

# The Death Penalty in the United States

**A**cross the country, Americans are moving away from the death penalty, alarmed at the system's inaccuracies and failures. Death sentences have been declining steadily and are at their lowest level since 1976, states are reconsidering their death penalty laws, the Courts are restricting the death penalty, and individual leaders across party lines are rethinking their support of capital punishment.

- The United States' use of the death penalty continued its six-year decline in 2006, as support for the alternative sentence of life in prison without parole increased.
- As of February 2007, executions are effectively on hold in twelve states:
  - **NEW JERSEY** is under a legislative moratorium while a study commission evaluates the death penalty system. New Jersey's study commission released its findings on January 2, 2007, and recommended the state replace the death penalty with life without parole, stating that life without parole "would sufficiently ensure public safety and address other legitimate social and penological interests, including the interests of the families of murder victims." New Jersey Governor Jon Corzine responded to the report noting that he looks forward to working with the legislature to implement the recommendations.
  - In **ILLINOIS**, a moratorium on executions, imposed in 2001 after a twelfth innocent person was freed from Illinois' death row, continued for a seventh straight year.
  - In ten other states (**ARKANSAS, CALIFORNIA, DELAWARE, FLORIDA, MARYLAND, MISSOURI, OHIO, SOUTH DAKOTA, NORTH CAROLINA**, and most recently, **TENNESSEE**), almost all executions are being stayed while lethal injection processes are redeveloped or litigated. In these states, only inmates who waive their appeals are likely to face execution before new lethal injection processes are approved.
- Death sentences in the U.S. are at their lowest annual level in 30 years.
- Executions have dropped to their lowest levels in 10 years, as problems with the death penalty persisted, including new revelations of wrongful convictions and new charges of faulty execution procedures. Seventy-two percent of states in the U.S. had no executions in 2006, and only six states carried out more than one execution this year. The number of executions in 2006 was 40% lower than in 1999.

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- Public support for the death penalty continues to drop, with a 2006 Gallup poll reporting that Americans now prefer life without parole over the death penalty — a preference seen even more starkly in Maryland (only 21% of Marylanders oppose substituting the death penalty with life without parole, while 63% support it).
- Support for the death penalty among Catholics has dropped over 20 points since 1994.
- Recent elections proved once and for all that candidates can publicly challenge the death penalty without fear at the polls — and that their pro-death opponents fail when they try to use capital punishment as an issue. Since 2005, new governors in **MARYLAND, MASSACHUSETTS, OHIO, VIRGINIA,** and **NEW JERSEY** were elected who either publicly oppose the death penalty or have expressed significant reservations, as did re-elected governors in **WISCONSIN** and **ILLINOIS** and new Attorneys General in **OHIO, CALIFORNIA, AND NEW YORK.**
- Legislative studies of capital punishment systems are underway in **NORTH CAROLINA** and **CALIFORNIA.**
- Legislators have declined for the second year in a row to fix **NEW YORK's** death penalty statute after the courts overturned it in 2004. The state Assembly held five days of public hearings in 2005, which revealed significant flaws and a lack of support for the death penalty. Since then, a growing number of Assemblymembers have decided that repairing the law is simply not worth it.
- The **HOUSTON** Crime Lab was reopened in 2006 with a temporary one-year accreditation after an independent investigation revealed serious systemic problems. Crime lab problems, including hidden evidence and false testimony, have also occurred in other states, including **MARYLAND.**
- Investigative journalists reported on the cases of three men who were executed in **TEXAS** and who may have been innocent; a **MISSOURI** prosecutor reopened a case of a possibly innocent man executed in that state.
- The problem of mental illness in death sentencing was recently highlighted after the American Bar Association, the American Psychiatric Association, the American Psychological Association, and the National Alliance for the Mentally Ill endorsed resolutions calling for an exemption from the death penalty for the severely mentally ill.
- Over the last several years, dozens of states have passed significant reforms to their death penalty statutes, narrowing the scope of their laws or adding protections for defendants in the recognition that the current system is broken.