



Carmage Walls
Commentary Prize

2018 Entry Form

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What is the subject/title of the entry? Non-unanimous juries

Date(s) of publication? May, 2018-November, 2018

Is your newspaper under 50,000 circulation or above 50,000 circulation? Above 50,000

Please give a brief explanation of issues discussed and the results achieved. (This space will expand as you type in your comments.)

In Hollywood's romanticized portrayal of American justice, 12 jurors sit around an oak table and hash out their differences until they can unanimously agree on a verdict. But that's not how things worked here in Louisiana. For 120 years, Louisiana's unique criminal laws have allowed juries to convict defendants of crimes, even when they couldn't reach a unanimous verdict. Divided jury convictions were not just the law in Louisiana -- they were part of the state Constitution. They were enshrined there during the Jim Crow era, when racist legislators set out to ensure that even if a few black people were able to make it onto juries, their votes could easily be ignored. Every five days, Louisiana courts sent someone to jail without a jury agreeing they were guilty. Yet few outside the system understood the law. Even jurors and defendants were often surprised to arrive at the courthouse and discover the unanimous verdicts they saw on TV and in the movies were not the practice here in Louisiana. But in 2018, The Advocate began publishing a series of editorials urging legislators

and voters to change the law. And in November, nearly two thirds of Louisiana's voters spoke firmly for unanimous verdicts, bringing our justice system into line with the rest of the nation.

OPINION

OUR VIEWS

Let people rule on jury reform

Louisiana's House of Representatives is the most conservative and populist institution in state government. Now, members of that body have a chance to advance a reform that reflects the highest ideals of limited government, individual liberty and direct consent of the governed. It's an opportunity they should embrace, seizing a moment when good politics and good policy perfectly align.

After gaining approval in the state Senate, legislation to help change Louisiana's shameful 10-2 jury rule could be considered by the House this week. Unlike almost every other state in the nation, Louisiana allows defendants to be convicted of felonies without a unanimous vote of a 12-member jury. In Louisiana, the agreement of just 10 out of 12 jurors is enough for a conviction.

Only one other state, Oregon, uses the 10-2 rule for felony cases, although defendants in that state can't be convicted of murder without a unanimous jury, as they can in Louisiana.

Clearly, Louisiana lags the rest of America when it comes to protecting its citizens from the power of the state. In continuing to embrace the 10-2 rule, in fact, Louisiana's judicial system is clinging to a remnant of its darkest past, the Jim Crow days after the Civil War. That's when state leaders, fearing that black jurors might disrupt the status quo, did away with the need for jury unanimity in felony cases to ensure that the will of white jurors would prevail.

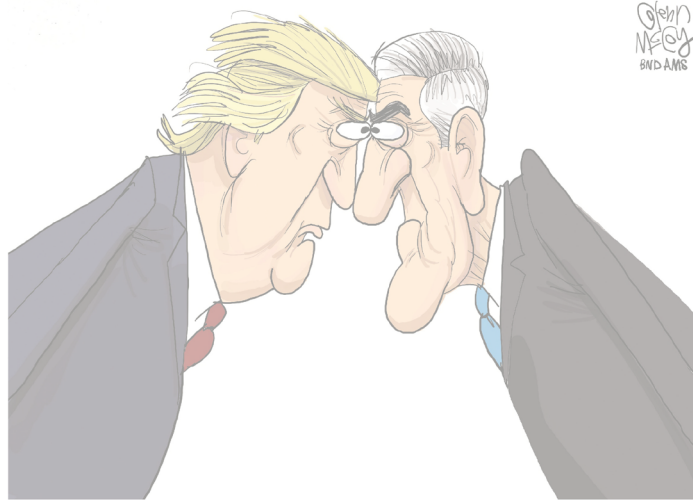
A yearlong Advocate review of felony court cases across Louisiana shows that the rule disproportionately disadvantages black defendants.

But doing away with 10-2 is about more than mending racial disparities. At stake is the right of any defendant, regardless of race, creed or walk of life, to the same standard of justice afforded almost every other American in the land of the Free.

Legislation now in the House, which would allow a constitutional amendment abolishing 10-2 to be put on a statewide ballot, should be welcomed by any legislator who loves law and order.

The amendment, if approved, would restore the requirement of jury unanimity for felony convictions, allowing citizens to speak with the highest moral clarity in sending the guilty to prison and safeguarding the rights of the innocent. Jury unanimity helps ensure that the right person is convicted of a felony, limiting the possibility that the truly guilty still walk the streets committing more crime. By allowing the proposed change to the 10-2 jury rule to be put on a statewide ballot, lawmakers can affirm the power of Louisiana's citizens, through direct democracy, to determine the destiny of justice across the state.

We urge members of the House to let the people rule — and send the proposed 10-2 reform to voters.



READERS' VIEWS

Letter on Handelsman was revealing

I am glad that the letter from Rick Ellis, "Handelsman a disgruntled lefty," was printed. It reminds us that there is a large minority of people, reportedly 40 percent of the electorate, who support Donald Trump and who do not allow facts to interfere with their support. Let's look at the Trump accomplishments listed in the letter:

- "Get the economy roaring back" There has been not a blip on the gross domestic product trend since the election. The growth rate curve is essentially straight for the since 2010 despite Trump attempting to take credit for things set in motion 10 years ago. The real growth in GDP has hovered just below 3 percent since the recession, and has not improved under Trump.

- "A tax bill that gives real relief to the working man." Actually it gives real relief to the rich, and the richer you are the more it gives. If you earn \$40,000 to \$50,000, you'll gain \$570. If you earn \$500,000 to \$1 million, you'll gain \$21,240, on average. If you make more than \$1 million, your average gain is \$69,660. This does not include the other more significant benefits to the owner class.

- "...Without punishing anyone else" Except our children and their children, with a ballooning federal debt.

- "Get the American Embassy in Israel moved to Jerusalem as all his predecessors promised to do." Actually no one promised to do that without coupling

it to an Israeli-Palestinian agreement. The law calling for that move, passed in 1995 without a presidential signature, contains a clause allowing the president to postpone the move for six months at a time. Bill Clinton, George W. Bush and Barack Obama all invoked the provision because they felt to do otherwise would further inflame the Israeli-Palestinian conflict, which Trump's action has certainly done.

- "Was able to get the North Koreans to the negotiating table" I think the writer has a point. Trump's tweets seem to have truly frightened Kim, along with many other people.

- "Make dramatic improvements in employment, especially for minorities" Not so. The decrease in unemployment rate is essentially a straight line from mid-2014 through the present day, steadily decreasing from 6.2 percent in July 2014 to 3.9 percent in April 2018. During that same period, the black unemployment rate went from 9.1 percent to 6.6 percent.

The one accomplishment Trump may one day be able to claim is in North Korea. I agree that it is a big one if it happens. We will see. In the meantime, his actions continue to be so destructive to our country and the world that it still wouldn't balance out.

CAL EYMAN
business owner
New Orleans

ANOTHER VIEW

Don't undermine Trump diplomacy with freelancing

Following the 2016 election, President Barack Obama rightly warned the Trump transition team "we only have one president at a time." It was a reminder that there can be just one person articulating American foreign policy so world leaders will have no doubt as to the United States' intentions.

Obama's former secretary of state, John Kerry, ignored that warning and has been behaving as if he's still in office.

Kerry, writes *The Boston Globe*, "engaged in some unusual shadow diplomacy" with Iran's foreign minister, Javad Zarif, at the United Nations in New York, reportedly to try and salvage the Iran nuclear deal they "spent years negotiating." On Tuesday, President Donald Trump followed through on his promise to end America's participation in the deal. In response, Sen. Marco Rubio, R-Fla., tweeted that it "does not further U.S. national security," neither was it a "binding agreement under U.S. law because it was never submitted for Senate approval." Rubio called it a "political agreement by the previous administration."

Last week, in an apparent attempt to influence the president's decision on recertifying

CAL THOMAS

Iran's compliance, Israeli Prime Minister Benjamin Netanyahu revealed a treasure trove of documents obtained by Mossad, Israel's intelligence agency, which he said proves Iran has been cheating on the agreement. Apparently, this had no influence on Kerry.

This is why we have the Logan Act, which forbids private citizens "from engaging in unauthorized correspondence with foreign governments" that have "any disputes or controversies with the United States." That includes direct or indirect correspondence, unauthorized meetings or discussions, any contact at all. Violation can result in a fine, up to three years in prison, or both.

