

# Baumgartner, POLI 203 Fall 2014

Racial factors on death row

Reading: two articles about race:  
Baumgartner et al, and Blume et al.

September 10, 2014

# Catching up

- Two common causes of wrongful convictions illustrated here
  - False / coerced confessions
  - Defendants who can't fight back
  - Brady violations
  - Highly emotional character of the trial with a great deal of pressure to “make someone pay”
  - Defendants who seem perhaps capable of truly heinous crimes: mentally ill, or mentally challenged

# Themes

- False, coerced confessions
- Vulnerable people charged
  - Capital punishment: “If you ain’t got the capital, you going to get the punishment” – Harold Brown, exonerated from Penn. Death row, to Frank B.
- Brady violation (aka, withholding evidence favorable to the defense)
- Media interest in vicious crimes, emotional nature of the crime, “someone has to pay”
- Jury decisions would certainly be swayed by such emotional testimony
- Mentally ill or mentally deficient defendants can appear “scary” or “capable” of horrible crimes. So they are doubly vulnerable.

# Race, Innocence, and the End of the Death Penalty

- Race. Check.
- Innocence. Check.
- See attached list of exonerations since 1991 on web site
  - 28 cases
  - 6 from death row
  - 390 years of wrongful incarceration

# NC death row exonerees in recent years:



# Race

- Blume et al.
- Published in 2004
- The big surprises:
- Af-Am murderers: 50 percent
- Af-Ams on death row: 40 percent
- What gives?
- Further, Southern states show an even greater under-representation of Af-Ams on death row, compared to homicide offenders in general.

# A Racial Hierarchy of Victims

- Likelihood that capital charges will be brought:
- White female victim
- Black female
- White male
- Black male
- (Note that 80 percent of victims are male)
  
- Most crimes are within race. Black offenders mostly kill Black victims, and these crimes are very unlikely to lead to capital charges.
- Therefore, studies simply looking at offender race have not shown huge biases.

# Confusing, complicated, and politically charged

Offender	Victim	Likelihood of Capital Charge	Common or Rare?
WM	WM	=	Common
WM	WF	+	Rare
WM	BM	---	Rare
WM	BF	+	Rare
BM	WM	++	Rare
BM	WF	++++	Rare
BM	BF	+	Rare
BM	BM	-----	Common



# Blume et al:

- Death Sentence Rate: DR population / known offenders. Note that Table 1 shows very low numbers. The top state, NV, has 124 death row inmates but over 2,000 homicides in the time period with known offenders: so the rate is .06, or 6 percent.
- High rates: NV, ID, OK, DE (Figure 1, map)

