

Race-Of-Victim Discrepancies in Homicides and Executions, Louisiana 1976-2015

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Abstract

Black male victims comprise 61% of homicide victims in present day Louisiana, yet their killers have been executed in only 3 cases out of 12,949 homicides since *Gregg v Georgia* reinstated the death penalty in 1976, less than 6 percent of the execution rate for killers of all other victims, and 1/48th the execution rate for the killers of white women. A thorough analysis of Louisiana's homicides and a complete review of its history of executions, using FBI statistics and the Espy File of national executions, reveals that the ultimate punishment has long been reserved for crimes other than killing black men. New here is the compilation and analysis of a complete database of all 241 Louisiana post-*Gregg* death verdict cases, including their 316 victims. In these cases, 80% of the victims are people other than black males.

Being a victim of homicide in Louisiana is heavily dependent on race, gender, and age. Young black males have extremely high rates of homicide victimization compared to other categories. However, the death penalty is used only very rarely in those cases where the victim is a black male.

This study follows methodology established in the detailed analysis of race of victim discrepancies in North Carolina between homicides and executions (Baumgartner, 2010), and in the demonstration nationwide of similar dramatic discrepancies (Baumgartner et al., 2015). This 2015 review of national statistics covering all US executions since 1976 notes that only 10 whites have been executed in the modern era for the crime of killing a black male, with six additional cases where a black male was one of multiple victims, including victims of other races or genders. None of these cases were from Louisiana. In fact, we find no cases in the entire history of Louisiana where a white person was executed for killing a black male.²

The data below demonstrate stark disparities in the use of the death penalty, depending on the race and gender of the victim. Homicide data cover the period of the modern death penalty era, after executions were re-started nationally in 1976, through to the end of 2011. Death sentence and

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² Michael Radelet's review (Radelet, 1989) of almost 16,000 executions in US history dating back to 1608 found just 30 cases in which a white was executed for the crime of killing a black. Only one of these executions was in Louisiana. It occurred in 1752, under French rule, with a 24-year old white soldier hung for the bayoneting of two negroes (black slave women) who recovered from the attack.

execution data continue through July 2015.

Homicide Victimization Rates

20,942 Louisianans have been the victims of homicides in this era, almost 600 per year on average. Of these,

- **81** percent have been male, and
- **72** percent have been African American (the source-data term is “black”).

Table 1 shows the number of homicide victims by race and gender.³

The table shows that:

- **61** percent of homicide victims in Louisiana since 1976 have been black males;
- **19** percent have been white males;
- **12** percent have been black females,
- **7** percent have been white females, and
- **1** percent have been persons of other or unknown race or gender.

The killers of these different categories of victims have greatly varying chances of being executed for their crimes.

³ In the 2010 US Census, African-Americans, or blacks, were 32.0 percent of the Louisiana population. From the time of the first execution in the Louisiana colony in 1722, through statehood to the dawn of the 20th century, Louisiana’s population was majority black (Hall, 1992; US Census). Since a decline to 47 percent black in the 1900 census, the black population has steadily drawn down to 32 percent by 1960, where it has generally remained.

Table 1. Homicide Victimization Rates in Louisiana.

Year	Total	Gender			Race			Race or Gender					
		Male	Female	Unknown	White	Black	Other Races	Unknown	White Male	Black Male	White Female	Black Female	Other or Unknown
1976	511	391	120	0	166	345	0	0	123	268	43	77	0
1977	605	472	133	0	209	394	1	1	158	312	51	82	2
1978	663	528	134	1	230	431	1	1	177	350	53	81	3
1979	734	581	150	3	238	490	2	4	180	399	58	91	6
1980	468	361	107	0	187	274	5	2	132	222	55	52	7
1981	700	569	130	1	250	445	2	3	196	369	54	76	5
1982	652	515	137	0	225	421	5	1	167	344	58	77	6
1983	581	458	122	1	181	391	4	5	133	318	48	73	9
1984	606	474	131	1	213	383	9	1	156	309	57	74	10
1985	449	342	107	0	141	305	3	0	99	243	42	62	3
1986	353	271	81	1	156	191	3	3	115	151	41	40	6
1987	389	278	111	0	124	264	0	1	76	202	48	62	0
1988	466	363	103	0	125	337	0	4	91	268	34	69	4
1989	604	491	113	0	128	472	4	0	95	394	33	78	4
1990	643	510	133	0	152	485	2	4	103	401	49	84	6
1991	372	283	89	0	107	265	0	0	63	220	44	45	0
1992	715	597	117	1	139	568	4	4	101	489	38	79	8
1993	811	656	148	7	162	633	8	8	108	541	54	92	16
1994	913	746	167	0	192	713	6	2	130	611	62	102	8
1995	764	641	122	1	152	595	1	16	117	512	35	83	17
1996	788	650	138	0	169	607	5	7	127	511	42	96	12
1997	672	524	148	0	149	506	4	13	104	409	45	97	17
1998	579	470	109	0	167	406	0	6	114	350	53	56	6
1999	480	379	101	0	115	356	2	7	76	297	39	59	9
2000	555	442	112	1	121	420	4	10	88	342	33	78	14
2001	501	413	88	0	120	378	2	1	77	334	43	44	3

