THE RACIST APPLICATION OF THE DEATH PENALTY IN THE UNITED STATES

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Research Proposal

I want to analyze how the capital punishment system is enforced in a racist manner in the United States. Minorities especially African Americans are overrepresented on death row. I will examine how many studies have shown the race of victims, political aspirations, race of defendants, prosecutorial discretion, and socioeconomic status influence who lives and who dies. All these factors determine African Americans fates in our criminal justice system. Many of who end up incarcerated, in and out of prison in an endless cycle, or facing execution on death row. I will be using the web, peer reviewed articles, books, and newspaper articles for my research.
Annotated Bibliography

Adams, Lucy. (2005). Death By Discretion: Who Decides Who Lives and Dies in the United States of America? American Journal of Criminal Law. Adams shows in her research that prosecutors are a big factor in penetrating racism and discrimination into the criminal justice system; which she claims is supposed to be objective. Prosecutors have the discretion to decide who enters the criminal justice system and how. They decide what charges to give defendants if any. Adams’ research shows that 97.5% of prosecutors are white, a fact that is difficult to ignore; especially when they have the power to decide who gets the ultimate punishment: the death penalty. I use her research to show the connection between a prosecutor’s influence on the disproportionate number of African Americans on death row.

Alexander, Michelle. (2010). The New Jim Crow: Mass Incarceration in the Age of Colorblindness. Alexander does an amazing job of tracing our criminal justice system back to slavery and Jim Crow. Although, I focus on the death penalty alone and not the incarceration rate, I used her research as support to my claim about institutional racism.

Armour, Jeff, and Hammond Sarah (2009). Minority Youth in the Juvenile Justice System Disproportionate Minority Contact. Armour and Hammond show in their research that minority youth are vastly overrepresented in arrest rates and prison. They argue that police targeting low income and minority neighborhoods leads to more minorities going through our criminal justice system. They have many statistics that I think clearly demonstrate the overrepresentation of minorities in prison and juvenile facilities.

Baldus, David, Pulaski C. and G. Woodworth. (1990). Equal Justice and the Death Penalty: A Legal and Empirical Analysis, 170-213. The Baldus study is famous in the death penalty debate among opponents of the death penalty because it shows how race is a factor in death penalty sentencing. His research has been cited by many because it demonstrates that race of the victim and the defendant matter in death penalty sentencing. His research showed that an African American defendant and a white victim almost always led to the death penalty being sought. I use Baldus’s statistics to show that race does matter in sentencing, regardless how many say it doesn’t.

Beckett, Katherine, and Sasson Theodore. (2004). The Politics of Injustice: Crime and Punishment in America. Beckett and Sasson examine how politicians use the media and fighting crime to prop themselves into the public eye and win their votes. I use this research to support the possible connection between death penalty sentencing used as an incentive to boost political careers.

Cholbi, M. (2006). Race, Capital Punishment, and the Cost of Murder. Philosophical Studies. 127(2), 255-282. DOI: 10.1007/s11098-005-4958-6. Cholbi believed that African Americans were being discriminated as a class because more value was place on white victim’s lives than African American victim’s lives. He shows that societal racism carries through to the capital punishment system in the form of executing those who kill whites but not those who kill African Americans. I used Cholbi’s research to show the link between victim’s race and whether the death penalty is imposed by the prosecutor.


Dorfman/ Public Health Institute, Lori, and Vincent Schiraldi/ Justice Policy Institute. Off Balance: Youth, Race & Crime in The News. Rep. Berkeley Media Studies Group. Print The researchers show how the media mostly shows minorities as criminals therefore distorting public perception of them. I use this research to show that people don’t question the overrepresentation of minorities in the criminal justice system or death row because they have come to believe minorities only commit crime.

Elrod, Preston, and R. Scott. Ryder. (2004) Public Perceptions of Delinquency and the Politics of Juvenile Justice. Juvenile Justice: A Social, Historical, and Legal Perspective. 2, 12-20. Elrod and Ryder show in their research that politicians like to have the appearance of being tough on crime in order to be elected or reelected. I use their research to support my argument that politicians seek harsher policies in order to appear tough on crime.

Furman v. Georgia, 408 U.S. 238 (1972) Furman was a Supreme Court case that led to many states rewriting their death penalty laws. Also, in Furman the court said arbitrary use of the death penalty was considered cruel and unusual punishment. I cite this case to show that the death penalty has been declared cruel and unusual when enforced in a discriminatory way yet today we still have a disproportionate number of African Americans on death row.

Gordon, Sanford C. and Huber, Gregory A. 2002. “Citizen Oversight and the Electoral Incentives of Criminal Prosecutors.” American Journal of Political Science, 46(2), 334-351. http://web.ebscohost.com.ezproxy.lib.calpoly.edu/ehost/detail?vid=3&hid=104&sid=1c06b5069c0e4036a0601b30fc8cb6e2%40sessionmgr114&bdata=JnNpdGU9ZWhvc3QtGGl2ZQ%3d%3d&db=afh&AN=6427492 Gordon and Huber show in their research that people evaluate prosecutor’s performance by their number of convictions, cases dismissed, plea bargains, and death sentences. They argue that this is a faulty way of evaluating their performance because then their incentive becomes pleasing the public to be reelected instead of seeking justice; they end up just wanting to pad up their portfolios. I use this research to show the connection between prosecutor’s elections and their choice to pursue the death penalty.
Gregg v. Georgia 428 U.S. 153 (1976) Gregg was another Supreme Court case about the death penalty; this one said the death penalty was not cruel and unusual punishment, but in fact an adequate means of punishment. I use this case in my discussion of court decisions over the death penalty.

Herda, D.J. Furman v. Georgia: The Death Penalty Case. Enslow Publishers, Inc., 1994. Herda discusses the outcome of the Furman Supreme Court case and how it did not outlaw the death penalty like many thought. I use a quote to discuss the Furman case further.

