

# Killing the Death Penalty

“The question we need to ask about the death penalty in America is not whether someone deserves to die for a crime. The question is whether we deserve to kill.”

**Bryan Stevenson**



EJI won Anthony Ray Hinton's release after he spent 30 years on death row for a crime he did not commit. (Bernard Troncale)

# History of Capital Punishment

## Late 1700s - US abolitionist movement begins.

Cesare Beccaria's "On Crimes and Punishment" inspires early abolitionists

## Early 1800s

Many states reduce their number of capital crimes and build state penitentiaries.

## Early 1900s - "Progressive Period"

A period of US reform (Roosevelt), 1907-1917 - Nine states abolish the death penalty for all crimes or strictly limit it.

## 1920s - 1940s - American abolition movement loses support

1924 Cyanide Gas introduced, 1930s highest execution rates (average 167 per year)

## 1958 - Trop v. Dulles

Eighth Amendment's meaning contained an "evolving standard of decency that marked the progress of a maturing society."

## 1970s - Georgia Cases

Furman v. Georgia (1972) suspends the Death Penalty, later reinstated in 1976 with Gregg v. Georgia under "guided discretion"

## 1994 - The Violent Crime Control and Law Enforcement Act

President Clinton expands the federal death penalty and later restricts review in federal courts.

## December 2007

The New Jersey General Assembly votes to become the first state to legislatively abolish capital punishment since its reinstatement



# Recent Landmark Cases



**1**

*Atkins v. Virginia* (2002)

**2**

*Ring v. Arizona* (2002)

**3**

*Roper v. Simmons* (2005)

**4**

*Kennedy v. Louisiana* (2008)

**5**

*Baze v. Rees* (2008)

**6**

*Glossip v. Gross* (2014)

**7**

*Hurst v. Florida* (2016)

**8**

*Rauf v. Delaware* (2016)

# Issues In Death Penalty

- Innocence and Error
- Inadequate Counsel
- Racial Bias
- Arbitrariness
- Public Safety

**75%**

75% of executions for murder were in cases with white victims.<sup>20</sup>

**186**

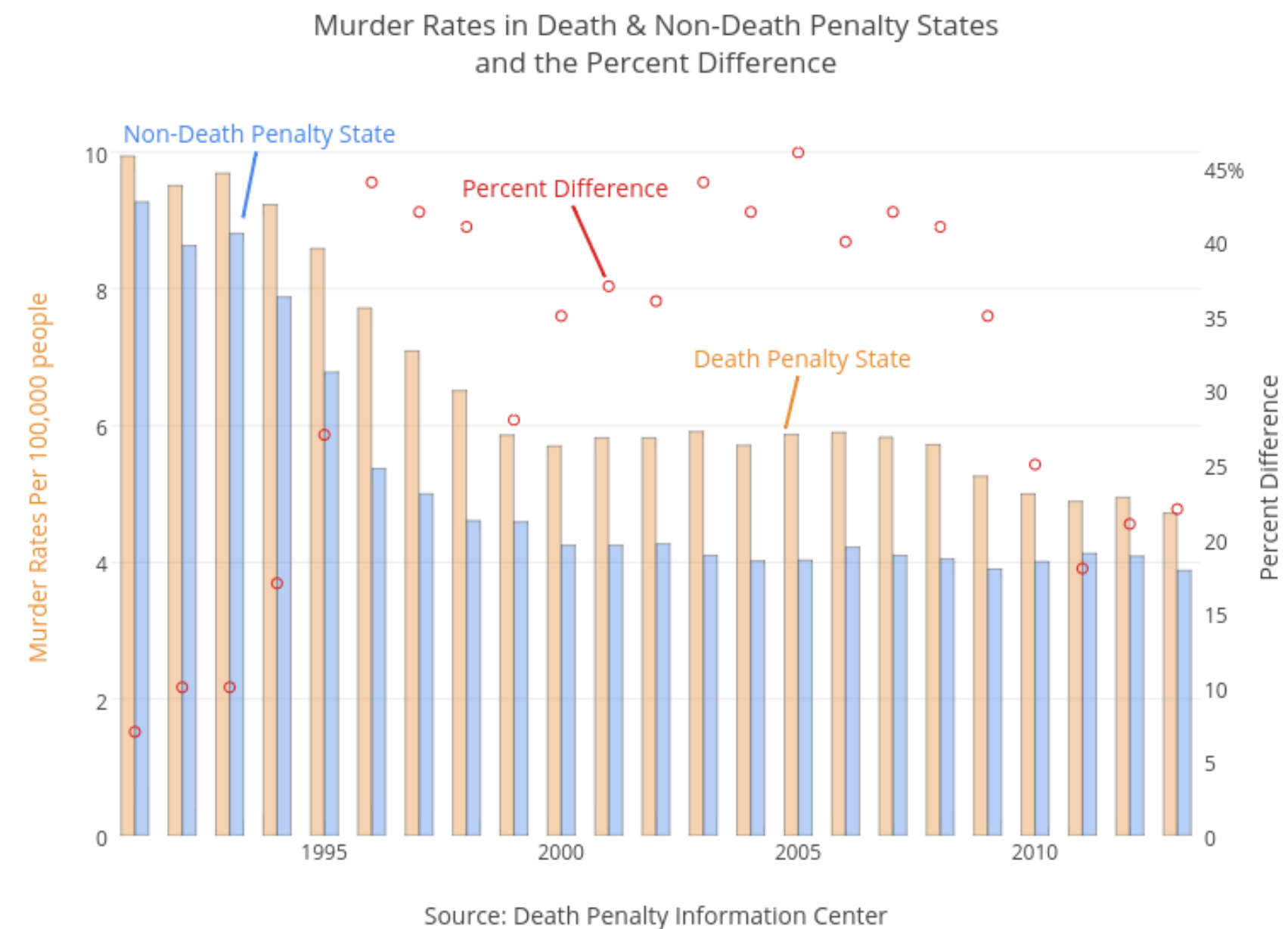
186 people have been exonerated and released from death row since 1973.<sup>1</sup>

