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**Racism in a Texas Death Case**

**By** [**THE EDITORIAL BOARD**](http://www.nytimes.com/interactive/opinion/editorialboard.html)

In the annals of racism in the Texas criminal justice system, seven death penalty cases are in a class by themselves. In 2000, after the Supreme Court ordered a new sentencing hearing in one of them, Senator John Cornyn, who was then the state attorney general, called for new sentencing hearings in the other cases for the same reason: because race was improperly and explicitly considered as a factor in determining the sentence.

Duane Buck, who was convicted of two murders, is the only one among the defendants who was not granted a new sentencing hearing. His post-conviction lawyers have uncovered a lot of mitigating evidence that his trial counsel did not present to the jury that sentenced him to death. He is seeking life without parole and is awaiting a decision on this matter by the Texas Court of Criminal Appeals.

Texas has long fought his request for resentencing because it insists that Mr. Buck is responsible for introducing race into his case. A psychologist called by the defense testified at the hearing that being black increased Mr. Buck’s “future dangerousness.” But this statement was elicited by the prosecutor on cross-examination and was used by the prosecutor in his closing argument to the jury. This egregious error clearly violated Mr. Buck’s constitutional rights. One of the prosecutors in the case has been campaigning for years against Mr. Buck’s execution.

The racial bias in this case reflects a wide and disturbing pattern in death penalty prosecutions in Harris County, Tex., where Mr. Buck was tried. A [recent study](https://docs.google.com/file/d/0B__L0W5WUluVU3dVcmRoN3EteGs/edit) found that from 1992 to 1999 the county prosecutor was three times as likely to seek the death penalty for blacks in murder cases as they were for whites, and juries were twice as likely to impose capital punishment. The Buck case is yet more evidence that capital punishment should be abolished.