

# The death penalty, an American tradition on the decline

19 February 2019, by James Acker And Brian Keough



George Stinney, a 14-year old wrongfully executed for murder in 1944. Credit: M. Watt Espy Papers, University at Albany, [CC BY-ND](#)

Capital punishment has been practiced on American soil for more than 400 years. Historians have documented [nearly 16,000 executions](#), accomplished by burning, hanging, firing squad, electrocution, lethal gas and lethal injection. An untold number of others have doubtlessly occurred yet escaped recognition.

We helped create the University at Albany's [National Death Penalty Archive](#), a rich repository of primary source material encompassing the long and growing history of the death penalty.

Capital punishment has long been and continues to be controversial, but there is no disputing its historical and contemporary significance. [More than 2,700 men and women](#) are currently under sentence of death throughout the U.S., although they are distributed in wildly uneven fashion. California's death row, by far the nation's largest, tops out at well over 700, while three or fewer inmates await execution in seven states.

Executions similarly vary markedly by jurisdiction. Texas has been far and away the leader over the last half century, with [five times as many](#)

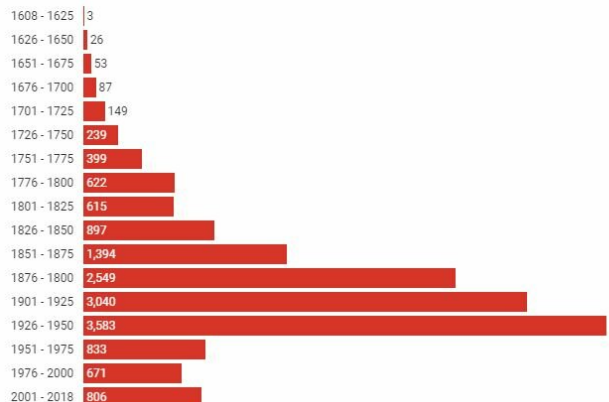
[executions as the next leading state.](#)

## Prized archives

We established the National Death Penalty Archive to help preserve a record of the country's past and current [capital punishment](#) policies and practices, and to ensure that scholars and the general public can gain access to this critical information.

## Capital punishment in the US

M. Watt Espy, Jr. Espy spent more than three decades traversing the countryside, documenting more than 15,000 executions carried out in the U.S. between the 1600s and the early 21st century. This data has been updated here to include executions from recent history.



Credit: Chart: The Conversation, CC-BY-ND Source: Death Penalty Information Center

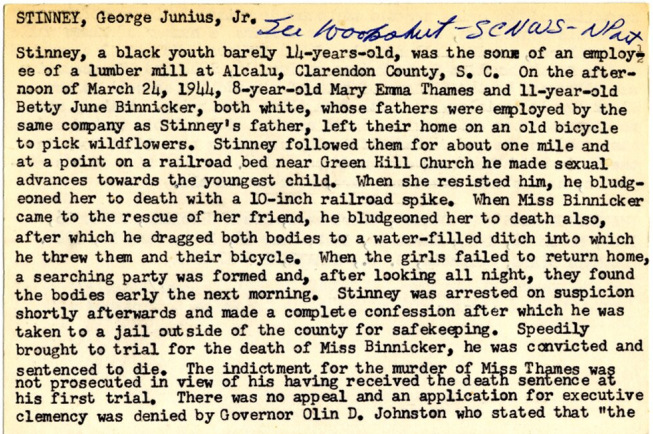
The archive currently holds numerous [collections from diverse sources](#), including academics, activists, litigators and researchers. We remain open to new donations of materials relating to capital punishment. The materials are stored in a climate-controlled environment and are accessible to the public.

One of our prized collections is the voluminous set of execution records compiled by M. Watt Espy Jr. Espy spent more than three decades,

encompassing the 1960s into the 1990s, traversing the countryside, collaborating with others to uncover primary and secondary sources documenting more than 15,000 executions carried out in the U.S. between the 1600s and the late 20th century. Espy's data set has since been updated to include information on executions through 2002.

The National Death Penalty Archive houses the court records, newspaper articles, magazine stories, bulletins, photographs and index cards created for each execution that Espy and his assistants painstakingly collected. These items vividly capture this unparalleled history of executions within the American colonies and the U.S.

Among those documented is the 1944 electrocution in South Carolina of [George Stinney Jr.](#), who at age 14 was the youngest person punished by death during the 20th century. Seventy years later, a South Carolina judge vacated Stinney's conviction, ruling that he did not receive a fair trial.



Index card about George Stinney, created by death penalty historian M. Watt Espy. Credit: M. Watt Espy Papers, University at Albany, [CC BY-ND](#)

In July, after the documents are fully digitized, the National Death Penalty Archive will make all of Espy's materials available online.

### Other papers

Another prized holding consists of nearly 150 boxes of materials from Eugene Wanger. As a delegate to the Michigan Constitutional Convention, Wanger drafted the provision prohibiting capital punishment that was incorporated into the state constitution in 1961.

