

Death Penalty Retains Support, Even With Pro-Life Catholics, Despite Flaws

September 23, 2011

by [Liz Halloran](#)



AP

Death row inmate Troy Davis in an undated photo released by the Georgia Department of Corrections.

Debate over the constitutionality and morality of the death penalty has long been an under-the-radar skirmish that occasionally emerges as part of a larger national conversation.

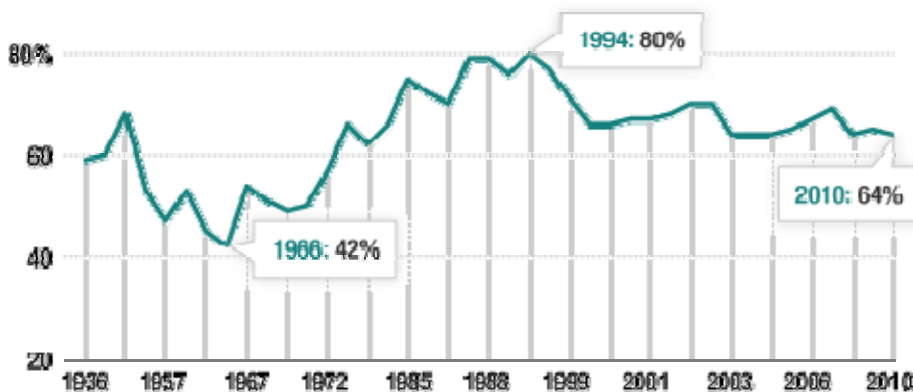
These past few weeks it has emerged in a big way.

It was first roused at a GOP presidential debate during which the record number of state-sponsored executions overseen by Texas Gov. Rick Perry (234 at the time; 235 as of this writing) was a surprisingly enthusiastic applause line for the candidate.

It was reanimated by this week's state executions of Troy Davis in Georgia, and Lawrence Brewer in Perry's Texas.

Death penalty opponents seized on the execution of Davis, whose conviction of killing a police officer was based on questionable eyewitness accounts, as an event that could turn the tide against state-sponsored executions. Brewer, a white supremacist, was executed for the dragging death of a black man.

History, however, suggests that despite outrage in some quarters over the killing of Davis, public opinion will remain firmly in favor of the death penalty.



NPR

Public approval for death penalty over time.

"Sixty-four percent of Americans support the death penalty in cases of murder," says Frank Newport, editor-in-chief of the Gallup Poll.

That's actually a little higher level of support than when George Gallup began asking Americans about their views of the death penalty back in the mid-1930s.

Support is generally higher among Republicans surveyed, and among those who live in the South, he said, where 1,042 of the nation's 1,269 executions since 1976 have occurred. (Texas has overseen the most executions, 475 since 1976. Virginia has killed 109 death-row inmates.)

Over the past decade, Newport says, Gallup's annual crime survey has found that support for state-sponsored execution has remained remarkably stable, despite revelations based on DNA analysis and other evidence that innocent people have been put to death.

"A majority of Americans agree that innocent people have been put to death, and they also say that the death penalty is not a deterrent to murder," Newport says.

The international community has also pressured the U.S. to leave the ranks of countries that execute. The U.S. last year, according to Amnesty International, trailed only China, North Korea, Yemen, and Saudi Arabia in the number of state-sponsored executions.

Still, support has remained consistent.

"People say, we already know these facts, and we still support it," says Newport. "Despite what's happened, we haven't seen a change in attitudes."

Take American Catholics, for example, who make up more than the quarter of the nation's electorate.

The church - from its bishops to the Pope - have long called on Congress, the courts and state legislatures to end the death penalty or, at least, restrain it as part of the denomination's stated commitment to "building a culture of life."

But framing the issue as a moral one has not moved rank-and-file American Catholics.

Their attitudes toward the death penalty are no different than others surveyed by Gallup, Newport says.

Gerald Uelman, Santa Clara University law professor and former dean, has been working on an initiative in California that would end capital punishment in the state and replace it with a program requiring convicted murderers to work in prison to provide restitution to victims' families.

A Catholic who has written extensively about the church and the death penalty, Uelemen says that he's found that his fellow church members are not persuaded by right-and-wrong arguments.

"What they find most persuasive aren't the moral arguments about the death penalty, but the practical arguments - like, what the death penalty is costing us, and what we're gaining from it," says Uelemen, who has been speaking with many Catholic groups about the initiative.

