In the United States, the concept of racial bias within the death penalty sentencing has for the longest time been a prevalent social problem. In this context, racial bias is defined as “prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair” (Case Western Reserve, 2015, p. 3). Current research shows that some races are more prone to this form of sentencing than others, mainly as a result of explicit racism, whether it be from the prosecutors or the jury itself.

**Methods and Definitions**

**Methods**

We will be using a framing analysis to deconstruct various claims from articles that discuss the issue of racial bias in the use of the death penalty. This process involves analyzing the way particular claims-makers “frame” the problem by examining their diagnostic, prognostic, and motivational claims (Loseke, 2003, p. 16).

**Definition**

Frame: “The particular perspective one uses to bracket something as one thing rather than another” (Altheide, 1996, p. 31).

Claim: “A statement that persuades to define a social problem” (Loseke, 2003, p. 26).

Diagnostic Claim: A statement about the cause(s) of the event or problem, the underlying issue.

Prognostic Claim: A statement about the solutions to address the problem.

Motivational Claim: A statement about why we should care about the problem.

**Diagnostic Frames**

**Diagnostic Frame 1: Biased Prosecutors**

Because they are elected and have wide discretion, prosecutors have incentives to charge offenders in high-profile cases harshly and overlook exculpatory evidence. Prosecutors also have the ability to remove jurors for reasons not mandatory to disclosure.

**Diagnostic Frame 2: Biased Jurors**

Jurors serving on death penalty cases must be “death qualified” or “pro death penalty”. African Americans tend to support the sentence less than whites (refer to blacks vs white execution) resulting in a jury panel of mostly whites, lacking minorities and diversity in the jury selection (Jury selection, 2015, p. 2).

**Prognostic Claim:**

Eliminate the use of peremptory challenges and enforce the requirement of a racially diverse jury selection for death penalty trials.

**Prognostic Claim:**

Ensure proportionate racial diversity within the operation of “death qualified” jurors: equal or fair amounts of whites to non-whites (minorities).

**Motivational Claims:**

In McCleskey v. Kemp (1987) the Supreme Court acknowledged the presence of racial bias, calling it “an inevitable part of our criminal justice system.” However, this is not unconstitutional unless clear evidence exists proving intentional racial discrimination.

After evaluating the claims, it is clear that racial bias is present in the use of the death penalty.

82% of cases consisting of black defendants and white victims have an extremely higher chance of being sentenced to death than a white defendant and a black victim.

There are 295 cases where black defendants with a white victim were sentenced to death, but only 31 white defendants with black victims were sentenced to death.

Almost all death penalty cases with a black defendant had a white prosecutor.

Most startling is that the Supreme Court itself acknowledged a racial bias correlation with death sentence but refuses to do anything about it (McCleskey v. Kemp).

**References**