For more than 50 years, Wanger compiled a treasure trove of items spanning the 18th through 21st centuries relating to the death penalty, including numerous rare documents and paraphernalia. Among the thousands of items in the extensive bibliography are copies of anti-capital-punishment essays written by Pennsylvania's Benjamin Rush shortly after the nation's founding.

We also have collected the work of notable scholars. For example, the National Death Penalty Archive houses research completed by the late David Baldus, known primarily for his analysis of racial disparities in the administration of the death penalty; the writings of the late Hugo Adam Bedau, perhaps the country's leading philosopher on issues of capital punishment; and the papers of the late Ernest van den Haag, a prolific academic proponent of capital punishment.

The National Death Penalty Archive additionally contains more than 150 clemency petitions filed on behalf of condemned prisoners, as well as materials relating to notable U.S. Supreme Court decisions, including [Ford v. Wainwright](#), prohibiting [execution](#) of the insane, and [Herrera v. Collins](#), in which the justices were asked to rule that the Constitution forbids executing an innocent person wrongfully sentenced to death.

### On the decline

The recent history of capital punishment in the U.S. has been marked by declining popularity and usage. Within the past 15 years, [eight states have abandoned the death penalty](#) through legislative repeal or judicial invalidation.

Remarks by HUGO ADAM BEDAU, Chairman,  
 A Citizens' Committee in Princeton for the Abolition of  
 Capital Punishment,  
 Prepared for presentation on the TV-Radio Program,  
 "Legislative Report! Should New Jersey Abolish Capital Punishment",  
 WNTA-TV, Channel 13, ABC, July 13, 1958, Newark, New Jersey.

I come before you today to testify simply as a citizen of New Jersey. By profession I am not a criminologist or penologist, but an academic philosopher, on the faculty of Princeton University. Yet I want to confine my remarks to four points concerning the question of abolishing the death penalty in New Jersey which are wholly sociological in nature, rather than philosophical, moral or religious.

First, although the police in New Jersey by and large agree with Chief Michael Donohue, and think that the death penalty ought to be retained, I submit that their view is not very reliable. For it is not consistent with what the police elsewhere think. The police forces in all those states which do not have the death penalty are almost unanimously against its reintroduction. This was brought out conclusively by a study sponsored four years ago by the Canadian government. Now, whom are we to believe: our local police, who have had no experience with law enforcement except where the death penalty obtains, or the police in Michigan, Rhode Island and five other states who have had plenty of experience enforcing the law without any "help" from the death penalty? I think we shall have to look elsewhere than to the beliefs of the police to resolve this dispute.

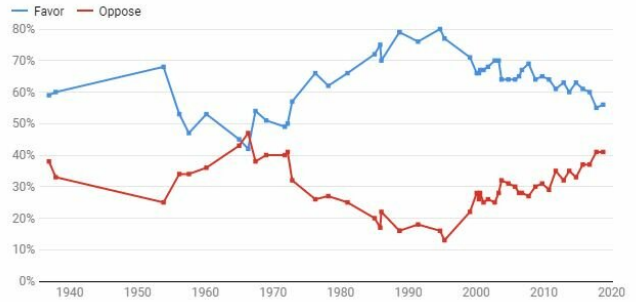
Second, because so few gangsters in New Jersey have been executed for murder, it is hard to see how the death penalty could be deterring them from this crime. It is well known that murder is not a crime of the criminal element. But is this because gangsters are afraid of the death penalty? I doubt it. Why should it be, when they can be pretty sure they will never be caught, or never convicted, or never sentenced and executed when they do commit murder. The *Newark Evening News*, in an editorial just this past week, pointed out how one of our most notorious local gangsters has been repeatedly indicted for murder and other major crimes. Yet he has never served a day in prison, nor even had to defend himself in court. Why? Because witnesses against him simply "disappeared", and the prosecution was unable to develop its case.

Now if the professional criminal can escape being convicted of murder when he does commit it, why should his fear of the death penalty be what keeps him from committing more murders than he already does? Since he is not likely to be executed now for those he commits, he is not likely to commit still more if the death penalty is abolished.

complicated history with the [death penalty](#), we hope that the National Death Penalty Archive will offer important insights into the currents that have helped shape it.

Public support for the death penalty

In a 2018 Gallup poll, just 56 percent of Americans said that they were in favor of the death penalty for a person convicted of murder.



Credit: Chart: The Conversation, CC-BY-ND Source: Gallup

Remarks by Hugo Bedau against the death penalty in 1958. Credit: Hugo Bedau Papers, University at Albany, [CC BY-ND](#)

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The number of new death sentences imposed annually nationwide has plummeted from more than 300 in the mid-1990s to a fraction of that – just 42 – in 2018. Last year, there were 25 executions in the U.S., down from [the modern-era high of 98 in 1999](#).

[original article](#).

Provided by The Conversation

Meanwhile, public support for capital [punishment](#) as measured by the Gallup Poll registered at 56 percent in 2018, compared to [its peak of 80 percent in 1995](#). Only a few counties, primarily within California and a few southern states, are responsible for sending [vastly disproportionate numbers of offenders to death row](#).

What these trends bode for the future of the [death penalty](#) in the U.S. remains to be seen. When later generations reflect on the nation's long and

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