

CAPITAL PUNISHMENT TIMELINE

- 1622: The first legal execution of a criminal in the American Colonies occurs in Virginia with the execution of Daniel Frank for Theft.
- 1636: The Massachusetts Bay Colony lists 13 crimes punishable by death, including idolatry and witchcraft.
- 1791: The Bill of Rights is ratified, including the Eighth Amendment, which prohibits the imposition of cruel and unusual punishments. Nevertheless, the practice of capital punishment is universally accepted and it is understood at the time that the Eighth Amendment was not intended to stop it.
- 1793: Pennsylvania invents degrees of murder, recognizing qualitative differences in the kinds of murder, some not necessarily deserving of a death sentence. This was a compromise between pacifist Quakers who opposed the death penalty and capital punishment supporters.
- 1833: In the face of public executions becoming chaotic, carnival-like spectacles, with rowdy crowds becoming increasingly violent, Rhode Island becomes the first state to require private hangings. New York follows suit in 1835.
- 1846: Michigan is the first state to abolish the death penalty. (except for treason, which was finally eliminated in 1963). Rhode Island follows suit in 1852, and Wisconsin in 1853.
- 1888: New York becomes the first state to adopt electrocution as an execution method following demonstrations of the new technology by Thomas Edison. Murderer William Kemmler is the first person executed in the electric chair on August 6, 1890 at New York's Auburn Prison.
- 1907 - 1917: A short-lived abolitionist wave leads to the repeal of death penalty statutes in Arizona, Kansas, Minnesota, Missouri, North Dakota, Oregon, South Dakota, and Tennessee. However, all but two of those states later reinstate the death penalty, largely to combat lynchings and other forms of vigilantism.
- 1924: Nathan Leopold Jr. and Richard Loeb, notorious Chicago "thrill killers," are sentenced to life imprisonment after impassioned plea to the Judge by defense attorney Clarence Darrow.
- 1927: Nicola Sacco and Bartolomeo Vanzetti, Italian immigrants with anarchist sympathies, are electrocuted in Massachusetts for two murders during a robbery.
- 1931: The Scottsboro Boys, 9 young black men, are convicted in Alabama of the rape of a white woman and sentenced to death. After several appeals and retrials all were eventually freed or had their death sentences commuted.
- 1935: U.S. executions reach an all-time high at 199 in 1935.
- 1936: New Jersey executes Bruno Richard Hauptmann in the electric chair for the 1932 kidnap and murder of the Lindbergh baby.
- Post WW II Era: In the post-war years a number of factors contributed to a growing movement against the death penalty, including: a revulsion at atrocities witnessed during the war; the burgeoning civil rights movement; attempts by the ACLU and the NAACP Legal Defense Fund to appeal death penalty cases; its abolition in an increasing number of Western countries; and a weakening in public support for the death penalty. During the 1950s and 1960s, Alaska, Hawaii, Delaware, Oregon, Iowa, West Virginia, Vermont, New York and New Mexico abolish the death penalty joining Michigan, Minnesota, North Dakota and Wisconsin.
- 1952: Julius and Ethel Rosenberg are convicted of treason and executed for selling atomic secrets to the Soviet Union. They are the first U.S. civilians to be executed for espionage.
- 1963: Victor Feguer is executed by hanging at the Iowa Penitentiary for kidnapping and murder. He is the last federal prisoner to be executed until Timothy McVeigh is executed in 2001.
- 1966: Support for the death penalty reaches an all time low. Gallup Poll shows nationwide death penalty support at only 42%.
- 1971: After 9 months of trial, Charles Manson and 3 members of the "The Family" are sentenced to death in California for the Tate-LaBianca murders. All have their death sentences commuted to life when the California Supreme Court and Furman holds the death penalty unconstitutional the following year.
- 1972: The U.S. Supreme Court rules in *Furman v. Georgia* that the Georgia statute, giving the jury complete discretion to decide death or life imprisonment upon conviction of Murder, was unconstitutional. A 5-4 plurality opinion held that the death penalty was applied in a "freakish and wanton" manner due to unguided jury discretion. The practical effect of the decision was to strike down existing statutes in all states, and removing approximately 629 inmates from death row. 35 states responded immediately by enacting new death penalty statutes, providing either for a mandatory death sentence, or carefully guided jury discretion.

