

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.²⁰

186

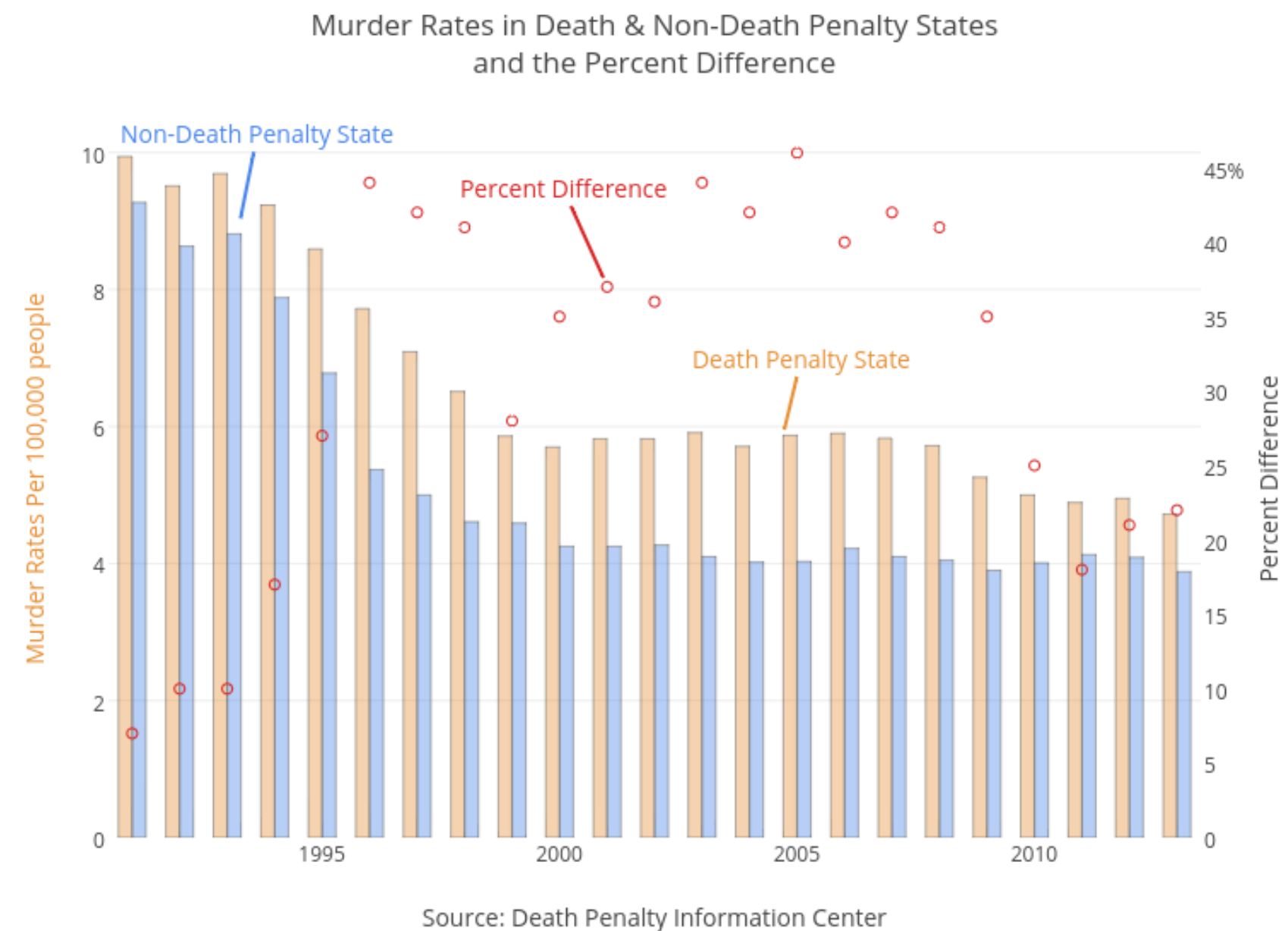
186 people have been exonerated and released from death row since 1973.¹

