

New Jersey abolishes the death penalty

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New Jersey Governor Jon S. Corzine on Monday signed into law a measure repealing the death penalty, making the state the first to abolish capital punishment since the United States Supreme Court reinstated the practice in 1976.

The State Assembly approved the measure last Thursday by a 44-36 vote, following the Senate's approval of the measure December 10 by a vote of 21-16.

Corzine also issued an order commuting the sentences of the eight men currently on New Jersey's death row to life in prison without the possibility of parole. The last person executed in the state was Ralph Hudson, who was put to death in the electric chair in 1963. New Jersey did not reinstate capital punishment until 1982.

In a speech from the state capitol, Corzine declared he was ending "state-endorsed killing." Corzine said the move reflected "a day of progress for the state of New Jersey and for the millions of people across our nation and around the globe who reject the death penalty as a moral or practical response to the grievous, even heinous, crime of murder."

Testifying at legislative hearings in New Jersey before the bill was enacted were the parents of Shannon Scheiber, a young woman murdered in 1998. They had requested that the defendant in the case receive life in prison instead of execution. "The death penalty is a harmful policy that exacerbates the pain for murdered victims' families," Vicki Schieber, Shannon's mother, testified.

Public opinion polls show that capital punishment is opposed by growing numbers in the US, with life without parole steadily replacing the death penalty as a preferred punishment for murder. Reflecting this opposition, death sentences in the US have dropped by 60 percent since 1999, when 98 condemned prisoners were sent to their deaths. Still, 53 were executed in

2006; so far this year another 41 have been put to death.

The decision in New Jersey in part reflects growing nervousness within sections of the ruling establishment brought on by revelations of wrongfully convicted death row inmates, many of them exonerated by DNA evidence not available at the time of their convictions and sentencing. These exonerations have cast a sharp light on the barbaric practice of state-sanctioned killing, which is banned throughout much of the world.

The latest such inmate was Jonathan Hoffman in North Carolina, the 126th to be exonerated since the reinstatement of the death penalty. He was released on December 11. Hoffman spent seven years on death row for the 1995 killing of a jeweller. He won a new trial in 2004, and the district attorney eventually dropped the charges against him after the star witness recanted his testimony.

Just the day before, a death row prisoner in Georgia, John Jerome White, was freed after DNA proved he did not commit a 1979 rape. White spent 11 years in prison.

Illinois is in the eighth year of a death penalty moratorium, which was established in 2000 after widespread revelations of wrongful convictions among the state's death row inmates.

Challenges have also been filed in a number of states over the constitutionality of the use of lethal injection for executions. Opponents of lethal injection argue that the procedure violates the ban on "cruel and unusual punishment" found in the Eighth Amendment to the US Constitution.

These challenges follow instances of botched executions, in which the procedure has been prolonged, and executioners have had to re-administer the toxic poisons. Opponents argue that one of the drugs used may wear off prematurely, leaving prisoners in excruciating pain but unable to express their pain because they have been rendered paralyzed.

Lower court rulings on lethal injection have reached opposing conclusions. Courts in California, Florida and Tennessee have ruled the procedures unconstitutional, while courts in Missouri, Arizona and Oklahoma have found them constitutionally acceptable.

The US Supreme Court agreed in September to hear a case on lethal injection from Kentucky. In *Baze v. Rees* the high court will address whether Kentucky's particular form of lethal injection is constitutional. A decision in that case is expected to provide some legal conformity in the lower courts as to how these challenges to lethal injection are to be handled.

In June 2002 the Supreme Court ruled in *Atkins v. Virginia* that the execution of those with mental retardation was a violation of the Eighth Amendment ban on cruel and unusual punishment. The Death Penalty Information Center (DPIC) lists the names of 44 mentally retarded individuals who were put to death since capital punishment was resumed and the ban was put into effect.

By a narrow majority in March 2005, the high court also struck down the death penalty for crimes committed by juveniles. The ruling affected more than 70 death row inmates whose sentences for the most part were converted to life in prison without parole. DPIC says that 22 have been executed in the modern era for crimes committed while under the age of 18.

Since 1976, at least 22 foreign nationals have been executed in the US, according to DPIC. In the overwhelming majority of cases, these individuals were not informed by US authorities upon arrest of their right to have their consulate notified of their detention, a violation of Article 36 of the Vienna Convention on Consular Relations.

Since 1976, 1,099 individuals have been executed in the US, including 11 women. The state of Texas alone has sent 405 people to their deaths. In his five years as Texas governor before assuming the presidency, George W. Bush presided over the execution of 152 people, including foreign nationals, the mentally impaired and those convicted of crimes committed as juveniles.

According to known statistics, in 2006, more than 90 percent of all known executions took place in just six countries: China, 1,010 (the official figure—the real number may be as many as 8,000); Iran, 177; Pakistan, 82; Iraq, 65; Sudan, 65; and the United States, 53.

With New Jersey's abolition of the death penalty, 36 US states still allow it. Those states banning the practice now include Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, New York, Rhode Island, Vermont, West Virginia and Wisconsin. Legislative studies of the death penalty are currently under way in California, North Carolina and Tennessee.

As death row inmates have made numerous challenges in recent years, US Supreme Court rulings have served the purpose of curtailing the death penalty in its more overtly brutal forms—execution of the mentally retarded and juveniles—while preserving capital punishment as a whole.

Both big business parties have been complicit in the perpetuation of this barbaric practice. The Antiterrorism and Effective Death Penalty Act of 1996 was passed by a Republican-controlled Congress and signed into law by the Democratic Clinton administration. The legislation severely restricts the rights of death penalty defendants to make habeas corpus claims in the federal courts. It led to a sharp increase in the rate of executions in the US.

Much of the world looks on in horror at a ruling establishment that condemns its own citizens to death, a practice that has been outlawed by much of the industrialized world and is in violation of human rights norms and numerous international treaties. A corresponding revulsion within growing sections of the US population is beginning to take shape.



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