
The issue of the inequality and arbitrariness surrounding the imposition of the death penalty in United States of America (US) has been a subject of discussion for many years. It is not surprising that in 1972 (*Furman v Georgia*)\(^1\) the US Supreme Court suspended all the death penalty statutes and imposed a moratorium on executions pending the revision of these statutes with a view of making the punishment’s administration more just. Even after the reinstatement of the death penalty in 1976 (*Gregg v Georgia*),\(^2\) research from different disciplines has revealed that race plays an important role in the imposition and administration of the death penalty in the US. It has been argued by many and therefore not surprising that there exist ethnoracial discrimination in the US Criminal Justice system (with the black minority allegedly being punished more severely than their white counterparts).

However, while many acknowledge race as an influential factor in the US justice administration system, there has been little effort geared towards the understanding of the US Supreme Court’s role in protecting [or not protecting] the minority race defendants against unjust treatment in America’s capital sentencing regime. *Most Deserving of Death, An Analysis of the Supreme Court’s Death Penalty Jurisprudence* provides a comprehensive discussion of the US Supreme Court’s jurisprudence on the administration of the death penalty in the US. The book does not provide statistical data to show how many ‘blacks’ vis a vis ‘whites’ have received the death penalty or how many white jurors, judges, prosecutors support the death penalty but rather it provides an account of how the death penalty has been administered in the USA using authoritative court decisions made by America’s highest Court of Judicature.

The book tackles several topics concerning the death penalty in America structured into 9 chapters. It provides an account of America’s death penalty history, with a brief description of historical cases that have shaped the American death penalty. The author’s narration of the history of America’s death penalty does not provide any new information that has not already been raised by other authors on the subject although the author opines that the US Supreme Court played a passive role in the administration of the death penalty prior to 1972 despite the fact that it was evident that the sentence was being arbitrarily and disproportionately applied against black defendants.

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\(^1\) 408 U.S. 238 (1972).

The author’s primary goal is to assess whether the US Supreme Court has achieved its goal of reserving the death penalty to the most deserving defendants. His hypothesis is that the US Supreme Court has ‘alleviated some problems but exacerbated others’ (p. 3) and provides an account of Supreme Court decisions throughout the book to justify this hypothesis. Chapter two is a commendable expose of the flaws in the American death penalty system with a major emphasis on the unjust administration of the death penalty caused by incompetent/ineffective representation by counsel in death penalty cases. Kenneth Williams argues that the standard set by the Supreme Court in the Strickland case only heightens the risk of wrongful conviction in death penalty cases and that these standards are almost impossible to meet. He backs up his arguments by analysing a few Supreme Court decisions where the claimants either failed or succeeded on the ineffective counsel ticket. The chapter also acknowledges other factors that may lead to wrongful convictions such as prosecutorial misconduct, misidentifications, false confessions, jail house snitch testimonies and junk science.

All these factors are substantiated in chapter 4, where each factor is elaborated with cases demonstrating the existence of innocent convictions and executions in death penalty cases. Some of the interesting cases mentioned in chapter 4 are The Cameron Todd Willingham case; The Guidry case and The Ruben Cantu case. The chapter also gives statistical figures of inmates who have been exonerated after wrongful convictions.

Distinct chapters in the book examine specific issues regarding the administration of the death penalty in America, such as race and the death penalty; the possible execution of innocent defendants; the death penalty procedures and appeals; International Law and the death penalty; methods of execution and finally judges and capital punishment. On each of these specific issues, the discussion is backed by historical US Supreme Court decisions on the theme. On the issue of race and the death penalty, the book provides the reader with a wealth of Supreme Court decisions concerning defendant claims based on racial discrimination in the imposition of the death penalty. Chapter 3 discusses the impact of the US Supreme Court’s McClesky decision on racial discrimination in capital sentencing. The author explains that the McClesky decision requires the defendant claiming racial discrimination to show that the prosecutor, jury or judge specifically discriminated against the defendant or that the statute authorising the death penalty was enacted for racial reasons. The book posits that the ability of the defendant to access information from decision members is onerous and coming by a statute that is explicitly

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