

Breaking the Silence

Recently, political tensions have gone through the roof; many citizens of the United States have established strong opinions taking sides on all sorts of debated issues. One of these issues being the problem of the death penalty. The United States initial use of the death penalty can be credited to Great Britain. When the settlers from Europe came over seas, they brought along the capital punishment with them. The first documented execution occurring in the new colonies was the 1608 death of Captain George Kendall in Jamestown, Virginia. Kendall was executed after he was caught as a spy for Spain. In 1612, Virginia Governor Sir Thomas Dale enacted the Divine, Moral and Martial Laws. This even provided the death penalty for minor offenses such as stealing grapes, killing chickens, and trading with Indians. Some are for capital punishment, and others are against it. But this controversy is not what we should be discussing. The real concern is unequal justice under the law regarding the demographic representation among those making the ultimate decision: life or death.

Since the end of the civil war, and slavery itself, racism, prejudice, and discrimination have been embedded into American society. Events such as the Emmett Till Murder, Montgomery Bus Boycott, and the Little Rock Central High School Integration all contributed to raised tensions in society. Once the death penalty was reinstated in 1977, unjust practices regarding race have been prevalent, yet not recognized.

The Death Penalty Information Center, a Philanthropedia, “top nonprofit” award recipient for three consecutive years, revealed that only 1.2% of the District Attorneys in death penalty states in United States are black and another 1.2% are Hispanic. The remaining 97.6% are white, and almost all of them are male. A new study from Cornell Law Review claims this white, racial bias is the reason 41% of those on death row are black, though they comprise only 12% of the population according to the Justice Department's Bureau of Justice Statistics.

In a Supreme Court case, *Miller-El v. Cockrell*, it was ruled that Miller-El was wrongly not given the opportunity to prove that his sentence to death was a direct result of discriminatory jury practices. Such practices included the "Texas shuffle," an unconstitutional elimination of African Americans from a Texas jury deciding one's fate. Other common practices still occur such as the disparate questioning of potential jurors based on race and absurd training messages. One message being written by a Philadelphia Assistant District Attorney to explicitly instruct prosecutors on ways to skew juries based on race. This message to the prosecutors used a loophole to avoid violation of *Batson v. Kentucky* Supreme Court ruling that intended to dismiss the factor of race. One prosecutor in Alabama gave as his reason for striking several potential jurors, simply the fact that "they were affiliated with Alabama State University" -- a predominantly black institution.

Not only is there inequitable representation of race and gender, The Human Rights Organization reveals that nearly 80% of the 1,452 people executed, since the United States resumed the practice in 1977, were put to death for killing whites. The victim's race has a major effect on the decision. If the victim was white the chances of capital punishment are much more likely. A disproportionate number of those executed for killing whites were black and many were convicted by juries containing no blacks, the organization stated.

Race has a major influence in what cases are chosen for prosecution with capital punishment and it affects what prosecutors get to make the decision. Likewise, the effects of a racist jury have not just been proven in specific situations, but in every state that allows capital punishment. This is not saying that those sentenced to death row have not committed terrible crimes. However, it is important to consider that the courts hold a major bias. An African American man who commits the same crime as a white man is significantly more likely to be sentenced to death. If your family member is black and someone else's family member is white, why should you grieve and not them when

your family members created the same crime? The data suggests many of those sentenced to death are just another product of racial discrimination. Not much has been done to resolve this issue, but Texas is discussing changing their sentencing processes as racism has been cited to be fraught throughout it frequently. There is no way to fulfil our devotion towards equal justice under the law if this racial inequity continues to be ignored. Citizens of this country must be educated about the lack of racial justice in our government, because if the silence is not broken, this hidden social justice issue will continue to take undeserving lives.

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