1,543

1,543 people have been executed in the U.S. since 1973.²

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,¹⁷ but only 13% of the population is Black.¹⁸

366

366 people who were children at the time of their offense were executed before such executions were banned in 2005.²⁴

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

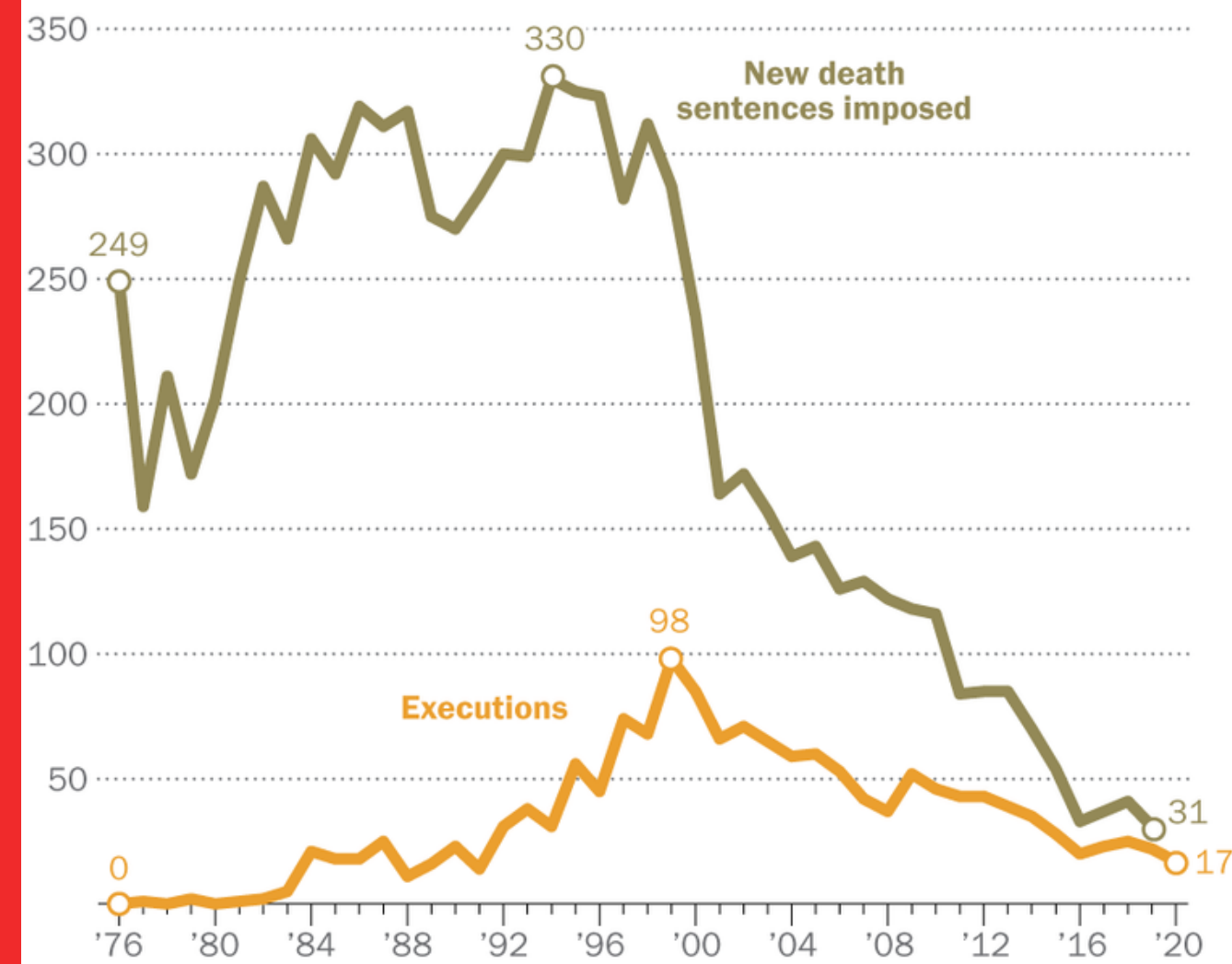
Republican-leaning individuals are much more likely than Democrats and Democratic leaners to favor the death penalty for convicted murderers (77% vs. 46%).