continued

Year	Total	Gender			Other		Race		White	Black	White	Black	Race or Gender
		Male	Female	Unknown	White	Black	Unknown	Unknown	Male	Male	Female	Female	Other or Unknown
2002	601	475	125	1	156	434	9	2	100	368	56	66	11
2003	622	515	107	0	131	478	10	3	94	410	37	68	13
2004	593	488	104	1	111	475	4	3	73	410	38	64	8
2005	426	355	70	1	89	327	6	4	62	285	27	41	11
2006	524	452	69	3	105	407	7	5	77	369	28	38	12
2007	616	517	98	1	164	435	14	3	127	377	37	58	17
2008	426	350	73	3	117	305	1	3	86	262	31	42	5
2009	526	439	85	2	121	398	2	5	88	347	33	51	7
2010	521	443	78	0	134	382	3	2	98	340	36	42	5
2011	513	435	77	1	101	408	1	3	73	359	28	49	4
Totals	20,942	16,874	4,037	31	5,547	15,124	134	137	3,984	12,693	1,563	2,428	274
Percent	100.00	80.57	19.28	0.15	26.49	72.22	0.64	0.65	19.02	60.61	7.46	11.59	1.31

Notes: Data come from Department of Justice/Federal Bureau of Investigation Uniform Crime Reporting Supplementary Homicide Master File Listings 1976-2011. Orleans Parish, with an average of a little over 200 homicides a year, failed to report homicide data to the FBI in 1980 (8 months), 1986 (12 months), 1987 (4 months), 1990 (3 months), 1991 (12 months), 2005 (6 months), 2008 (6 months) and 2009 (1 month) — New Orleans, then, is approximately 10% under-reported over the 36 years.

Death Sentences and Executions

Louisiana has sentenced 225 people to death (in 241 trials, including retrials) since 1976, for murders that had 316 victims, victims characterized in the *center* columns of Table 2 below.

Louisiana has executed 28 of these individuals. Together, they had a total of 38 victims. The *right* columns of Table 2 show the characteristics of the victims of the executed.

Table 2 shows that while black males constitute 61 percent of the victims of homicides, they are just 8 percent of the victims of those who were later executed. White females, by contrast, represent 7 percent of the overall victims, but 47 percent of those for whom the murderer was in turn put to death.

Table 2. Race and Gender of Louisiana Murder Victims, by Punishment Status.

Victim Characteristics	All Murder Victims		Victims of the Death-Sentenced		Victims of the Executed	
	Number	Percent	Number	Percent	Number	Percent
Black	15,121	72	105	33	8	21
<i>Black Male</i>	12,693	61	62	20	3	8
<i>Black Female</i>	2,428	12	43	13	5	13
White	5,547	26	202	64	30	79
<i>White Male</i>	3,984	19	113	36	12	32
<i>White Female</i>	1,563	7	89	28	18	47
Other/Unknown	274	1	9	3	0	0
TOTAL	20,942	100%	316	100%	38	100%

Table 3 combines information from Tables 1 and 2 to show the dramatic differences in the rates of execution for those who kill different types of victims.

Table 3. Execution Rates per 1,000 Murders, by Victim Characteristics.

Victim Characteristics	All Murder Victims	Victims of Persons Sentenced to Death	Victims of Persons Executed	Death Sentencing Rate per 1,000 Homicides	Execution Rate per 1,000 Homicides
White Female	1,563	89	18	56.94	11.52
White Male	3,984	113	12	28.36	3.01
Black Female	2,428	43	5	17.71	2.06
Black Male	12,693	62	3	4.88	0.24
Other/Unknown	274	9	0	32.85	-
All Except Black Male	8,249	254	35	30.79	4.24
TOTAL	20,942	316	38	15.38	1.81

The killers of 316 homicide victims have been sentenced to death in Louisiana since 1976, and the killers of 38 victims have been executed. With a total of 20,942 homicides having occurred, it is clear that only a minute proportion of all murders are punished by death. Fewer than 2 percent of all homicides lead to a death sentence, and fewer than 0.2 percent lead to an execution, as the bottom row of Table 3 makes clear.