Is John Kerry an authorized person? No. Is Iran a foreign government? Yes. Does Iran have a "dispute" with the United States? It does. Has John Kerry committed a criminal offense?

The chairman of the House Permanent Select Committee on Intelligence, Rep. Devin Nunes, R-Calif., has called for Kerry to be arrested for violating the Logan Act. That is as likely to happen as Hillary Clinton being "locked up" for what she did with her "irresponsible" handling of classified emails.

Kerry isn't the first person to attempt to undermine the policies of an administration. In the early 1980s, Sen. Edward Kennedy, D-Mass., sent a letter to the head of the KGB in what was regarded as an effort to counter President Reagan's arms build-up and put the Soviet Union "on the ash heap of history."

In a 1983 memo addressing the letter, sent by KGB head Viktor Chebrikov to then-Secretary of State Yuri Andropov, Chebrikov explained that Kennedy was eager to "counter the militaristic policies" of Reagan.

"Kennedy then offered to make it possible for Andropov to sit down for a few interviews on American television. 'A direct appeal... to the American people will... attract a great deal of attention and interest in the country.... If the proposal is recognized as worthy, then Kennedy and his friends will bring about suitable steps to have representatives of the largest television companies in the U.S.A. contact V.V. Andropov for an invitation to Moscow for the interviews.'"

Fortunately, Reagan's policy of "peace through strength" prevailed. Kennedy clearly was in violation of the Logan Act, yet paid no price for his meddling.

Congress should clarify the Logan Act. If people like Kerry and Kennedy can get away with their actions, is the law still relevant? Should it be? Yes it is, and yes it should. Congress needs to answer these questions soon to prevent a recurrence of this dangerous practice.

Email Cal Thomas at tcadvisors@tribpub.com.

Don't legalize guns on college campuses

Recent gun violence in our nation's schools has rightfully heightened our desire to take steps to ensure that Louisiana schools provide places of sanctuary, safety and learning for students. Unfortunately, Louisiana House Bill 602 is a misguided and dangerous proposal to address this violence. HB 602 would make Louisiana one of a small minority of states to allow guns in schools and which could force guns onto college campuses.

HB 602 would allow civilians to carry guns in our schools, an outcome that is not in line with sound security practices. Armed civilians are not prepared to stop active shooters. The FBI found that in 160 active shooter incidents, there was only one successful armed civilian intervention — and the civilian in that

incident was a highly trained U.S. Marine. The presence of armed civilians would only serve to increase risks to students, teachers and law enforcement. Colleges and universities have traditionally prohibited guns on campuses, a rational practice given that campus life is rife with other risk factors (e.g., binge drinking, substance abuse, mental health issues) that make the presence of guns potentially dangerous.

We do need to take action in support of responsible gun ownership in our state and promote safety for our students, but HB 602 accomplishes neither of these. Our legislators can do better than this.

NANETTE OLIVER
volunteer, Moms Demand Action
for Gun Sense in America
Baton Rouge

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Landry's insult to rule of law

As the Louisiana's top law enforcement official, Attorney General Jeff Landry has a duty to help advance justice for all of the state's citizens.

In opposing a change to a Louisiana legal rule designed to stack the odds against the accused, Landry has shirked that duty. This fall, voters will get a chance to champion the reform Landry is unwilling to embrace. We hope they ignore Landry's lead and do the right thing.

At issue is Louisiana's 10-2 jury rule, which allows juries to convict defendants of serious crimes, including murder, with the approval of just 10 members of a 12-person jury. Only Louisiana and Oregon allow nonunanimous jury decisions for serious crimes. Not even Oregon permits defendants to be convicted of murder unless all the members of a jury agree.

America's justice system is grounded in the principle that a defendant's guilt must be determined beyond a reasonable doubt. For centuries, that nation's citizens have depended on the unanimous decision of 12 of their peers to establish such certainty.

Louisiana's departure from that principle originated in the 19th century, when leaders feared that black jurors might disrupt the will of the white majority. The state law was changed to allow nonunanimous felony convictions.

That shameful legacy of the Jim Crow era remains on Louisiana's books to this day. A yearlong Advocate study of the practice found that it disproportionately disadvantages black defendants.

But as we've pointed out before, any citizen of Louisiana, regardless of race, should be concerned that we have a looser standard here for taking away a citizen's liberty.

That's why many of Louisiana's conservatives, who have a long tradition of skepticism about government power, joined with other reform advocates in pushing to change the 10-2 rule. The Republican-controlled Legislature approved a measure this year for the Nov. 6 statewide ballot that, if approved by voters, would abolish 10-2 jury decisions. The Louisiana Republican Party, Americans for Prosperity and Louisiana Family Forum have endorsed the proposal.

But Republican Landry, who's mulling a run for governor, says he prefers to keep the 10-2 rule, although he declined to be interviewed by The Advocate on his position. His chief deputy, Wilbur Stiles III, says his boss believes the 10-2 rule "makes for quicker and easier administration of the system." He also said that allowing 10-2 convictions "makes for a more relaxed" jury selection process since the vote of one lone juror can't change an outcome.

But the cause of law and order calls courts to make sure that the right person has been taken off the street for a crime. There's nothing about that important work that should be quick, easy, or relaxed.

Are Louisiana prosecutors somehow less competent than their national peers, requiring a lower bar to convict criminals? That seems to be the underlying premise of Landry's position. It's an insult to the rule of law, and voters should reject it.



OTHER VIEWS

State's gambling operation moving onshore

Riverboat casino owners will need to shell out for a few extras — a hotel or conference center, say — to get permission from the state Gaming Control Board to move operations onshore.

Board chairman Ronnie Jones this week explained why: "The idea was not just to move the slot machines onto land. This is about building new resorts with new amenities and gambling." There is a word for this and it is expansion.

That is a word we heard all the time when the bill allowing casinos to terrestrialize was being debated last year. Its proponents, echoing its sponsor state Sen. Ronnie Johns, R-Lake Charles, took turns flatly denying they were advocating an "expansion of gambling." We didn't need to be told that was pure hogwash, but let us at least thank Jones for not insulting the public intelligence.

The familiar assurances that no expansion of gambling was contemplated were more blatantly untruthful than usual on this occasion, because Johns' bill allowed

casinos to pack in more suckers even if they did not move to dry land. Each riverboat used to be allowed a maximum 30,000 square feet of gambling space, but the new legislation scraps that limit and provides for 2,365 to try their luck at cards, roulette, lots or craps at the same time. Accommodating that many gamblers would require somewhere close to 50,000 square feet. Riverboats can add the extra capacity with no requirement to provide more ancillary amenities.

Clearly, it will be easier to bring in the crowds if a casino does take advantage of the opportunity to set up shop on a more accessible spot on dry land up to 1,200 feet from its current berth. Every provision in the bill screams expansion. That makes sense, for an industry must grow if it is to prosper and keep the taxes flowing.

The expansion of gambling is thus a plus for the state if the revenues more than offset the costs associated with the crime and

addiction that go with it, but not everyone believes they do. Regardless, since legislators are obviously never going to make gambling illegal again, despite their obligation under the state constitution to do so, we might as well encourage casinos to maximize revenues.

The rationale for legalization in the first place was that gambling would boost the state's economy, so common sense requires that we do not hand a major advantage to our competition. But that is what we did last year when our legislators refused to let Louisiana casinos run sports books. Gamblers can, however, nip across the state line and place their wagers in Mississippi, where casinos were ready to run sports books as soon as the U.S. Supreme Court last year struck down the federal law that gave Nevada a virtual monopoly.

State Sen. Danny Martiny, R-Kenner, filed a bill allowing Louisiana casinos to follow suit, but his colleagues refused even to give it a hearing. That was a remarkably dumb move even by Baton Rouge standards, as Martiny suggested on the senate floor when he said it

would make Louisiana a "laughing stock." The most neatly-mouthed legislator could hardly deny that Martiny's bill constituted an expansion of gambling, so a certain amount of courage would have been required to move it along. No chance.

Next year, after Mississippi has had ample time to capitalize on its advantage, the mood in the Louisiana legislature may change. One of these days, no doubt, we'll be able to bet on, say, NFL games without trekking to the Gulf Coast. But by then lots of Louisiana residents will have become loyal customers in, say, Biloxi, and we'll be sorry Mississippi was allowed to steal a march.

