

BLIND JUSTICE, COLORED TRUTHS AND THE VEIL OF IGNORANCE

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timate the power of these processes and are unlikely to succeed or disregard the accepted constitutional framework and are unlikely to be adopted.

Race has been conceptualized in a broad and inventive variety of terms, which relate to power, identity, stigma, status, perspective and culture. However, only when race is conceptualized in terms of *evidence* does a potential reform present itself that will address both lie detection and racial bias at their point of intersection. This conceptualization of race in terms of evidence remains consistent with both cognitive forces and constitutional boundaries.

Many scholars have responded to these problems by inserting race *into* the jury, through guarantees or quotas of minority representation on juries.⁹ This Article, in contrast, argues that race should be taken *out* of the jury, by obscuring and minimizing the information that impairs both racial neutrality and accurate credibility assessments. What this Article proposes is to obscure the jury's view of those testifying at trial with a translucent screen. Although such a suggestion may at first seem radical or ridiculous, it is uniquely consistent with both constitutional doctrine and empirical evidence. This proposal lives up to the much-vaunted but seldom-obtained promise that "justice is blind," both metaphorically and literally.

Before turning to solutions, however, it is necessary to consider both the problem and its underlying mechanisms in some depth. Part II of this Article considers the jury's role and ability as the final arbiters of witness credibility. Part III reviews the racial inequalities of our justice system. Parts IV and V consider the interactions between race and credibility, and Part VI reviews the major harms suffered from this interaction. Part VII establishes the legal and constitutional framework under which reform proposals must operate, and Part VIII considers the proposals that have so far been advanced. Finally, Part IX returns to the proposal of a sight-obscuring screen and considers its efficacy, constitutionality and costs.

9. See *infra* Part VIII.