Loftus, E.F. & Palmer, J.C. (1974) Reconstruction of auto-mobile destruction: An example of the interaction between language and memory. Journal of Verbal Learning and Verbal Behaviour, 13, 585 -589. Retrieved from https://webfiles.uci.edu/eloftus/LoftusPalmer74.pdf Loftus research shows how false memories can be created and how eyewitness testimony is faulty. I used her research to show that eyewitness testimony is faulty and therefore should not be used as the sole reason to sentence someone to death row.

McCleskey v. Kemp 481 U.S. 279 (1987) This is a supreme court case of an African American male sentenced to death for murder. He tried to challenge Georgia’s death penalty sentencing saying that statistically it has been proven to be enforced in a racist way. I used this case to show that there has always been beliefs that death penalty could be racist, but besides all the doubt it is still used.


Petrie, Michelle A. & Coverdill, James E. (2010). Who Lives and Dies on Death Row? Race, Ethnicity, and Post-Sentence Outcomes in Texas. Social Problems, 57(4) 630-652. Retrieved from http://www.jstor.org/stable/10.1525/sp.2010.57.4.630. Their research showed how a prosecutor’s ambitions to be elected or perceived as tough on crime plays into the decisions and choices they make. They also discuss how race of the victim and defendant factors into seeking the death penalty. I used their research to show the link between prosecutor elections and arbitrary death penalty sentencing.

Phillips, Scott. (2009). Legal Disparities in the Capital of Capital Punishment. The Journal of Law & Criminology, 99(3), 717-755. DOI: 0091-4169/09/9903-0717 Phillips does a great job of showing that having a hired attorney or a court appointed attorney really makes a difference. His research in Texas showed that those with hired attorneys rarely received the death penalty; while those with a court appointed attorney almost always received the death penalty. I will use this
research to show how having the resources to afford an attorney or socioeconomic status also plays a role in death penalty sentencing.


(2003). ACLU Race and the Death Penalty. Retrieved from http://www.aclu.org/capital-punishment/race-and-death-penalty. The ACLU data show that African Americans get the death penalty more so than any other race especially when they have a white victim. I use their statistics to support the argument that African Americans are over represented in death penalty sentencing.

(2011). The Case of Gary Graham - Post-Trial Period \ Capital Punishment in Context. (CPIC) Retrieved from <http://www.capitalpunishmentincontext.org/cases/graham/posttrial>. I used this case to support my argument that African American defendant with a white victim leads to the death penalty thus demonstrating that the death penalty is enforced in a racist manner.

(2011). Troy Davis Case Renews Death Penalty Debate. Retrieved from http://www.npr.org/2011/09/21/140672023/troy-davis-case-renews-death-penalty-debate NPR goes through the Troy Davis case step by step showing possible errors and faults that could’ve led to Davis’ acquittal or release. I used the Davis case as a recent incident where an African American male was sentenced to death and executed for allegedly killing a white victim. I also
used this case as an example of the level of uncertainty in some death penalty cases and as an example of the research that show race matters in death penalty sentencing.

The Innocence Project has helped exonerate about 130 people on death row since their founding. I used their statistics to show that even if people do consider the death penalty an adequate means of punishing those who murder, our means for finding defendants guilty is faulty. Therefore we should consider not imposing the death penalty being that we have sentenced many innocent people to death row.
Outline

Introduction

Racism in Death Penalty Sentencing

1. Race of victim and defendant
2. Individual racism vs. Institutional racism
3. Recent cases
4. Flat Fee Incentive
5. Prosecutor’s influence
6. Racism and control

Conclusion
Introduction

Is the death penalty enforced in a racist manner? Who decides who gets to live or die? In America a jury of your peers decides. But what if your peers are racist? What if your peers associated the color of your skin with being a criminal? After all, the Civil Rights era, segregation, and even slavery did not take place that long ago; people still hang on to their racist feelings and beliefs. And that is why our criminal justice system as a whole is racist. If it is not, why else do we find that “In Louisiana, the odds of a death sentence were 97% higher for those whose victim was white than for those whose victim was black” (Pierce & Radelet, Louisiana Review, 2011). Why did the Innocence Project find that “About 70% of those exonerated by DNA testing are members of minority groups?” (Innocence Project Case Files, 2011) Death penalty sentencing is racist and biased against minorities. Most of the people on death row are minorities and most of those in prison are minorities as well. With such racial discrepancies how fair can death penalty sentencing be? It is not only because of individual racism where people have racist attitudes, but it is due to institutional racism which creates a permanent underclass: people of color.

Why is it that Hispanics and African Americans make up about 12% of the population each, yet both are 2/3’s of the prison population and those on death row? (innocenceproject.com) Why are these groups, in particular African Americans, overrepresented in our criminal justice system? A major part of the problem is that police target low income neighborhoods and police stations are in low income neighborhoods. Our criminal justice system perpetuates racist beliefs through its institutional practices like patrolling, arrests, sentencing, convictions, and imposing the death penalty. Our system assigns attorneys with heavy caseloads to poor minorities who can't afford legal assistance. Politicians crack down on crime to be re-elected, which always
means more minorities in prison or on death row. African Americans are convicted more and sentenced to death more when their victim is white. With all the racist practices it is no wonder 1 in 3 black males born today will end up in prison. Researchers Armour and Hammond found in their report on disproportionate minority contact that,

> African Americans, Hispanics, Asians, Pacific Islanders and Native Americans comprise a combined 1/3 of the nation’s youth population. Yet they account for over 2/3’s of the youth in juvenile facilities. Police practices that target low-income urban neighborhoods and use group arrest procedures also can contribute to disproportionate minority contact. (Armour and Hammond, 2009:4-9)

