

TABLE SET II: THE UNITED STATES ATTORNEYS

B. OFFENSES: EXPLANATORY NOTES FOR TABLE SET II.B

Table Set II.B examines charging practices. As explained in the text of the Survey, when the modern use of the federal death penalty began in 1988, the only offenses subject to capital punishment were narcotics-related offenses under the DKA, and therefore all 52 submissions in the pre-protocol period were in cases where the defendant was charged with committing such offenses. With the enactment of the FDPA in 1994, prosecutors were authorized to seek the death penalty for a variety of offenses. Table 6 lists all of the federal offenses currently punishable by death.

Table 7 reports the extent to which each federal offense punishable by death has been charged against the 682 defendants reviewed in the post-protocol period, providing information about the total number of cases under each statute as well as the United States Attorneys' recommendations for and against seeking the death penalty. The information in Table 7 is reported on a statute-by-statute basis, and does not contain information about particular districts.

Tables 8-1, and 8-2 provide offense-related information about each district. Specifically, Table 8-1 reports on the subset of those cases in which United States Attorneys recommended seeking the death penalty, and Table 8-2 reports on the subset of the overall cases in which United States Attorneys recommended that the death penalty not be sought.

In any given case, the defendant's conduct can violate more than one federal statute that is subject to capital punishment, and many defendants have been charged with more than one capital offense in a single indictment. As a result, the total number of offenses reported in Table Set B.2 exceeds the total number of defendants charged with capital offenses in the post-protocol period.

The fact that defendants can be charged with multiple offenses in a single case also means that the method of counting can affect the statistics. In compiling Table Set II.B, multiple counts in an indictment charging the same statutory violation against the same defendant were counted only once, but different statutory violations charged against the same defendant in a single indictment were counted separately. Thus, for example, assume that in District A, there were capital charges against two defendants: one White defendant charged with five different murders, all in violation of the same statute, and one Black defendant charged with five different statutory offenses punishable by death. The report for that district would show that one offense was charged against White defendants and five offenses were charged against Black defendants. To help account for the effects of this methodology, each entry for a specific district in Tables 8-1, and 8-2 also report the total number of defendants charged in that district.

TABLE 6: FEDERAL CAPITAL OFFENSES

Table 6 provides information about the 59 sections of the United States Code that define criminal offenses punishable by death, with part 1 of the table listing offenses defined under Title 18 of the United States Code and part 2 listing offense defined under other titles of the United States Code. The description accompanying each citation is drawn from the name of the section as set forth in the United States Code, with additional parenthetical information added where appropriate. With one exception, the procedures set forth in the FDPA, 18 U.S.C. §§ 3591 to 3598, apply to capital prosecutions arising under all of the statutes listed below. The exception is that capital prosecutions arising under 21 U.S.C. § 848(e) (continuing criminal enterprise) are subject to the similar but not identical procedures of the DKA, as set forth in 21 U.S.C. § 848(g)-(r).

All but three of the statutes listed below provide for imposition of the death penalty only for offenses resulting in death. Under the terms of 18 U.S.C. §§ 794 (espionage), 2381 (treason), and 3591 (providing for imposition of the death penalty for violations of 21 U.S.C. § 848(c) involving trafficking in large quantities of narcotics by continuing criminal enterprise; or attempting, authorizing or advising the killing of any officer, juror or witness by a continuing criminal enterprise), the government need not prove that the offense resulted in death in order for capital punishment to be available. The federal government has not sought the death penalty for any offense not resulting in death since the reintroduction of the capital punishment into the federal criminal justice system in 1988.

Offenses under 18 U.S.C. §§ 32 and 33 (Nos. 4 and 5) are eligible for capital punishment by virtue of 18 U.S.C. § 34, which does not itself define a criminal offense, but instead provides that the death penalty may be imposed as punishment for any offense under Chapter 2 of Title 18 (aircraft and motor vehicles) that results in the death of any person. Likewise, offenses under 18 U.S.C. § 2241 (No. 39) are eligible for capital punishment by virtue of 18 U.S.C. § 2245, which does not itself define a criminal offense, but instead provides that the death penalty may be imposed as punishment for any offense under Chapter 109A of Title 18 (sexual abuse) that results in the death of any person.

Some offenses under 21 U.S.C. § 848 (No. 55) are eligible for capital punishment by virtue of 18 U.S.C. § 3591, which does not itself define a criminal offense, but instead provides that the death penalty may be imposed in certain circumstances as punishment for certain violations of 21 U.S.C. § 848(c). When the DKA was enacted in 1988, it provided for imposition of the death penalty for certain specified offenses, codified at 21 U.S.C. § 848(e). The FDPA added a provision, codified at 18 U.S.C. § 3591(b), that a defendant found guilty of engaging in a continuing criminal enterprise (as defined in 21 U.S.C. § 848(c)) could be sentenced to death if (1) the offense involved specified amounts of narcotics, or (2) the defendant was a leader of the enterprise and sought to obstruct an investigation or prosecution by attempting to kill an officer, juror or witness (or a member of any such person's family).

