. Mississippi*, Justice Kavanaugh found Evans' office to have pursued a “relentless, determined effort to rid the jury of Black individuals,” acting as if the Supreme Court's ban on jury discrimination does not exist.

LDF and MJC's appellate brief, which was filed in the United States Fifth Circuit Court of Appeals, argues that the district court should not have declined jurisdiction to hear the case – and sets a dangerous precedent contrary to Supreme Court and Fifth Circuit law if its decision stands. Indeed, the district court's analysis would almost completely eliminate litigants' ability to bring constitutional challenges against state officials in federal court, even though they have a right to hold states accountable for federal civil rights violations.

“Letting the district court decision stand would send the message that the most egregious violators of constitutional rights cannot be held accountable,” said Jim Craig, Director of the New Orleans office of the MacArthur Justice Center. “Our clients — members of the community being excluded from jury service — are undoubtedly entitled to seek this accountability, and must be given their day in court.”

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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. 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. 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. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).*

*The Roderick & Solange MacArthur Justice Center is a national, non-profit law firm dedicated to fighting for racial, social and economic justice through litigation at the trial, appellate, and Supreme Court levels. Founded in 1985, and now with offices in Illinois, Louisiana, Mississippi, Missouri and Washington D.C, the MacArthur Justice Center tackles police violence and misconduct, the punishment of poverty, and the rights of people who are imprisoned and detained.*