Jones says that every Louisiana casino CEO he has spoken to on the subject wants sports betting legalized here, which is not exactly surprising. Meanwhile, three riverboats, including the Belle of Baton Rouge, are up for the move ashore, because that is how you expand gambling.

Email James Gill at Gill1407@bellsouth.net.

Kennedy seems obsessed with Gov. Edwards

Republican U.S. Sen. John Kennedy is obsessed with Gov. John Bel Edwards. Typically, politicians elected to federal office focus mostly on federal issues. Not Kennedy.

Generally speaking, Kennedy's fellow Louisiana senator, Bill Cassidy, doesn't criticize Edwards. The same is true for others in Louisiana's congressional delegation. When's the last time you heard U.S. Rep. Steve Scalise say anything bad about the governor? Yet Kennedy is always blasting Edwards. Earlier this year, Kennedy even called for the governor to resign. How over the top was that?

Kennedy is so consumed with demonizing Edwards that he sent President Donald Trump a letter criticizing the governor on the eve of Edwards' meeting with the president. The governor met with Trump and five other governors over criminal justice reform on Thursday.

"As you prepare to hold meetings on prison and sentencing reform, I wanted to share a cautionary tale from my home state of Louisiana," Kennedy said in his letter to the president. Kennedy's letter was sobering, direct and inflammatory, describing Edwards' justice reform legislation, which was sup-

ported last year by a coalition of Democratic and Republican state lawmakers, as deceptive.

"People are being killed because of the so-called criminal justice reforms that were put in place," Kennedy wrote.

Kennedy's referring to the two inmates rearrested and charged with murder after being released early as a result of criminal justice reform. Five other inmates released early were arrested for either attempted murder or as alleged accomplices to murder.

"I suspect that when Gov. Edwards meets with him (Trump) or whoever he meets with at the White House, he's not going to tell him about the murders," Kennedy told reporters Wednesday.

Edwards' spokesman, Richard Carbo, described Kennedy's letter as political posturing.

"He's embarrassing the state of Louisiana in his letter to the White House, but even worse, he's scaring the public using flawed data," Carbo said. "With Senator Kennedy, you can always expect him to put his political ambitions ahead of the people he represents."

This is not the first time Kennedy's tried to embarrass Edwards in the nation's capital. During a de-

bate on the farm bill on the Senate floor, Kennedy slammed Edwards' food stamp executive order because it didn't require work.

"Guess what my governor did? He implemented a food stamp work requirement without work. I mean, it looks beautiful on paper, except when you read the thing, it's a work requirement without work," Kennedy argued.

It's clear Kennedy's obsession with Edwards is driven by his desire to take his job. Kennedy admitted to polling for a possible 2019 bid for governor. He says it showed him beating Edwards soundly by a margin of 51 to 37 percent.

Another potential contender for governor, state Attorney General Jeff Landry, called on Kennedy to make up his mind. Landry has said he won't run if Kennedy does.

Kennedy dropped a major clue on Wednesday as to whether he'll run during an interview with WAFB television.

"Up there (Washington D.C.) if they think you're going to be gone, you lose all your power, I can tell you," Kennedy said.

It's not surprising Kennedy won't announce his candidacy for governor for fear of losing power. One thing we know about politicians, they like their power.

But his unrelenting, ferocious

and unorthodox attacks on the governor point to an Edwards-Kennedy race for governor next year.

Kennedy's proven himself an ambitious politician. He was a John Kerry-supporting Democrat in 2004. He ran for office four times as a Democrat, losing twice. He became a Republican only 11 years ago.

Kennedy's only been a senator for 18 months, and yet he's already endeared himself to the national media with his clever, folksy and often witty quips. He's always popping up on Fox News.

If Kennedy runs for governor, he'll likely harp on Edwards' creating 500,000 new government dependents in the state by expanding Medicaid under Obamacare. Kennedy will also drive home to voters Edwards' raising more than \$7 billion in new taxes. Kennedy probably won't mention Edwards raised those taxes with the help of a Republican-controlled legislature.

Kennedy is currently the most popular Republican in the state. He got more votes than Trump in the state a year and a half ago. On paper, a Kennedy-Edwards governor's race shouldn't be much of a contest.

Email Dan Fagan at faganshow@gmail.com.

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Liberals, conservatives agree on jury reform

Louisiana's voters are reliably conservative, so when they learn that the Koch brothers are supporting a proposition, they're inclined to vote yes. In more liberal parishes, like Orleans, voters might look to George Soros.

But what if a proposition could win the support of both Soros and the Kochs?

There is one: Amendment 2, and it's on the Nov. 6 ballot. Early voting starts today. The amendment would bring Louisiana into line with other states in requiring a unanimous jury vote before sending someone to jail — often for life. In Louisiana, it takes only 10 of 12 votes to convict.

Liberals point out that the divided jury laws date back to the Jim Crow era and were designed to diminish the clout of black jurors, who are more skeptical of police and prosecutors. They're right. Louisiana's juries are two-thirds black — and split juries are part of the reason.

Conservatives point out that divided juries enhance the power of government to take away someone's freedom. They're right too. Louisiana leads the nation in locking people up for life — our rate is twice that of Mississippi — and split juries are part of the reason.

Amendment 2 has sponged up support across the political spectrum.

The Democratic and Republican parties are both backing the measure. So are Louisiana's seven Catholic bishops. The ACLU is on board, and so is the conservative Louisiana Family Forum, led by Gene Mills.

Gov. John Bel Edwards, the son and brother of sheriffs in Tangipahoa Parish, is backing Amendment 2.

In the Legislature, the measure was offered by state Sen. JP Morrell, a New Orleans Democrat. And he won the support of state Rep. Sherman Mack, R-Albany, who pushed the amendment through his Republican-dominated committee.

Backers include Ken Polite, the former U.S. Attorney from New Orleans, who is the son of a cop, and the district attorneys in Baton Rouge, Shreveport, Lafayette and Jefferson Parish.

Another supporter is Grover Norquist, the anti-tax crusader whose grip on Louisiana politics is so strong that legislators are afraid to even raise fishing license fees. He knows one way to keep taxes low is to stop locking up innocent people.

Amendment 2 also has the support of Glenn Davis Jr., who understands the perils of divided jury convictions. In 1992, detectives surrounded his grandmother's home in Avondale, looking to question him about a murder. The day after he was charged, his baby girl was born.

Davis was convicted on a 10-2 vote, with two of the three black jurors favoring acquittal. He spent a decade and a half in prison before a judge tossed the conviction in 2007 because prosecutors had granted favorable treatment to the single witness against him.

Davis' case supports the views of both the left and the right. He was railroaded by a jury where black voices were curbed. And the state locked up a man who would have been a taxpaying citizen — and later became one. Then, for good measure, a judge awarded him \$250,000 for wrongful imprisonment.

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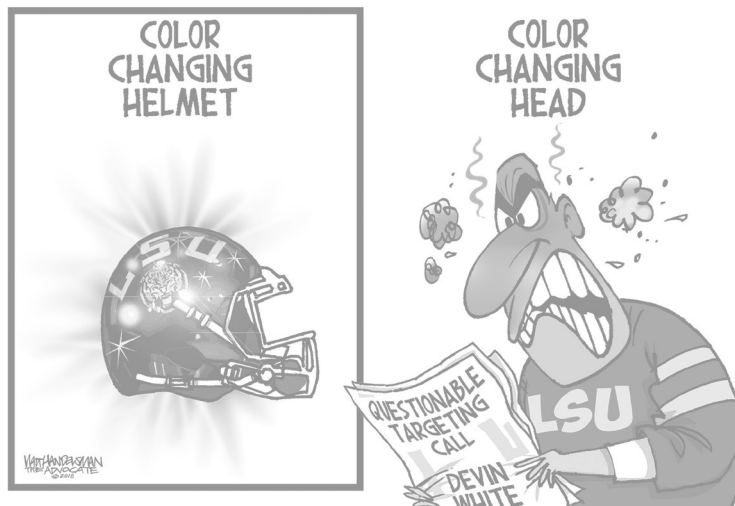
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READERS' VIEWS

Courts have central role in environment

Your Oct. 10 editorial, "The Politics of Lawsuits" regarding parishes' coastal damage lawsuits against oil companies opines: "Whether a community should sue its leading employer is a key question. And the decision doesn't belong to the lawyers or the politicians, it belongs to the voters."