1. OFFENSES UNDER TITLE 18 OF THE UNITED STATES CODE

No.	Citation	Description
1	18 U.S.C. § 32	Destruction of aircraft or aircraft facilities
2	18 U.S.C. § 33	Destruction of motor vehicles or motor vehicle facilities
3	18 U.S.C. § 36	Drive-by shooting
4	18 U.S.C. § 37	Violence at international airports
5	18 U.S.C. § 115	Influencing, impeding, or retaliating against a Federal official by murdering a family member
6	18 U.S.C. § 229A	Penalties (crimes relating to chemical weapons)
7	18 U.S.C. § 241	Conspiracy against rights
8	18 U.S.C. § 242	Deprivation of rights under color of law
9	18 U.S.C. § 245	Federally protected activities
10	18 U.S.C. § 247	Damage to religious property; obstruction of the free exercise of religious rights
11	18 U.S.C. § 351	Congressional, Cabinet, and Supreme Court assassination
12	18 U.S.C. § 794	Gathering or delivering defense information to aid foreign government
13	18 U.S.C. § 844	Explosive materials
14	18 U.S.C. § 924	Firearms
15	18 U.S.C. § 930	Possession of firearms and dangerous weapons in Federal facilities
16	18 U.S.C. § 1091	Genocide
17	18 U.S.C. § 1111	Murder
18	18 U.S.C. § 1114	Protection of officers and employees of the United States
19	18 U.S.C. § 1116	Murder of foreign officials, official guests, or internationally protected persons

No.	Citation	Description
20	18 U.S.C. § 1118	Murder by a Federal prisoner
21	18 U.S.C. § 1119	Foreign murder of United States nationals
22	18 U.S.C. § 1120	Murder by escaped prisoners
23	18 U.S.C. § 1121	Killing persons aiding Federal investigations or State correctional officers
24	18 U.S.C. § 1201	Kidnapping
25	18 U.S.C. § 1203	Hostage taking
26	18 U.S.C. § 1503	Influencing or injuring officer or juror generally
27	18 U.S.C. § 1512	Tampering with a witness, victim, or an informant
28	18 U.S.C. § 1513	Retaliating against a witness, victim, or an informant
29	18 U.S.C. § 1716	Injurious articles as nonmailable
30	18 U.S.C. § 1751	Presidential and Presidential staff assassination
31	18 U.S.C. § 1958	Use of interstate commerce facilities in the commission of murder-for-hire
32	18 U.S.C. § 1959	Violent crimes in aid of racketeering activity
33	18 U.S.C. § 1992	Wrecking trains
34	18 U.S.C. § 2113	Bank robbery and incidental crimes
35	18 U.S.C. § 2119	Motor vehicles (carjacking)
36	18 U.S.C. § 2241	Aggravated sexual abuse
37	18 U.S.C. § 2242	Sexual abuse
38	18 U.S.C. § 2243	Sexual abuse of a minor or ward
39	18 U.S.C. § 2244	Abusive sexual contact

No.	Citation	Description
40	18 U.S.C. § 2251	Sexual exploitation of children
41	18 U.S.C. § 2280	Violence against maritime navigation
42	18 U.S.C. § 2281	Violence against maritime fixed platforms
43	18 U.S.C. § 2332	Terrorism
44	18 U.S.C. § 2332a	Use of weapons of mass destruction
45	18 U.S.C. § 2332b	Acts of terrorism transcending national boundaries
46	18 U.S.C. § 2332c	Use of chemical weapons
47	18 U.S.C. § 2340A	Torture
48	18 U.S.C. § 2381	Treason
49	18 U.S.C. § 2441	War crimes

2. OFFENSES UNDER OTHER TITLES OF THE UNITED STATES CODE

No.	Citation	Description
50	7 U.S.C. § 2146	Administration and enforcement by Secretary (murder of officials enforcing laws relating to transportation, sale, and handling of certain animals)
51	8 U.S.C. § 1324	Bringing in and harboring certain aliens
52	15 U.S.C. § 1825	Violations and penalties (murder of officials enforcing laws relating to the protection of horses)
53	21 U.S.C. § 461	Violations and penalties (murder of officials enforcing laws relating to poultry inspection)
54	21 U.S.C. § 675	Violations and penalties (murder of officials enforcing laws relating to meat inspection)
55	21 U.S.C. § 848	Continuing criminal enterprise
56	21 U.S.C. § 1041	Violations and penalties (murder of officials enforcing laws relating to inspection of egg products)
57	42 U.S.C. § 2283	Protection of nuclear inspectors
58	49 U.S.C. § 46502	Aircraft piracy
59	49 U.S.C. § 46502	Application of certain criminal laws to acts on aircraft

TABLE 7
U.S. ATTORNEY RECOMMENDATIONS
BY CAPITAL OFFENSE AND RACE/ETHNICITY OF DEFENDANT
(1995-2000)

CAPITAL OFFENSE	Total Defendants Submitted by U.S. Attorneys					U.S. Attorney Recommendations to Seek the Death Penalty					U.S. Attorney Recommendations Not to Seek the Death Penalty				
	TOTAL	White	Black	Hispanic	Other	TOTAL	White	Black	Hispanic	Other	TOTAL	White	Black	Hispanic	Other
8 U.S.C. 1324(a)	23	3	2	16	2	0	0	0	0	0	23	3	2	16	2
18 U.S.C. 32	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0
18 U.S.C. 33	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0
18 U.S.C. 36	3	0	3	0	0	0	0	0	0	0	3	0	3	0	0
18 U.S.C. 37	3	2	1	0	0	3	2	1	0	0	0	0	0	0	0
18 U.S.C. 241	6	2	3	1	0	2	0	2	0	0	4	2	1	1	0
18 U.S.C. 242	9	2	6	1	0	5	0	5	0	0	4	2	1	1	0
18 U.S.C. 245(b)	6	4	0	2	0	4	2	0	2	0	2	2	0	0	0
18 U.S.C. 247(d)(1)	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0
18 U.S.C. 794	5	5	0	0	0	0	0	0	0	0	5	5	0	0	0
18 U.S.C. 844(d)	4	4	0	0	0	2	2	0	0	0	2	2	0	0	0
18 U.S.C. 844(f)	5	4	1	0	0	4	3	1	0	0	1	1	0	0	0
18 U.S.C. 844(i)	20	14	2	1	3	10	6	1	0	3	10	8	1	1	0
18 U.S.C. 924(j)	186	22	105	53	6	64	11	29	19	5	122	11	76	34	1
18 U.S.C. 930(c)	6	4	2	0	0	3	2	1	0	0	3	2	1	0	0
18 U.S.C. 1111	60	28	27	0	5	15	8	6	0	1	45	20	21	0	4
18 U.S.C. 1114	19	8	5	3	3	8	4	2	0	2	11	4	3	3	1
18 U.S.C. 1116(a)	3	2	1	0	0	2	1	1	0	0	1	1	0	0	0
18 U.S.C. 1118	2	1	1	0	0	2	1	1	0	0	0	0	0	0	0
18 U.S.C. 1121(a)	5	0	5	0	0	5	0	5	0	0	0	0	0	0	0