Police practice racial profiling. Minorities are arrested at higher rates. Minority juveniles are transferred to adult courts at higher rates. According to the National Association for Criminal Defense Lawyers, “The vast majority of those transferred to adult court 82% are minorities.” The National Juvenile Justice Report said, “Low income people and minorities are vastly overrepresented in our juvenile justice system and the National Council on Crime and Delinquency indicates that 3 out of 4 of the 4,100 new admissions to adult prisons were minority youth” (NCJJ, 2011). Most of those going to prison are minority youth and adults. I want to show in my paper that African Americans are sentenced far more than any other group to death because of the color of their skin, disadvantages like having a court appointed attorney, individual racism and institutional racism; I will do so by looking at different studies and cases on the death penalty.
Race of the victim and the defendant

Aggravating factors in crimes get defendants more time and harsher sentences, even the death penalty. The graphic above shows that being black contributes to getting a death sentence. The United States General Accounting Office Report of 1990 found that if victims were white, especially white females the death penalty is sought more often than life sentences (Cholbi, 2006:255). The race of the victim functions like a determining factor. Furthermore, “The American Civil Liberties Union states that 80% of capital punishment cases have a white victim. As of October 2002, 12 people have been executed where the defendant was white and the murder victim black, compared with 178 black defendants executed for murders with white victims” (ACLU 2003). The capital punishment system appears to value a white person’s life more than any person of color. An African American death is not cause for great worry or punishment, but that of a white person must be punished to the greatest extent that the law allows; the death penalty. This system just perpetrates racism because it gives the message that a white life is more valuable and more worthy of a harsher punishment if it is taken away. The system in itself is racist not just the actors. It promotes the execution of African Americans and the actors probably don’t realize it. The problem is beyond them, but the consequences are that
African American's lives aren't valued. It seems like if an African American is murdered their life is not as important or worthy of the death penalty. In short our criminal justice system says African Americans are worthless, unimportant, and not valuable in life and even in death. Why should we support the death penalty when it is enforced with prejudice and racism? The system is created to put away "undesirable people"; not just people who commit crimes, but people whom society doesn’t value because of their color. Research has consistently shown that if the victim is white the death penalty is pursued almost all the time, but not when the victim is African American. In Death By Discretion: Who Decides Who Lives and Dies in the United States of America, by Lucy Adams she found in her research that,

Approximately thirty-four percent of people executed in the United States since 1976 have been black, despite the fact that this minority comprises only twelve percent of the United States population; seventy-nine percent of victims for whom alleged defendants have been executed have been white, despite comprising only fifty percent of all those murdered; and of the 221 people executed for interracial murders, 189—ninety-four percent—have been black (Adams, 2005:382).

The numbers clearly show that African Americans are being overrepresented in the criminal justice system; especially regarding capital punishment. All the empirical research shows that the death penalty is imposed on African Americans more so than any other race. Yet it is still used as an adequate means for punishment. How can we justify a system that only punishes and executes one group of people? Are the other groups not committing murders or crimes that get them the death penalty? African Americans cannot trust or believe in a system that is so unjust to them. So if we continue to get the same results in study after study why do we still use the death penalty? Why don’t we declare a moratorium on the death penalty like so many anti-capital punishment reformers have asked?
In the article Race, Capital Punishment, and the Cost of Murder, Cholbi gives several arguments as to why there should be a moratorium on the death penalty. One of his arguments was,

Killing a young child is nearly always morally worse than killing an adult, as it reflects a certain depravity of mind and terminates a life whose value has hardly begun to be realized. Hence, imposing higher costs or penalties on killing children is reasonable. But the same cannot be said for imposing lower costs on murderers who kill African-Americans. There is nothing intrinsically better about the death of an African-American than the death of anyone else. The judicial system has effectively created a market for murder in which there exist comparatively greater incentives for killing African-Americans. (Cholbi, 2006:261)

He questioned why African American victims don’t make prosecutors pursue the death penalty, but having a white victim almost always called for the death penalty. Cholbi believed that not only was the death penalty unfair to African American defendants and African American victims because their life was treated as less than a white victim, but it was also unfair to African Americans as a class. He recognized that killing a child is worse than an adult, but there was no difference between a white or African American adult and therefore African Americans as a class are discriminated because their lives are treated as less valuable. It seems like there is an underlying belief in our society that African Americans are less than whites and more deserving of harsher punishments and this belief is carried out in our criminal justice system. If both defendants commit the same act in almost the same way, why is one treated differently? It is as though without overtly coming out and saying it; our criminal justice system believes that African Americans are inferior. Death penalty sentencing is like modern day racism done in a not so subtle way. If guilty African American defendants are going to be sentenced to death then so should guilty white defendants; either all groups are sentenced equally or none at all. Because if the death penalty is not enforced fairly, it seems like all our system is doing is executing
African Americans. Cholbi said, “African Americans face greater costs as murderers and those who murder them are given the equivalent of a discount on murder.” If an African American male and a white male both commit the same crime, they should both get the same punishment. There is absolutely no reason other than racism that one gets a more severe punishment than the other. Having an African American or white victim should not matter, neither is worse than the other. But people tend to perceive the murder of a white person inexplicably worse than the murder of an African American. The crimes committed by African Americans and those of whites are not treated the same; whites automatically have an advantage over African Americans: their color.

In a landmark study conducted at the University of Iowa by law Professor David Baldus, it was shown that Georgia’s death penalty was given to African Americans more often than whites. “African American defendants with a white victim were 22% more likely to get the death penalty; white defendants with black victims were only 3% more likely to get the death penalty; while black defendant and black victims were 1% more likely to get the death penalty” (Baldus, 1990). Baldus’ study controlled for over 200 nonracial variables and his study still showed African American defendants especially those who killed white victims were way more likely to get the death penalty. Baldus found that the odds of being executed were 4.3 times greater for defendants who killed whites than for defendants who killed blacks (Baldus 1990). Baldus also found in his study that in 96% of states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both (Baldus 1990). This study was followed by several others in many different states and they showed similar findings. African Americans have become by way of
the media, stereotypes, individual racism, and institutional racism a permanent underclass whom no one values dead or alive.