Louisiana Constitution, Article IX § 1 imposes an affirmative duty on all of Louisiana's political subdivisions to protect the environment. They cannot, as our Louisiana Supreme Court admonished, simply "act as an umpire passively calling balls and strikes." Filing suit to enforce violations of environmental laws is an obligation, not an option, of government.

For more than a century government has shirked its public trust obligation to protect Louisiana's coast from industrial abuse that has brought it to the brink of obliteration. Should we now criticize government's attempts, albeit at the eleventh hour, to save what (if anything) can be saved?

Effective and responsible environmental management is and should be based on science, facts and law — a matter for and

within the expertise of our judicial systems, not a popular vote.

While we will never get the politics out of our coast because of the money and power associated with it (think jobs, contracts, property rights), the upshot of a governmental failure to act will be no coast to get the politics out of — with no Louisiana citizenry for oil and gas (or any industry) to employ.

Sound policy and reasoning dictates that the responsible party should shoulder the financial responsibility for their profit-making activities that cause damage — not innocent taxpayers.

The importance of a free press to our society probably has never been more poignant than today. That freedom necessarily includes a corresponding obligation to learn and understand the facts, law, and science of an environmental issue before presenting opinion journalism that purports to inform and attempts to persuade.

WILLIAM W. GOODELL JR.
environmental attorney
Lafayette

Voters should support unanimous juries

On Nov. 6, Louisianians will have the opportunity to join 48 other states by requiring unanimous juries to convict someone of a crime.

History and a body of research reveal that our current system, which allows for a 10-2 split jury to, for example, convict someone of a crime and put them in jail for the rest of their life, is a product of Louisiana's 1898 Constitution as a way to disenfranchise African Americans. There's lots of reasons that Louisiana should be proud to be unique; this isn't one of them.

Momentum continues to build in support of Constitutional Amendment No. 2. Recent reports show that the advocacy effort has raised \$2.3 million, and the cause has earned support across party lines, gaining the endorsement of progressive and conservative groups alike. A strong and well

organized Unanimous Juries Coalition is leveraging this momentum to capture new audiences to support its cause.

Supporting Constitutional Amendment No. 2 is a clear moral imperative for Louisianians. But before it had a chance of a public vote, before it raised millions of dollars, and before it became a broad bipartisan issue, it was the New Orleans legislative delegation, led by state Sen. JP Morrell, who called it out and fought for advancing legislation that led us here. New Orleansians can bring this home and finish strong by getting out to vote on November 6. Non-unanimous juries are wrong and have been for generations — it's up to us to do something about it.

CARLING DINKLER
government relations professional
New Orleans

Carville's letter was wrong about targeting

James Carville's letter to the editor is an insult to the LSU football team and to LSU fans everywhere.

Devin White is a great player, but he made a mistake born of aggression and not malice. Targeting was universally called by refs on the field and in the booth.

One player can't beat Alabama. It takes a team effort, and that defines these LSU gladiators. I predict these men will rise to

the occasion and win. To paraphrase Winston Churchill, "This will be their finest hour!"

Two things are certain: (1) LSU football will give it their all, and (2) James Carville should quit whining. That's not the LSU way.

LEE MIKELL
LSU graduate, fundraiser
Charleston, South Carolina

LETTERS POLICY

THE ADVOCATE WELCOMES LETTERS TO THE EDITOR.

HERE ARE OUR GUIDELINES: Letters are published identifying name, occupation and/or title and the writer's city of residence. The Advocate requires a street address and phone number for verification purposes, but that information is not published. Letters are not to exceed 450 words. Send letters to: Letters to the Editor, The Advocate, P.O. Box 588, Baton Rouge, LA 70821-0588, or email to: letters@theadvocate.com.

ANOTHER VIEW

Wasteful spending is dirty political secret

WASHINGTON — Voters go to the polls next month to send members of Congress their own report card about the way our lawmakers are running our country. And it's not going to be a pretty picture.

In many cases, our representatives and senators are going to be given failing grades for mishandling the government's finances, constantly bickering among themselves, taking too much time off (like all of August) and flunking budget-cutting.

The list is long and frightening. The White House said this week that the government ran up a budget deficit of nearly \$780 billion in the past fiscal year, which ended Sept. 30.

In the 1980s, I was asked by Reader's Digest to write a series of articles, including one that named the 10 most wasteful federal programs in Washington, and another that was titled "How Congress Creates a Deficit."

At that time, the 1986 federal budget deficit was a tame \$221 billion — "the worst in U.S. history." President Reagan signed a budget bill — a record \$576 billion — to keep the government functioning, but complained it contained "enough waste to run several small countries."

Nowadays, the deficit is expected to get worse, much worse: climbing to nearly \$1 trillion next year, and soaring far beyond that in 2020, according to the Congressional Budget Office.

A nation saddled with that much debt is in trouble. Congress parted itself on the back this year for passing a budget, raising spending, but not looking for the many places where it could cut spending among hundreds of wasteful and needless agencies, bureaus, boards, offices and departments that cry out for the budget-cutting ax.

I have written several books over the decades that dug into wasteful, duplicative, unnecessary federal spending programs. Most of those programs are still there, and their elimination would save taxpayers hundreds of billions of dollars.

Start with corporate welfare like the Export-Import Bank. Its direct loans subsidize the export sales of major blue-chip corporations, including Boeing and Lockheed Martin.

We've spent billions of dollars subsidizing Amtrak since 1971, and its costs have climbed. Privatize it. There's still a long list of obsolete military bases that the Pentagon and Congress want to close down, which would save taxpayers millions of dollars.

Mergers and acquisitions are a staple in the business world. They can be a way to save money in government, too. Combine the Commerce and the Labor Departments to reduce their costs and improve efficiency.

Democrats wrongly blame the rising debt on President Trump's tax cuts. But cutting tax rates has injected a new spurt of growth into a lackluster economy that was barely crawling along at a 2 percent growth rate during President Obama's two terms in office.

Trump's personal and business tax cuts have propelled the nation's annual growth rate by more than 4 percent, boosting capital investment, new business expansion, new job creation, increased incomes and higher federal tax revenues.

He has been good on the pro-growth arguments for tax cuts, but less so on the wasteful, needless bureaucracies that populate our government and gobble up our taxes. Lawmakers listen only to arguments of the lobbyists and other special interest groups to keep these programs funded, not the people whose incomes are taxed to fund them.

The late Wisconsin Sen. William Proxmire, the last of the Senate's penny-pinchers, once estimated that the ratio of those who testify each year on behalf of more spending versus less is about a thousand to one. Isn't it time that your voice was heard, too?

Donald Lambro's columns are at #DonaldLambro.

OCTOBER 23, 2018

OUR VIEWS

Liberals, conservatives agree on jury reform

Louisiana's voters are reliably conservative, so when they learn that the Koch brothers are supporting a proposition, they're inclined to vote yes. In more liberal parishes, like Orleans, voters might look to George Soros.

But what if a proposition could win the support of both Soros and the Kochs?

There is one: Amendment 2, and it's on the Nov. 6 ballot. Early voting starts today. The amendment would bring Louisiana into line with other states in requiring a unanimous jury vote before sending someone to jail — often for life. In Louisiana, it takes only 10 of 12 votes to convict.

Liberals point out that the divided jury laws date back to the Jim Crow era and were designed to diminish the clout of black jurors, who are more skeptical of police and prosecutors. They're right. Louisiana's jails are two-thirds black — and split juries are part of the reason.

Conservatives point out that divided juries enhance the power of government to take away someone's freedom. They're right too. Louisiana leads the nation in locking people up for life — our rate is twice that of Mississippi — and split juries are part of the reason.

Amendment 2 has sponged up support across the political spectrum.

The Democratic and Republican parties are both backing the measure. So are Louisiana's seven Catholic bishops. The ACLU is on board, and so is the conservative Louisiana Family Forum, led by Gene Mills.

Gov. John Bel Edwards, the son and brother of sheriffs in Tangipahoa Parish, is backing Amend-

ment 2.

In the Legislature, the measure was offered by state Sen. JP Morrell, a New Orleans Democrat. And he won the support of state Rep. Sherman Mack, R-Albany, who pushed the amendment through his Republican-dominated committee.

Backers include Ken Polite, the former U.S. Attorney from New Orleans, who is the son of a cop, and the district attorneys in Baton Rouge, Shreveport, Lafayette and Jefferson Parish.