CAPITAL OFFENSE	Total Defendants Submitted by U.S. Attorneys					U.S. Attorney Recommendations to Seek the Death Penalty					U.S. Attorney Recommendations Not to Seek the Death Penalty				
	TOTAL	White	Black	Hispanic	Other	TOTAL	White	Black	Hispanic	Other	TOTAL	White	Black	Hispanic	Other
18 U.S.C. 1201(a)	35	5	16	13	1	13	3	7	2	1	22	2	9	11	0
18 U.S.C. 1203(a)	15	0	0	10	5	3	0	0	0	3	12	0	0	10	2
18 U.S.C. 1512(a)	57	11	32	12	2	22	5	12	4	1	35	6	20	8	1
18 U.S.C. 1513(a)	22	3	10	8	1	7	1	2	4	0	15	2	8	4	1
18 U.S.C. 1716	3	3	0	0	0	2	2	0	0	0	1	1	0	0	0
18 U.S.C. 1958(a)	34	13	8	11	2	20	10	2	8	0	14	3	6	3	2
18 U.S.C. 1959(a)	153	20	70	60	3	29	7	9	12	1	123	12	61	48	2
18 U.S.C. 2113(e)	22	0	11	11	0	11	0	10	1	0	11	0	1	10	0
18 U.S.C. 2119(3)	71	3	32	34	2	20	1	12	6	1	50	2	19	28	1
18 U.S.C. 2241(a)	1	1	0	0	0	1	1	0	0	0	0	0	0	0	0
18 U.S.C. 2241(c)	1	1	0	0	0	1	1	0	0	0	0	0	0	0	0
18 U.S.C. 2332a	5	4	1	0	0	4	3	1	0	0	1	1	0	0	0
21 U.S.C. 848(c)	1	0	1	0	0	0	0	0	0	0	1	0	1	0	0
21 U.S.C. 848(e)(1)(A)	130	18	85	27	0	32	7	20	5	0	95	11	65	19	0
21 U.S.C. 848(e)(1)(B)	7	0	2	5	0	2	0	0	2	0	5	0	2	3	0
49 U.S.C. 46502	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0
TOTAL	926	191	432	268	35	296	83	130	65	18	625	107	301	200	17

TABLE 8-1
CAPITAL OFFENSES
U.S. ATTORNEY RECOMMENDATIONS TO SEEK THE DEATH PENALTY
BY DISTRICT AND RACE/ETHNICITY OF DEFENDANT
(January 1, 1995 - July 20, 2000)

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Alabama, Middle 0 of 0 defendants	n/a					0
	total					0
Alabama, Northern 2 of 2 defendants	21 U.S.C. 848(e)(1)(A)	2				2
	total	2				2
Alabama, Southern 2 of 2 defendants	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 1513(a)		2			2
	total		4			4
Alaska 0 of 1 defendant	n/a					0
	total					0
Arizona 1 of 12 defendants	18 U.S.C. 1111				1	1
	18 U.S.C. 1114				1	1
	total				2	2
Arkansas, Eastern 3 of 3 defendants	18 U.S.C. 924(j)	2	1			3
	18 U.S.C. 1959(a)	2				2
	total	4	1			5
Arkansas, Western 3 of 3 defendants	18 U.S.C. 924(j)	2				2
	18 U.S.C. 1111	2				2
	18 U.S.C. 1201(a)	1				1
	total	5				5

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
California, Central 3 of 15 defendants	18 U.S.C. 245(b)	1				1
	18 U.S.C. 924(j)	1		1		2
	18 U.S.C. 1111		1			1
	18 U.S.C. 1114	1	1			2
	18 U.S.C. 1959(a)			1		1
	total	3	2	2		7
California, Eastern 4 of 10 defendants	18 U.S.C. 844(d)	1				1
	18 U.S.C. 844(i)				1	1
	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1111	1				1
	18 U.S.C. 1201(a)	1				1
	18 U.S.C. 1716	1				1
	18 U.S.C. 2241(a)	1				1
	total	5	1		1	7
California, Northern 1 of 4 defendants	18 U.S.C. 924(j)				1	1
	18 U.S.C. 1512(a)				1	1
	total				2	2
California, Southern 0 of 2 defendants	n/a					0
	total					0
Colorado 0 of 6 defendants	n/a					0
	total					0
Connecticut 0 of 11 defendants	n/a					0
	total					0