# Black offenders / Black Death Row

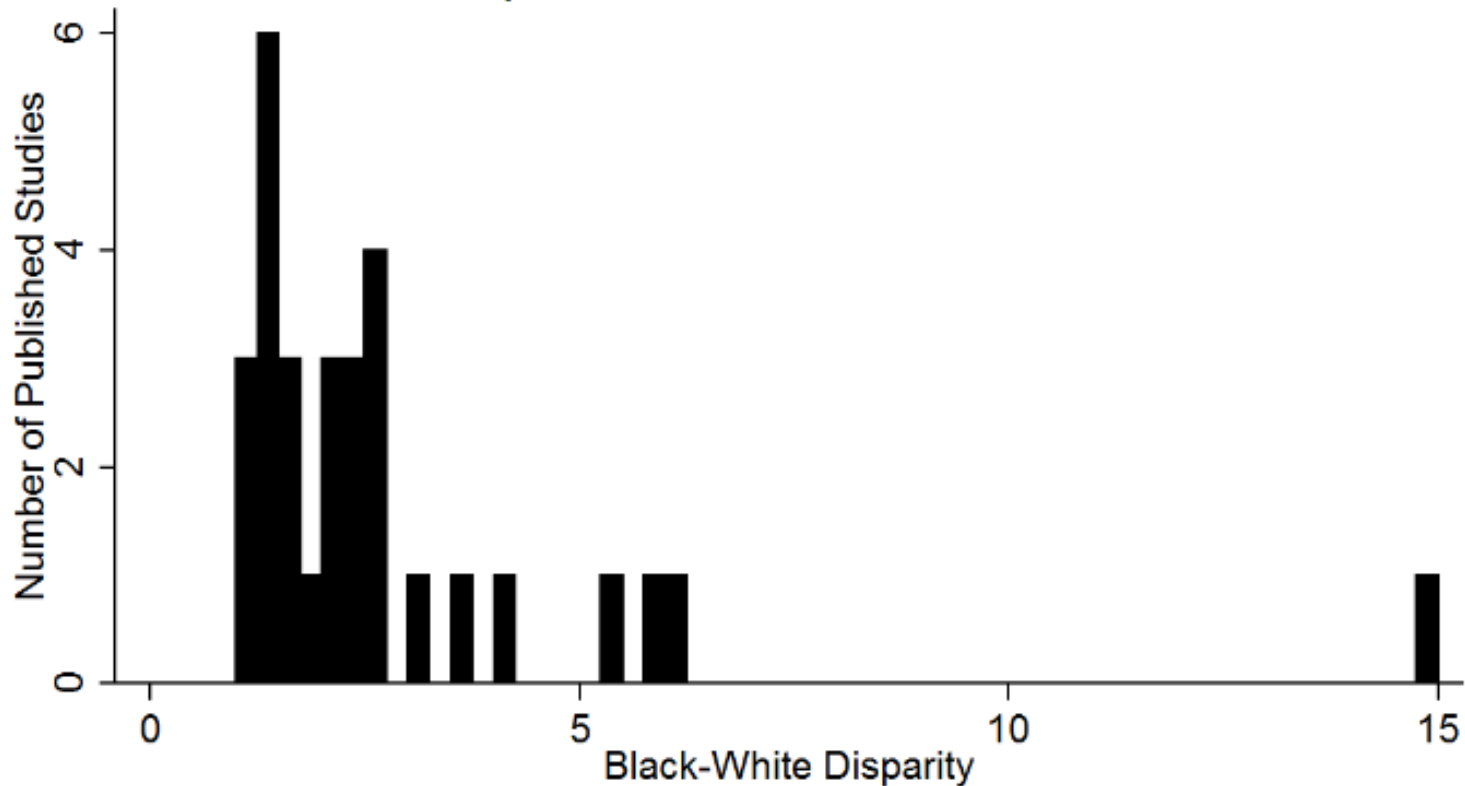
- Table 5 and Figure 3: Blacks systematically UNDER- represented on death row
- Table 8: rates of death sentencing per homicide range for one state: Georgia:
  - B-B, 4.5, W-W 41.7, B-W, 99.2, W-B, 21
  - But note the numbers, not only the rates:
  - B-B 7,091; W-W, 2,734; B-W, 726; W-B, 187

# Baumgartner et al study

- All executions since 1976, victim information
- Compare to BJS homicide statistics
- Similar to previous study, but national-level

