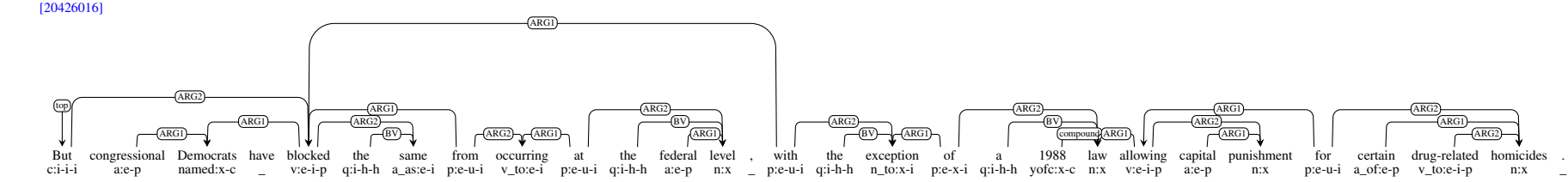
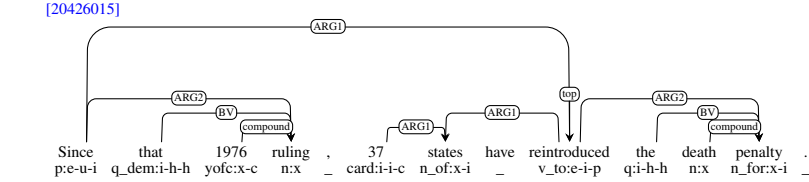
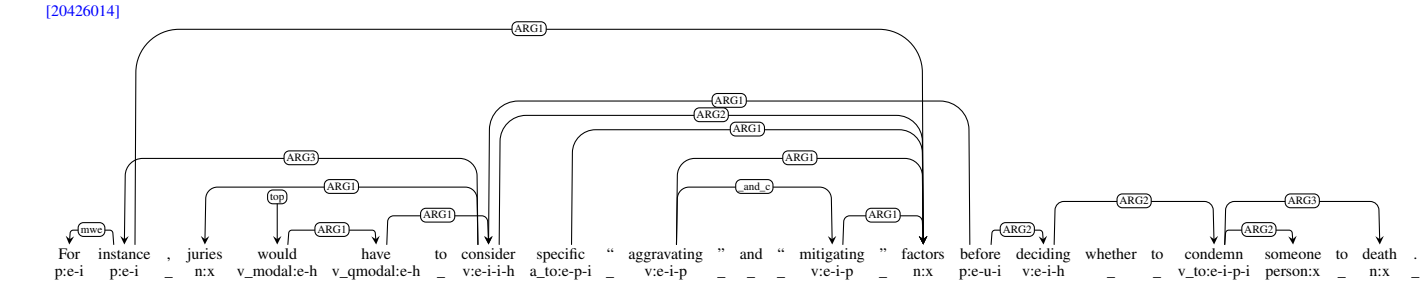
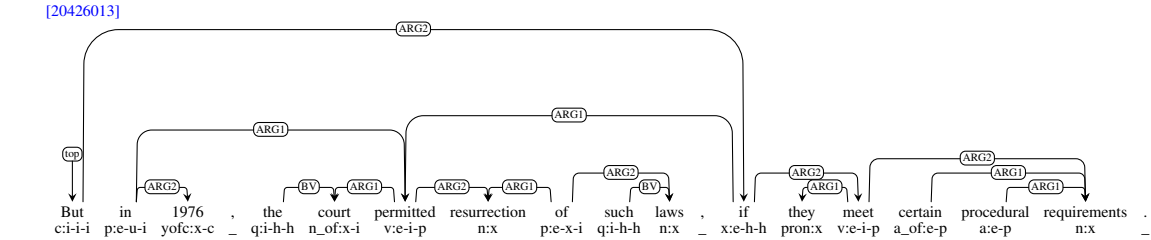
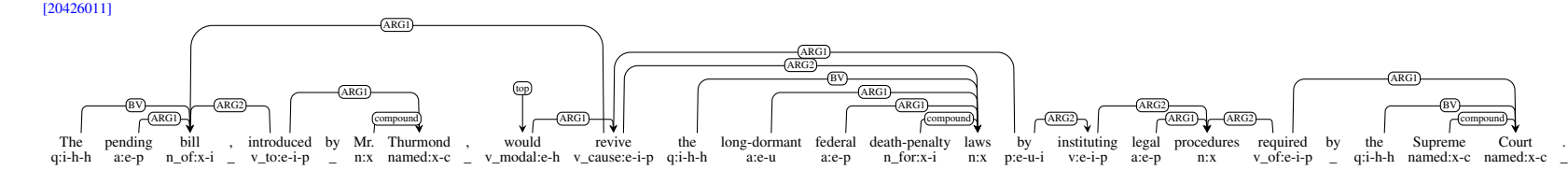
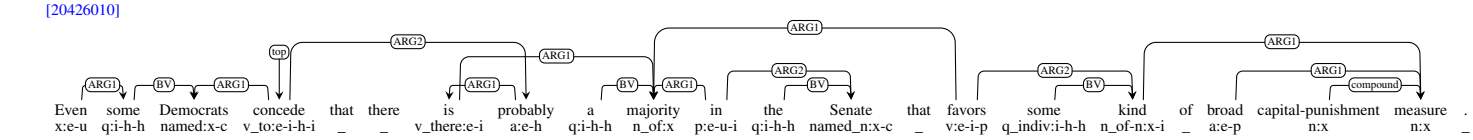
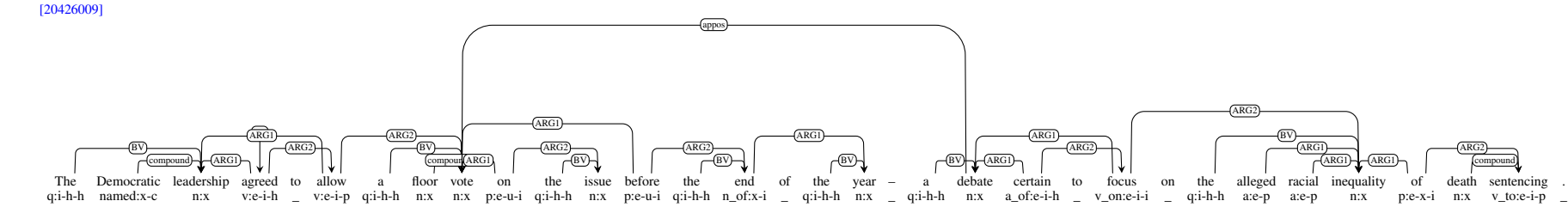