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Delaware	n/a					0
0 of 0 defendants	total					0
District of Columbia	21 U.S.C. 848(e)(1)(A)		1			1
1 of 21 defendants	total		1			1
Florida, Middle	18 U.S.C. 924(j)			3		3
3 of 3 defendants	18 U.S.C. 1959(a)			3		3
	total			6		6
Florida, Northern	n/a					0
0 of 5 defendants	total					0
Florida, Southern	18 U.S.C. 1959(a)		1			1
1 of 9 defendants	total		1			1
Georgia, Middle	n/a					0
0 of 4 defendants	total					0
Georgia, Northern	18 U.S.C. 1118		1			1
1 of 5 defendants	total		1			1
Georgia, Southern	18 U.S.C. 924(j)		3	1		4
4 of 5 defendants	18 U.S.C. 1121(a)		3			3
	18 U.S.C. 1512(a)		3			3
	18 U.S.C. 2119(3)			1		1
	total		9	2		11
Guam	n/a					0
0 of 0 defendants	total					0
Hawaii	18 U.S.C. 924(j)				1	1
1 of 6 defendants	total				1	1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Idaho 0 of 0 defendants	n/a					0
	total					0
Illinois, Central 0 of 0 defendants	n/a					0
	total					0
Illinois, Northern 2 of 7 defendants	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1121(a)		2			2
	21 U.S.C. 848(e)(1)(A)		2			2
	total		5			5
Illinois, Southern 3 of 3 defendants	18 U.S.C. 37	2	1			3
	18 U.S.C. 924(j)	2	1			3
	18 U.S.C. 1958(a)	2	1			3
	total	6	3			9
Indiana, Northern 0 of 4 defendants	n/a					0
	total					0
Indiana, Southern 0 of 2 defendants	n/a					0
	total					0
Iowa, Northern 2 of 4 defendants	18 U.S.C. 924(j)			2		2
	18 U.S.C. 1201(a)			2		2
	total			4		4
Iowa, Southern 0 of 2 defendants	n/a					0
	total					0
Kansas 3 of 12 defendants	18 U.S.C. 924(j)				2	2
	18 U.S.C. 930(c)	1				1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Kansas 3 of 12 defendants (cont'd)	18 U.S.C. 1111	1				1
	total	2			2	4
Kentucky, Eastern 0 of 1 defendant	n/a					0
	total					0
Kentucky, Western 5 of 6 defendants	18 U.S.C. 844(i)		1		2	3
	18 U.S.C. 1958(a)	2				2
	total	2	1		2	5
Louisiana, Eastern 3 of 7 defendants	18 U.S.C. 241		2			2
	18 U.S.C. 242		2			2
	18 U.S.C. 1512(a)		2			2
	21 U.S.C. 848(e)(1)(A)			1		1
	total		6	1		7
Louisiana, Middle 0 of 0 defendants	n/a					0
	total					0
Louisiana, Western 0 of 0 defendants	n/a					0
	total					0
Maine 0 of 0 defendants	n/a					0
	total					0
Maryland 6 of 41 defendants	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1111		2			2
	18 U.S.C. 1959(a)		2			2
	18 U.S.C. 2119(3)				1	1
	total		5		1	6

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Massachusetts 1 of 13 defendants	18 U.S.C. 1111	1				1
	total	1				1
Michigan, Eastern 4 of 17 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1959(a)			1		1
	18 U.S.C. 2113(e)		2			2
	total		4	1		5
Michigan, Western 0	n/a		0			0
	total		0			0
Minnesota 0 of 7 defendants	n/a					0
	total					0
Mississippi, Northern 1 of 1 defendant	18 U.S.C. 924(j)	1				1
	18 U.S.C. 1111	1				1
	total	2				2
Mississippi, Southern 0 of 1 defendant	n/a					0
	total					0
Missouri, Eastern 5 of 5 defendants	18 U.S.C. 924(j)		3		1	4
	18 U.S.C. 1201(a)		1		1	2
	18 U.S.C. 2113(e)		2			2
	18 U.S.C. 2119(3)		2			2
	total		8		2	10
Missouri, Western 8 of 8 defendants	18 U.S.C. 924(j)			3		3
	18 U.S.C. 1201(a)	1				1
	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 1958(a)			3		3

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Missouri, Western 8 of 8 defendants (cont'd)	18 U.S.C. 2241(c)	1				1
	21 U.S.C.	2				2
	total	4	2	6		12
Montana 0 of 0 defendants	n/a					0
	total					0
Nebraska 0 of 0 defendants	n/a					0
	total					0
Nevada 4 of 9 defendants	18 U.S.C. 1959(a)	4				4
	total	4				4
New Hampshire 0 of 0 defendants	n/a					0
	total					0
New Jersey 2 of 4 defendants	18 U.S.C. 844(d)	1				1
	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1716	1				1
	18 U.S.C. 2113(e)		1			1
	total	2	2			4
New Mexico 6 of 11 defendants	18 U.S.C. 1959(a)			4		4
	21 U.S.C. 848(e)(1)(A)	2				2
	total	2		4		6
New York, Eastern 6 of 58 defendants	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1203(a)				3	3
	18 U.S.C. 1959(a)	1			1	2
	21 U.S.C. 848(e)(1)(A)	1	1			2
	total	2	2		4	8

