

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **USA: death by discrimination - time to halt executions**

The death penalty in the United States of America remains an act of racial injustice as well as an inherently cruel and degrading punishment, Amnesty International said today as it issued a new report on the continuing role of race in capital cases in the USA.

"President Bush has promised that the United States will always stand firm for equal justice," Amnesty International said. "If that's true, he and other politicians must call an immediate halt to executions in the face of studies consistently indicating that the justice system places a higher value on white life than on black".

Blacks and whites are victims of murder in almost equal numbers in the USA, but 80 per cent of the more than 840 people executed since judicial killing resumed in 1977 were put to death for murders involving white victims.

Most murders in the USA involve perpetrators and victims of the same race, yet nearly 200 African Americans have been executed for the murder of white victims --15 times as many as the number of whites put to death for killing blacks, and at least twice as many as the number of blacks executed for the murder of other blacks.

African Americans account for 12 per cent of the population, but more than 40 per cent of death row and one in three of those executed. The USA will soon execute its 300th African American prisoner since 1977.

"At least one in five of the African Americans executed since 1977, and a quarter of the blacks put to death for killing whites, were tried in front of all-white juries," Amnesty International continued. "What were the odds of this happening for entirely non-discriminatory reasons?"

The cases show a pattern of prosecutors dismissing minority jurors during jury selection. Prospective jurors may only be excluded for "race neutral" reasons in US capital trials, but this protection only catches the most overtly racist prosecutorial tactics. Even in the absence of questionable dismissals, however, defendants have faced jury pools in which minorities are under-represented in the first place.

"US capital juries do not represent the community because death penalty opponents are kept off them," said Amnesty International. "This is compounded where, for whatever reason, members of minority communities are under-represented in the pools from which jurors are selected".

Recent research into the attitudes of capital jurors indicates that racial stereotyping can taint juror deliberations, and that the racial mix of juries can play a role in the outcome of capital trials. Two black prisoners were executed last month despite allegations that the solitary African American on each of their juries was singled out for pressure by white jurors to change their vote from life to death.

"It is over eight years since the USA ratified the Convention on the Elimination of All Forms of Racial Discrimination (CERD), thereby committing itself to work against racism and its effects, including in the justice system," Amnesty International noted. "As far as capital justice goes, there has been a manifest failure of human rights leadership. For example, the Bush administration allowed federal executions to resume in 2001 and to continue this year despite having failed to explain racial disparities in federal capital sentencing."

A 1987 US Supreme Court ruling, *McCleskey v Kemp*, remains a huge obstacle for legal challenges to death sentences on the grounds of racial bias in capital sentencing. In 2001, for example, a federal court referred to the racial disparities on Ohio's death row as "extremely troubling", but felt unable to offer any remedy because of the *McCleskey* precedent. A United Nations expert has said that the *McCleskey* ruling may be incompatible with the USA's obligations under CERD.

One of the hallmarks of the US capital justice system is the number of errors, at both the conviction and sentencing stage of death penalty trials, discovered on appeal. A landmark study released last year concluded that race is one of the factors that feed the high error rate in capital cases.

"We don't believe the courts catch all inequities, including those caused by conscious or unconscious racism among the decision-makers in capital cases," Amnesty International said. "What is more, the tough-on-crime politics of the death penalty means that executive clemency is not the fail-safe it is supposed to be. The only appropriate response to human fallibility is abolition of this irrevocable punishment".

"The USA's continuing resort to judicial killing gives the lie to its self-proclaimed status as global human rights champion," Amnesty International continued. "The fact that the condemned are selected for death under a system tainted by discrimination and error compounds the country's shame and lends weight to accusations of hypocrisy levelled at its leadership".

## **Background**

Maryland Senators last month rejected a bill to impose a moratorium on executions in the light of a recent study showing significant racial bias in Maryland's capital sentencing -- specifically that those who kill whites are more likely to receive a death sentence. When outgoing Illinois governor George Ryan commuted the death sentences of 167 people in January, he cited the failure of past Illinois legislatures to fix the state's problems with the death penalty. He stressed that these flaws went beyond Illinois's notorious record of wrongful convictions, and into questions of arbitrariness, with race being one of the ingredients.

See *Amnesty International's report, [USA: Death by discrimination - the continuing role of race in capital cases](#)*.

Public Document

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