Another supporter is Grover Norquist, the anti-tax crusader whose grip on Louisiana politics is so strong that legislators are afraid to even raise fishing license fees. He knows one way to keep taxes low is to stop locking up innocent people.

Amendment 2 also has the support of Glenn Davis Jr., who understands the perils of divided jury convictions. In 1992, detectives surrounded his grandmother's home in Avondale, looking to question him about a murder. The day after he was charged, his baby girl was born.

Davis was convicted on a 10-2 vote, with two of the three black jurors favoring acquittal. He spent a decade and a half in prison before a judge tossed the conviction in 2007 because prosecutors had granted favorable treatment to the single witness against him.

Davis' case supports the views of both the left and the right. He was railroaded by a jury where black voices were curbed. And the state locked up a man who would have been a taxpaying citizen — and later became one. Then, for good measure, a judge awarded him \$250,000 for wrongful imprisonment.

OPINION

OUR VIEWS

Myths on jury reform

A amendment 2, a proposed change to the state constitution that would require unanimous verdicts before the government takes away your freedom, has won support across the political spectrum. Even Louisiana's Democrat and Republican parties are backing the measure, which goes before voters Tuesday.

But polling shows a close contest, and in an age when it's easy to spread falsehoods, there is a lot of misinformation out there. So let's take a minute to vanquish some untruths.

False: Prosecutors like the current regimen, which requires only 10 of 12 jury votes to gain a conviction.

The truth: Some prosecutors support Amendment 2 and others are opposed. When the Legislature was considering the unanimous jury measure, the District Attorneys' Association was initially opposed, but members were split, so the group decided not to take a position at all. Sabine Parish District Attorney Don Burkett said the association was nearly united against unanimous juries. But when The Advocate polled all 42 Louisiana DAs, it found a different story. Of the 22 who responded, 10 support Amendment 2, including Baton Rouge's Hillier Moore III and Jefferson's Paul Connick. Eight were against and the rest were neutral.

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The truth: Louisiana doesn't conduct many trials — fewer than 500 in a typical year — and there are very few mistrials. Pete Adams of the District Attorneys' Association said that Amendment 2 would increase mistrials by 50 percent. But statistics suggest that would add only about a dozen cases per year to the court docket — spread out over 42 judicial districts.

False: If Amendment 2 passes, the state will be forced to retry hundreds of convicts sent to prison by divided juries.

The truth: Amendment 2 is not retroactive. The greater threat is that if Amendment 2 fails, courts may get involved. A judge in Sabine Parish has already ruled that Louisiana's split verdict laws are unconstitutionally discriminatory. Judges prefer that voters clear up discriminatory practices. If courts rule against divided jury convictions and apply the decision to past cases, Louisiana will have to recreate hundreds of prosecutions. In many cases the state does not even have records of how the jurors voted, so we don't know who was sent away without a unanimous verdict.

False: Louisiana adopted split jury verdicts for efficiency, not racism.

The truth: Louisiana once required unanimous juries, just like other states. Divided jury convictions date to the Jim Crow era, when white leaders worked to disenfranchise black voters and diminish the voices of black jurors. At first, Louisiana allowed convictions with only 9 of 12 jurors agreeing. The current practice of requiring 10 jurors was a compromise negotiated when delegates rewrote the Louisiana constitution in 1973 and 1974.

Louisiana deserves better than to have a lower standard of justice than other states. Our neighboring states, like Texas and Mississippi, could hardly be accused of being soft on crime. They manage to lock up criminals with the blessing of unanimous juries, and we can too.



READERS' VIEWS

Competition holds down insurance rates

As commissioner of the Louisiana Department of Insurance, I am always pleased to announce rate decreases for any line of insurance.

I recently had the pleasure of approving a request from Louisiana Citizens Property Insurance Corp. for a decrease of 8.3 percent in rates for their commercial property policies.

The decreasing rate trends Citizens (our state-sponsored residual market) experienced in 2018 and 2019 are part of a greater story that demonstrates the remarkable recovery in Louisiana's property and casualty market in the years since hurricanes Katrina and Rita. Today, Citizens has its lowest policy count since the devastating 2005 hurricane season.

Citizens in 2018 has about 41,000 policies, down from 174,000 in 2008. The department estimates Citizens has shrunk to 0.5 percent of the Louisiana homeowners market — down from 9.8 percent in 2008. Citizens was the third largest insurer in our state. Today, it is estimated to be our 35th largest insurer. This shrinking book is good news for all property insurance policyholders as we all are at risk for the residual market exposure.

The tailwind spurring Citizens on is also positively impacting the homeowners market in Louisiana. The newly approved rates in the homeowners market follow only a 1 percent increase each of the last five years. Additionally, in 2004 our two largest homeowners insurers had over 50 percent of the market. Today, those companies' combined market share is less than 40 percent.

With lots of help, we have recruited 28 new insurance providers to share our substantial risk, resulting in lower rates to Louisiana homeowners through increased competition.

This competition has impacted Citizens' yearly depopulation effort and has resulted in the large overall reduction in its policy count. The smaller policy pool for the insurer of last resort is directly proportional to the size of potential assessments in the case of another catastrophic storm season in Louisiana. All Louisiana property owners benefit from the continued good health of Citizens and the vibrant property insurance market that we have built over the past 10 years.

We've also seen the positive impacts of competition play out in other markets throughout the years. A prime example is the workers' compensation markets of the 1980s and 1990s. During that period, state workers' compensation rates skyrocketed to all-time highs and coverage was hard to find. Those rates have decreased by 50 percent over the last 20 years and 30 percent in the last 10 years in part due to greatly increased competition.

While we still face challenges in the automobile and health insurance marketplaces, I can assure all Louisiana policyholders that we at the LDI are focused on addressing these challenges for the benefit of policyholders in a manner similar to our property and workers' compensation success.

JIM DONELON
commissioner, Department of Insurance
Baton Rouge

ANOTHER VIEW

Spreading sickness of liberal politics

Just in time for Halloween comes a former male stripper, who drove a van with Trump stickers plastered all over it, being charged with sending pipe bombs to top Democratic leaders, a journalist and at least one celebrity, all of whom have been vocal critics of President Trump.

The New York Post headline was the clearest: "Caught Red Handed: Steroid-abusing Florida stripper driving Trump van is charged with Dem bomb spree."

The Post reported that the accused, Cesar Sayoc Jr., was said to be lost and a "sick individual" who is estranged from his family, but eventually "found a father" in President Trump. He also hates his mother, according to Ronald Lowy, his Miami attorney.

Well, yes, you wouldn't expect a stable individual who loves his mother to do what Sayoc is accused of doing.

Predictably, many of those who were targets of Sayoc's pipe bombs, some of which were incapable of exploding, are blaming President Trump for inciting people like Sayoc to go beyond verbal attacks and engage in dangerous, unlawful behavior.

Some on the right point to language used by Rep. Maxine Waters, D-Calif., former Attorney General Eric Holder, former President Barack Obama and others (The New York Times published a review of a novel, the plot of which revolves around the assassination of President Trump with the aid of a rogue Secret Service agent). Those conservatives claim that left-wing rhetoric is mostly responsible for widening the political divide and polarizing civil debate.

How about each side taking responsibility for its own language and behavior? People attending Trump rallies dislike big media, but their rants haven't changed what conservatives believe is biased reporting. Why don't some in the Trump crowd invite a reporter to lunch and calmly explain their feelings and political points of view?

On the left, why don't some of those people confronting Republicans out for a quiet dinner with family and friends respectfully ask for an appointment to explain why they oppose Republican and conservative ideas and offer their own proposals for making America better? Whose mind is changed when their dinner is interrupted by people accusing them of treason?

As a conservative, I understand the anger felt by many on my side about the way our political positions, faith and worldview are portrayed by the media and wider culture, but behaving as conservatives sometimes do only reinforces long-held stereotypes in the minds of secular progressives who think of us as uneducated Bible-thumpers, intolerant, judgmental and a "basket of deplorables."

While many in mainstream media deplore everything for which the right stands, I think they secretly enjoy the conflict because it boosts ratings and sells newspapers. Conflict always attracts a larger audience than comity, but that is no excuse for contributing to the conflict.

Our anger at government and politicians solves nothing. The country is divided. It has always been that way. The focus should be not on winning a war of words, which is impossible so long as the name-calling continues; the focus should be on winning the battle of ideas and what works best in promoting the welfare of most Americans.