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
New York, Northern 2 of 6 defendants	21 U.S.C. 848(e)(1)(A)		2			2
	total		2			2
New York, Southern 6 of 50 defendants	18 U.S.C. 844(f)	1	1			2
	18 U.S.C. 930(c)	1	1			2
	18 U.S.C. 1114	1	1			2
	18 U.S.C. 1116(a)	1	1			2
	18 U.S.C. 1201(a)		1			1
	18 U.S.C. 1512(a)		1			1
	18 U.S.C. 1959(a)		3			3
	18 U.S.C. 2332a	1	1			2
	21 U.S.C. 848(e)(1)(A)		2			2
total	5	12			17	
New York, Western 0 of 5 defendants	n/a					0
	total					0
North Carolina, Eastern 3 of 10 defendants	18 U.S.C. 924(j)	2	1			3
	18 U.S.C. 1512(a)	2				2
	18 U.S.C. 1958(a)	2				2
	18 U.S.C. 1959(a)		1			1
	18 U.S.C. 2119(3)		1			1
	total	6	3			9
North Carolina, Middle 0 of 0 defendants	n/a					0
	total					0
North Carolina, Western 3 of 5 defendants	18 U.S.C. 924(j)	1	1			2
	18 U.S.C. 1111	1				1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
North Carolina, Western 3 of 5 defendants (cont'd)	18 U.S.C. 1114				1	1
	18 U.S.C. 2119(3)		1			1
	total	2	2		1	5
North Dakota 1 of 1 defendant	18 U.S.C. 844(i)	1				1
	18 U.S.C. 1512(a)	1				1
	total	2				2
Northern Mariana 0 of 0 defendants	n/a					0
	total					0
Ohio, Northern 0 of 4 defendants	n/a					0
	total					0
Ohio, Southern 0 of 0 defendants	n/a					0
	total					0
Oklahoma, Eastern 0 of 1 defendant	n/a					0
	total					0
Oklahoma, Northern 0 of 0 defendants	n/a					0
	total					0
Oklahoma, Western 2 of 3 defendants	18 U.S.C. 844(f)	2				2
	18 U.S.C. 1114	2				2
	18 U.S.C. 2332a	2				2
	total	6				6
Oregon 0 of 1 defendant	n/a					0
	total					0
Pennsylvania, Eastern 4 of 6 defendants	18 U.S.C. 1958(a)			3		3
	18 U.S.C. 1959(a)			3		3

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Pennsylvania, Eastern 4 of 6 defendants (cont'd)	21 U.S.C. 848(e)(1)(A)		1			1
	total		1	6		7
Pennsylvania, Middle 3 of 4 defendants	18 U.S.C. 924(j)			2		2
	18 U.S.C. 1111	1				1
	18 U.S.C. 1118	1				1
	18 U.S.C. 1512(a)			2		2
	21 U.S.C. 848(e)(1)(A)			2		2
	total	2		6		8
Pennsylvania, Western 1 of 2 defendants	18 U.S.C. 844(i)	1				1
	total	1				1
Puerto Rico 14 of 72 defendants	18 U.S.C. 924(j)			6		6
	18 U.S.C. 1512(a)			2		2
	18 U.S.C. 1513(a)			4		4
	18 U.S.C. 2113(e)			1		1
	18 U.S.C. 2119(3)			5		5
	21 U.S.C. 848(e)(1)(A)			2		2
	21 U.S.C. 848(e)(1)(B)			2		2
	total			22		22
Rhode Island 0 of 5 defendants	n/a					0
	total					0
South Carolina 1 of 7 defendants	18 U.S.C. 2119(3)	1				1
	total	1				1
South Dakota 0 of 3 defendants	n/a					0
	total					0

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Tennessee, Eastern 0 of 0 defendants	n/a					0
	total					0
Tennessee, Middle 4 of 6 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1512(a)	2				2
	18 U.S.C. 1958(a)	2				2
	18 U.S.C. 2119(3)		2			2
	total	4	4			8
Tennessee, Western 6 of 11 defendants	18 U.S.C. 242		3			3
	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 1513(a)	1				1
	18 U.S.C. 2119(3)		2			2
	total	1	7			8
Texas, Eastern 4 of 5 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1201(a)		1			1
	18 U.S.C. 2113(e)		3			3
	total		6			6
Texas, Northern 6 of 10 defendants	18 U.S.C. 245(b)	1		2		3
	18 U.S.C. 1201(a)		3			3
	total	1	3	2		6
Texas, Southern 0 of 5 defendants	n/a					0
	total					0
Texas, Western 4 of 8 defendants	18 U.S.C. 1111		1			1
	18 U.S.C. 1958(a)	1		1		2

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Texas, Western	18 U.S.C. 2119(3)		2			2
4 of 8 defendants (cont'd)	total	1	3	1		5
Utah	n/a					0
0 of 1 defendant	total					0
Vermont	n/a					0
0 of 1 defendant	total					0
Virgin Islands	n/a					0
0 of 5 defendants	total					0
Virginia, Eastern	18 U.S.C. 924(j)		6	1		7
21 of 66 defendants	18 U.S.C. 1111		2			2
	18 U.S.C. 1201(a)		1			1
	18 U.S.C. 1958(a)		1	1		2
	18 U.S.C. 1959(a)		2			2
	18 U.S.C. 2113(e)		2			2
	18 U.S.C. 2119(3)		2			2
	21 U.S.C. 848(e)(1)(A)		10			10
	total		26	2		28
Virginia, Western	18 U.S.C. 844(i)	1				1
4 of 6 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1958(a)	1				1
	21 U.S.C. 848(e)(1)(A)		1			1
	total	2	3			5
Washington, Eastern	n/a					0
0 of 0 defendants	total					0