Individual vs. Institutional Racism

In a 1987 case McCleskey v. Kemp, McCleskey an African American male was convicted and sentenced to the death penalty by electrocution for the killing of a white police officer during the commission of a robbery. McCleskey appealed claiming that his getting the death penalty was unconstitutional because being an African American and having been charged with killing a white male he was more likely to get the death penalty than white defendants. He cited the Baldus study as support for his claim. The Supreme Court rejected McCleskey’s argument saying that he had to prove he individually was discriminated against, not that statistically or overall African Americans were discriminated against in death penalty sentencing in Georgia. But proving individual racism would mean having to show that some individual had racist beliefs or attitudes; which would be difficult to prove because people lie. The court erred because institutional racism is more dangerous and harder to prove. McClesky clearly showed through statistical evidence that the system as a whole was racist by sentencing more African Americans to death and a system that allows racism to be perpetrated is a broken system. Showing that the system benefits those who are white, but not people of color is what the death penalty does. But the Court didn't accept the overwhelming statistical data showing that the death penalty is biased. They wanted proof of individual racism, which people can often lie about and hide.

Michelle Alexander a civil rights attorney and author of The New Jim Crow said,

Since our nation’s founding, African Americans have been repeatedly controlled through institutions, such as slavery and Jim Crow, which appear to die, but then are reborn in new form—tailored to the needs and constraints of the time. For example, following the collapse of slavery, the system of convict leasing was
instituted—a system many historians believe was worse than slavery. After the Civil War, black men were arrested by the thousands for minor crimes, such as loitering and vagrancy, and sent to prison. They were then leased to plantations. It was our nation’s first prison boom. More African American adults are under correctional control today—in prison or jail, on probation or parole—than were enslaved in 1850, a decade before the Civil War began. In 2007 more black men were disenfranchised than in 1870, the year the Fifteenth Amendment was ratified prohibiting laws that explicitly deny the right to vote on the basis of race. During the Jim Crow era, African Americans continued to be denied access to the ballot through poll taxes and literacy tests. Those laws have been struck down, but today felon disenfranchisement laws accomplish what poll taxes and literacy tests ultimately could not. In many large urban areas in the United States, the majority of working-age African American men have criminal records. In fact, it was reported in 2002 that, in the Chicago area, if you take into account prisoners, the figure is nearly 80%. (Alexander, The New Jim Crow 2010)

The Court should have accepted the claim made against institutional racism because it is so much more difficult to fix than individual racism. The prison system is the new way to make people of color particularly African Americans inferior. It is the new way to make them slaves. Once they are labeled a felon or a criminal they can't vote or get decent jobs and are thus forced to do illegal acts like sell drugs to make ends meet. Since today most African Americans have a criminal record of some sort it is easy to discount them and treat them as Alexander said, "second hand citizens." Therefore it also becomes easier to sentence them to death and to not care when they die. The institution treats them as racially inferior with harder sentences and capital punishment and this makes it so that people don't question the system. The system perpetuates the belief that African Americans in prison or on death row is normal because they are inherently more criminal therefore they deserve to die. Thus it is the system that has found a new way to discriminate and enslave African Americans. The system recreates the social hierarchy with whites on top and African Americans on the bottom. They become a permanent underclass and no one cares when a member of the underclass is executed especially for killing a
white person. This is institutional racism because the system functions by incarcerating, convicting, and executing people of color by the masses. There are individual actors in the system who act in a racist manner, but they are not the problem, it is our inherently racist criminal justice system.

Fifteen years earlier in the 1972 case *Furman v. Georgia*, the Supreme Court had decided that the death penalty in the cases tried did constitute cruel and unusual punishment because it was enforced in an “arbitrary and capricious manner.” Some of the justices even said in their opinions that the death penalty was biased because it was mostly given to poor African Americans.

*Furman* did not outlaw the death penalty. It just required states to prevent random, racial, unfair results by giving juries guidance to apply the death penalty fairly. After *Furman*, most states rewrote their death penalty laws to do this. The new laws created a two-phase system for death penalty cases. In the first phase, the jury decides if the defendant is guilty of murder. In the second phase, the jury hears new evidence to decide if the defendant deserves the death penalty. (Herda, 1994)

Then in a 1976 case *Gregg v. Georgia* the Supreme Court ruled that the death penalty was not cruel and unusual punishment because it did deter people from murdering and it is socially acceptable. These cases all led up to the *McClesky* decision. Laws on capital punishment were rewritten, but to this day we still find that African Americans are disproportionately sentenced to death. Thus clarifying the laws and rewriting them did not prevent the criminal justice system from carrying out its racist undertones. Although, the Justices did not find that death penalty sentencing violated the constitution in *McClesky*, this case planted a seed in people’s heads that capital punishment might be racist. *McClesky* was unsuccessful in his lawsuit and the Supreme Court failed to rule the death penalty unconstitutional because of its racist application. These
cases show that there is something unsettling about the death penalty, yet we still use it as a means of punishment. The Court needs to make the distinction between individual and institutional racism. Proving individual racism is impossible because people are not overtly racist in the criminal justice system.