The dramatic differences in the likelihood of the use of capital punishment by race and gender

of the victim are clear whether we look at death sentences or executions. The two columns to the right of Table 3 above show the rate of capital punishment per 1,000 homicides. With the killers of 89 white females sentenced to death out of a total of 1,563 such homicides, the rate of death sentencing is 56.94 per 1,000 (or 5.7 percent); the rate of execution is 11.52 per 1,000 (or 1.2 percent). As we move from white females to white males to black females and finally to black males, we see monotonic declines in the rates at which these homicides receive the ultimate sanction: death sentences per 1,000 homicides move from 57 to 28 to 18 to 5, and execution rates decline from 12 to 3 to 2 to 0.2 per 1,000 homicides. The killer of a white female is 12 times (56.94/4.88) more likely to be sentenced to death, and 48 times (11.52/0.24) more likely to be executed, than the killer of a black male.

Figures 1, 2 and 3 below illustrate the data presented above.

Figure 1. Race and Gender of Louisiana Murder Victims, by Execution Status.

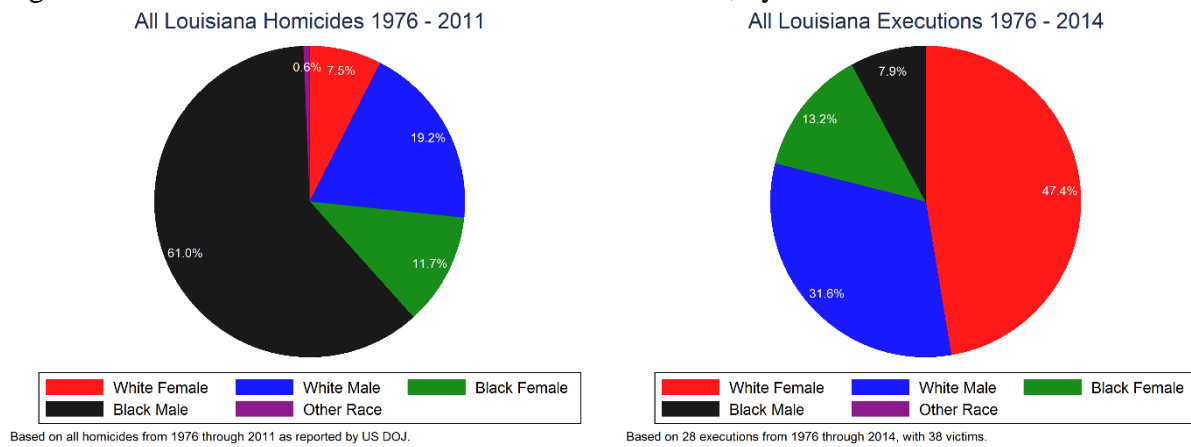


Figure 2. Execution Rates per 1,000 Murders, by Victim Characteristics.