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Washington, Western 0 of 0 defendants	n/a					0
	total					0
West Virginia, Northern 3 of 11 defendants	18 U.S.C. 844(i)	3				3
	total	3				3
West Virginia, Southern 0 of 0 defendants	n/a					0
	total					0
Wisconsin, Eastern 0 of 0 defendants	n/a					0
	total					0
Wisconsin, Western 0 of 0 defendants	n/a					0
	total					0
Wyoming 0 of 0 defendants	n/a					0
	total					0
TOTAL 183 of 682 defendants		83	130	65	18	296

TABLE 8-2
CAPITAL OFFENSES
U.S. ATTORNEY RECOMMENDATIONS NOT TO SEEK THE DEATH PENALTY
BY DISTRICT AND RACE/ETHNICITY OF DEFENDANT
(1995-2000)

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Alabama, Middle 0 of 0 defendants	n/a					0
	total					0
Alabama, Northern 0 of 2 defendants	n/a					0
	total					0
Alabama, Southern 0 of 2 defendants	n/a					0
	total					0
Alaska 1 of 1 defendant	18 U.S.C. 924(j)	1				1
	18 U.S.C. 930(c)	1				1
	18 U.S.C. 1114	1				1
	total	3				3
Arizona 11 of 12 defendants	8 U.S.C. 1324(a)			3		3
	18 U.S.C. 924(j)			2	1	3
	18 U.S.C. 1111		1		1	2
	18 U.S.C. 1114		2	3	1	6
	18 U.S.C. 1201(a)	1				1
	18 U.S.C. 1512(a)		2			2
	21 U.S.C. 848(e)(1)(B)			3		3
	49 U.S.C. 46502	1				1
total	2	5	11	3	21	

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Arkansas, Eastern 0 of 3 defendants	n/a					0
	total					0
Arkansas, Western 0 of 3 defendants	n/a					0
	total					0
California, Central 12 of 15 defendants	8 U.S.C. 1324(a)				2	2
	18 U.S.C. 924(j)			3		3
	18 U.S.C. 1111	1				1
	18 U.S.C. 1114	1				1
	18 U.S.C. 1716	1				1
	18 U.S.C. 1958(a)		3			3
	18 U.S.C. 1959(a)			4		4
	21 U.S.C. 848(e)(1)(A)			1		1
total	3	3	8	2	16	
California, Eastern 6 of 10 defendants	18 U.S.C. 245(b)	2				2
	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1512(a)	1				1
	18 U.S.C. 1513(a)	1				1
	18 U.S.C. 1959(a)	3				3
	total	7	1			8
California, Northern 3 of 4 defendants	18 U.S.C. 924(j)	2				2
	18 U.S.C. 1111	1				1
	18 U.S.C. 1512(a)	2				2
	total	5				5

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
California, Southern 2 of 2 defendants	8 U.S.C. 1324(a)			2		2
	total			2		2
Colorado 6 of 6 defendants	18 U.S.C. 1111	5			1	6
	total	5			1	6
Connecticut 11 of 11 defendants	18 U.S.C. 1114		1			1
	18 U.S.C. 1512(a)		1			1
	18 U.S.C. 1513(a)		1			1
	18 U.S.C. 1959(a)			9		9
	total		3	9		12
Delaware 0 of 0 defendants	n/a					0
	total					0
District of Columbia 19 of 21 defendants	18 U.S.C. 844(i)	1				1
	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1111	1				1
	18 U.S.C. 1201(a)		2			2
	18 U.S.C. 1512(a)		3			3
	18 U.S.C. 1513(a)		3			3
	18 U.S.C. 1959(a)		4			4
	18 U.S.C. 2119(3)		2			2
	21 U.S.C. 848(e)(1)(A)		7			7
	21 U.S.C. 848(e)(1)(B)		1			1
	total	2	23			25
Florida, Middle 0 of 3 defendants	n/a					0
	total					0

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Florida, Northern 5 of 5 defendants	18 U.S.C. 1111	2				2
	18 U.S.C. 2119(3)		3			3
	total	2	3			5
Florida, Southern 8 of 9 defendants	8 U.S.C. 1324(a)			3		3
	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1959(a)		3			3
	total		5	3		8
Georgia, Middle 4 of 4 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 1111		1			1
	18 U.S.C. 2119(3)		3			3
	total		6			6
Georgia, Northern 4 of 5 defendants	18 U.S.C. 247(d)(1)	1				1
	18 U.S.C. 924(j)		2			2
	18 U.S.C. 2119(3)		1			1
	total	1	3			4
Georgia, Southern 1 of 5 defendants	18 U.S.C. 924(j)			1		1
	18 U.S.C. 2119(3)			1		1
	total			2		2
Guam 0 of 0 defendants	n/a					0
	total					0
Hawaii 5 of 6 defendants	18 U.S.C. 924(j)			2		2
	18 U.S.C. 1111	1			2	3
	total	1		2	2	5