Recent cases

Recently, a few other cases have come to the forefront that has once again shed some light on the possible racist application of the death penalty. They were cases involving African American males convicted for allegedly killing white men. There also existed the possibility that these men were possibly innocent, but they were still convicted and executed. In criminal cases the prosecution has the burden to prove beyond a reasonable doubt that the defendant is guilty, but if there is some doubt juries can acquit. There was yet another case of an African American being executed for allegedly killing a white person in the Gary Graham also known as Shaka Sankofa. The Shaka Sankofa case was well documented by the Capital Punishment in Context (CPIC) website, which documents anything having to do with the death penalty in the United States. CPIC cites that he was executed June of 2000 in the state of Texas under Governor Bush. Graham had been accused of murdering Bobby Lambert (a white male) in a store parking lot, which he claimed until the day he was executed that he didn’t kill him. Graham was on death row for 19 years, many including the NAACP, The New Black Panther Party, and celebrities protested asking for a retrial. He was convicted based on eyewitness testimony because they couldn’t find a murder weapon on him. Graham was 17 and had committed several robberies and a rape in the area, which he confessed to, but he claimed to have never committed the murder. There was no physical evidence and the crime took place in a dark parking lot, therefore it’s questionable whether the primary witness really did see Graham or was led to believe by
investigators through interrogations it was him. Graham had bad legal representation and other witnesses who believed it wasn’t him who shot Lambert were not heard from.

After his execution there was an outcry from the public and from his supporters Al Sharpton, Jesse Jackson, and Quannel X the leader of the New Black Panther Party. The NAACP filed a complaint claiming that in Texas there was blatant racial discrimination in the criminal justice system especially in Harris County where Graham was arrested. Harris County has been dubbed “the capital of capital punishment; if Harris County were a state it would rank 2\textsuperscript{nd} after Texas” (www.epic.org). The NAACP cited in their complaint, “In Harris County the incarceration rate for African Americans was 9 times greater than whites, 61\% of offenders sent to prison were African American although they only made up 18\% of the population in Harris, and 73.3\% of teenagers sentenced to death were African American” (www.epic.org). This is why this case was such a controversy; there was just a continuous line of African Americans sentenced to death in Texas especially in Harris County. There were too many African Americans being punished unjustly in Harris County and this is what outraged the NAACP. Clearly there was some sort of discrimination going on in Harris County because African Americans were vastly overrepresented in the criminal justice system there. This was just another case on top of many where an African American was yet again going to be executed for allegedly killing a white person. There was doubt whether Graham had committed the murder or not, but despite all of the uncertainty he was still executed. None of the cases were clear cut, they didn’t 100\% prove that the defendant had committed the crime they were accused of. But yet someone’s life can be taken just because there is eyewitness testimony; which has been proven unreliable. Our system sends the message that African Americans lives aren’t worth saving. Graham was just another casualty of our broken system.
The case involving Troy Davis, another African American male convicted for allegedly killing a white male resurfaced the capital punishment debate once again. Davis was sentenced to death for allegedly killing a police officer, but there was no DNA evidence. There were only 9 eyewitness testimonies, 7 of which recanted later. There have been many studies that have indicated the unreliability of eyewitness testimony. Yet we convict and sentence people to death like Troy Davis solely on eyewitness testimony. Elizabeth Loftus professor of psychology at the University of Washington has conducted several studies about false memories and the faultiness of eyewitness testimony. She conducted an experiment where she showed people videos of a car accident, and then the participants were asked if there was broken glass. The questions were worded differently to see if different wording would yield different answers. Loftus found that the question, "About how fast were the cars going when they smashed into each other?" supplies a piece of external information, namely, that the cars did indeed smash into each other. When these two pieces of information are integrated, the participant has a memory of an accident that was more severe than in fact it was. Since broken glass corresponds to a severe accident, the participant is more likely to think that broken glass was present.” Her study showed that when people are questioned differently, different answers are produced. She showed that eyewitness testimony is faulty because interrogators can create false memories in the witnesses by leading them to believe things happened. Yet Davis was convicted due to eyewitness testimony; which was later recanted. Despite research like Loftus’ showing that eyewitness testimony is unreliable and false memories can be implanted by police questioning, Davis was still executed. How can so many African Americans be sentenced to death based on faulty eyewitness testimony? There needs to be conclusive DNA evidence against the person, a conviction cannot be based off what others say because people make mistakes. In the tragic Troy Davis case:
The police showed some of the witnesses Mr. Davis' photograph even before the lineup. His lineup picture was set apart by a different background. The lineup was also administered by a police officer involved in the investigation, increasing the potential for influencing the witnesses. In the decades since the Davis trial, science-based research has showed how unreliable and easily manipulated witness identification can be. Studies of 100 felony cases overturned because of DNA evidence have found that misidentifications accounted for between 75 percent and 85 percent of wrongful convictions. The Davis case offers egregious examples of these kinds of error. There is no DNA evidence in this case. There was no weapon found. It is eyewitness testimony. (NPR, 2011)

Clearly there was misconduct by the police officers because they influenced who they would single out in a lineup by showing them Davis’ photograph beforehand. There was no evidence that showed Davis’ absolute guilt or innocence; there was just doubt and when there is doubt juries are instructed to acquit. Davis was ultimately executed, there were riots and protests, but they were all in vein. Davis was just another African American executed by our criminal justice system unfairly. There was no concrete evidence against Davis yet he was still put in prison and then executed for allegedly murdering a white police officer. This was a clear and famous example of what the research on capital punishment has said, “Black offender + white victim= death penalty.” This case was very famous because of all the doubt, all the mistakes made by the police and the investigators. If ever there was a case for a jury to acquit or the death penalty not to be sought, this was it. There was no clear cut case, no extremely incriminating evidence, just doubt and hearsay. It is like Jesse Jackson said in his book Legal Lynching: The Death Penalty and America’s Future, “The death penalty is simply a legal way to execute African Americans.” It just seems barbaric to kill people we aren’t even sure committed the crime and it is questionable that it’s mostly African American males being executed. Why not only sentence individuals to death when there is DNA evidence? Why not investigate further into the claims that the death penalty is being enforced arbitrarily instead of just practicing it unsure of its
effectiveness? It seems like being African American in the United States is a seal to a conviction because no matter how much doubt or uncertainty there is, they get the death penalty.