"You can go round and round and round on the morality of it, but the bottom line is it doesn't work, especially in California," he says, which is mired in deep budget problems and has 721 people on death row and about 3,000 serving life sentences without parole.

"This is one state where the dysfunction of the law is becoming the argument that will lead to abolition," Uelemen says.

Internal polling by supporters of the initiative found that the strongest support for the death penalty in California, if broken down by religion, was among Catholics.

"I found that quite disturbing," Uelemen says. "Retribution is the name of the game."

It's clear, he says, that the argument that may ultimately carry the day will be all about the spending and not about the killing.

Note: Among Republican presidential candidates with a position on the death penalty, only Texas Congressman Ron Paul opposes state-sponsored executions. He has said it's unjust because poor defendants are more likely to be convicted and executed, and because mistakes have been made and innocent people put to death.

<http://www.npr.org/blogs/thetwo-way/2011/09/23/140735845/no-more-special-last-meals-for-death-row-inmates-in-texas>

No More Special Last Meals For Death Row Inmates In Texas

September 23, 2011

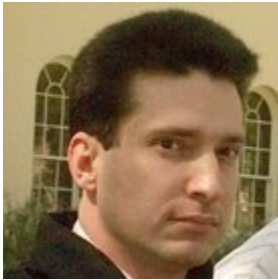
by [Mark Memmott](#)

The huge meal that white supremacist Lawrence Russell Brewer ordered and then left untouched before [his execution Wednesday](#) has convinced Texas officials to end the state's traditional practice of giving death row inmates a "last meal" of their choice.

As [the Houston Chronicle writes](#):

"Maybe it was the big bowl of fried okra with ketchup. Then again, it could have been the two chicken fried steaks smothered in gravy and onions or the cheese omelet with ground beef, tomatoes, onions, and bell and jalapeno peppers."

Or maybe it was because Brewer also asked for "a triple-meat bacon cheeseburger, three fajitas, one pound of barbecue and a half loaf of white bread, pizza meat lover's special, one pint of 'homemade vanilla' Blue Bell ice cream, one slab of peanut butter fudge with crushed peanuts and three root beers."



Pat Sullivan /AP
Lawrence Russell Brewer in 1999.

Whatever. Texas Senate Criminal Justice Committee Chairman John Whitmire (D) said that if state officials didn't stop catering to death row inmates' wishes, he would introduce legislation to force their hand.

State prisons chief Brad Livingston then announced that from now on, prisoners will be served whatever it is that other inmates are getting.

Slate [wrote in 2009](#) that in most states, "final meals are generally limited to food that can be prepared on-site. Huff Post Food is one of several sites that have done round-ups on ["famous death row last meals."](#)

Brewer was put to death for his role in the 1998 dragging death of James Byrd Jr., a black man from East Texas. "He's the first of two men convicted of capital murder and sentenced to death to be executed," the AP says. "Accomplice John William King remains in prison while his case is in the appeals courts. A third man, Shawn Berry, got a life sentence."

<http://www.npr.org/2011/09/21/140680588/white-supremacist-set-to-die-for-texas-dragging>

[White Supremacist Executed For Dragging Death](#)

by The Associated Press

September 21, 2011

White supremacist Lawrence Russell Brewer was executed Wednesday evening for the infamous dragging death slaying of James Byrd Jr., a black man from East Texas.

Byrd, 49, was chained to the back of a pickup truck and pulled whip-like to his death along a bumpy asphalt road in one of the most grisly hate crime murders in recent Texas history.

Brewer, 44, was asked if he had any final words, to which he replied: "No. I have no final statement."

A single tear hung on the edge of his right eye.

He was pronounced dead at 6:21 p.m., 10 minutes after the lethal drugs began flowing into his arms, both covered with intricate black tattoos.

Brewer's parents and two of Byrd's sisters were in attendance.

No last-day appeals were filed to try to spare the 44-year-old Brewer from lethal injection in Huntsville.

He's the first of two men convicted of capital murder and sentenced to death to be executed. Accomplice John William King remains in prison while his case is in the appeals courts. A third man, Shawn Berry, got a life sentence.

"One down and one to go," said Billy Rowles, the retired Jasper County sheriff who first investigated the horrific scene. "That's kind of cruel, but that's reality."

Byrd's sister, Clara Taylor, said someone from her brother's family needed to be present to watch Brewer die so she planned to be in the death chamber.