# Published Literature: Decision to Prosecute Capitially

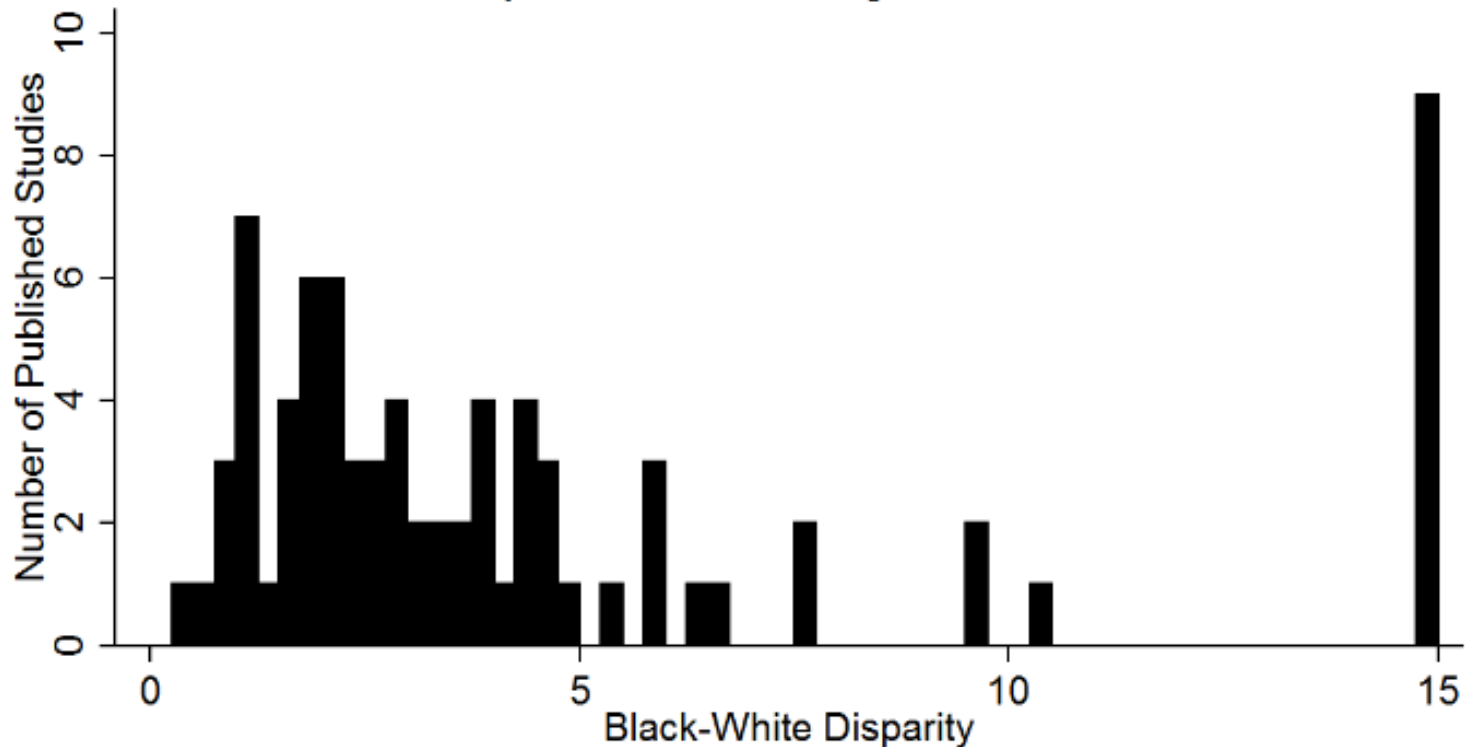
Race-of-Victim Effects  
in Published Capital Prosecution Studies



Based on 30 published studies; mean = 2.85, min = 1.1, max = 14.93  
Note: Numbers greater than 1.0 indicate higher rates at which killers of whites are charged capitially compared to killers of blacks.

