

# Resolution 4

**RESOLUTION OF THE LSBA HOUSE OF DELEGATES  
TO URGE THE LOUISIANA LEGISLATURE TO AMEND  
THE CONSTITUTION TO REQUIRE UNANIMOUS  
CRIMINAL JURY VERDICTS**

WHEREAS, the right to trial by jury in criminal cases was recognized as early as the Magna Carta in 1215 and by the end of the 17th century consisted of the following: (1) a group of twelve lay citizens (2) whose unanimous verdict (3) was given exclusive effect;

WHEREAS, the right to trial by jury in criminal cases is a sacred rights of all citizens in our country and is protected by the Sixth Amendment to the United States Constitution;

WHEREAS, John Adams wrote in 1797 that "it is the unanimity of the jury that preserves the rights of mankind";

WHEREAS, the right to trial by jury in criminal cases in federal court has always required unanimous jury verdicts and in 48 of the 50 states, jury verdicts in criminal cases must be unanimous;

WHEREAS, in Louisiana from 1803 to 1880, unanimous jury verdicts in criminal cases were required by state law and by the Constitutions of 1812, 1845, 1852, 1864 and 1868;

WHEREAS, in the Constitution of 1879, the legislature was authorized to change the unanimous jury verdict rule and subsequently, on April 10, 1880, legislation was signed permitting for the first time in Louisiana history, a non-unanimous criminal jury verdict of nine out of twelve jurors;

WHEREAS, the Constitution of 1898 was the first to codify the non-unanimous jury verdict in criminal trials and it was re-codified in the Constitutions of 1913, 1921 and 1974;

WHEREAS, Article 1, Section 17 of the Constitution of 1974, requires a unanimous criminal jury verdict in a capital case and in a case tried before a jury of six persons, in all other felony cases, it only requires that ten out of twelve jurors concur to render a verdict;

WHEREAS, the 1976 ABA Judicial Standards and the 1978 ABA Criminal Justice Standards specifically affirmed that "in criminal cases, the verdict of the jury should be unanimous";

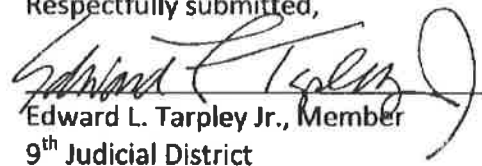
WHEREAS, in 2005, the ABA reaffirmed its commitment to unanimous verdicts in criminal trials in the ABA Principles for Juries and Jury Trials and stated in Principle 4.B that "a unanimous decision should be required in all criminal cases heard by a jury";

WHEREAS, the pursuit of justice requires that all members of the Louisiana Bar be constantly vigilant in the quest to protect the liberty and rights of all citizens and that for 136 years the people of Louisiana have been denied the full protection of the trial by jury which unanimous criminal jury verdicts provide;

WHEREAS, it seems self-evident that the ends of justice compel us to promote sound public policy, fairness in the criminal justice system and therefore, to seek to restore to the people of Louisiana the right to a unanimous jury verdict in all criminal cases;

THEREFORE, BE IT RESOLVED, that the Louisiana Bar Association urge the Louisiana Legislature to adopt legislation amending Article 1, Section 17 of the Louisiana Constitution of 1974, to require that all juries in criminal cases render a unanimous verdict.

Respectfully submitted,

  
Edward L. Tarpley Jr., Member  
9<sup>th</sup> Judicial District

May 11, 2016