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Idaho 0 of 0 defendants	n/a					0
	total					0
Illinois, Central 0 of 0 defendants	n/a					0
	total					0
Illinois, Northern 5 of 7 defendants	18 U.S.C. 1201(a)			5		5
	18 U.S.C. 1203(a)			5		5
	total			10		10
Illinois, Southern 0 of 3 defendants	n/a					0
	total					0
Indiana, Northern 4 of 4 defendants	18 U.S.C. 924(j)		3			3
	18 U.S.C. 2119(3)			1		1
	total		3	1		4
Indiana, Southern 2 of 2 defendants	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 1513(a)		2			2
	total		4			4
Iowa, Northern 2 of 4 defendants	18 U.S.C. 924(j)	1		1		2
	18 U.S.C. 1201(a)	1		1		2
	total	2		2		4
Iowa, Southern 2 of 2 defendants	18 U.S.C. 2119(3)	2				2
	total	2				2
Kansas 9 of 12 defendants	18 U.S.C. 924(j)	1	8			9
	total	1	8			9
Kentucky, Eastern 1 of 1 defendant	18 U.S.C. 2119(3)		1			1
	total		1			1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Kentucky, Western 1 of 6 defendants	18 U.S.C. 924(j)	1				1
	total	1				1
Louisiana, Eastern 4 of 7 defendants	18 U.S.C. 241		1			1
	18 U.S.C. 242		1			1
	18 U.S.C. 924(j)		3			3
	18 U.S.C. 1512(a)		1			1
	21 U.S.C. 848(e)(1)(A)		3			3
	total		9			9
Louisiana, Middle 0 of 0 defendants	n/a					0
	total					0
Louisiana, Western 0 of 0 defendants	n/a					0
	total					0
Maine 0 of 0 defendants	n/a					0
	total					0
Maryland 35 of 41 defendants	18 U.S.C. 844(i)	4				4
	18 U.S.C. 924(j)		6			6
	18 U.S.C. 1111		1			1
	18 U.S.C. 1959(a)		16			16
	21 U.S.C. 848(e)(1)(A)		8			8
	21 U.S.C. 848(e)(1)(B)		1			1
	total	4	32			36
Massachusetts 12 of 13 defendants	18 U.S.C. 1512(a)			1		1
	18 U.S.C. 1513(a)	1				1
	18 U.S.C. 1959(a)	1	7	1		9

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Massachusetts	21 U.S.C. 848(e)(1)(A)		2			2
12 of 13 defendants (cont'd)	total	2	9	2		13
Michigan, Eastern	18 U.S.C. 924(j)		3	2		5
13 of 17 defendants	18 U.S.C. 1512(a)		1			1
	18 U.S.C. 1958(a)			2		2
	21 U.S.C. 848(e)(1)(A)		7	2		9
	total		11	6		17
Michigan, Western	18 U.S.C. 924(j)	3	2	2		7
10 of 10 defendants	18 U.S.C. 1111	1				1
	18 U.S.C. 2113(e)			2		2
	21 U.S.C. 848(e)(1)(A)			2		2
	total	4	2	6		12
Minnesota	18 U.S.C. 924(j)		5			5
7 of 7 defendants	21 U.S.C. 848(e)(1)(A)		2			2
	total		7			7
Mississippi, Northern	n/a					0
0 of 1 defendant	total					0
Mississippi, Southern	18 U.S.C. 1111	1				1
1 of 1 defendant	total	1				1
Missouri, Eastern	n/a					0
0 of 5 defendants	total					0
Missouri, Western	n/a					0
0 of 8 defendants	total					0

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Montana 0 of 0 defendants	n/a					0
	total					0
Nebraska 0 of 0 defendants	n/a					0
	total					0
Nevada 4 of 9 defendants	18 U.S.C. 1958(a)	1			2	3
	18 U.S.C. 1959(a)	1				1
	total	2			2	4
New Hampshire 0 of 0 defendants	n/a					0
	total					0
New Jersey 2 of 4 defendants	18 U.S.C. 924(j)			1		1
	18 U.S.C. 1513(a)	1				1
	18 U.S.C. 1959(a)			1		1
	total	1		2		3
New Mexico 5 of 11 defendants	18 U.S.C. 1512(a)				1	1
	18 U.S.C. 1513(a)				1	1
	18 U.S.C. 1959(a)			2		2
	18 U.S.C. 2119(3)			2		2
	total			4	2	6
New York, Eastern 52 of 58 defendants	18 U.S.C. 241	2		1		3
	18 U.S.C. 242	2		1		3
	18 U.S.C. 924(j)	2	5	3		10
	18 U.S.C. 1203(a)			1	2	3
	18 U.S.C. 1512(a)	2	4			6
	18 U.S.C. 1958(a)		2			2

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
New York, Eastern 50 of 56 defendants (cont'd)	18 U.S.C. 1959(a)	7	4	6	1	18
	21 U.S.C. 848(e)(1)(A)	7	7	4		18
	total	22	22	16	3	63
New York, Northern 4 of 6 defendants	21 U.S.C. 848(e)(1)(A)		3	1		4
	total		3	1		4
New York, Southern 44 of 50 defendants	18 U.S.C. 32	1				1
	18 U.S.C. 844(d)	1				1
	18 U.S.C. 844(f)	1				1
	18 U.S.C. 844(i)	1		1		2
	18 U.S.C. 930(c)	1				1
	18 U.S.C. 1114	1				1
	18 U.S.C. 1116(a)	1				1
	18 U.S.C. 1201(a)		1	5		6
	18 U.S.C. 1512(a)		2	1		3
	18 U.S.C. 1959(a)	1	10	25	1	37
	18 U.S.C. 2332a	1				1
	21 U.S.C. 848(e)(1)(A)		1	1		2
	total	9	14	33	1	57
New York, Western 5 of 5 defendants	18 U.S.C. 36		3			3
	21 U.S.C. 848(e)(1)(A)		5			5
	total		8			8
North Carolina, Eastern 7 of 10 defendants	18 U.S.C. 924(j)		5			5
	18 U.S.C. 1201(a)		4			4
	18 U.S.C. 1959(a)		5			5