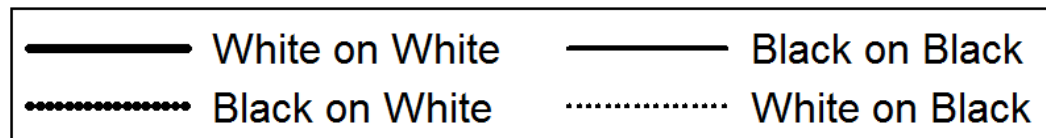
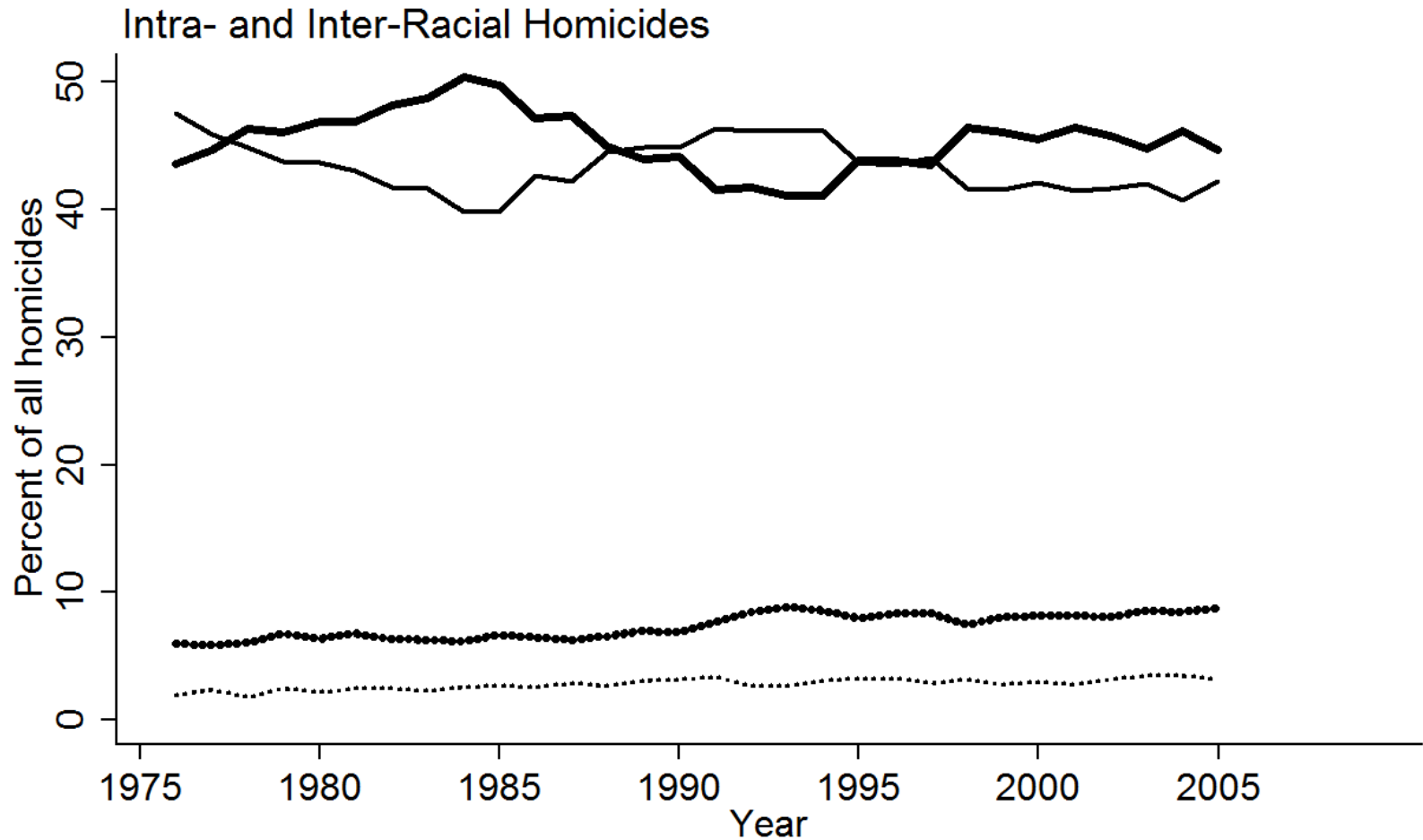
# Race of Victim: Sentencing

