

# Capital Punishment. Rising Opposition to the Death Penalty in America

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*The US Supreme Court on Monday rejected a direct challenge to the the death penalty, refusing to hear an Arizona death row prisoner's argument that it amounts to cruel and unusual punishment. The court also refused to consider the constitutionality of Arizona's capital sentencing system, under which nearly all convicted murderers are eligible for the death penalty. In a statement, Justice Stephen G. Breyer cited insufficient evidence for the court's ruling.*

The Supreme Court's decision takes on added significance considering the depths of depravity to which various state governments, confronted in recent years with a shortage of lethal injection drugs, have sunk as they seek to dish out the ultimate punishment at any cost.

Just last week, Oklahoma's Attorney General announced that the state, which has been unable to obtain a fresh supply of lethal injection drugs, will begin using nitrogen gas on prisoners once it finalizes a formal execution procedure. Nitrogen has never been used for executions in the US, but Oklahoma has decided to make it the state's primary method. The decision to use nitrogen gas for executions has been roundly condemned by anti-death penalty activists, who've pointed out the experimental character of the method. While supporters of the nitrogen method have claimed that it is painless, the American Veterinary Medical Association has said that nitrogen gas has a "distressing" effect on mammals and that its use on animals other than birds is unacceptable.

Amid the nationwide shortage of lethal injection drugs, a number of states have also sought to railroad prisoners to the death chamber before supplies run out. For example, earlier this year, officials in Tennessee came up with a plan to execute 8 prisoners by June 1, after which they said availability of lethal injection drugs would be "uncertain." On March 15, the Supreme Court of Tennessee denied a request by the state's attorney general to schedule the executions. Arkansas went a step further last year, executing 4 prisoners during the month of April. The state had originally planned to execute 8 prisoners over the span of 11 days as its supply of lethal injection drugs was nearing expiration. However, 4 of the inmates were temporarily spared after their executions were blocked by various courts. Similarly, last May, Alabama enacted a law designed to speed up state appeals in capital cases. Alabama's so-called "Fair Justice Act" set tight new deadlines for filing appeals under state law and limited the time available to state courts when deciding on appeals. On the same day the law was enacted, Alabama executed a 75-year-old inmate for a murder committed in 1982. California and Florida have also enacted laws to speed up executions.

Last October, the results of a Gallup poll showed that support for capital punishment among Americans had reached its lowest point since 1972, with 55 percent in favor of the death penalty for those convicted of murder. 1972 was the same year that the Supreme Court officially imposed a moratorium on capital punishment, ruling in *Furman v Georgia* that the death penalty violated the cruel or unusual punishment clause of the Eighth Amendment due to the “freakish,” “arbitrary” and “capricious” way it was implemented. The court had imposed the moratorium during a period of social unrest and working-class militancy. Popular movements against social inequality, racism and sexism had spread across the country. Together with the experience of the Vietnam War, these movements had a deep impact on the consciousness of the masses, inculcating within them a salutary mistrust of the state. Mass opposition to the death penalty during this period had already led to an unofficial moratorium on executions before the *Furman v Georgia* ruling. Nevertheless, the death penalty was back in use in just a few years, after 34 states rewrote their capital punishment laws to comply with the Supreme Court ruling.

As was the case decades ago, the death penalty continues to be meted out to the poor and marginalized at disproportionate rates. The cruelty of the state has been felt by black men more than any other group. According to the Death Penalty Information Center, 34.5 percent of defendants executed in the US since 1976 were black. And while Black people account for just 14 percent of the US population, they constitute 41 percent of the current death row population. Faced with this reality, black people, who also suffer police killings at disproportionate rates, are far more likely to oppose capital punishment than their white counterparts, as polls have consistently shown.

Since 1973, 161 people have been exonerated and released from death row. In 2017 alone, 5 death row prisoners were exonerated. This statistic brings up the most pressing reason to oppose capital punishment—the very real possibility that innocent people will be executed. In 2014, the National Academy of Sciences released a study that found that at least 4 percent of defendants sentenced to death in the US between 1973 and 2004 were innocent. The research team that conducted the study used advanced statistical devices to come up with the 4 percent figure, which it described as “conservative.”

Americans live in a country where the rich dodge taxes and bribe politicians, the police kill with impunity and the military launches wars of aggression against poor and defenseless nations. Our misnamed justice system continues to maintain and reinforce class and racial hierarchies, making capital punishment all the more sinister. And yet, half the country is still in favor of state-sponsored murder. There are currently over 2800 people on death row in the US. Can any reasonable person believe they’re all guilty?

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