Professor Dow’s recent New York Times op-ed regarding the death penalty was discussed in three letters to the editor appearing in the New York Times.


Does Race Bias Taint the Death Penalty?

To the Editor:

David R. Dow attacks capital punishment for its statistical bias against minorities (“Death Penalty, Still Racist and Arbitrary,” July 9). Death penalty opponents have brought arbitrariness upon themselves.

In 1972 the Supreme Court held that it was unconstitutional to allow juries to decide arbitrarily whether a murderer would live or die. Reacting to this decision, a number of states enacted laws requiring the death penalty for all first-degree murders. These laws assured that a first-degree murderer would die regardless of the race of the victim or defendant. They properly based punishment on the crime instead of the criminal.

A closely divided Supreme Court, with the hearty concurrence of those who now complain about the arbitrary nature of capital punishment, struck down these laws, making discretion an inescapable part of the process. The way to address the inequities claimed by Mr. Dow is to allow the automatic death penalty for first-degree murder.

JAMES A. DUEHOLM
Washington, July 9, 2011

To the Editor:

David R. Dow correctly points out that, as a host of studies demonstrate, judges and juries exhibit a prejudice that sees white lives as more valuable than black lives. Mr. Dow is also correct that this results in a prejudice against black murderers of white victims.

However, this prejudice, perhaps surprisingly, implies that, nationally, there is death penalty discrimination not against blacks, but against whites.

This is why: The overwhelming percentage of victims of black murderers are black, and the overwhelming percentage of victims of white murderers are white.
As a result of the prejudice that views white victims’ lives as more valuable, white murderers are more often (on a percentage basis) given the death penalty, because they more often murder whites. National statistics bear this out.

STEVEN GOLDBERG
New York, July 9, 2011

The writer is professor emeritus of City College, CUNY.

To the Editor:

It is hard to dispute the fact that the death penalty is indeed racist and arbitrary, as David R. Dow states in his Op-Ed article. It is also hard to dispute the fact that it drains state coffers far more than the alternative of life without parole. Add to that the rising number of exonerations — people wrongfully convicted and sentenced to death.

Yet 34 states and some Supreme Court justices cling to capital punishment. Most countries in the world no longer use this form of punishment. Why are we so reluctant to let go of an unfair and costly government program?

NANCY OLIVEIRA
San Francisco, July 9, 2011

The writer is former chairwoman of the San Francisco chapter of Death Penalty Focus.