If that sounds naïve in our polarized environment, what would you suggest? Clearly, what we are engaged in now isn't working. As the late Glen Campbell sang, "Try a little kindness." It's better than sending bombs through the mail. It's also better than behaving rudely in restaurants.

Email Cal Thomas at tcaditors@tribpub.com.

Our cemeteries are a regional treasure

Regarding "All Saints' Day customs in New Orleans are still a must, despite changes in the city": With more than 29 years of experience working with New Orleans Catholic Cemeteries, I am very familiar with the struggles to maintain these sacred spaces. Despite the challenges, we are experiencing a renaissance as we work to restore abandoned tombs and work with families to restore their relatives final resting place.

New Orleans Catholic Cemeteries are also using technology to make finding and visiting a family tomb easier with our online Burial Records Search, and virtual online tours for those who are out of town or homebound.

or homebound.

While things may be changing, we are seeing younger generations in our cemeteries and especially now around All Saints and All Souls Days, groups coming together to do the traditional tomb clean-up and restoration.

New Orleans Catholic Cemeteries are treasures, and we are working daily to restore and maintain them for future generations. We invite our families and the public to come and experience the beauty and sanctity of our historic cemeteries.

SNERRI PEPPO
director, New Orleans Catholic Cemeteries
New Orleans

Why state is slow with medical marijuana

While reading Melinda Deslattes' recent opinion piece about the delays in providing medical marijuana to patients in Louisiana, I noticed she missed three of the biggest reasons for the delays.

First, unlike non-Southern states with conservative legislatures, our Republicans are control freaks.

Many states, such as Arizona, have real conservative legislatures, or in other words, they work to keep government out of our lives.

Second, our Legislature is bought and

paid for. Big pharma greatly fears the widespread use of medical marijuana and thus maintains a tight leash on our legislators.

The third reason is not news to most of us. When introducing anything, and I mean anything, into law or legislative action, our legislators must first figure out how family and friends can profit the most before taking action.

ROBERT BLOODWORTH
U.S. Navy, retired
Baton Rouge

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OPINION

OUR VIEWS

Affirm sanctity of the jury room

Louisiana is one of only two states — Oregon is the other — that don't require the unanimous agreement of 12 jurors to convict someone accused of a serious crime.

In the widespread discussion of a proposed change that would require unanimous juries in Louisiana for felony convictions, few critics have offered a plausible reason why voters shouldn't approve the measure, which is on the Nov. 6 ballot as Amendment 2.

One objection to the much-needed reform seems very much shaped by the times. Since Americans are so divided these days, skeptics of Amendment 2 argue, how can we expect 12 people to agree on anything? Won't requiring unanimity frustrate the workings of the court system?

The simple answer is that getting 12 jurors to agree on a person's guilt is supposed to be challenging. That's precisely why the agreement of 12 citizens from various walks of life to convict a fellow citizen of a felony bears such authority. That unanimity, often the product of extended deliberation, affirms the standard of guilt beyond reasonable doubt — exactly the kind of yardstick that we would want if we, or someone we love, were accused of serious wrongdoing.

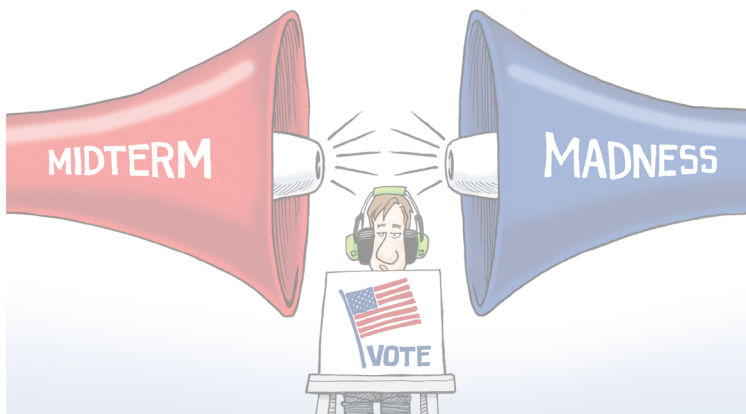
This is a rigorous hurdle, but no one can plausibly claim that it's impossibly high, since 48 other states put thousands of defendants behind bars each year while requiring the agreement of 12 jurors in each case to do so. To cynically suggest that Louisiana needs a lower bar for felony convictions is an insult to the wisdom and intelligence of our people.

Yes, our culture is often divisive. But one remedy for that division is to grow and nurture the tasks of citizenship that join us in common purpose. For centuries, one of the most important citizen duties has been that of a juror in a criminal trial, an obligation made all the more solemn because of the unanimity most American courts require for felony convictions. In troubled times, we shouldn't reject the ideal of unanimity in the jury room; we should embrace it as a sacred trust that calls us to shared ideals.

In such civic rituals, we often find more unity with our fellow Americans than we had expected. In fact, common ground isn't extinct in political life, as evidenced by the broad bipartisan support for Amendment 2. Both the Republican and Democratic parties of Louisiana are backing the amendment, along with a number of the state's top prosecutors and a vast array of conservative and liberal groups.

Amendment 2 is worthy of those endorsements. We urge voters to affirm that support by voting yes.

LSA 2018 11-2 Disc by Wash Post/White House Group



OTHER VIEWS

Robbing the poor and giving to the rich

Louisiana's tax system is not quite the most unfair in the nation, but that's just because it is standard practice in America to place a disproportionate burden on the poor.

According to a study just released by the Institute on Taxation and Economic Policy in Washington, Washington State sets the regressive standard, while we rank 14th. If your income is \$17,100 or less in Louisiana, you'll pay 11.9 percent of it in taxes. That number shrinks the further you go up on the income scale and is roughly halved by the time you reach fat-cat territory. Sales and excise taxes take 9.2 percent from the poorest, and 1.2 percent from the richest.

Such tax policies exacerbate "rising income equality," which is "unconscionable," in the institute's view. Likewise, Jan Moller, director of the Louisiana Budget Project, believes it is "not unreasonable to ask the highest-income residents and corporations to pay their fair share of state and local taxes."

Maybe so, but don't expect those

higher income residents and corporations to fall over one another in the rush to pay more. We tried fairness once, and they soon put a stop to that. The result of that

experiment was a tax system as lopsided as ever while recurring budget deficits and crises became a crushing inevitability.

Everyone knows that the recipe for a progressive tax system must include reducing sales tax rates and a switch of emphasis to income taxes. You don't need a degree in economics to see that sales taxes penalize households living hand-to-mouth while the rich have plenty left over to invest in stocks and bonds. That was a truth universally acknowledged 20 years ago, when advocates of reform also pointed out that income taxes produce more reliable revenues that grow as the economy expands.

Thus in 2002 Louisiana adopted the Stelly Plan, which cut income taxes and boosted income taxes in a more or less revenue-neutral fashion. That was accomplished by state constitutional amendment, so

the idea had broad public support to begin with.

But people notice higher income taxes, while savings at the shops do not register so strongly. Besides, many taxpayers figured that their income taxes had gone up by more than their sales tax payments went down, and no doubt they were right. If the poor are to get a break, it is obvious that their wealthier fellow citizens have to pick up the tab. A lot of taxpayers nevertheless felt they had been sold a bill of goods and then State Rep. Vic Stelly, for whom the plan was named, suffered the traditional fate of the prophet in his own country.

If taxpayers — or at least wealthier taxpayers — clamored for the income tax raises to be scrapped, nobody proposed repealing the other half of the Stelly Plan. That was the state of affairs when Bobby Jindal began his first term as governor in 2008 by noting how idiotic it would be to eviscerate Stelly at an annual cost to the state of \$358 million.

But free money never loses its appeal to the voters and Jindal soon caved in. In fact, he went fur-

ther than that; when he announced the death of Stelly, you'd have thought he came up with the idea.

He certainly came to embrace it with enthusiasm. It marked the beginning of his highly successful campaign to wreck the state's finances and drastically undermine such fundamental public services as higher education and health care in the name of starving the government beast.

The state budget remains a mess, with legislators seemingly determined not to look beyond sales taxes for a solution to our chronic shortfalls. The Institute on Taxation and Economic Policy notes that Louisiana's tax structure contains other regressive elements, such as the state income tax deduction for federal taxes paid, the lack of inheritance taxes and a low earned income tax credit. The central thrust of tax policy is to favor the better off, and it is the better off who have the political clout. Until they decide they have too much money, radical change is not in the cards.

