



**Testimony of Kimberly McCullough, Policy Director  
In Support of HJR 10  
House Rules Committee  
May 6, 2019**

Chair Holvey and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports HJR 10, which will ensure that defendants in the State of Oregon will have the right to liberty unless proven guilty beyond a reasonable doubt, by requiring unanimous jury verdicts in criminal trials.

It's a fundamental pillar of our legal system that you can't be denied your freedom without proof that demonstrates – *beyond a reasonable doubt* – that you are guilty. That is why every other state in the nation requires unanimous juries. The only state besides Oregon that recently allowed non-unanimous jury convictions was Louisiana, until its voters changed the law last year.

Oregon's law allowing non-unanimous juries, passed via ballot measure in 1934, reflects the anti-Jewish and anti-immigrant sentiment of the time. The discriminatory law followed public outrage when a Jewish defendant was convicted of a lesser crime due to a holdout juror in a high-profile case. At the time, the Morning Oregonian newspaper openly stated the discriminatory basis for the law, opining in support of the ballot measure by writing "the vast immigration into America from southern and eastern Europe, of people untrained in the jury system" made "the jury of twelve increasingly unwieldy and unsatisfactory."<sup>2</sup>

Procedural justice concerns also weigh in favor of requiring unanimous jurors. Jurors who are required to reach a unanimous verdict report being more satisfied and confident that they have reached the correct verdict. When juries are not required to be unanimous, they tend to rush through their deliberations, taking fewer polls and ceasing deliberating when a quorum is reached, and taking less time to reach a verdict.

For these reasons, the ACLU of Oregon urges you to support HJR 10. Please feel free to contact us if you have any questions, comments, or concerns.

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

<sup>2</sup> [https://www.aclu-or.org/sites/default/files/field\\_documents/aclu\\_oregon\\_williams\\_brief.pdf](https://www.aclu-or.org/sites/default/files/field_documents/aclu_oregon_williams_brief.pdf)