

The Baldus study

Professors David C. Baldus, Charles Pulaski, and George Woodworth (the Baldus study) shows a disparity in the imposition of the death sentence in Georgia based on the race of the murder victim and, to a lesser extent, the race of the defendant. The Baldus study is actually two sophisticated statistical studies that examined over 2,000 murder cases that occurred in Georgia from 1973-1979.

About 20% of the U.S. population is black.

The Study's primary conclusion was that the race of the victim, but not the race of the defendant, played a significant role in deciding whether death was imposed.

A study of death sentences in the state of Georgia. Some results:

Defendants who kill W get CP in 11% of cases

Defendants who kill B get CP in 1% of cases

CP in 22% cases of B defendant, W victim

CP in 8% cases of W defendant and W victim

CP in 1% of cases of B defendant and B victim

CP in 3% of cases of W defendant and B victim

So black defendants who kill whites have greatest chance of getting CP.

The numbers collected through the study indicated:

1. defendants charged with killing white persons received the death penalty in 11% of the cases.
2. defendants charged with killing black persons received the death penalty in 1% of the cases.
3. 4% of black defendants received the death penalty.
4. 7% of white defendants received the death penalty.
5. in cases involving black defendants and white victims, 22% of the defendants received the death sentence.
6. in cases involving white defendants and black victims, 3% of the defendants received the death sentence.
7. in cases involving black defendants and black victims, 1% of the defendants received the death sentence.
8. in cases involving white defendants and white victims, 8% of the defendants received the death sentence.

In addition, prosecutors sought the death penalty in:

1. 70% of the cases with black defendants and white victims.

2. 32% of the cases with white defendants and white victims.
3. 15% of the cases with black defendants and black victims.
4. 19% of the cases with white defendants and black victims.

Although the Court did not question the validity of the study, it did find that the defendant failed to prove that race had entered into his case. The Court said that statistics alone show only a likelihood that a particular factor entered into some decisions, not that it in fact played a role.

Baldus subjected his data to an extensive analysis, taking account of 230 variables that could have explained the disparities on nonracial grounds. Controlling for 39 nonracial variables (income class of defendant and victim, mode of killing, etc.), Baldus, et. al., found that *the odds of being executed were 4.3 times greater for defendants who killed whites than for defendants who killed blacks*.

Overall, 4% of black defendants received CP; 7% of white—chiefly because blacks are more likely to kill blacks than whites.

Again controlling for nonracial variables, the study found that other things equal (e.g. same race of victim, other variables the same), black defendants are 1.1 times likely to get CP as whites.

The Baldus study was cited in the U.S. Supreme Court case *McClesky v. Kemp* (1987), in which a black defendant (McClesky) was sentenced to death for killing a white police officer in Georgia. McClesky argued the sentence violated the Equal Protection clause of the 14th Amendment, since statistically (as the Baldus study showed) he stood a greater chance of getting the death penalty on account of the victim being white.

The Court rejected McClesky's argument, on the grounds that general trends did not prove the existence of discrimination among the jury who decided his particular case.

McClesky was executed by electrocution in 1991.

More recent studies, including studies of states other than Georgia, have similarly found that killers of whites are more likely to be sentenced to death than killers of blacks.