Email James Gill at Gill1407@bellsouth.net.



JAMES GILL



DAN FAGAN

Hold Democrats to same standard as Trump

Former presidential candidate Bernie Sanders said something this past summer that if true should have terrified us all. "Let us be clear and this is not trying to be overly dramatic: Thousands of people will die if the Republican health care bill becomes law," said Sanders. Sanders predicted Republican legislation repealing Obamacare, if passed, would kill more people than the terrorists did on Sept. 11, 2001. He wasn't alone.

"This will cost American lives if it ever becomes law. This will mean death," said U.S. Sen. Cory Booker, D-New Jersey. "Families will go bankrupt. People will die," said U.S. Sen. Elizabeth Warren, D-Massachusetts.

"Those who are sick will suffer, and some of them will die. This is a shame and a disgrace. May God have mercy on all of us," said U.S. Rep. John Lewis, D-Georgia. "Two hundred thousand people will die if the affordable health care act is repealed," said Tom Perez, Democratic National Committee chair. "The debate on health care is life and death. This is Armageddon," said U.S. Rep. Nancy Pelosi, a California Democrat.

Shortly after these warnings of pending mass fatalities, 66-year

old James Hodgkinson traveled to Alexandria, Virginia, with the intent to shoot and kill congressional Republicans. Hodgkinson,

a former Bernie Sanders presidential campaign volunteer, fired 62 rounds while Republicans practiced for their yearly congressional baseball game. The shooting injured Louisiana's House Majority Whip Steve Scalise and three others. Two weeks later, the Republican

tempt to repeal Obamacare failed by one vote in the Senate. Is it possible Hodgkinson believed killing congressional Republicans would end up saving thousands of lives based on the dire warning from the presidential candidate for which he volunteered? Even if true, Sanders is not responsible for the shooting of Scalise and three others. Hodgkinson and Hodgkinson alone is. If Sanders believed repealing Obamacare would lead to the death of thousands, he had every right to say so.

Many in the media have blamed President Donald Trump and his heated rhetoric for the actions of Cesar Sayoc, who mailed bombs to prominent Democrats and other critics of the president in October.

Sayoc was arrested in 2002 for threatening to blow up a building in Florida, long before Trump entered national politics. The difference in the way the media covered the Scalise shooting and the mail bombings is a stunning display of hypocrisy.

Trump has clearly raised the temperature level of political discourse with some of what he's said. But some of the national media's rhetoric has been at least as incendiary. "What Donald Trump and what the Republican party is using is racism. It's not about anything but scaring Americans and actually appealing to their most racist base instincts," said MSNBC host Joe Scarborough this past week about Trump's opposing the caravan approaching our southern border.

"We can tiptoe around it and dance around it and not put our finger on it, but the president seems to harbor racist feelings about people of color from other parts of the world," said CNN White House correspondent Jim Acosta about Trump's immigration policies.

"Kanye West is what happens when negroes don't read," said CNN commentator Bakari Sellers about the artist's support of Trump.

"This president has radicalized

so many more people than ISIS ever did," GQ magazine correspondent Julia Loffe said this past week on Jake Tapper's CNN show. Tapper didn't challenge Loffe at the time, although she did later apologize for her comment.

This is a pattern from some on the left. Highly charged accusations claiming the policy of political opponents are heartless and will bring widespread suffering. This summer, Gov. John Bel Edwards, a Democrat, warned that state House Republicans resisting his tax increases would send nursing home residents out on the streets. He also claimed anti-tax Republicans would cause people to go hungry because there'd be no more food stamps and hospitals would close. Talk about heated rhetoric. But Edwards had every right to make those claims assuming he thought they were true. Just as some in the media can claim Trump is a racist and Democrats can predict Republican legislation will end up killing thousands.

It would be nice, though, if the media held itself and Democrats to the same standard it applies to Trump.

Email Dan Fagan at faganshow@gmail.com. Follow him on Twitter, @DanFaganShow.

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THE ADVOCATE

NOVEMBER 4, 2018

OUR VIEWS

Affirm sanctity of the jury room

Louisiana is one of only two states — Oregon is the other — that don't require the unanimous agreement of 12 jurors to convict someone accused of a serious crime.

In the widespread discussion of a proposed change that would require unanimous juries in Louisiana for felony convictions, few critics have offered a plausible reason why voters shouldn't approve the measure, which is on the Nov. 6 ballot as Amendment 2.

One objection to the much-needed reform seems very much shaped by the times. Since Americans are so divided these days, skeptics of Amendment 2 argue, how can we expect 12 people to agree on anything? Won't requiring unanimity frustrate the workings of the court system?

The simple answer is that getting 12 jurors to agree on a person's guilt is supposed to be challenging. That's precisely why the agreement of 12 citizens from various walks of life to convict a fellow citizen of a felony bears such authority. That unanimity, often the product of extended deliberation, affirms the standard of guilt beyond reasonable doubt — exactly the kind of yardstick that we would want if we, or someone we love, were accused of serious wrongdoing.

This is a rigorous hurdle, but no one can plausibly

claim that it's impossibly high, since 48 other states put thousands of defendants behind bars each year while requiring the agreement of 12 jurors in each case to do so. To cynically suggest that Louisiana needs a lower bar for felony convictions is an insult to the wisdom and intelligence of our people.

Yes, our culture is often divisive. But one remedy for that division is to grow and nurture the tasks of citizenship that join us in common purpose. For centuries, one of the most important citizen duties has been that of a juror in a criminal trial, an obligation made all the more solemn because of the unanimity most American courts require for felony convictions. In troubled times, we shouldn't reject the ideal of unanimity in the jury room; we should embrace it as a sacred trust that calls us to shared ideals.

In such civic rituals, we often find more unity with our fellow Americans than we had expected. In fact, common ground isn't extinct in political life, as evidenced by the broad bipartisan support for Amendment 2. Both the Republican and Democratic parties of Louisiana are backing the amendment, along with a number of the state's top prosecutors and a vast array of conservative and liberal groups.

Amendment 2 is worthy of those endorsements. We urge voters to affirm that support by voting yes.

OPINION

OUR VIEWS

La. shows bipartisan spirit

In the wake of a midterm election that underscored deep partisan divisions across the country, Americans might be wondering if Democrats and Republicans can agree on anything meaningful.

To those who doubt that bipartisanship still lives, we say, come to Louisiana.

In Tuesday's election, Louisiana citizens voted overwhelmingly for an amendment to the state constitution that abolishes nonunanimous jury verdicts in felony trials. Complete but unofficial returns showed the measure winning with 64 percent of those who cast votes giving it a thumbs-up.

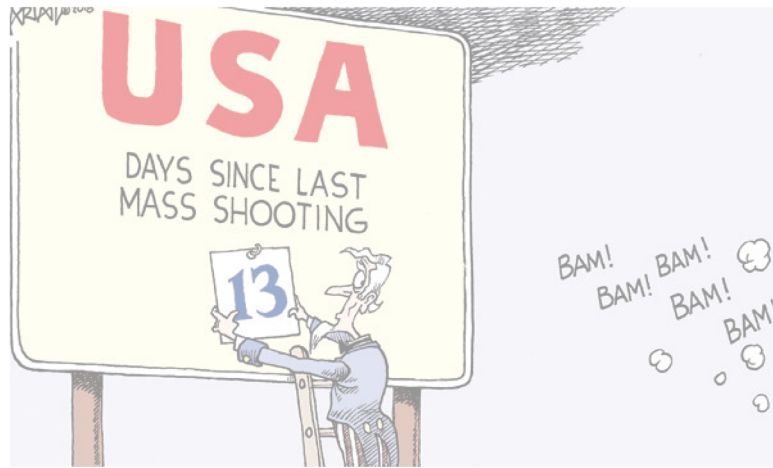
That decisive margin capped a campaign in which a broad coalition of liberals and conservatives joined forces to do away with Louisiana's peculiar 10-2 rule, which allows defendants to be convicted of serious crimes if just 10 of 12 jurors agree. Louisiana is one of only two states — Oregon is the other — where such split verdicts are allowed. Louisiana's split-verdict rule originated in the Jim Crow South of the 19th century, when white leaders feared that newly empowered black jurors might disrupt the status quo. Dispensing with unanimous verdicts allowed the white majority to prevail. A yearlong Advocate review of recent felony trials indicated that the rule disproportionately disadvantages black defendants.

