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Death-penalty system loaded with racial bias

By Gloria Romero

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For the last two years, we have spent a lot of time discussing how we execute people. It is time we start discussing whom we execute. California's death penalty is marred by racial and geographic disparities that have gone unaddressed for years. Californians need to start asking why.

Two years ago, executions in California were halted as a result of legal challenges to the method of execution: lethal injection. In the interim, little has changed in the way people live on Death Row, the way people die on Death Row, or whom we send to Death Row.

Though we might soon resolve the issue that is now holding up executions - whether or not the current method of execution is legal - there are many more difficult problems that aren't being addressed. Why, for example, does the criminal-justice system seem to value some Californians' lives the least?

Here are the facts: A defendant who is convicted of killing a white victim is four times more likely to be sentenced to death than a defendant convicted of killing a Latino victim. In cases where only one victim was killed and the crime did not include another serious crime, someone who kills a Latino victim is 11 times less likely to receive the death penalty than someone whose victim is white.

In addition, the highest rate of death sentencing occurs in counties with high proportions of non-Latino white residents, and low proportions of people of color. California has more Mexican citizens on Death Row than any other state, and indeed, more than any other country.

These numbers are alarming and are mirrored in the disparities in death sentences for cases with African-American victims. It should also trouble Californians that in the most diverse state in the country and one with a strong history of leadership on civil-rights issues, we have done nothing to address the fact that we make decisions about who lives and who dies based on factors such as race.

Most death-penalty states have enacted reforms to address disparities. Many states use a system called proportionality review, which requires the highest court to review death sentences to make sure the punishment is appropriate for the crime and that factors such as race, ethnicity and poverty did not influence the death sentence. The state of Kentucky has adopted a Racial Justice Act, providing further scrutiny of the role of race in death sentences. California, unfortunately, has done nothing.

A bipartisan panel - the California Commission on the Fair Administration of Justice - is reviewing the evidence of racial, ethnic and geographic disparities and asking what should be done. The commission held the second of three hearings in Los Angeles earlier this month. The commission has already heard evidence from the experts and from the defense and prosecution communities. Now it is time for civil-rights leaders and communities of interest to be heard, to tell the commission that we can no longer ignore the serious racial injustices in California's death sentences.

If we are going to sentence people to die, we must ensure that those decisions are not based on race, poverty, or place. If we cannot do that, then we should recognize that California's death-penalty system is fundamentally flawed and the premise of equal justice for all is amiss.

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