- 1976: The U.S. Supreme Court strikes down the death penalty statutes in North Carolina and Louisiana which provide for a mandatory or automatic death penalty upon conviction of Murder, without consideration of the character of the offender or the circumstances of the crime, thereby violating the cruel and unusual punishment prohibition of the 8th Amendment. *Woodson v. North Carolina*, and *Roberts v. Louisiana*.
- 1976: The U.S. Supreme Court rules in *Gregg v. Georgia* and *Jurek v. Texas* that a death sentence is not a per se violation of the 8th Amendment, and that where the jury is given guided discretion through aggravating and mitigating circumstances focusing on the particularized nature of the crime and the character of offender, the death penalty no longer violates the Eighth Amendment in application.
- 1977: After waiving all appeals of his convictions for murdering a hotel clerk and a gas station attendant during a robbery, a Utah firing squad makes Gary Gilmore the first person executed in the U.S. in almost 10 years. In prison most of his life, Gilmore becomes a celebrity with his efforts to hasten his execution. His last words: "Let's do it."
- 1977: The U.S. Supreme Court rules in *Coker v. Georgia*, that the imposition of a death sentence for the rape of an adult woman, where death does not result, is "disproportionate" and violates the Eighth Amendment proscription of cruel and unusual punishments.
- 1982: The U.S. Supreme Court rules in *Edmund v. Florida*, that a death sentence may not be imposed upon a felony-murder accomplice when he did not kill, intend to kill, attempt to kill, or intend that deadly force be used. Such a punishment is disproportionate and violates the 8th Amendment.
- 1986: The U.S. Supreme Court rules in *Ford v. Wainwright* that it is unconstitutional to execute the insane.
- 1987: The U.S. Supreme Court rules in *McCleskey v. Kemp* that statistics appearing to show sharp racial disparities in sentencing of killers in Georgia was not sufficient to overturn a death sentence. The Baldus study demonstrated that blacks who killed whites were sentenced to death seven times more often than whites who killed blacks. General patterns of discrimination were not enough to overturn death sentences. A person had to prove that he or she had been discriminated against personally. 1989: The U.S. Supreme Court rules in *Penry v. Lynaugh*, that executing mentally retarded persons does not violate the Eighth Amendment. 1994: Congress passes the 1994 Violent Crime Control Act, authorizing the death penalty for scores of new federal crimes. 1994: Support for the death penalty reaches an all time high. Gallup Poll shows nationwide death penalty support at 80%.
- 1995: New York Governor George E. Pataki fulfills campaign promise and signs new law reinstating the death penalty in New York.
- 1997: The American Bar Association calls for a moratorium on executions until the death penalty can be "administered fairly and impartially, in accordance with due process," and with minimum risk of executing innocent people. The resolution also says that the ABA takes no position on the death penalty per se.
- 1999: 98 persons are executed in the U.S., the highest number since 1951.
- 2000: Illinois Governor Ryan announces a moratorium on Illinois executions following repeated reversals of death sentences, including several highly publicized exonerations, and appoints a bipartisan panel to investigate.
- 2000: Gallup Poll shows death penalty support at 66%, its lowest level in 19 years. Incredibly, according to the same poll, 11% believe that at least 1 in 5 on death row are innocent.
- 2000: The New Hampshire Legislature passes a repeal of its death penalty laws, but it is vetoed by Governor Jeanne Shaheen. (New Hampshire has not executed anyone since 1939, has no one on death row, and has one of the lowest crime rates in the nation)
- 2000: The Department of Justice releases an internal report, "1988-2000 Survey of the Federal Death Penalty System," which raises issues of racial and geographic disparity in the application of the federal death penalty. As of April 2000, 20 persons are on federal death row in Terre Haute, only 4 of which are white.
- 2000: Florida death row inmate Frank Lee Smith, who died of cancer after 14 years on death row, is posthumously cleared by DNA testing in the 1985 rape and murder of an 8-year-old girl which sent him there. Nine other death row inmates across the country have been exonerated because of DNA testing, according to the Innocence Project, a New York-based group that has provided legal assistance to prisoners.
- June 2001: Timothy McVeigh is executed by lethal injection at the Federal Prison in Terre Haute, Indiana, becoming the first federal prisoner executed since 1963. Requests by McVeigh for last-minute delays in order to examine new evidence is denied by the federal courts.

Amended from:

The Clark County Prosecuting Attorney

<http://www.clarkprosecutor.org/html/death/timeline.htm>