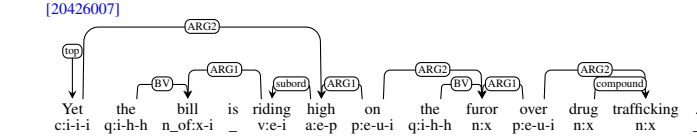
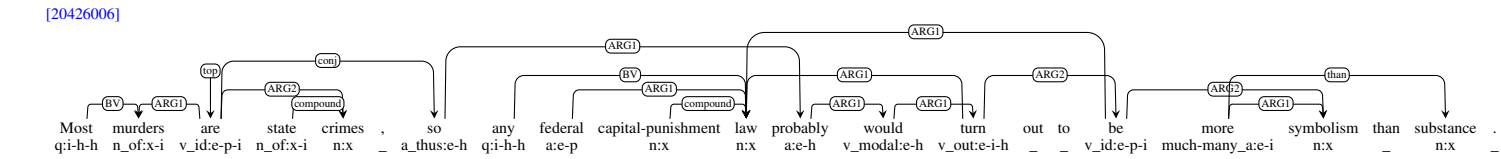
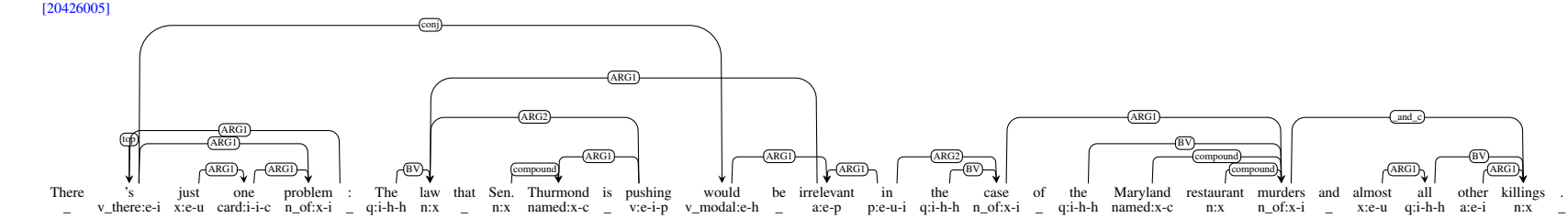
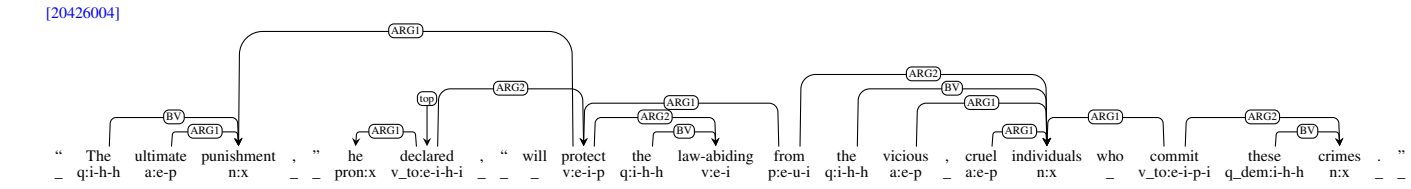
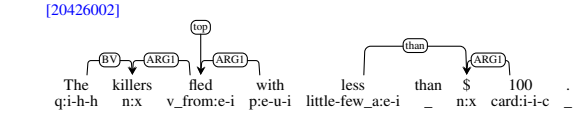
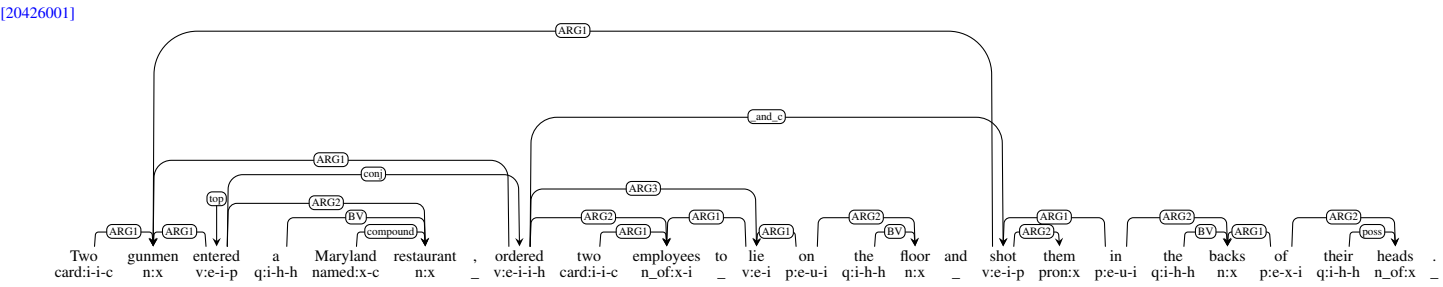


