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Death by discrimination: Skin colour influences who lives and dies in the US judicial system

African Americans are being killed by the United States government after being condemned to death by a judicial system infected by racial prejudice, a new Amnesty International report says.

“Today, whether you live or die in the USA as a result of your crimes appears to be largely determined by the colour of your own skin and the race of your victim,” said Pierre Sané, Amnesty International’s Secretary General, during the launch of the report, adding that “the Federal authorities are unwilling to act because of the popularity of the death penalty.”

The report, *Killing with Prejudice: Race and the Death Penalty in the USA* -- launched in Ghana today to coincide with the Fifth African - African American Summit in Accra -- highlights the fact that racial discrimination, while more subtle than in the past, continues to play an equally deadly role in the US legal system.

Amnesty International has repeatedly brought the racist use of the death penalty to the attention of the US authorities over many years, but has been ignored or told that the problem does not exist. The organization continues to challenge the US authorities to ensure that the

equal rights guaranteed by the US Constitution become a reality for all its citizens.

“Visibly racist symbols like the 1950s “Whites Only” signs would today seem abhorrent to most people in the US, yet they silently witness a more subtle racism that is deeply ingrained in the system presiding over the ever increasing chain of executions of African Americans,” Pierre Sané said.

The report cites numerous ways in which racial prejudice can infect a capital trial: prosecutors seek the death penalty more often, or in some cases solely, against blacks; jurors openly use racism terms while deliberating whether a defendant should live or die; prospective jurors are denied the opportunity to sit in judgement on their peers because of their colour; judges make racist statements.

Recent research into the attitudes of jurors in capital cases sheds a disturbing light on a process which may be far less impartial than the requirements of justice demand. It shows that ethnic bias does not always stop at the door of the jury room. Comments made under anonymity by some jurors included: “He (the defendant) was a big man who looked like a criminal... He was big and black and kind of ugly. So I guess, when I saw him I thought this fits the part”.

Statistical evidence overwhelmingly shows that the judicial system values white life over black: defendants are far more likely to be executed for the murder of a white victim. Of the 500 prisoners executed between 1977 and end of 1998, more than 81 per cent were convicted of the murder of a white, even though blacks and whites are the victims of homicide in almost equal numbers nationwide.

The odds of a death sentence in cases in which blacks killed whites has been shown to be as much as 11 times higher than in the murder of a black victim by a white person.

“Despite the overwhelming evidence to the contrary, authorities in the USA firmly deny that the use of the death penalty is in any way influenced by racial prejudice,” Mr Sané said.

Their denials follow execution after execution that have racial overtones. Most recently, Manny Babbitt was put to death on 4 May 1999; yet another black man killed for the murder of a white victim, convicted by an all-white jury.

“Most officials with whom we have talked would likely accept that instances of racial discrimination are an everyday occurrence in US society, yet -- even when confronted by undisputable evidence -- few are willing to acknowledge its contamination of the capital judicial system.”

“This refusal of the US authorities to admit and address the fact that the death penalty is being applied on the basis of race, ethnicity and social status is a key indication of the extent of the problem,” Mr Sané stressed.

While the report primarily addresses prejudice against the African American community in the USA, it also makes clear that discrimination in the criminal justice system is not limited solely to black people; prejudice also applies to Latinos, Native Americans, Asian Americans, Arab Americans and others.

“What we want to highlight today is that racial discrimination pervades the US death penalty at every stage of the process,” Mr Sané

stressed. “Any political leadership which can ignore this reality is incapable of instituting meaningful reforms.”

“There is only one way to eradicate ethnic bias, and the echoes of racism, from death penalty procedures in the USA -- and this is by eradicating the death penalty itself,” Mr Sané concluded.

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