



A Difference That Makes A Difference

The Slow Death of Capital Punishment

In 1972, the U.S. Supreme Court found that the application of the death penalty in many states had been cruel, arbitrary, and unconstitutional. A moratorium, or indefinite delay, was placed on all executions. Four years later, the Court lifted the moratorium. By then, the states had passed sentencing guidelines that addressed the Court's concern that the death penalty was being applied in an arbitrary fashion. Today, the statutes of 33 states allow prosecutors to request the death penalty. (The federal death penalty, of course, can apply anywhere in the country.) More than 1,300 prisoners have been executed since capital punishment was reinstated, and another 3,152 people were on death row in October 2012, according to the Death Penalty Information Center.

The fact that most states sanction capital punishment does not mean that they use it in similar ways. Some counties and states are much more enthusiastic in its use than are others. For example, suburban counties tend to apply the death penalty with more zeal than do urban counties. In 2009, San Mateo County, a suburb of San Francisco, had 17 people on California's death row; by contrast, San Francisco itself, a larger city

with twice as many murders, had sentenced only four people to death.

During the 1990s, the scientific breakthrough of DNA testing shook up the capital punishment systems. In state after state, lawyers and public interest groups convinced courts and prosecutors to reexamine forensic evidence. They found that many people had been convicted of crimes they had not committed. By December 2012, postconviction DNA testing had cleared 301 Americans, according to the Innocence Project at the Cardozo School of Law at Yeshiva University. Eighteen of these people had been sentenced to death; 70 percent of the total were persons of color. The impact of this new research has been felt. In January 2000, Illinois governor George Ryan, a Republican and avowed supporter of capital punishment, became the first governor in the nation to halt executions in his state.

Other states began examining the most widely used method of execution—lethal injection—after the U.S. Supreme Court ruled in June 2006 that lower courts must consider the possibility that the