



AMERICAN
CONSTITUTION
SOCIETY

Name of Panel: **A Fear of Too Much Justice: Confronting Systemic Racism in the Death Penalty**

Date | Time | Location: October 1, 2020 | 1:00 p.m. to 2:15 p.m. ET | Online

Brief Description:

Half a century after Supreme Court Justice Potter Stewart decried systemic racism in the administration of the death penalty, Black, Latinx, and Native American people continue to be disproportionately represented on the federal and state death rows. Meanwhile, crimes against white victims are the ones for which the death penalty are overwhelmingly sought. And yet, for the past thirty years, the U.S. Supreme Court has thwarted efforts to challenge systemic racism in the death penalty based on what Justice William Brennan characterized as “a fear of too much justice.” This event will examine what led to and perpetuates the stark racial disparities in the death penalty and how can they be addressed at both the state and federal level.

Panelists’ Names and Bios:

- **Catherine M. Grosso**, Professor of Law, Michigan State University
- **Henderson Hill**, Senior Counsel, ACLU Capital Punishment Project
- **Alexis Hoag**, Associate Research Scholar in the Faculty of Law; Lecturer in Law, Columbia Law School
- **Liliana Segura**, Senior Reporter, The Intercept (moderator)

Agenda of Panel: 1:00 p.m. to 2:15 p.m. (1.25 hours of CLE)

- Introductions / Opening Remarks (5 min)
- Panel Discussion (50min)
- Q&A (20 min)

Materials for Panel:

- NGOZI NDULUE, [ENDURING INJUSTICE: THE PERSISTENCE OF RACIAL DISCRIMINATION IN THE U.S. DEATH PENALTY](#), DEATH PENALTY INFO. CTR. (2020).
- *The Death Penalty in America*, AM. CONST. SOC’Y (last visited Sept. 22, 2020).
- Alexis Hoag, *Valuing Black Lives: A Case for Ending the Death Penalty*, 51 COLUM. L. REV. 985 (2020).
- Catherine Grosso et al., *Death by Stereotype: Race, Ethnicity, and California’s Failure to Implement Furman’s Narrowing Requirement*, 66 UCLA L. REV. 1394 (2020).
- SAMUEL GROSS ET AL., NAT’L REGISTRY OF EXONERATIONS, [RACE AND WRONGFUL CONVICTIONS IN THE UNITED STATES](#) (2017).

- Brandon Garrett et al., *The American Death Penalty Decline*, 107 J. OF CRIM. L. AND CRIMINOLOGY 561 (2017).
- Russ Feingold & Keith Harper, *Lezmond Mitchell's Execution Would Be Another Broken Promise to Tribal Nations*, ACS EXPERT FORUM (Aug. 25, 2020).
- ELISABETH SEMEL ET AL., BERKELEY LAW DEATH PENALTY CLINIC, *WHITEWASHING THE JURY BOX: HOW CALIFORNIA PERPETUATES THE DISCRIMINATORY EXCLUSION OF BLACK AND LATINX JURORS* (2020).

