

## **RACISM AND THE DEATH PENALTY**

Is the race of a victim taken into account when handing out death sentences ? A recent Santa Clara Law Review study indicates that this may be statically true for the state of California, where killing of a white person was more likely to be punished with death than if the victim were black or Hispanic. But the problem does not end there. Other studies have shown that states like Ohio, Illinois and New Jersey are presented with the same problem.

Texas alone has been responsible for a third of the executions in the country, and yet their crime rate and violent crime rate have increased by 24% and 46% respectively. In 1990, the U.S. General Accounting Office issues a report to Congress based on its studies on racism and the death penalty “Our synthesis of the 28 studies shows a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty after the *Furman* decision" and that "race of victim influence was found at all stages of the criminal justice system process....

The numbers speak for themselves.

Of the 313 prisoners sentenced to death and executed between January 1977 and 1995, 36 of them had been convicted of killing a black person while 249 had been convicted of killing a white person. An argument can be made here that our criminal justice system finds it easier to deliver a death sentence when the victim is white, regardless of the victim's race. However, 43% of prisoners executed since 1976 have been African American.

Naturally, since we do live in a country fast to judge and eager to punish , one must ask how many innocent black defendants may have been victim themselves to a jury who places more importance on physical appearance than on facts. It would seem that a African American defendant must not only battle the crime he is charged with but also the color of his skin.

It is hard to believe that in these modern times, in a country that has overcome so much in terms of racial conflicts and issues, that race continues to determine the fate of prisoners nationwide. As this cold truth stares fiercely into our eyes and does not let up, it is hard to overlook the fact the something must be done about it soon.