Flat Fee Incentive

Not only is race a factor, but so is having a hired attorney instead of a court appointed one. Researcher Scott Phillips studied this in Texas, including Harris County where Gary Graham was executed. He found that those too poor to afford an attorney and thus had a court appointed attorney were more likely to get the death penalty than those who could pay for legal representation. Also, “Under flat-fee compensation, the defense counsel receives a standard fee for a capital case disposed at trial regardless of the number of hours worked” (Phillips, 2009:728-732). Flat-fee compensation is just a set amount given no matter the number of hours spent working on the case. This could encourage some attorneys to put in the least amount of hours possible because they have other cases where they were being paid by the hour to focus on. Why work extremely hard and put in a lot of man hours on a case where the attorney knows they are only being paid a flat-fee? They won’t get paid anything extra or even their normal fee for putting in any extra work. Flat-fees can take the incentive out for the attorney to do everything in his power to get his client off. Some attorneys meet their clients the day of and have barely looked at their client’s file before they go in to see the judge. If someone is accused of murder they need their attorney to focus completely on getting them the least amount of time possible. Attorneys won’t be motivated to work on cases where they know they aren’t going to make a lot of money. Phillips also found that court appointed attorneys must request support services from the judge, “32% of which are denied.” An attorney who was hired by the defendant on the other hand would simply get what he needs like an expert witness or investigator and bill his client. The court appointed attorney can’t build a strong case if he can’t have experts or other support
services at his disposal. Therefore the client isn’t defended to the attorney’s best ability. Phillips also said, “Sometimes court appointed attorneys don’t work in the best interest of their clients because being court appointed they must remain in the good graces of the judge if they ever want another case given to them instead of another attorney.” (Phillips, 2009:728-732) Having an attorney who prioritizes keeping the judge happy over doing anything possible to help his client is not good especially in a criminal case.

These practices are probably additional factors as to why Texas is the number 1 state for executions and Harris the number 1 county. Phillips found in his survey of Texas judges and attorneys that, “Judges took into consideration whether the attorney they would appoint was a political supporter, friend, or if he contributed to the judge’s election.” With Phillips study it seems that being poor, usually a minority, and having a court appointed attorney lead to a death sentence. Phillips study of the 504 cases in which Texas could seek the death penalty showed a very strong relationship between having court appointed attorneys and getting the death penalty. He found in his study,

The DA sought death against just 3% of defendants with hired counsel, compared to 26% of defendants with mixed counsel (those who hired counsel, couldn’t afford anymore and thus had counsel appointed by the court) and 27% of defendants with appointed counsel. Moreover, no defendant with hired counsel received a death sentence, compared to 14% of defendants with mixed counsel and 23% of defendants with appointed counsel. How did all thirty-one defendants with hired counsel escape the ultimate state sanction? The central mechanism was to negotiate a plea bargain: 68% of defendants with hired counsel negotiated a plea bargain compared to 30% of defendants with appointed counsel and 24% of defendants with mixed counsel. (Phillips, 2009:728-732)

These statistics show that if a defendant can afford to hire an attorney, he has less chances of receiving the death penalty and more chances of getting a plea bargain. Poor people are not able to afford attorneys, although sometimes they can get their families to pitch in and help with legal
fees. Those who are rich can afford an attorney who will protect and defend them to the best of their ability. Those not lucky enough to afford an attorney are usually minorities. Thus not only is there a racial disparity in death penalty sentencing, but there is also a socioeconomic disparity. Apparently the facts of the case aren’t the only thing that matters when it comes to receiving the death penalty because if they were then having a hired attorney or a court appointed attorney wouldn’t matter. If a defendant with a hired attorney and a defendant with a court appointed attorney both committed the same kind of murder then why does one receive the death penalty while the other one does not? Those with the most money are most able to hire attorneys and thus not get sent to death row because they get a better defense, with more resources, and their best interests are fought for. Phillips found those that could hire representation for the entire case never received the death penalty and those that could hire representation for part of their case were least likely to get the death penalty compared to those who only had court appointed attorneys, who almost always received the death penalty. This study was only done in Texas, specifically Harris County, where there is no public defender’s office just court appointed attorneys. Therefore, Phillips was hesitant to generalize his findings to all of the United States and suggested further studies be done on the topic. But perhaps it’s as Sister Prejean an anti-death penalty advocate said, “Capital punishment means those without the capital get the punishment.”
Prosecutor’s influence