Race-of-Victim Effects  
in Published Capital Sentencing Studies

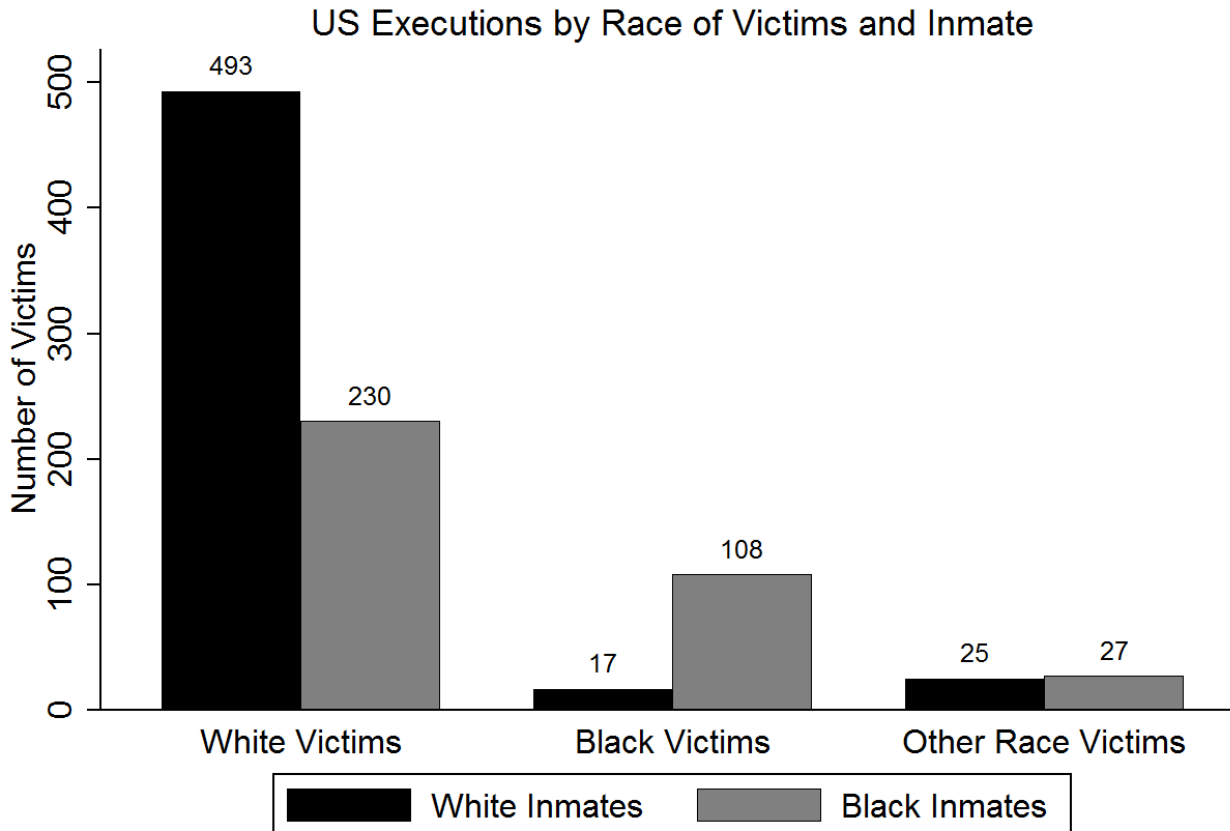


Based on 78 published studies; mean = 6.93, min = 0.49, max = 34.1  
Note: Numbers greater than 1.0 indicate higher rates at which killers of whites receive a death sentence compared to killers of blacks.  
Nine very high values are clustered at 15 for presentation.