"He had choices," she said Tuesday, referring to Brewer. "He made the wrong choices."

While the lethal injection wouldn't compare to the death her brother endured, she said, "knowing you're going to be executed, that has to be a sobering thought."

It was about 2:30 a.m. on a Sunday, June 7, 1998, when witnesses saw Byrd walking on a road not far from his home in Jasper, a town of more than 7,000 about 125 miles northeast of Houston. Many folks knew he lived off disability checks, couldn't afford his own car and walked where he needed to go. Another witness then saw him riding in the bed of a dark pickup.

Six hours later and some 10 miles away on Huff Creek Road, the bloody mess found after daybreak was thought at first to be animal road kill. Rowles, a former Texas state trooper who had taken office as sheriff the previous year, believed it was a hit-and-run fatality but evidence didn't match up with someone caught beneath a vehicle. Body parts were scattered and the blood trail began with footprints at what appeared to be the scene of a scuffle.

"I didn't go down that road too far before I knew this was going to be a bad deal," he said at Brewer's trial.

Fingerprints taken from the headless torso identified the victim as Byrd.

Testimony showed the three men and Byrd drove out into the county about 10 miles and stopped along an isolated logging road. A fight broke out and the outnumbered Byrd was tied to the truck bumper with a 24½-foot logging chain. Three miles later, what was left of his shredded remains was dumped between a black church and cemetery where the pavement ended on the remote road.

Brewer, King and Berry were in custody by the end of the next day.

The crime put Jasper under a national spotlight and lured the likes of the Ku Klux Klan and the Black Panthers, among others, to try to exploit the notoriety of the case. Byrd's killing continues, many say unfairly, to brand Jasper more than a decade later.

King was tried first, in Jasper. Brewer's trial was moved 150 miles away to Bryan. Berry was tried in Jasper.

Brewer, from Sulphur Springs, about 180 miles to the northwest, had been convicted of cocaine possession. He met King, a convicted burglar from Jasper, in a Texas prison where they got involved in a KKK splinter group known as the Confederate Knights of America and adorned themselves with racist tattoos. Evidence showed Brewer had violated parole and was involved in a number of burglaries and thefts in the Jasper area.

King had become friends with Berry and moved into Berry's place. Evidence showed Brewer came to Jasper to stay with King and Berry after losing a job because he lied about his criminal past on an application.

Membership in the white supremacist group, in which Brewer was known as "exalted cyclops," was necessary in prison to ward off attacks from black inmates, Brewer said.

At his trial, Brewer blamed Byrd's death on Berry, and said the slaying climaxed a fight between Byrd and King.

"I had no intentions of killing nobody," Brewer testified. "If I knew the results, I would have gone to the cops."

DNA evidence showed Byrd's blood on all three men's clothing.

Rowles and Guy James Gray, the former county district attorney who prosecuted the trio, visited with Brewer a few weeks ago at death row "to kind of see if he had a change of heart or was still the same," Gray said.

"He didn't show any kind of remorse," Rowles said. "He said he wasn't the one to put (Byrd) on the chain. He was there. He still contends as he did on the witness stand that Berry cut Byrd's throat and killed him before he was chained. But that just wasn't so. He pretty much stayed with what he testified.

"It was so nonchalant. It was unreal."



James Anderson

NEW VOICES: In Inter-racial Killing, Victim's Family Asks District Attorney Not to Pursue Death Penalty

<http://abcnews.go.com/US/death-penalty-white-teen-accused-running-black-man/story?id=14570966>

By [CHRISTINA CARON](#)

Sept. 21, 2011

Prosecutors are "unlikely" to pursue the death penalty for Deryl Dedmon, the white Mississippi teen charged with [running over a black man](#) with a pickup truck, because the family of the victim opposes the death penalty for religious reasons, Hinds County District Attorney Robert Smith said today.

Smith told ABCNews.com he plans to make a formal announcement in the next two days, after strongly considering the family's wishes to spare Dedmon, 19, who was indicted with capital murder this week by a special grand jury.

"Nearly all of the time we would like for the families to be pleased with the outcome of their loved ones' cases," he said. "We try to give that family peace of mind."

[James Anderson](#), an auto worker, was killed June 26 in Jackson, Miss. His murder received renewed attention when grisly surveillance [video of his death](#) surfaced in August.