Progressives embraced jury reform as a matter of social justice. Many conservatives championed abolishing the 10-2 rule because of their longstanding vigilance about the power of the state to limit personal liberty without due process. Fiscal hawks liked jury reform because locking up wrongly convicted citizens wastes money. Public safety advocates supported the change because when the wrong person goes to jail for a crime, the real culprit can remain free to do more harm. As a result, both the Democratic and Republican parties of Louisiana endorsed the reform measure, Amendment 2. The conservative Louisiana Family Forum and Americans for Prosperity backed the change, as did several prominent Louisiana district attorneys. State Sen. JP Morrell, a New Orleans Democrat, authored a bill to put Amendment 2 on the ballot, and State Rep. Sherman Mack, an Albany Republican, carried the bill in the House.

Debate about the proposed reform was thoughtful and measured, perhaps because Democrats and Republicans had worked together last year to pass other justice reform measures in the Legislature.

It's a testament to the good that leaders of differing political backgrounds can do when they put principle above party.

We hope that search for common ground happens more often in Louisiana — and the rest of the nation.



READERS' VIEWS

Setting record straight on Medicaid

A recent letter to The Advocate chastised the Democrats for fighting the Republican move to require Medicaid recipients in Louisiana to work for their benefits. The writer also claimed that the War on Poverty was (is?) an abject failure.

Two-thirds of all people who receive government benefits fall into one of three groups — children (too young to work), the elderly (too old to work) or the disabled (unable to work). Of the other third of beneficiaries, two-thirds of them work already. The only other group consists of folks who are mostly between jobs. Considering these numbers, it is a bit difficult to see exactly who the "work or receive no health care" legislation is aimed at. Maybe the purpose of this law is just to make the "Christians" in the GOP feel good or something. I don't know.

The "War on Poverty" was launched by Lyndon Johnson in 1964. In 2014, The Washington Post published an article commemorating the 50th anniversary of the birth of these social programs. That article stated that the poverty rate in the United States of America dropped from 26 percent in 1967 to 16 percent in 2012. Furthermore, the writer said without reservation that "Government action is literally the only reason we have less poverty in 2012 than we did in 1967." Food Stamps alone kept 4 mil-

lion Americans out of poverty in 2014. About 2.9 million American households with children suffer from food insecurity. They don't know where their next meal is coming from.

I would hardly call that a failure. Moreover, it is difficult to determine how much more successful the effort to eradicate poverty in the richest nation that has ever existed would have been without the continuous and unrelenting "War on the War on Poverty" conducted by the Republicans. They will use any excuse (or none at all) to cut benefits while simultaneously cutting the taxes of the richest among us.

In my opinion, the government programs in place now are feeble enough without making it even more difficult for poor people to receive aid. The average benefit from Food Stamps is \$4.50 per person per day. That's \$1.50 per meal if you are lucky enough to eat three times. Folks who complain about what we do for the poor in this country normally have no idea how little that really is.

I think that all able-bodied individuals in society should work for their living — but — forcing the folks who need health care the most to do so is shameful.

MICHAEL HALE
IT consultant
Baton Rouge

Suggestion on solving the caravan issue

I have some thoughts about the current immigrant caravan crisis.

Apparently, many in this group were ill-informed and duped into this foolhardy trip. They were not prepared for travel, bringing no food, water or clothing.

If we think of this group, not as a horde of invaders, but as victims of a deception, we might have a better chance to avert a crisis. If they were victims of an earthquake or a flood, wouldn't we treat this situation differently?

First, we should inform the travelers of the actual truth of the situation. Spanish/English booklet drops could help spread the correct information.

Next, the U.S. should lead in working with

Mexico and the U.N. to provide water, food, medical care and shelter for them. We should ask Mexico to provide space for a tent city where they can stay until they can apply for refugee status in the U.S. or Mexico. Then the undesirables could be screened and returned to their countries.

Meeting families who are in crisis with threats and military action would lead to a humanitarian nightmare. If their ultimate goal is to come to America, we should help them to immigrate legally or assist them in returning home.

SHEILA STAGG
retired teacher
Lafayette

Reading the Page column was a big plus

Thank you, Advocate, and Clarence Page. What a wonderful way to start the day after the elections — a very positive, "good-feel" opinion piece about a man who deeply cared for others. The story of Julius Rosenwald teaming up with Booker T. Washington to establish schools in the south to educate African American children took me back to the 1980s when a dynamo principal, Vertlie Robinson, was the principal of then Rosenwald Elementary School. Tucked in the very back corner of the West Bank, Rosenwald was a small school by earlier Orleans Parish School Board standards, with a primarily if not totally black population. As superintendent of the elementary schools in the district, I loved to visit the

school. It was always a lively, exciting place. Vertlie, and small, dynamic white woman, was "of one" with her students and staff. The prominence of love, support, high expectations and excellent communication with parents was a model for every school. Vertlie was loved and respected by her colleagues as well as by those who were blessed to work in her school, attend her school, or have children in her school. This is what it's all about. We're all in this together, so let's be positive and help each other rather than trashing anybody who's different than we are.

CAROL ALLEN
retired education administrator
New Orleans

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ANOTHER VIEW

A stern response to domestic terrorists

It surprised few to learn that Robert Bowers, who is charged in the massacre of 11 congregants at a Pittsburgh synagogue, was a social misfit and psychotic wreck. Most domestic terrorists are. They latch onto some extreme ideology to obscure the mess in their head.

It can be hard to focus on mental illness when individuals expound odious views.

Unfortunately, there's no easy means to drain the online sewage that can trigger a disintegrating mind. But we can strip away the fig leaf of "philosophy" that highly disturbed people think lends dignity to their heinous acts.

Before Bowers was 1 year old, his mother and Randall Bowers divorced. Randall was later accused of rape involving "deviate sexual intercourse" and is believed to have later killed himself. Robert's mother married someone else, but the couple separated in less than a year. She became unwelcomed, and Robert moved in with his grandparents. He dropped out of high school.

Dylann Roof, who killed nine African-Americans at a church in South Carolina, was born to parents who had already divorced but were temporarily back together again. His father allegedly physically and verbally abused his second wife. Dylann kept changing homes, attending at least seven schools. He dropped out, took drugs and got arrested multiple times. He carried out mass murder at 21, claiming to have started a race war.

We can't ignore Roof's racist motives or Bowers' anti-Semitic ravings. But everyone is in danger when a deranged person possesses weapons of war.

Some have questioned whether it's safe to be Jewish or black in today's America. Well, it wasn't safe being a white Baptist in rural Texas when Devin Patrick Kelley murdered 26 people in a church. Kelley had escaped from a psychiatric hospital.

The point of terrorism is to terrorize — that is, spread fear. The weak and dysfunctional feel mighty when they intimidate large numbers of people.

It was Israeli policy during the terrorist attacks a decade ago to deprive killers of such rewards. Restaurants blown to pieces were rapidly rebuilt, reopened and filled with customers. Similar thinking is why New Yorkers rebuilt the World Trade Center. Targeted institutions should find ways to defend themselves but deny crackpots the attention they crave. It would be helpful to not treat every bit of offensive graffiti as a serious hate crime. Any creep with a marker can draw a racist remark or swastika.

The writer could be a bigot, kids doing mischief or an otherwise sick individual. That someone scrawled "Die Jew Rats" on a Brooklyn synagogue set off a wave of anxiety about fascists running wild in New York. The scribbler turned out to be a mentally ill black man known to turn anti-Semitic when he's not taking his medications.

Anonymous scribbles are best addressed with remover.

We saw the smart response Saturday, the first Shabbat after the Pittsburgh attack. The public crowded into synagogues. Jews brought their children. Christians and Muslims joined them. At Pittsburgh's Tree of Life synagogue, still a crime scene, a rabbi wore a T-shirt featuring a Star of David combined with the Pittsburgh Steelers logo.

Candles were also lit for the two African-Americans gunned down at a Kroger store in Kentucky. Pictures of the alleged assailant — who had previously tried to enter a predominantly black church — show a white man in handcuffs with bulging eyes.

Racists, bigots, sexual head cases — these plainly rabid people want to make others afraid. We frustrate them by just going about our business.

Email Froma Harrop at fharrop@gmail.com.

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