**Fig. 9: Race of District Attorneys* in Death Penalty States**

<table>
<thead>
<tr>
<th>State</th>
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<th>Black DAs</th>
<th>Hispanic DAs</th>
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<tr>
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<td>0</td>
</tr>
<tr>
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<td><strong>22</strong></td>
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Professor Jeffrey Pokorak of the Cornell Law Review said that 98% of the chief district attorneys in death penalty states are white; only 1% are black; which is questionable because they have a lot of discretion in sentencing (Dieter 1998). The figure above shows that in the states where the death penalty is legal there are mostly white prosecutors, yet most on death row are African American, therefore those responsible for sentencing people to death are white. Prosecutors have the power to decide whether to pursue the death penalty or not and what charges if any to give a defendant. Petrie and Coverdill’s research focused on how ethnicity and race influenced who got longer sentencing, the death penalty, and who dies. They believed that African Americans and Latinos were more likely to be executed; especially if the victim was white. They found that one factor in biased sentencing and punishments were that prosecutors or judges want to appear tough on crime because they want to be reelected or obtain a higher position. People want someone in office who puts the bad guys away and fries the killers. The most recent
Gallup poll which is from 2011 shows 61% of Americans favor the death penalty for those convicted of murder (www.gallup.com, 2012). To prosecutors it is more convenient to put away a person of color in order to uphold the “tough on crime” image, than to investigate further or give a lesser punishment. People feel safer with politicians and prosecutors who are tough on crime. The belief that crime is on the rise leads people to elect tough prosecutors with high conviction rates and leads prosecutors to push for tougher sentences. All of this creates a problem because are we really putting away criminals or punishing people unjustly for prosecutors to have good statistics? Prosecutorial discretion is another example of individual racism, “After all in 47 states prosecutors are still elected; therefore they tend to support tough on crime policies because people care more about prosecutorial wins than the strategies used to cut crime” (Unah, 2003). Professor Unah studied how electoral incentives shaped prosecutor’s decisions in North Carolina and found that, “The racial threat hypothesis suggests that whites in racially heterogeneous communities perceive a social and economic threat from blacks; therefore, whites would favor politicians who would address such a threat through existing social and political institutions” (Unah 2003). This is probably because Blacks are seen as a racial underclass that doesn't deserve benefits of the White class. Alexander said in her book The New Jim Crow that, "Black with a criminal record are treated as having an incurable defect, they are discriminated in housing, jobs, can't vote, and can't serve on a jury" (Alexander, 2010). Therefore the system creates a cycle where people of color are literally trapped and keep committing crimes to make ends meet. They are given no way out. Blacks are committing more crimes, but we fail to realize that we give them no other option. And when people feel threatened by the minority populations in their communities they want harsher punishments. Therefore prosecutors push for longer sentences, more convictions, and the death penalty;
especially in cases involving minorities with white victims. This is how racism and discrimination are perpetuated, “These beliefs may persist and be influential because they have, typically in a more masked form, been espoused for political advantage by conservative political elites. These elites have both identified crime with race and vigorously supported get-tough crime control policies, including capital punishment (Beckett and Sasson 2000). People won’t question the decisions to seek the death penalty in certain cases because they elected those officials and thus trust them to be exercising their powers properly. This could be why there has been such an arbitrary enforcement of the death penalty because people trust and believe that all those defendants the prosecutor sentenced to death really committed their crime. Prosecutors want to be elected and re-elected therefore they will follow what the people want; which is convictions. Gordon and Huber in their Citizen Oversight and the Electoral Incentives of Criminal Prosecutors study found that citizens tend to evaluate prosecutor’s performance by their number of convictions, plea bargains, acquittals, and cases sent to trial. Thus in elections candidates announce these numbers as incentives for their being elected; which leads to people voting for those with the best averages. This makes trying someone’s life a competition that no one can win. People don’t question that it is mostly African Americans being sentenced to death and in some recent cases based solely on eyewitness testimony. Politicians push for policies that make them appear to be cracking down on crime. Petrie and Coverdill’s research found,

A common stepping stone to the judicial bench is through a prosecutor’s office. The publicity that can flow from trying a capital case can be invaluable for a prosecutor with judicial ambitions. Once on the bench, judges in many states are subject to elections, often partisan (as in Texas), where their decisions in capital cases can be, and often are, used in efforts to unseat them. Promotions to higher courts require political sponsorship and in some cases electoral support that depends upon compelling evidence that the judge is “tough on crime” as he or she confronts capital cases. Bright and Keenan (1995) summarize the situation well: “unpopular decisions in capital cases, even when clearly compelled by the law, may cost a judge her seat on the bench, or promotion to a higher court” (p. 760).
Brace and Boyea (2008) find that judges are most likely to affirm lower court rulings on capital cases in states that retain judges electively. (Petrie and Coverdill, 2010:630-652)

Judges are elected therefore they need to uphold images and records of putting criminals away. Those with District Attorney or Judicial aspirations must execute murderers and rapists. They want to be the person with the best record, most convictions, most executions etc. The public will vote for those who appear to be “tough on crime.” Elrod and Ryder said that, "Get tough reformers are concerned with accountability, deterrence, and punishment as opposed to treatment and rehabilitation." Politicians benefited from the movement because those that had Get Tough policies were seen as stronger or better candidates than those weak on crime. They started pushing out legislation to put more people away; which led to prison overcrowding and the creation of more facilities. It’s best to uphold one’s image as tough on crime and not look weak by being against the death penalty or not asking for the death penalty in cases that lack DNA evidence. Beckett and Sasson authors of the book Politics of Injustice said, "Politicians with the help of the media have made crime fighting a topic of significance through equating the 'drug problem' to many of the street crimes and poverty; and used this link to combat social welfare programs and get reelected" (Beckett and Sasson 2004). Politicians and lobbyists want longer sentences and tougher crime regimes. They push for zero tolerance policies and 3 strikes laws to put more people behind bars. Vicky Pelaez, author of the article “The Prison Industry in the United States: Big Business or a New Form of Slavery?” found in her research that,

For the tycoons who have invested in the prison industry, it has been like finding a pot of gold. They don't have to worry about strikes or paying unemployment insurance, vacations or comp time. All of their workers are full-time, and never arrive late or are absent because of family problems; moreover, if they don't like the pay of 25 cents an hour and refuse to work, they are locked up in isolation cells. There are incentives to lock people up. (Pelaez, 2008)
Therefore putting people behind bars, sentencing people to life in prison, and giving people the death penalty is all business; it is all profit driven. People seeking promotions like being appointed a judge or becoming district attorney need to have a good record of imposing tough sentences and not taking it “easy” on anyone or else they risk losing their career. With incentives and motives like making money or getting promotions; it’s no wonder capital punishment is used in the United States. In 2007 Corrections Corporation had revenue of $1.4 billion. Davis points out that, “Between 1996 and 1997, CCA's revenues increased by 58 percent, from $293 million to $462 million;” with prison budgets increasing every year especially in California. To criminalize and arrest a group of people for profit is just repugnant. Angela Davis a political activist and scholar says, “To deliver up bodies destined for profitable punishment, the political economy of prisons relies on racialized assumptions of criminality – such as images of black welfare mothers reproducing criminal children and on racist practices in arrests, convictions, and sentencing patterns”(Davis 1998). At the end of the day it’s all politics and money.

