

Blacks are much more likely to be executed for killing whites than whites who have killed blacks.

Last year saw the increased popularization of the “#BlackLivesMatter” movement in the wake of the killing of unarmed Black men by police in Ferguson, Missouri, and New York. In new research, **Frank Baumgartner**, **Amanda Grigg**, and **Alisa Mastro** find that in the area of capital punishment, Black lives seem to matter far less than whites’. They find that, since 1976, twice as many blacks have been executed for killing whites than whites have been for killing blacks, and that while Blacks make up 47 percent of all homicide victims, they are only 17 percent of the victims of those executed. They write that despite the arguments of those who feel that #BlackLivesMatter is a redundant movement, the racial disparities apparent in the justice system make it anything but.



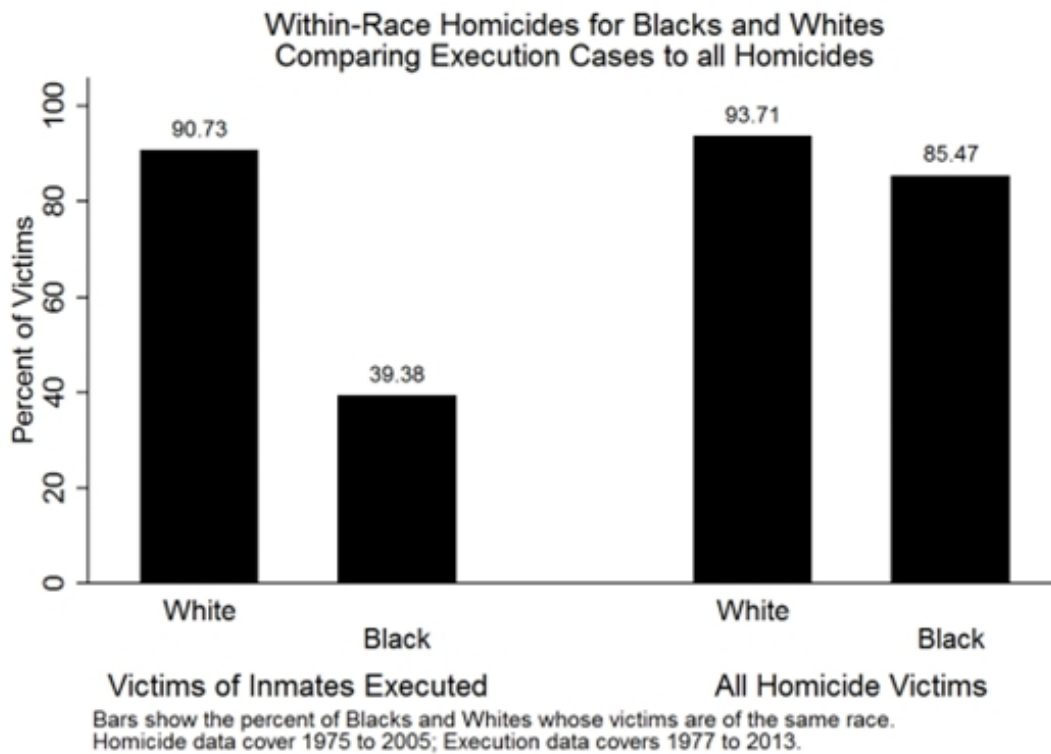
The hashtag turned rallying cry turned social movement “Black Lives Matter” first emerged after George Zimmerman’s acquittal for the murder of Black teenager Trayvon Martin in Florida. In the summer of 2014 the movement and the hashtag received renewed attention in the wake of several prominent killings of unarmed Black men and women by police. “Black Lives Matter” is a claim that regardless of whether we believe that Black lives should matter, in practice in the United States Black lives do not matter, or at least do not matter *as much* as White lives. This new research on racial bias in capital punishment contributes to a growing field of scholarship bearing this out.

Earlier research on racial bias in capital punishment has consistently found that the race of victim is a strong determinant of whether a defendant is sentenced to death, even after controlling for aggravating factors. This new work offers two key contributions.

First, it offers a better understanding of the scope of race-of-victim effects in capital prosecution and sentencing. A meta analysis of existing research found that in every study of racial bias in capital prosecution, prosecutors were more likely to charge killers of White victims with capital crimes (making them eligible for a death sentence) than killers of Blacks. Similarly the vast majority of studies of racial bias in the sentencing phase found that killers of Whites were more likely than killers of Blacks to receive a death sentence. Though these trends are not surprising given existing research, the vast range of time periods and geographic locations studied, control variables, and methods make the persistent finding of racial bias both striking and robust.