In the letter sent to Smith, dated Sept. 13, Anderson's sister Barbara Anderson Young said she spoke on behalf of their mother, and her two brothers, in asking prosecutors not to seek capital punishment, saying the family's opposition to the death penalty is "deeply rooted in our religious faith, a faith that was central in James' life as well."

"We also oppose the death penalty because it historically has been used in Mississippi and the South primarily against people of color for killing whites," the letter says. "Executing James' killers will not help balance the scales. But sparing them may help to spark a dialogue that one day will lead to the elimination of capital punishment."

Anderson Young included a quote from Coretta Scott King, the widow of civil rights leader Martin Luther King, Jr., who once said "and evil deed is not redeemed by an evil deed of retaliation."

The Anderson family attorney, Winston Thompson III, told ABCNews.com today they want "everyone that was involved punished to the fullest extent of the law" and would be "very happy with life in prison without out parole," which would be the next harshest punishment after the death penalty.

After discussing the issue, the family's decision was "unanimous," Thompson said. "Really it was Mr. Anderson's mother [who led the family in coming to this decision]. She's 85 years old ... she said, 'This is what I would like.'"

Smith said the family's request wasn't out of the ordinary.

"I've seen a number of victims' families who choose not to choose the death penalty," Smith said. "It can be for a number of reasons."

Earlier this month Anderson's family [filed a civil lawsuit](#) claiming the group of white teens "set out on a mission to find and "f**k with some n****s." When they found 48-year-old James Anderson in a motel parking lot, the complaint says, "several teenagers took turns beating him for an extended period of time, and then one of the teenagers drove over Mr. Anderson with a Ford F-250 truck."

The family is seeking unspecified damages arising from Anderson's injuries and death.

Dedmon's friend, John Rice, was at the scene during the beating and was originally charged with murder, but because he reportedly left the parking lot before Anderson was run over his charges were downgraded to assault and he was released on bail. The other five teens have not been charged.

But the investigation is still ongoing, Smith said, and there may be more charges down the line.

"We're working jointly with the department of justice to decide on charges against the remaining suspects," Smith said.

Dedmon's trial will most likely be held next year.

DEATH PENALTY INFORMATION CENTER

Facts about the Death Penalty

Updated September 23, 2011

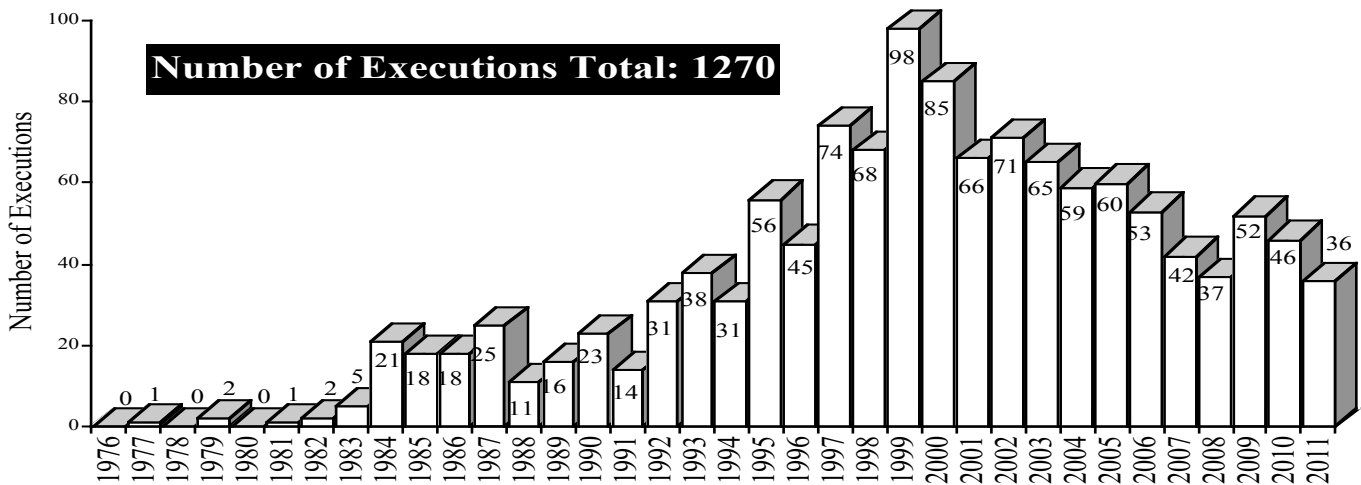
STATES WITH THE DEATH PENALTY (34)

