



# Latinos and the Death Penalty

## An uneven playing field, a deadly result

**We all expect justice to be blind.** Otherwise it's not justice at all. Yet Latinos are disproportionately impacted by the criminal justice system, and the death penalty is no exception. Its uneven application seems to devalue Latino lives – marking Latino murder victims as “less important” or even breaking an international treaty to move ahead with executions. It's no wonder the Latino community is speaking up in growing numbers to say the death penalty is broken and needs to go.

### Racial bias affects who gets the death penalty

- ◆ Across the country, the race of the victim has a profound effect on which crimes receive the death penalty. Studies in many states have found that people convicted of murdering a white victim were many times more likely to get sentenced to death than people convicted of killing African Americans or Latinos.
- ◆ In California, Latinos are murdered at twice the rate of white people, yet 11 of the 13 people executed in the state were convicted of killing a white person.
- ◆ Nationally, Latinos are also murdered at twice the rate of white people, but less than 7% of victims in pending death penalty cases are Latino.
- ◆ Studies have shown that white Americans are more likely to overestimate the proportion of crime committed by Latinos and African Americans. One chilling study found that when white Americans hear that the death penalty or three strikes laws are racially biased, they are actually *more* likely to support those policies.

#### CASE IN POINT

A recent study by University of Nebraska professor Cynthia Willis-Esqueda used mock cases to see if white and Latino jurors sentenced people differently based on race and socioeconomic status. The study found that white jurors were more likely to sentence someone to death if they were Latino. They were also more likely to find Latino defendants with lower socioeconomic status to be “vicious, intentional, and more to blame for the crime.” Latino jurors in the study sentenced people to death at the same rate regardless of race.

### People of color face a special risk of being wrongfully executed

- ◆ Eyewitness identification, which is the leading cause of wrongful conviction, is even less reliable when the witness is identifying someone of a different race.

#### CASE IN POINT

**Carlos De Luna** was executed in Texas in 1989. He said the crime was committed by a man named Carlos Hernandez, but police insisted that this other Carlos did not exist. The primary eyewitness later admitted that he had trouble telling one Latino apart from another. An in-depth investigation, “The Wrong Carlos,” was later released detailing a wide array of things that went dramatically wrong in the case which led to the execution of a man who was almost surely innocent.

- ◆ At least 155 people have been sentenced to death and later exonerated when evidence of their innocence came to light. At least two of them were Spanish speakers who did not know English and were severely limited in their ability to defend themselves during their trials.

#### **CASE IN POINT**

**Juan Roberto Melendez** spent almost 18 years on Florida's death row for a crime he didn't commit. A Puerto Rican migrant farmer raised in New York City, Melendez struggled to participate in his defense because he spoke no English and was never offered an interpreter. There was no physical evidence in his case. He was finally released after it was revealed that the prosecutor withheld evidence of his innocence, including a confession by the person who committed the crime.

*"I spent 17 years, eight months and one day on death row. I was not saved by the system. I was saved in spite of the system."*

*– Juan Roberto Melendez  
exonerated in Florida  
in 2002*

## **The U.S. executes Latin American nationals in violation of the Vienna Convention**

- ◆ The U.S. has signed a treaty that guarantees citizens of other countries the right to speak to their consulate if they are arrested on U.S. soil. But to date almost two dozen Latin American nationals have been executed in the U.S. without having been notified of that right upon arrest.
- ◆ The U.S.'s violation of the treaty has prompted action from the Inter-American Court, the Organization of American States, the Inter-American Commission on Human Rights, and other bodies.
- ◆ This is more than a theoretical right. Mexican citizens facing the death penalty, for example, have access to lawyers from a special organization set up by the Mexican government – but many don't learn about it until it's too late.

*"The lingering and deleterious effects of racial bias or economic inequity are nowhere more consequential than when the state executes one of its citizens."*

*–Rev. Gabriel Salguero,  
President, National Latino  
Evangelical Coalition*

## **Latinos are ready to end the death penalty**

- ◆ Several national Latino organizations have called for an end to the death penalty, such as LULAC, Latino Justice, MALDEF, the National Hispanic Caucus of State Legislators, the National Hispanic Leadership Agenda, and the National Latino Evangelical Coalition.
- ◆ A recent poll found that Latinos are more likely to oppose the death penalty than to support it, and a majority of "Hispanic Catholics" oppose the death penalty.
- ◆ The majority of Latin American countries have ended the death penalty for ordinary crimes, and the U.S. is the only country in the Americas that has carried out an execution in the last six years.

*"The criminal justice system has been racially skewed. Latinos are disproportionately and adversely affected by discriminatory policing and criminal justice practices, and that includes the death penalty."*

*–Hector E. Sanchez, Chair  
of the National Hispanic  
Leadership Agenda*

*Sources available at [ejusa.org](http://ejusa.org)*