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LDF Files U.S. Supreme Court Amicus Brief Urging Review of Capital Case Involving Evidence of Egregious Anti-Gay Bias

Late yesterday, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an [amicus brief](#) urging the U.S. Supreme Court to review Charles Rhines' case because there is compelling evidence that at least some of the jurors sentenced him to death in part because he is gay. The brief argues that sexual orientation discrimination must be removed from the administration of justice, and that jury sentences infected by anti-gay bias – like the death sentence handed down in Mr. Rhines' case – must not stand.

“No person should be put to death because of who they are,” said [Daniel Harawa](#), Assistant Counsel at LDF. “Jury verdicts infected by anti-gay bias, like those tainted by racial bias, undermine the Constitution’s promise of equal protection and an impartial jury. This is especially true in the capital context given the Eighth Amendment’s protection against the arbitrary or discriminatory imposition of the death penalty.”

LDF was lead counsel in *Buck v. Davis*, where the U.S. Supreme Court invalidated Duane Buck’s death sentence because of the influence of racial bias. In [an opinion](#) authored by Chief Justice John Roberts, the Court reaffirmed the longstanding principle that “[o]ur law punishes people for what they do, not who they are.”

LDF’s brief argues that this principle articulated by the Court in *Buck* should apply here. In Mr. Rhines’ case, one of the jurors signed an affidavit in which he invoked a disturbing anti-gay stereotype, stating that, “that if [Mr. Rhines] is gay, we’d be sending him where he wants to go if we voted for [life imprisonment].” Another juror added that during deliberations there was, “lots of discussion of homosexuality” and there “was a lot of disgust.” These remarks show that contrary to the principle underscored in *Buck*, some jurors sentenced Mr. Rhines to death not because of what he did, but because of who he is.

The brief also explains that the right to an impartial jury is a cornerstone of democracy, and that impartiality should extend to a defendant’s sexual orientation. Given these important constitutional considerations, LDF’s brief urges the Court to grant certiorari so that Mr. Rhines’ claim of anti-gay bias can be reviewed on its merits.

Read LDF’s brief [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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