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



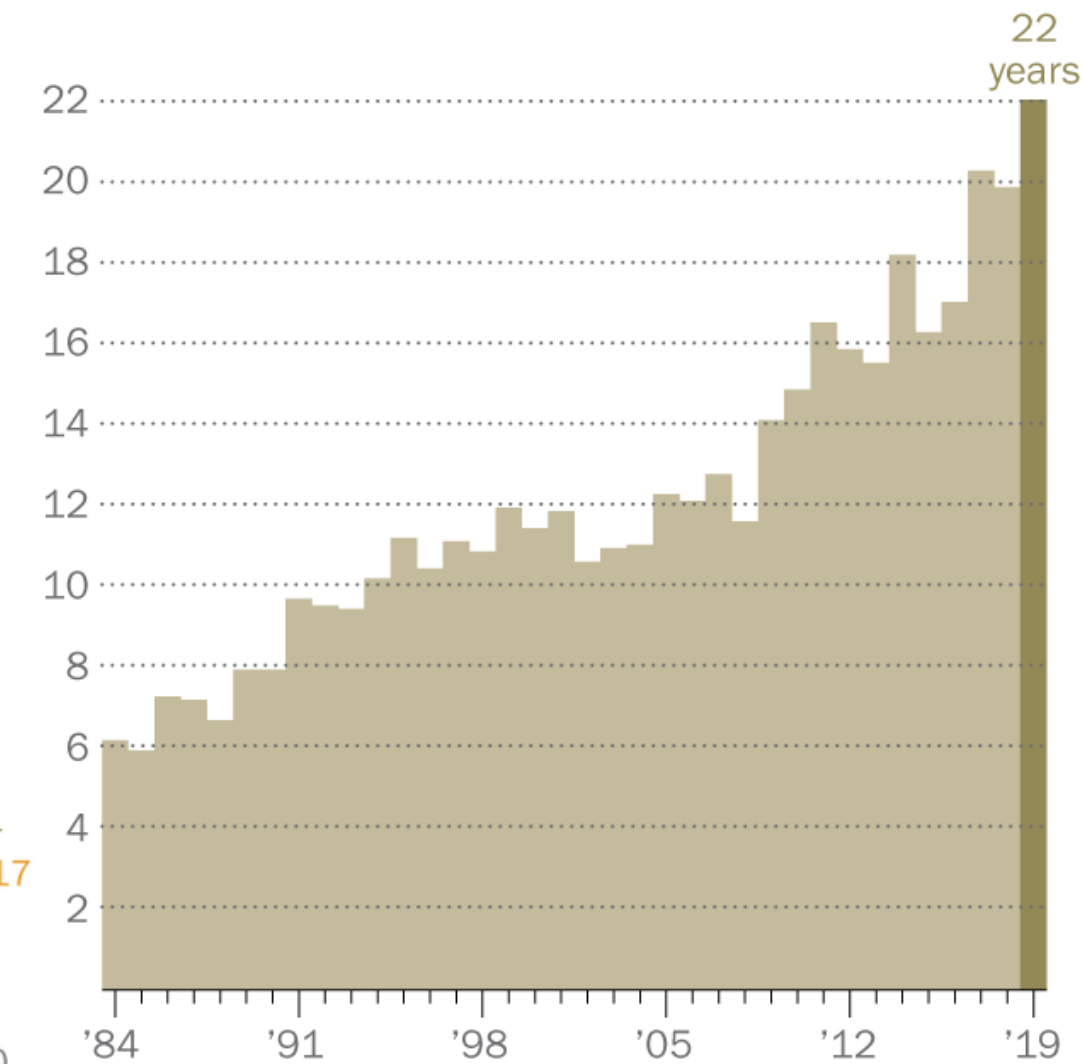
Note: Death sentence data available through 2019 only. Execution data for 2020 is preliminary.

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.

PEW RESEARCH CENTER

References

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