Alabama	Florida	Maryland	North Carolina	Tennessee	
Arizona	Georgia	Mississippi	Ohio	Texas	
Arkansas	Idaho	Missouri	Oklahoma	Utah	
California	Indiana	Montana	Oregon	Virginia	- plus
Colorado	Kansas	Nebraska	Pennsylvania	Washington	U.S. Gov't
Connecticut	Kentucky	Nevada	South Carolina	Wyoming	U.S. Military
Delaware	Louisiana	New Hampshire	South Dakota		

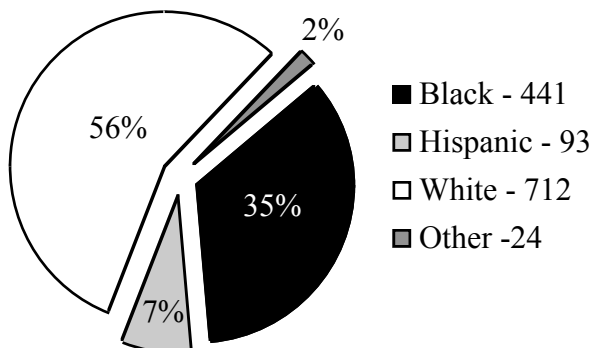
STATES WITHOUT THE DEATH PENALTY (16)

Alaska	Maine	New Jersey	Rhode Island	- plus
Hawaii	Massachusetts	New Mexico*	Vermont	District of Columbia
Illinois	Michigan	New York	West Virginia	
Iowa	Minnesota	North Dakota	Wisconsin	

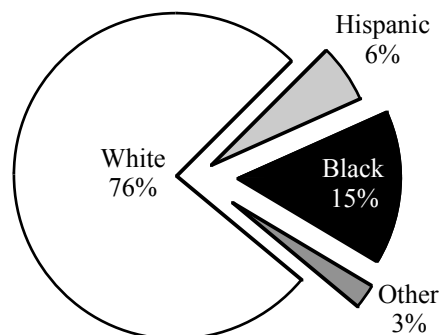
*Two inmates remain on death row in NM.



Race of Defendants Executed



Race of Victim in Death Penalty Cases

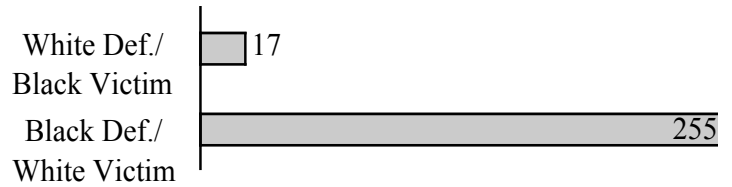


Over 75% of the murder victims in cases resulting in an execution were white, even though nationally only 50% of murder victims generally are white.

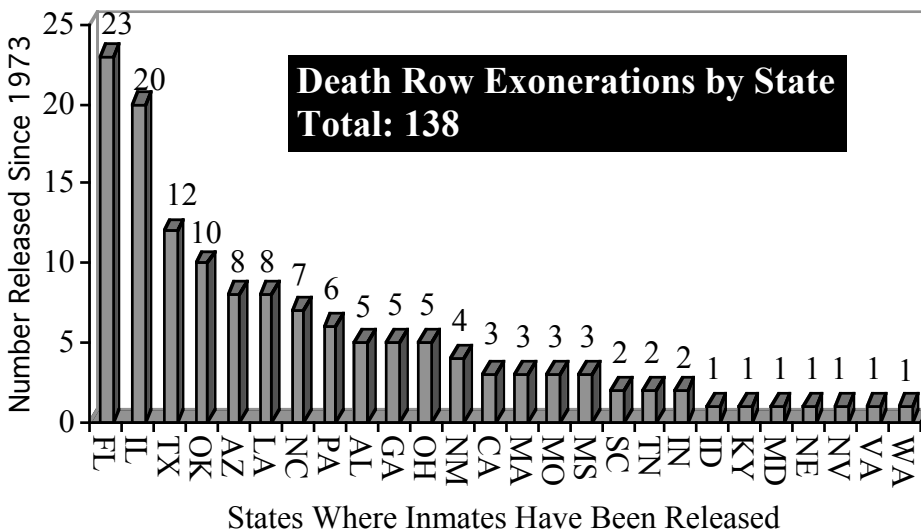
Recent Studies on Race

- In 96% of the states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both. (Prof. David Baldus report to the ABA, 1998).
- 98% of the chief district attorneys in death penalty states are white; only 1% are black. (Prof. Jeffrey Pokorak, Cornell Law Review, 1998).
- A comprehensive study of the death penalty in North Carolina found that the odds of receiving a death sentence rose by 3.5 times among those defendants whose victims were white. (Prof. Jack Boger and Dr. Isaac Unah, University of North Carolina, 2001).
- A study in California found that those who killed whites were over 3 times more likely to be sentenced to death than those who killed blacks and over 4 times more likely than those who killed Latinos. (Pierce & Radelet, Santa Clara Law Review 2005).