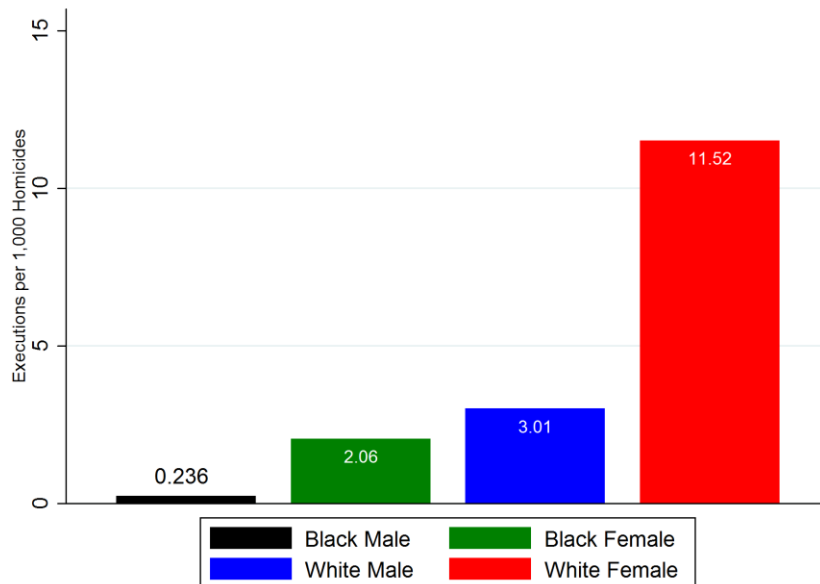
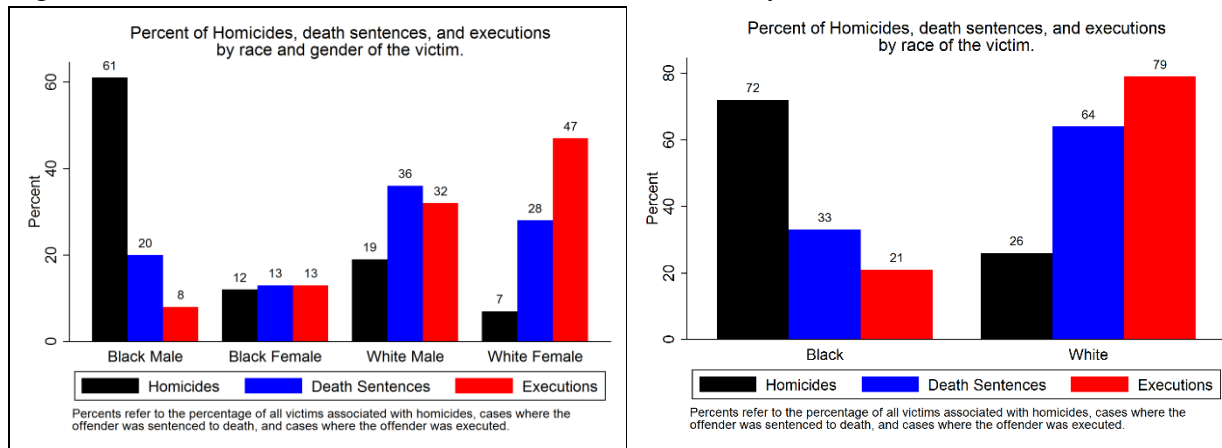


Figure 3. Race and Gender of Louisiana Murder Victims, by Punishment Status.



Historical Trends

Are the racial tendencies in the application of Louisiana’s death penalty new, or do they reflect long-standing patterns? In order to address this question, we can compare rates of execution over various eras of Louisiana history for white and black defendants (we do not know race of victims). Table 4 presents these data (calculated from Espy and Smylka, 2004).

Table 4. History of Executions in Louisiana by Race and Crime.

Era	Decade	Homicides			Non-Homicides			Total
		Black	White	Oth/Unk	Black	White	Oth/Unk	
French Colonial	1722-1731	2	0	0	8	2	1	13
	1732-41	0	0	0	0	0	0	0
	1742-51	2	0	0	1	0	0	3
	1752-61	0	4	0	0	1	0	5
Spanish Colonial	1762-71	2	1	0	0	6	0	9
	1772-81	3	0	0	3	0	0	6
	1782-91	0	0	0	0	2	0	2
Antebellum	1792-1801	0	0	0	23	0	0	23
	1802-11	0	2	0	16	0	0	18
	1812-21	2	1	0	0	3	0	6
	1822-31	0	4	3	1	0	0	8
	1832-41	14	1	0	53	0	0	68
	1842-51	3	0	0	7	0	0	10
	1852-61	9	5	3	1	5	1	24
	subtotal	37	18	6	113	19	2	195
War & Reconstruction	1862-71	0	2	0	1	1	4	8
Post-Reconstruction	1872-81	21	1	3	2	0	0	27
	1882-91	55	8	3	2	2	0	70
	1892-1901	35	8	1	1	0	1	46
Jim Crow	1902-11	35	11	4	10	2	0	64
	1912-21	15	14	11	9	0	0	50
	1922-31	19	19	1	5	0	0	44
	1932-41	29	20	8	4	0	0	61
	1942-51	24	6	8	9	0	1	46
Modern	1952-61	13	1	0	5	0	1	19
	1962-71	0	0	0	0	0	0	0
	1972-81	0	0	0	0	0	0	0
	1982-91	9	11	0	0	0	0	20
	1992-2001	4	2	0	0	0	0	6
	2002-11	0	2	0	0	0	0	2
TOTAL		296	123	45	161	24	9	658

Table 4 shows the entire historical record of the number of executions by decade and era since the first execution in 1722. In general, we see that state executions of blacks outnumber those of whites by a 3-to-1 margin over the course of Louisiana history, despite the population being divided fairly equally between the two races, and the history being divided fairly equally between the slavery and post-slavery times. A few notes on certain eras follow.