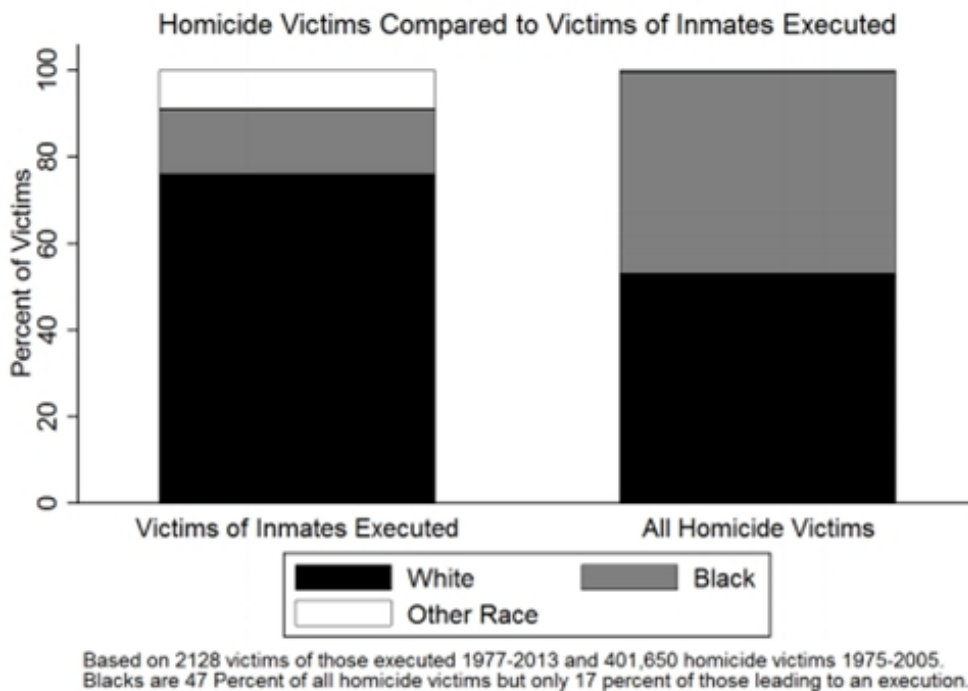
The second contribution comes from a comparison of homicide victim data with data about the victims of every inmate executed in the US between 1976 and 2013 (1,369 executions). Since the vast majority of homicides occur between individuals of the same race, in the absence of racial bias one would expect that most executions would be the result of White-on-White or Black-on-Black crime. However the literature on race-of-victim effect reviewed above would suggest that executions Black-on-White crime would be common while executions for White-on-Black crime would be rare. The new analysis presented here of the victims of homicides resulting in execution confirms that this is the case and suggests that the bias is larger than had previously been estimated. Despite the vast majority of homicides occurring within racial groups, there have been 230 executions for Black-on-White homicide. In fact twice as many Blacks have been executed for killing Whites (230) as have been executed for killing Blacks (108). Executions for White-on-Black homicide are far more rare, numbering only 17. The figure below offers a visual representation of the disparity among Blacks between percentage of all homicides that are intra-racial (an overwhelming majority) and the percentage of homicides resulting in execution that are intra-racial (a minority).

Figure 1



This suggests not only that Blacks are treated particularly harshly for the murder of Whites, but also that homicides with Black victims are treated less seriously than those with White victims. The figure below illustrates this, comparing the race of all homicide victims (on the right) to the race of homicide victims of individuals who were later executed (on the left). Though Blacks make up 47 percent of all homicide victims, they make up just 17 percent of the victims of those executed.

Figure 2



These findings suggest that race-of-victim bias does not only work to increase the perceived seriousness of crimes against White victims. Race-of-victim bias also decreases the perceived seriousness of crimes against Blacks.

Problematically, even the most robust evidence of racially disparate outcomes is not enough to convince many,

including the US Supreme Court, of the racial bias at work in our criminal justice system. In *McCleskey v. Kemp* the Court ruled that in order to demonstrate a violation of constitutional rights, evidence of racial bias in capital punishment must present proof of conscious, intentional discrimination. Eduardo Bonilla-Silva [refers](#) to this view as the “prejudice problematic” the notion that identifying racism requires finding a single racist at fault when in fact racist outcomes are increasingly due to bias built into systems or operating unconsciously across multiple individuals and processes.

Similar arguments are made in opposition to the Black Lives Matter movement. Critics argue that the absence of formal declarations that Black lives do not matter makes the claim redundant. They say, ‘*of course* we all agree that Black lives, like any other lives, matter.’ Thus the rejoinder, “All Lives Matter.” However, as this research shows, even in the absence of explicitly racist policies or people, there are substantial, troubling racial disparities at work in our criminal justice system. Further, it is clear that these racial disparities take the form of consistent devaluation of Black lives. Put simply, #BlackLivesMatter is anything but redundant.

*This article is based on the paper [#BlackLivesDon'tMatter: Race-of-Victim Effects in US Executions, 1977-2013](#), Forthcoming in *Politics, Groups, and Identities*.*

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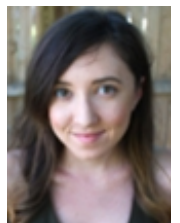
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