

Race and the Death Penalty

One of the most fundamental guarantees of our criminal justice system is that people charged with a crime receive a fair trial, regardless of their race, gender, or national origin. Individuals with widely different views on criminal justice issues agree that guarantee is essential both to ensure fair trials and to maintain public support for the system that administers them.

But there is now evidence that the current capital punishment system in North Carolina is not living up to that constitutional promise and that race plays a significant role in determining who is sentenced to death. Racial bias is playing an improper role in jury deliberations and statistical analyses show that the race of the victim is a critical factor in who receives the death penalty.

Racism Admitted in the Jury Room

Kenneth Rouse is an African-American man who was sentenced to death in Randolph County by an all-white jury that had a member who is an admitted racist and believes that “black men rape white women so they can brag to their friends.” The juror admitted in a sworn affidavit that “blacks do not care about living as much as whites do.” The juror routinely referred to African-Americans as “n-----s,” and stated that “bigotry” was influential in his decision to vote for death. The juror admitted that he lied in order to sit on the jury. Rouse is still on death row.

Raymond Rowsey was executed in 2004 despite the fact that the lone African-American juror at his Alamance County trial did not want to issue a death sentence. She stated in an affidavit that she was intimidated and humiliated by other jurors and told them she thought her race was a factor in why they did not respect her opinion. She tried to tell the judge that she did not want to sentence Rowsey to death, but was also intimidated by him and failed to do so clearly.

Robert Bacon was sentenced to death by an all-white jury in Onslow County in 1991. Just before Bacon was to be executed, a woman who sat on his jury came forward and revealed that the jury made derogatory racial comments during deliberations and sentenced him to death in large part because of their racist views. Bacon was granted clemency days before his scheduled execution in 2001.

Victim’s Race Affects Death Sentences

A recent comprehensive study on race and the death penalty in North Carolina found that the odds of getting a death sentence increase three and a half times if the victim is white rather than a person of color. (“Race and the Death Penalty in North Carolina” Dr. Isaac Unah, Professor John C. Boger, UNC-Chapel Hill, April 16, 2001 www.unc.edu/~jcboger/NCDeathPenaltyReport2001.pdf) This study mirrors previous studies conducted in other states and by the federal government.

The UNC study is also confirmed anecdotally by a review of the race of the victims of the 31 people executed in North Carolina since the death penalty was reinstated in 1977: more than 80% of the victims of those executed were white, while only about 40% of North Carolina homicide victims are white.