Colonial and Antebellum Eras

Of the 195 executions in these eras, only 55 were for homicides committed by blacks or whites. Of the 132 non-homicide executions of blacks and whites, 31 were for non-political crimes like

theft, attempted murder, arson, or unknown; while 101, the majority of executions in these eras, were for political crimes, the executions intended to deter others: 9 whites (6 for treason, 2 for piracy, and 1 for slave revolt), and 92 blacks, all for slave revolt³, all but 4 occurring in the following five incidents:

- **1730 Following the Fort Rosalie (Natchez MS) Indian massacre of French.** 8 black slaves were found to be conspirators and broken on the wheel in the Place d'Armes (now Jackson Square), New Orleans.
- **1795 The Pointe Coupee Parish uprising.** 23 black slave conspirators were executed, their severed heads placed on poles along the river levee.
- **1811 The German Coast (St Charles Parish) insurrection.** A planter's militia killed a group of around 100 insurrectionists, and 16 black slave survivors were later executed. Heads of the dead insurrectionists were placed on poles along the 30 miles of eastbank river levee above New Orleans.
- **1837 The Cheneyville (Rapides Parish) uprising.** 12 conspirators were executed when Lewis Cheney, slave of David Cheney, planned and organized an insurrection so that he could be manumitted when he revealed the plot to authorities (he was).
- **1840 Troubles in Lafayette Parish.** 29 black slaves were executed in serial episodes of vigilantism under the political cover and state sanction of US Senator Alexandre Mouton, local large slaveholder.⁴

War, Reconstruction, and Post-Reconstruction Eras

Executions for murder from the Civil War to the end of the 19th century numbered 111 blacks and 19 whites. This may seem unbalanced in a still majority-black state, but it pales in comparison to Louisiana's interracial murder count during the 12 years of vigilante pogroms around the state during Reconstruction – 1472 blacks killed by whites versus 115 whites killed by blacks (Vandal, 1991). Not only were white murderers not executed, they were only rarely arrested. Nor did the vigilantism stop in the Post-Reconstruction era – it merely slowed, as lynchings, a new form of extrajudicial execution, took hold.

Jim Crow Era

By 1900, black voters had been reduced to 5,320 on the Louisiana voting rolls. In 1910 that number was down to 730, less than 0.5 percent of the state's eligible black men (Pildes, 2013). While the Jim Crow era was the heyday for executing murderers of all races, executions for non-homicide crimes also came back in this era, no longer for political crimes, but now for rape and attempted rape. Was this a new kind of deterrence? 47 black men were executed for sex crimes in the era, but only 3 white men (1 each in 1906, 1907, and 1957).

Conclusion

The presentation of various official statistics compiled here suggests that there indeed has been a

³ “Slave insurrections were rare, exceptional occurrences. . . . They followed, by several years, peaks in the highly uneven volume of slave importation – peaks that occurred in the early 1720s, in the late 1780s, and in the four years from 1804 to 1808.” (Faber, 2010) One can add the 1820s and 1830s to this list, when the enslaved increased from 69,000 to 168,000, and from 52% to 55% of the state population.

⁴ Of the 1830s, Brasseaux writes, “Later in the decade, the parish police jury adopted increasingly repressive slave regulations. Because of such repression, the Lafayette Acadians’ fear of slave revolt became a self-fulfilling prophecy, resulting in an abortive servile uprising in 1840” (Brasseaux, 1992).

long-standing connection between race and execution, in particular when we consider the racial status of the victim of the crime. Although whites constitute only around a quarter (26%) of modern-era homicide victims, they are close to two-thirds (64%) of the victims in death sentence cases, and nearly four-fifths (79%) of the victims in cases that have ended in execution.

The bulk of homicides in Louisiana affect African-American men (especially young men). However, the likelihood of being executed for these crimes in this modern era is 48 times lower than for the killing of a white woman. At 0.24%, the rate of execution for killing a black man in the modern period is less than the 0.5% of eligible Louisiana black men allowed to vote in 1910, when Jim Crow laws had reduced their voting rolls to the paltry number of 730 registered voters, out of a black male population around a half million. And this 0.24% is just 6% of the rate of execution for the killing of all other victim types, and 2% of the rate for killing white females.

Any justification of the death penalty must involve equal protection. The Fourteenth Amendment to the US Constitution states that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.” Here we have a class of persons, the families and communities of murdered black males, so denied.

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