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### Cruelty and Racism in Missouri's Death Penalty

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# Cruelty and Racism in Missouri's Death Penalty



## Introduction

- US Supreme Court affirms death penalty in *Gregg v. Georgia*, overturning *Furman v. Georgia* (1972)
- Common belief that capital punishment is a deterrent to crime despite the issues that arise directly from the implementation of capital punishment
- This research focuses on the violations that take place in the ways capital punishment convictions are obtained in Missouri and how they are disproportionately sought for defendants of color
- The scope of my research includes St. Louis County and St. Louis City/County, the two Missouri counties with the most capital punishment cases

## Research Questions

- How are capital punishment convictions and sentences influenced by the race of the defendant/victim?
- Do laws surrounding capital punishment do as they were intended or are they weak? Are laws that aim at mitigating arbitration and discrimination in capital punishment cases effective?
- Does capital punishment violate the defendant's human rights?
- Are capital punishment convictions objective or subjective? How does this influence whether or not capital punishment is constitutional?
- How has capital punishment evolved over the years?
- Should capital punishment be abolished?

## Methods

- Worked in conjunction with the Death Penalty Information Center (internship)
- Analysis of all 66 capital punishment cases within St. Louis County and St. Louis City
- Researched defendant and victim's race and gender as well as defendant's time spent on death row
- Calculated average time on death row for each race and racial proportions for defendants, victims, and defendant-victim combinations
- Literature review
  - DPIC, ACLU, peer-reviewed journals

## Findings

Figure 1: Victim Race

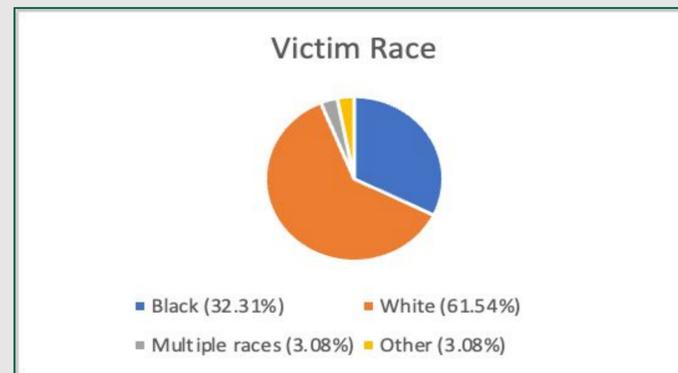
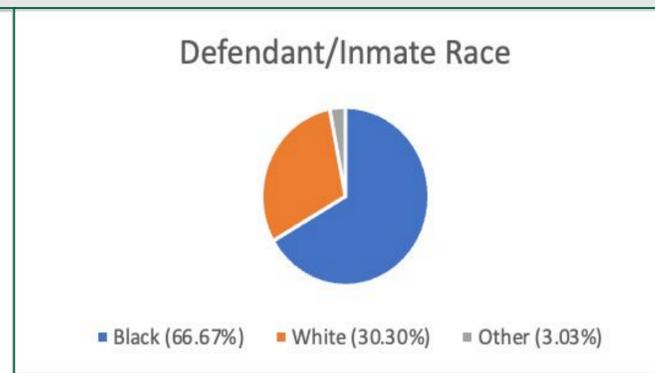
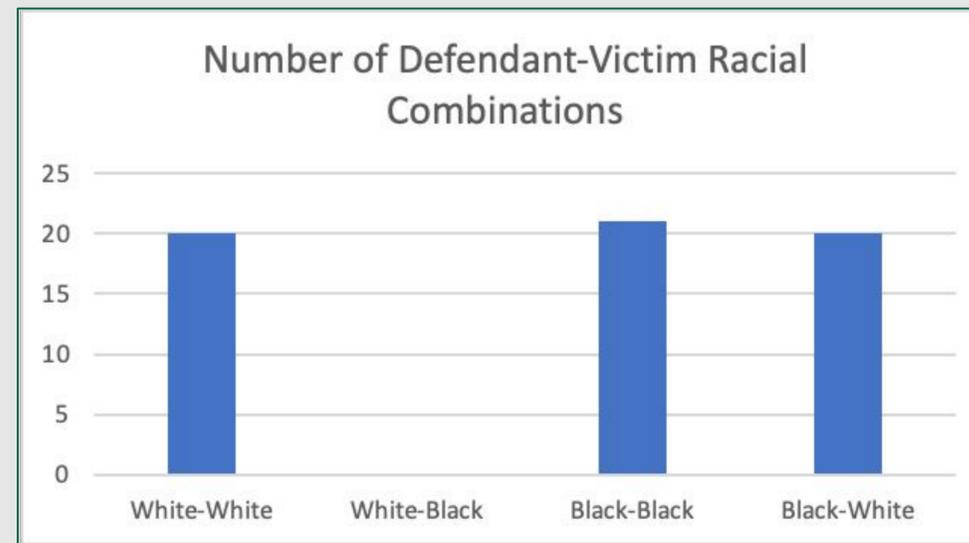


Figure 2: Defendant/Inmate Race



\*\*Note: victim race was determined by case, not by individual victim. A case with one white victim and one black victim was categorized as "multiple races"

Figure 3: Number of Defendant-Victim Racial Combinations



\*\*Note: excludes cases with victims racial compositions categorized as "multiple races" or "other". Also excludes cases with defendants of "other" race\*\*

### Other Findings

- St. Louis County
  - Victim race: Black (28.95%), White (68.42%), Multiple races (2.63%), Other (0%)
  - Defendant race: Black (64.10%), White (35.90%), Other (0%)
  - Defendant-victim combinations: White-White (14), White-Black (0), Black-Black (11), Black-White (12)
- St. Louis City
  - Victim race: Black (37.04%), White (51.85%), Multiple races (3.70%), Other (7.41%)
  - Defendant race: Black (70.37%), White (22.22%), Other (7.41%)
  - Defendant-victim combinations: White-White (6), White-Black (0), Black-Black (10), Black-White (8)
- Average time spent on death row
  - Black (12.23 years), White (11.45 years), Other (6 years)
- Only 5 defendants have spent more than 20 years on death row. All of them are black.

## Legal Analysis

- 8th Amendment
  - "Cruel and unusual" (legal processes, time on death row)
  - Subjectivity in what constitutes cruelty allows for ambiguity in conviction and sentencing
- 18 U.S. Code § 3593
  - Judge ultimately sentences the defendant, undermining the "unanimous" aspect of capital trials
    - Harris County, Texas (rubber-stamping)
  - Admissibility clause deprives capital punishment defendants of fully enjoying the Confrontation Clause of the 6th Amendment
  - Because it infringes upon constitutional rights and creates ambiguity in capital trials through its lax evidentiary measures, 18 U.S. Code § 3593(c) is open to abuse

## Conversation

- Deterrent to murder, excessive costs, risks of error, uncertainty of completion, and other problems that are inherent to its practice
- An eye for an eye
- Jordan Steiker (and Carol Steiker)
  - Harris County
- David Baldus
  - 1980s Georgia – prosecutors sought the death penalty for 70% of black defendants with white victims, but for only 15% of white defendants with black victims
- Bandy X Lee
  - Historical democide; executions increase murder; racial and economic disparities

## Limitations

- Sample of 66 cases makes it difficult to generalize findings outside of the two counties studied
- Race is unknown for one of the victims
- Focuses on black and white races with other races categorized as "other"
- Does not take into account motive of crime or relationship between defendant and victim
- Does not account for other factors (ie. age, gender)