

J.E.B. v. Alabama ex rel T.B.

At petitioner's paternity and child support trial, the court assembled a panel of 36 potential jurors, 12 males and 24 females. After the court excused three jurors for cause, only 10 of the remaining 33 jurors were male. The State then used 9 of its 10 peremptory strikes to remove male jurors and petitioner used all but one of his strikes to remove female jurors. As a result, all the selected jurors were female. Petitioner objected to the State's peremptory challenges on the ground that they were exercised against male jurors solely on the basis of gender, in violation of the Equal Protection Clause of the 14th Amendment. The trial court rejected his claim. The jury found petitioner to be the father of the child in question and the trial court ordered him to pay child support.

The Court held that the Equal Protection Clause prohibits discrimination in jury selection on the basis of gender, or on the assumption that an individual will be biased in a particular case solely because that person happens to be a woman or a man. As long as gender does not serve as a proxy for bias, unacceptable jurors may still be removed, including those who are members of a group or class that is normally subject to "rational basis" review and those who exhibit characteristics that are disproportionately associated with one gender.