# Crimes are within Race, over time

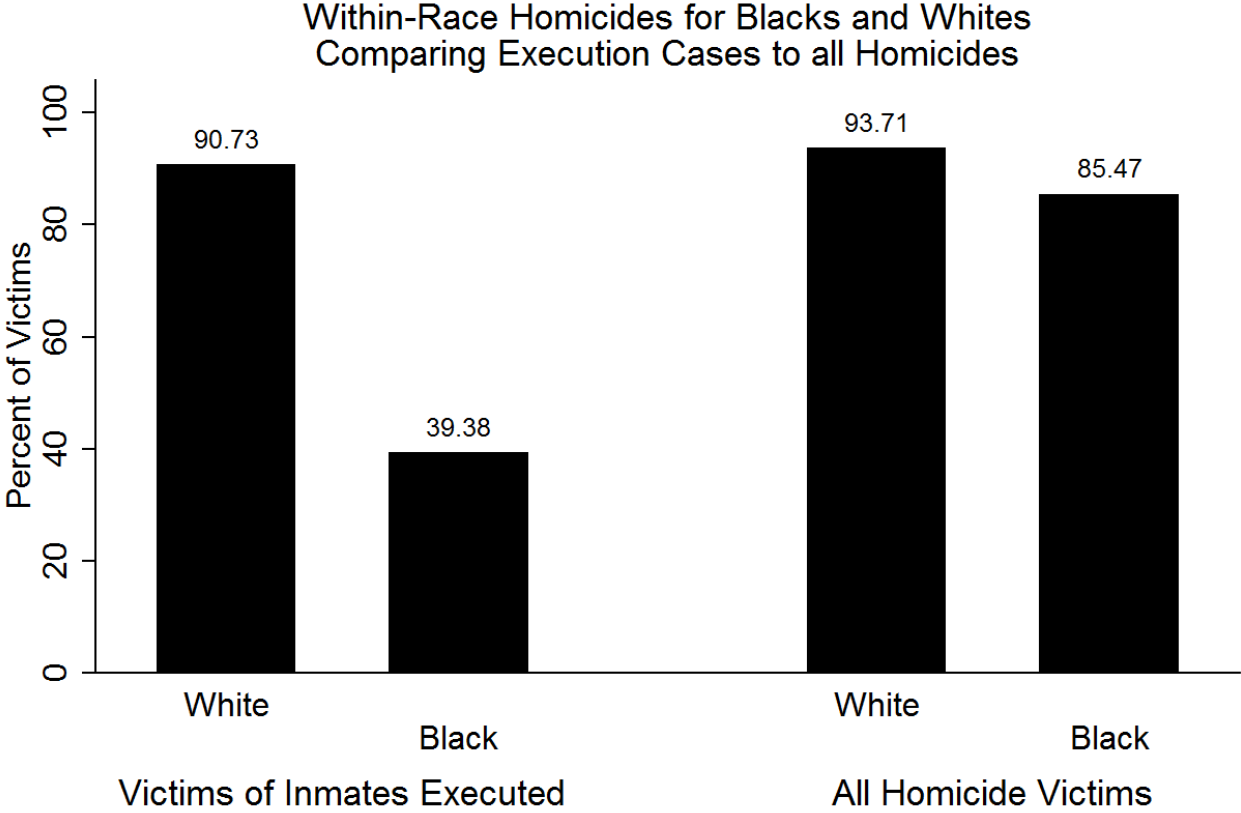


# White Inmates: only 17 Black Victims



Includes only those inmates with a single victim.