Racism and Control

Whites believe African Americans are naturally prone to commit more crime and deserve the death penalty for the worst of crimes: murdering a white person. That is why we consistently find more whites in favor of the death penalty than African Americans. A 2002 General Social Survey (GSS) shows that 73 percent of whites and 44 percent of African Americans support the death penalty for convicted murders-a gap of 29 percentage points (Unnever and Cullen, 2007: 1281). White elites attribute the disproportionate rate of crime among African Americans to cultural deficiencies either ignoring or discounting the systemic manifestations and consequences of white racism. Whites no longer include racial inferiority in their explanations of African
American crime but focus on various cultural deficiencies such as disorganized families and communities (Unnever & Cullen, 2007: 1284). Besides the profit incentive the death penalty and incarceration in general are used as a means to control the poor and people of color. People no longer question when they see minorities being arrested or incarcerated on the news because they’ve been led to believe that these people are inherently criminal. In a content analysis Youth, Race, and Crime in the News researchers Dorfman and Schiraldi found astonishing misrepresentations of minorities in the media. For example, "In 75% of studies African Americans were shown as perpetrators, 22% more likely to be shown committing a violent crime; while whites were 31% more likely shown committing a nonviolent crime." All the crime stories in the media outlets are about minorities committing crimes. Their crimes are blown out of proportion and exaggerated. Crimes committed by whites seem to be nonexistent. Misrepresentations like this in our media create justifications for our criminal justice system to incarcerate and give death penalty sentences to minorities at extremely higher rates. People believe African Americans are criminals and blame them for ending up on death row. They don’t blame racial profiling, police targeting low income neighborhoods, or racism in the criminal justice system. Prison and the death penalty are used as a means to control minorities who the media has helped people perceive as dangerous. Researchers Unnever and Cullen wrote in their article The Racial Divide that whites tend to believe African Americans are the criminals of our society and they use the criminal justice system as a means to put these undesirable people away.

The criminal justice system is used by whites to subordinate minorities groups and whites have constructed an ideology that justifies this injustice. In this context, prejudiced whites might see the death penalty as a much-needed sanction that the criminal justice system can use to suppress the behavior of "dangerous" minorities. Whites are likely to hold distorted stereotypes that lead them to assume that most violent criminals, including those on death row, are African American.
Thus, racist whites may assume that, in practice, lethal penalties are applied overwhelmingly to African Americans, not whites (Unnever & Cullen, 2007:1283).

With the media showing minorities committing crimes and being arrested these overrepresentations help people form opinions of minorities as criminals. Once people are labeled a criminal it becomes much easier to sentence them to death. African Americans like Troy Davis who might have been innocent, never stand a chance up against a society and a criminal justice system that already assumes their guilt.

Conclusion

African Americans are vastly overrepresented in death penalty sentencing. There are many African Americans currently awaiting execution. They are unjustly discriminated against in The United States every day. African Americans are sentenced to death row for killing whites, but their deaths aren’t viewed as worthy of punishment. How can we justify the continued mistreatment of African Americans in America today? Slavery is over, but has a new form of controlling African Americans emerged? It seems like our criminal justice system is now used as a means to control minorities. What other reason could there be for African Americans to be executed and incarcerated at higher rates than other groups? In *Masking the Divide* Holman said, "Whites today did not participate in slavery but they surely recreate white supremacy on a daily basis" (Holman 2001). The function of our criminal justice system is to perpetuate inequality and maintain white privilege. By flooding the prisons with people of color, the dominant group gets rid of the possible threats to their power. They also manage to define an entire group as criminal, so that they are completely discredited in society’s eyes. This is how institutional racism works it benefits the Whites at the top and severely disadvantages African
Americans on the bottom. By incarcerating and even worse executing African Americans, society recreates the racism of slavery, an era most thought was gone. There is an undercover genocide of African Americans masked by the criminal justice system. "After emancipation the courtroom became an ideal place to exact racial retribution, criminal justice system became a legal form of lynching" (Davis 2003). Angela Davis says here that the criminal justice system was like an extension of slavery, now that slavery was over whites needed a new way to control blacks so they created the criminal justice system and the prison system to legalize their mistreatment of blacks. Society needed a means to keep them down and keep the power in the hands of the whites and they got it through criminalizing blacks. Davis also mentions, “Prisoners were 99% white until slavery ended and blacks filled the prisons; the growing number was because blacks were thought of as inherently criminal.” Incarcerating and executing African Americans are the modern forms of exercising racism. We appoint attorneys who don't care or don't have time. We execute and incarcerate them to be voted into office. We deny the existence of institutional racism. Things are just as Sister Prejean a death penalty abolitionist said, "When people of color are killed in the inner city, when homeless people are killed, when the "nobodies" are killed, district attorneys do not seek to avenge their deaths. Black, Hispanic, or poor families who have a loved one murdered not only don’t expect the district attorney’s office to pursue the death penalty-which of course, is both costly and time consuming-but are surprised when the case is prosecuted at all" (Dieter,1998).
Bibliography


Decides." Death Penalty Information Center. Death Penalty Information Center.


Document - United States of America: Imminent Execution of Juvenile Offender (update)


Furman v. Georgia, 408 U.S. 238 (1972)


http://web.ebscohost.com.ezproxy.lib.calpoly.edu/ehost/detail?vid=3&hid=104&sid=1c06b5069c0e4036a0601b30fc8cb6e2%40sessionmgr114&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=afh&AN=6427492


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