**1,543**

1,543 people have been executed in the U.S. since 1973.<sup>2</sup>

**1 in 9**

For every nine people executed, one person on death row has been exonerated.



**41%**

African Americans make up 41% of people on death row and 34% of those executed,<sup>17</sup> but only 13% of the population is Black.<sup>18</sup>

**366**

366 people who were children at the time of their offense were executed before such executions were banned in 2005.<sup>24</sup>

# Current // Future Policy

## States that Banned

Capital punishment is currently authorized in 27 states. CA, OR, and PA have an active moratorium on the practice.

## Partisan Divide

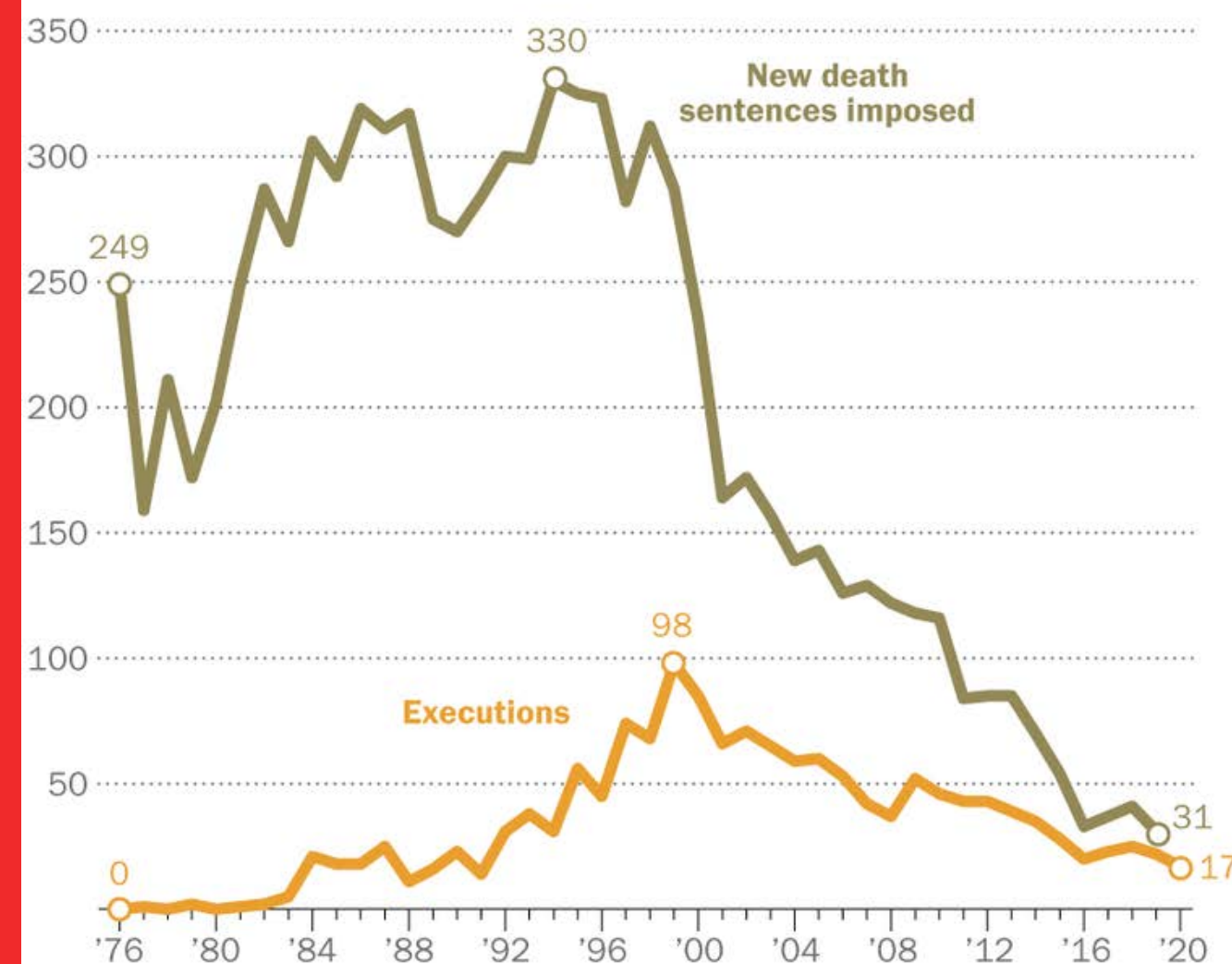
Republican-leaning individuals are much more likely than Democrats and Democratic leaners to favor the death penalty for convicted murderers (77% vs. 46%).