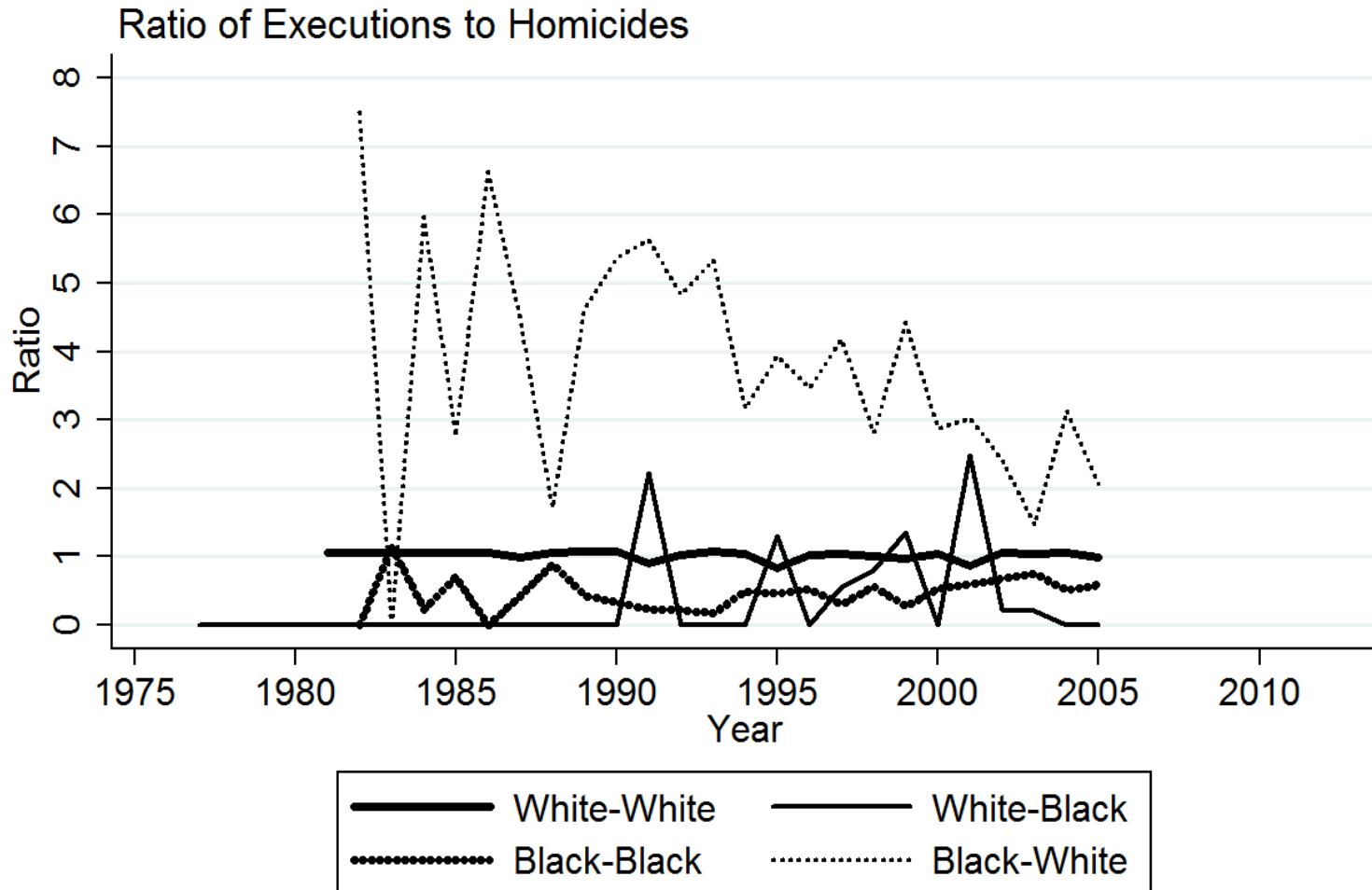
# Executions: 60 percent of Blacks executed had a White Victim



Bars show the percent of Blacks and Whites whose victims are of the same race.  
Homicide data cover 1975 to 2005; Execution data covers 1977 to 2013.



# W-B: 0.34; B-W 3.83...



Lines show the ratio of percent of all executions compared to all homicides.  
Numbers above 1.0 indicate a higher percentage of executions than homicides.  
Overall Ratios: W-W, 1.02; W-B, 0.34; B-B, 0.46; B-W 3.83.

# The real shocker:

- Only 8 White men have been executed for the crime of murdering a Black man.
  - Example of Donald Gaskins
  - Google that name
- Radelet's 1989 historical review:
- Records of 15,978 American executions were reviewed, and 30 relevant cases were identified (includes female victims)