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
North Carolina, Eastern 7 of 10 defendants (cont'd)	18 U.S.C. 2119(3)		5			5
	total		19			19
North Carolina, Middle 0 of 0 defendants	n/a					0
	total					0
North Carolina, Western 2 of 5 defendants	18 U.S.C. 924(j)		2			2
	18 U.S.C. 2119(3)		1			1
	total		3			3
North Dakota 0 of 1 defendant	n/a					0
	total					0
Northern Mariana 0 of 0 defendants	n/a					0
	total					0
Ohio, Northern 4 of 4 defendants	18 U.S.C. 33	1				1
	18 U.S.C. 844(i)	1				1
	18 U.S.C. 1959(a)		3			3
	total	2	3			5
Ohio, Southern 0 of 0 defendants	n/a					0
	total					0
Oklahoma, Eastern 1 of 1 defendant	18 U.S.C. 1114	1				1
	total	1				1
Oklahoma, Northern 0 of 0 defendants	n/a					0
	total					0
Oklahoma, Western 1 of 3 defendants	18 U.S.C. 1111	1				1
	total	1				1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Oregon 1 of 1 defendant	18 U.S.C. 1111	1				1
	total	1				1
Pennsylvania, Eastern 2 of 6 defendants	21 U.S.C. 848(e)(1)(A)		2			2
	total		2			2
Pennsylvania, Middle 1 of 4 defendants	18 U.S.C. 1111	1				1
	total	1				1
Pennsylvania, Western 1 of 2 defendants	18 U.S.C. 1959(a)		1			1
	total		1			1
Puerto Rico 55 of 72 defendants	8 U.S.C. 1324(a)			4		4
	18 U.S.C. 924(j)			13		13
	18 U.S.C. 1203(a)			4		4
	18 U.S.C. 1512(a)			6		6
	18 U.S.C. 1513(a)			3		3
	18 U.S.C. 2113(e)			8		8
	18 U.S.C. 2119(3)			21		21
	21 U.S.C. 848(e)(1)(A)			7		7
total			66		66	
Rhode Island 5 of 5 defendants	18 U.S.C. 1959(a)		4	1		5
	total		4	1		5
South Carolina 6 of 7 defendants	18 U.S.C. 924(j)		5			5
	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 1513(a)		2			2
	18 U.S.C. 2119(3)				1	1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
South Carolina 6 of 7 defendants (cont'd)	21 U.S.C. 848(e)(1)(A)		1			1
	total		10		1	11
South Dakota 3 of 3 defendants	8 U.S.C. 1324(a)	3				3
	total	3				3
Tennessee, Eastern 0 of 0 defendants	n/a					0
	total					0
Tennessee, Middle 2 of 6 defendants	18 U.S.C. 1512(a)	1				1
	18 U.S.C. 1958(a)	1				1
	18 U.S.C. 2113(e)		1			1
	total	2	1			3
Tennessee, Western 5 of 11 defendants	18 U.S.C. 924(j)		4			4
	18 U.S.C. 1201(a)		1			1
	18 U.S.C. 2119(3)		1			1
	total		6			6
Texas, Eastern 1 of 5 defendants	18 U.S.C. 1959(a)		1			1
	total		1			1
Texas, Northern 4 of 10 defendants	18 U.S.C. 844(i)		1			1
	18 U.S.C. 1111	3				3
	total	3	1			4
Texas, Southern 5 of 5 defendants	8 U.S.C. 1324(a)			3		3
	18 U.S.C. 924(j)			2		2
	18 U.S.C. 2119(3)			2		2
	total			7		7

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Texas, Western 4 of 8 defendants	8 U.S.C. 1324(a)			1		1
	18 U.S.C. 844(i)	1				1
	18 U.S.C. 1958(a)	1				1
	18 U.S.C. 2119(3)		1			1
	total	2	1	1		4
Utah 1 of 1 defendant	18 U.S.C. 1111	1				1
	total	1				1
Vermont 1 of 1 defendant	18 U.S.C. 844(d)	1				1
	total	1				1
Virgin Islands 5 of 5 defendants	8 U.S.C. 1324(a)		2			2
	18 U.S.C. 924(j)		2	1		3
	18 U.S.C. 1512(a)		2			2
	18 U.S.C. 2119(3)			1		1
	total		6	2		8
Virginia, Eastern 45 of 66 defendants	18 U.S.C. 794	5				5
	18 U.S.C. 924(j)		14	1		15
	18 U.S.C. 930(c)		1			1
	18 U.S.C. 1111		18			18
	18 U.S.C. 1201(a)		1			1
	18 U.S.C. 1958(a)			1		1
	18 U.S.C. 1959(a)		3			3
	18 U.S.C. 2119(3)		1			1

District	Capital Offense	White	Black	Hispanic	Other	Total Capital Offenses
Virginia, Eastern 45 of 66 defendants (continued)	21 U.S.C. 848(c)		1			1
	21 U.S.C. 848(e)(1)(A)		12			12
	total	5	51	2		58
Virginia, Western 2 of 6 defendants	18 U.S.C. 924(j)		1			1
	18 U.S.C. 1958(a)		1			1
	total		2			2
Washington, Eastern 0 of 0 defendants	n/a					0
	total					0
Washington, Western 0 of 0 defendants	n/a					0
	total					0
West Virginia, Northern 8 of 11 defendants	21 U.S.C. 848(e)(1)(A)	2	5	1		8
	total	2	5	1		8
West Virginia, Southern 0 of 0 defendants	n/a					0
	total					0
Wisconsin, Eastern 0 of 0 defendants	n/a					0
	total					0
Wisconsin, Western 0 of 0 defendants	n/a					0
	total					0
Wyoming 0 of 0 defendants	n/a					0
	total					0
TOTAL 494 of 682 defendants		107	301	200	17	625