Persons Executed for Interracial Murders



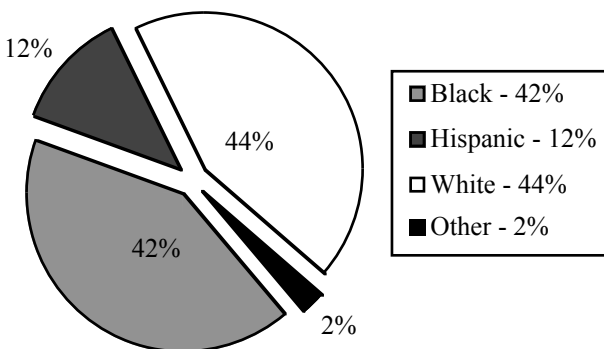
Innocence



Since 1973, over 130 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, Oct. 1993, with updates from DPIC).

From 1973-1999, there was an average of 3.1 exonerations per year. From 2000-2007, there has been an average of 5 exonerations per year.

Race of Death Row Inmates



DEATH ROW INMATES BY STATE: January 1, 2011

California	721	S. Carolina	63	Connecticut	10
Florida	398	<i>U.S. Gov't</i>	61	Utah	9
Texas	321	Mississippi	60	Kansas	9
Pennsylvania	219	Missouri	50	Washington	9
Alabama	206	Arkansas	43	<i>U.S. Military</i>	6
N. Carolina	165	Kentucky	36	Maryland	5
Ohio	159	Oregon	34	Colorado	4
Arizona	138	Delaware	20	S. Dakota	3
Georgia	103	Idaho	16	Montana	2
Tennessee	87	Illinois	16	New Mexico	2
Louisiana	86	Indiana	14	Wyoming	1
Nevada	81	Nebraska	12	N. Hampshire	1
Oklahoma	77	Virginia	11	TOTAL	3251

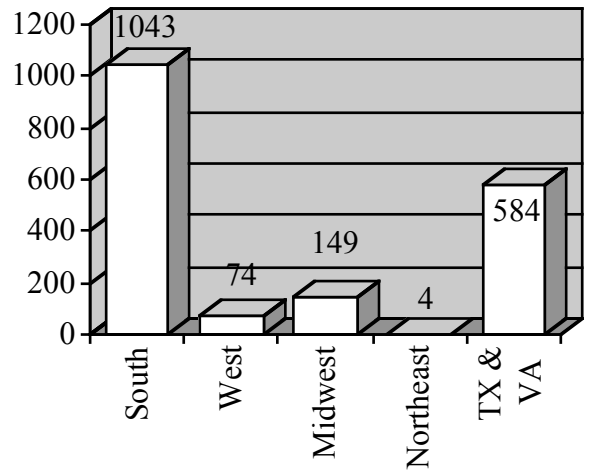
Race of Death Row Inmates and Death Row Inmates by State Source: NAACP LDF "Death Row, U.S.A." (January 1, 2011)

When added, the total number of death row inmates by state is slightly higher than the given total because some prisoners are sentenced to death in more than one state.

NUMBER OF EXECUTIONS BY STATE SINCE 1976

	Total	2010	2011		Total	2010	2011
Texas	475	17	11	Illinois	12	0	0
Virginia	109	3	1	Nevada	12	0	0
Oklahoma	96	3	2	Utah	7	1	0
Florida	69	1	0	Tennessee	6	0	0
Missouri	68	0	1	Maryland	5	0	0
Alabama	54	5	4	Washington	5	1	0
Georgia	52	2	4	Nebraska	3	0	0
Ohio	45	8	4	Pennsylvania	3	0	0
N. Carolina	43	0	0	Kentucky	3	0	0
S. Carolina	43	0	1	Montana	3	0	0
Louisiana	28	1	0	Oregon	2	0	0
Arizona	28	1	4	Connecticut	1	0	0
Arkansas	27	0	0	Idaho	1	0	0
Indiana	20	0	0	New Mexico	1	0	0
Mississippi	15	3	2	Colorado	1	0	0
Delaware	15	0	1	Wyoming	1	0	0
California	13	0	0	South Dakota	1	0	0
				US Gov't	3	0	0

Execution By Region*



*Federal executions are listed in the region in which the crime was committed.

