

US Justice Department figures reveal racial bias in federal death sentences

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Attorney General Janet Reno released the findings of a US Justice Department study on September 12 revealing that black and other minority defendants were most likely to be found guilty in federal death penalty cases.

Since 1995, 80 percent of 682 defendants facing capital charges have been members of minorities. The Justice Department recommended that the death penalty be pursued with 183 defendants, of whom 74 percent were members of racial minorities. Ultimately of 20 defendants sentenced to death, 80 percent were members of minorities. African-Americans accounted for the majority of those facing the death penalty.

The study found that 40 percent of recommendations for executions came from five federal jurisdictions. Most cases were in states already favoring the death penalty, such as Virginia, Maryland, New York, Missouri, New Mexico, Tennessee and Texas.

To date no one has been executed under a federal jurisdiction since the federal death penalty was reinstated in 1988 by President George Bush. In 1994 and 1996 President Bill Clinton substantially increased the number of offenses punishable by the death penalty. Twenty-four federal inmates currently face execution.

Juan Raul Garza is the first person due for federal execution on December 12, 2000. Garza's execution was postponed in August by Clinton. Garza's attorneys have filed papers asking for his sentence to be commuted to life imprisonment on the basis of the Justice Department report. The petition stated that "it would be fundamentally unjust, unfair and unwarranted to carry out a death sentence that is a product of a system in which arbitrary results are produced by long-standing racial bias and geographic disparity."

In spite of the findings, Reno refused to recommend a moratorium on federal executions, and she claimed the

report data did not raise questions of defendants' innocence. Reno said that "at this point we are troubled by the figures, but we have not found the bias."

But Reno went on to explain why the statistics were so skewed against racial minorities. She stated that "minorities are over-represented in the federal death penalty system, as both victims and defendants, relative to the general population. Crime is often the product of social ills and harsh conditions, such as poverty, drug abuse and lack of opportunity, that disproportionately affect minorities. So long as those conditions remain, we will continue to see disparities in the number of minorities in the criminal justice system." While indicting the system over which she presides, she proposed no changes to it.

Death penalty opponents have renewed their call for a moratorium on the death penalty since the publication of the report. Democratic Representative Jesse Jackson Jr. stated, "If you're an African American in Texas who commits a crime that could warrant the federal death penalty, you get it. If you're white in New York City, you probably don't. ... What is this, some form of natural selection? Death penalty Darwinism?"

Since the reinstatement of the death penalty, all US executions have taken place under state jurisdiction. Sixty-eight people have been executed so far this year. In the last three weeks alone eight men have been executed by lethal injection, three of them in Texas.

Richard Wayne Jones was executed on August 22 in Texas for kidnapping and murder. He went to his death professing his innocence. As he was being strapped into the death chamber gurney he said, "I want the victim's family to know I didn't commit this crime." Jones's attorneys are still seeking evidence of his innocence. They have called for a DNA test which they hope will be used to change state policy to ensure DNA testing is

carried out before any future executions.

Dan Hauser was executed on August 25 in Florida for the murder of a strip club worker in 1995. Hauser's execution prompted a great deal of outrage as he did not oppose his own execution. Hauser, who has suffered from mental illness, exaggerated the details of his crime in an effort to obtain a death sentence. In spite of this he was permitted to undertake his own defense. Attorneys representing Hauser's mother described the execution as “state assisted suicide.”

Derek Rocco Barnabei was executed on September 14 in Virginia for a 1993 rape and murder. Evidence in the case disappeared from authorities' possession from August 29 to September 1 and some seals on envelopes containing evidence showed signs of tampering. In spite of this a federal judge refused an appeal for new tests on the evidence.

Barnabei's case sparked outrage in Italy and Europe, serving as a focus for death penalty opponents. A tent has been set up in front of the Coliseum in Rome where people were urged to send protest emails to Virginia Governor James S. Gilmore. The Pope and the French government raised objections to the execution, and a vigil was held in Rome as Barnabei was executed.



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