



THE DEATH PENALTY IS ROOTED IN RACIAL BIAS

Race plays a decisive role in who lives and who dies in the United States. But these racial inequities are nothing new. We can trace a direct line from the horror of lynching to today's use of the death penalty, which continues to be used as a tool of injustice and discrimination.

FROM NOOSE TO NEEDLE: THE RACIST HISTORY OF THE DEATH PENALTY

- The U.S. death penalty is a direct descendent of racial terror lynchings that have been perpetrated on African Americans since their arrival in America, as well as other people of color and those without position or power. Fueled by the myths of racial superiority and white supremacy, the torture and murder of Black people has historically been overlooked, and even sanctioned by the government.
- Capital punishment is the modern incarnation of hundreds of years of racial control that began with slavery and became the underpinning of our entire legal system. While the method of execution has changed over time, from hanging to electrocution, and from firing squad to lethal injection; the practice has always been cruel and unusual.
- Discrimination in capital punishment was explicitly written in many states' laws during slavery. Black people – whether slaves or not – faced the death penalty for crimes that a white person could not legally be executed for. In Virginia, before the Civil War, there were over 60 capital crimes for slaves but only one for white people. According to one local account from Virginia, the execution of a white person was so rare as to be a “strange spectacle.”

THE DEATH PENALTY IN THE POST CIVIL WAR PERIOD

- Lynching peaked in the decades after the Civil War, becoming a terrorizing form of extra-judicial executions carried out largely against Black people. Lynchings declined the first part of the 20th Century, but executions became more common, in effect replacing lynching as a tool of racial violence against African Americans.
- A full 75% of those executed in the South from 1910 to 1950 were Black, even though Black people were less than a quarter of the South's population.

- Black defendants often received little due process, as trials and executions sometimes both took place in a single day.
- George Stinney, at 14 years old, was the death penalty's youngest victim during this era. After a two-hour trial and only 10 minutes of deliberation, an all-white jury sentenced him to death for the murder of two white girls. The testimony of an alibi witness and other evidence now point to Stinney's innocence, which resulted in him receiving a posthumous exoneration in 2014 – 70 years after his execution.

RACE STILL IMPACTS WHO IS SENTENCED TO DIE

- The Supreme Court outlawed the death penalty in 1972 because of its biased and arbitrary application. States then rewrote their death penalty laws to create more consistency in death sentencing, bringing the death penalty back in 1976. Not surprisingly, the revised laws failed to eliminate racial bias as promised.
- The race of the victim(s) continues to have a significant impact on who is sentenced to death and executed in the U.S. In cases resulting in execution, 75% of the victims are white, even though white people make up approximately one half of all murder victims in the U.S. Black people account for 34% of the people who are executed, even though they only account for 13% of the U.S. population.
- Studies in states as diverse as California, Ohio, and Georgia have found that people convicted of murdering a white victim were many times more likely to get sentenced to death than people convicted of killing African Americans or Latinos.
- The U.S. Supreme Court acknowledged racial bias in the death penalty system during the landmark case, *McCleskey v. Kemp*. But the Justices ruled 5-4 that such bias did not violate the Constitution.
- The high-profile nature of the death penalty fuels racist narratives about violence and justice. Even as criminal justice reformers are making progress in non-violent and juvenile cases, significant sentencing reform will continue to be thwarted by the public's fear of crime, perceptions of Black dangerousness, and the thirst for vengeance that the death penalty infuses into public consciousness unless we address the role that capital punishment plays.

The death penalty's stark racial disparities send a message that the lives of people of color are less valuable than others. This is unjust in its own right. It also compromises the integrity of the entire justice system. The death penalty is a tool of our shameful past – and that's where it should stay. **Learn more at enddeathpenalty.org.**