DEATH SENTENCING

The number of death sentences per year has dropped dramatically since 1999.

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Sentences	313	313	315	268	294	277	224	159	166	152	140	139	123	120	119	112	112*

Source: Bureau of Justice Statistics: "Capital Punishment 2009." *Projected, based on DPIC's research

JUVENILES

In 2005, the Supreme Court in *Roper v. Simmons* struck down the death penalty for juveniles. 22 defendants had been executed for crimes committed as juveniles since 1976.

MENTAL DISABILITIES

Intellectual Disabilities: In 2002, the Supreme Court held in *Atkins v. Virginia* that it is unconstitutional to execute defendants with 'mental retardation.'

Mental Illness: The American Psychiatric Association, the American Psychological Association, the National Alliance for the Mentally Ill, and the American Bar Association have endorsed resolutions calling for an exemption of the severely mentally ill.

WOMEN

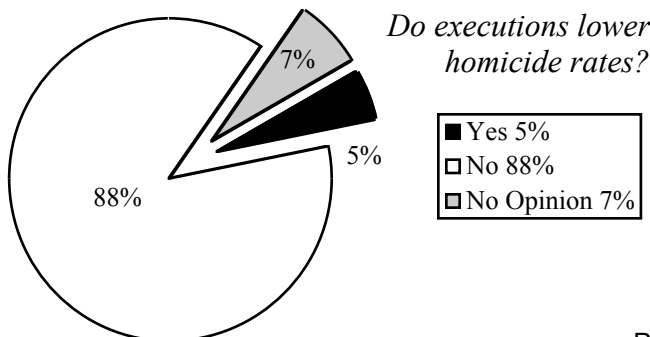
There were 62 women on death row as of April 1, 2010. This constitutes 1.9% of the total death row population. 12 women have been executed since 1976. (NAACP Legal Defense Fund, April 1, 2010)

DETERRENCE

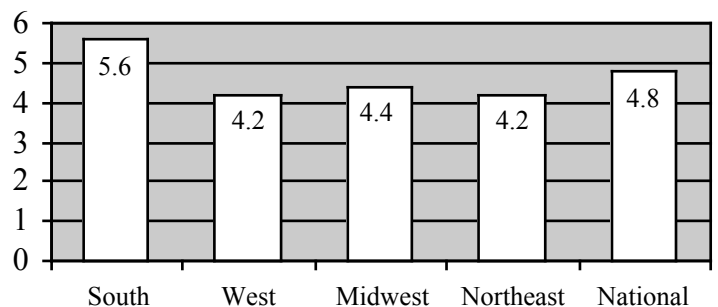
According to a survey of the former and present presidents of the country's top academic criminological societies, **88% of these experts rejected the notion that the death penalty acts as a deterrent to murder.** (Radelet & Lacock, 2009)

Consistent with previous years, the 2010 FBI Uniform Crime Report showed that **the South had the highest murder rate. The South accounts for over 80% of executions.** The Northeast, which has less than 1% of all executions, tied with the West for the lowest murder rate.

Criminologists View of Deterrence



Murder Rates per 100,000 - 2010



EXECUTIONS SINCE 1976 BY METHOD USED

1096	Lethal Injection	35 states plus the US government use lethal injection as their primary method. Some states utilizing lethal injection have other methods available as backups. Though New Mexico abolished the death penalty in 2009, the act was not retroactive, leaving two prisoners on death row and its lethal injection protocol intact.
157	Electrocution	
11	Gas Chamber	
3	Hanging	
3	Firing Squad	