## Public Support

In phone surveys conducted by Pew Research Center between 1996 and 2020, the share of U.S. adults who favor the death penalty fell from 78% to 52%.

### Death sentences, executions have trended downward in U.S. since late 1990s

*Number of new death sentences and executions, by year*



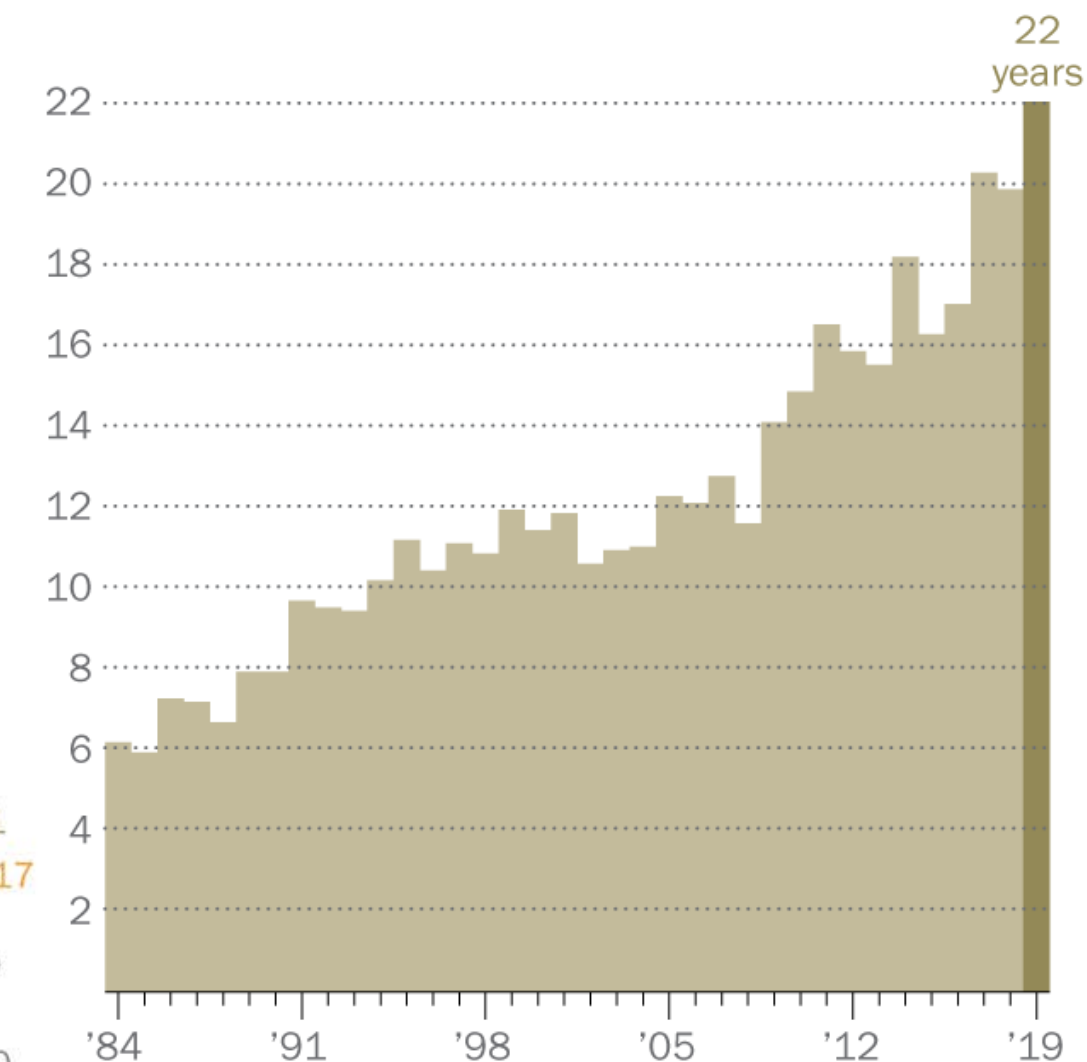
Note: Death sentence data available through 2019 only. Execution data for 2020 is preliminary.

Source: Bureau of Justice Statistics.

PEW RESEARCH CENTER

### Prisoners executed in 2019 spent an average of 22 years on death row

*Average time between sentencing and execution, in years*



Source: Bureau of Justice Statistics.

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# References

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