Document 0426



[20426018]



A large number of studies suggest that state judges and juries have imposed the penalty in a racially discriminatory fashion .

[20426036]

And the Kennedy amendment would invade not only federal but state sentencings , in two important ways .

[20426037]

It would allow all defendants to introduce statistical evidence showing racially disproportionate application of the death penalty in the past .

[20426038]

And it would shift the burden to prosecutors to disprove that discrimination caused any statistical racial disparities .

[20426039]

" That burden is very difficult , if not impossible , to meet , " says Mr. Boyd .

[20426041]

Since most prosecutors n't be able to demonstrate conclusively that racial considerations did n't affect sentencing , executions everywhere might come to a halt , Mr. Boyd explains .

[20426042]

At least 15 major studies purport to show that particular states have imposed the death penalty disproportionately against killers of whites compared with blacks , and against black defendants compared with white defendants .

[20426043]

Conservatives question the validity of the studies and note that the Supreme Court ruled in 1987 that such research , regardless of its accuracy , is n't relevant to a constitutional attack on a particular death sentence .

[20426045]

Lawyers would eagerly seize on the provision in their death-penalty appeals , says Richard Burr , director of the NAACP Legal Defense and Educational Fund 's capital-punishment defense team .

[20426046]

Mr. Kennedy failed to get his amendment incorporated into last year 's anti-drug legislation , and it will be severely attacked on the Senate floor this time around .

[20426047]

But if it survives , it could prompt other statutory changes , according to the Mr. Burr .

[20426050]

And that , in turn , would only strengthen the argument of those who oppose execution under any circumstances .