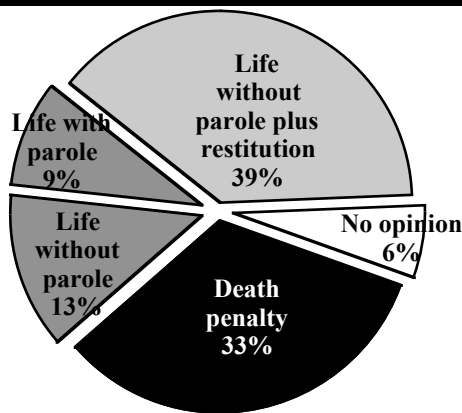
FINANCIAL FACTS ABOUT THE DEATH PENALTY

- The California death penalty system costs taxpayers \$114 million per year beyond the costs of keeping convicts locked up for life. Taxpayers have paid more than \$250 million for each of the state's executions. (L.A. Times, March 6, 2005)
- In Kansas, the costs of capital cases are 70% more expensive than comparable non-capital cases, including the costs of incarceration. (Kansas Performance Audit Report, December 2003).
- In Maryland, an average death penalty case resulting in a death sentence costs approximately \$3 million. The eventual costs to Maryland taxpayers for cases pursued 1978-1999 will be \$186 million. Five executions have resulted. (Urban Institute 2008).
- The most comprehensive study in the country found that the death penalty costs North Carolina \$2.16 million per execution *over* the costs of sentencing murderers to life imprisonment. The majority of those costs occur at the trial level. (Duke University, May 1993).
- Enforcing the death penalty costs Florida \$51 million a year above what it would cost to punish all first-degree murderers with life in prison without parole. Based on the 44 executions Florida had carried out since 1976, that amounts to a cost of \$24 million for each execution. (Palm Beach Post, January 4, 2000).
- In Texas, a death penalty case costs an average of \$2.3 million, about three times the cost of imprisoning someone in a single cell at the highest security level for 40 years. (Dallas Morning News, March 8, 1992).

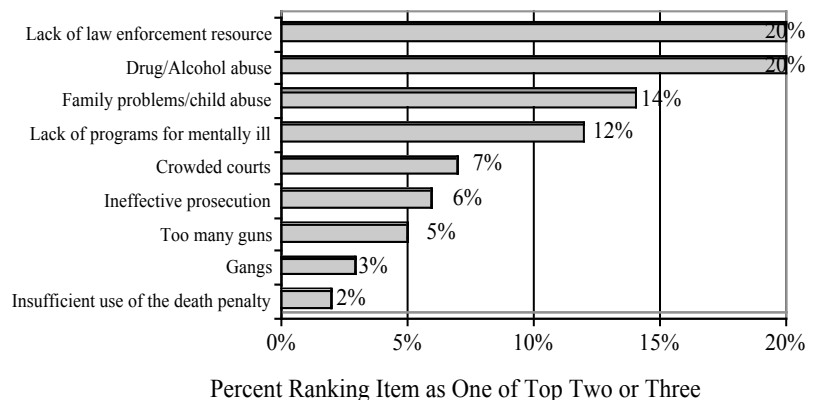
PUBLIC OPINION

- A 2010 poll by Lake Research Partners found that a clear majority of voters (61%) would choose a punishment other than the death penalty for murder, including life with no possibility of parole with restitution to the victim's family (39%), life with no possibility of parole (13%), or life with the possibility of parole (9%).
- A 2009 poll commissioned by DPIC found police chiefs ranked the death penalty **last** among ways to reduce violent crime. The police chiefs also considered the death penalty the **least efficient** use of taxpayers' money.

Support for Alternative Sentences



What Interferes with Effective Law Enforcement?



The **Death Penalty Information Center** has available more extensive reports on a variety of issues, including:
 "Struck By Lightning: The Continuing Arbitrariness of the Death Penalty 35 Years After Its Reinstatement in 1976" (June 2011)

- "The Death Penalty in 2010: A Year End Report" (December 2010)
- "The Death Penalty in 2009: Year-End Report" (December 2009)
- "Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis" (October 2009)
- "A Crisis of Confidence: Americans' Doubts About the Death Penalty" (2007)
- "Blind Justice: Juries Deciding Life and Death with Only Half the Truth" (2005)
- "Innocence and the Crisis in the American Death Penalty" (2004)
- "International Perspectives on the Death Penalty: A Costly Isolation for the U.S." (1999)
- "The Death Penalty in Black & White: Who Lives, Who Dies, Who Decides" (1998)
- "Innocence and the Death Penalty: The Increasing Danger of Executing the Innocent" (1997)
- "Killing for Votes: The Dangers of Politicizing the Death Penalty Process" (1996)
- "Twenty Years of Capital Punishment: A Re-evaluation" (1996)
- "With Justice for Few: The Growing Crisis in Death Penalty Administration" (1995)