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U.S. Department of Justice
Bureau of Justice Statistics



Bureau of Justice Statistics Bulletin

Capital Punishment 1980

Events in 1980 appeared to signal the end of an era of major developments in capital punishment that began roughly 20 years ago. As the year drew to a close there were more persons awaiting execution than at any time since a national count has been kept. Thirty-six States had a death penalty statute in force, 30 States were holding prisoners on death row, and 25 States had imposed the death penalty during the year.¹

A total of 714 persons were under sentence of death in the United States at the end of 1980, 136 more than a year earlier.² During the year 187

¹National statistics on executions have been collected since 1930; national statistics on persons under sentence of death, since 1953. Data in this report are preliminary and subject to revision.

²The 1980 figure excludes one inmate held under Armed Forces jurisdiction in accordance with capital provisions of the Uniform Code of military justice.

July 1981

The capital punishment series is one of the oldest in the National Prisoner Statistics program. It began with a count of executions in 1930. In 1953 the program was expanded to include a count of persons under sentence of death at yearend and, in 1960, of those entering and leaving death row during the year. Since it was taken over by the Law Enforcement Assistance Administration in 1971 and the Bureau of Justice Statistics late in 1979, the series has expanded to include social and demographic characteristics of death-row prisoners, methods of removal from death row, and developments in capital punishment law.

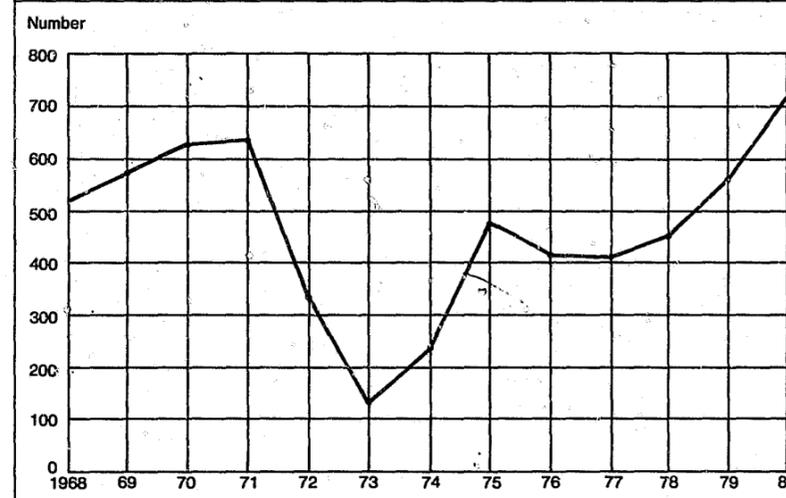
These data are collected annually for the Bureau of Justice Statistics by the U.S. Census Bureau from the departments of corrections in the 50 States and the District of Columbia. The cooperation of State officials, whose generous assistance and unflinching patience make the National Prisoner Statistics program possible, is gratefully acknowledged.

Benjamin H. Renshaw III
Acting Director

persons were sentenced to death and 48 persons were relieved of the death penalty. There were no executions in

1980, although one execution has already occurred this year and will be included in the capital punishment count for 1981.

Number of persons on death row, yearend 1968-80



The number of persons relieved of the death penalty in 1980 was the smallest in more than 10 years. Most cases in which prisoners were relieved of the death penalty during the decade occurred because the statute under which they were sentenced was subsequently found to be unconstitutional. The small number of such cases in 1980 indicates that most States are now sentencing under statutes specifically written to comply with Supreme Court standards of constitutionality, marking the end of an era that began roughly 20 years ago.

During the 1930's persons who received the death penalty did not spend many years on death row. In the mid-1930's close to 200 executions occurred annually. Consequently, the death row population was relatively stable from year to year. By the 1950's the number executed annually had

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Status of death penalty statutes and prisoners under sentence of death, by region and State, 1980

Region and State	Death penalty in force as of 12-31-80	Prisoners under sentence of death on 12-31-79	Changes during 1980		Prisoners under sentence of death on 12-31-80
			Received under death sentence	Relieved of death sentence	
United States	...	578	187	51 ¹	714
Male	...	571	185	50	706
Female	...	7	2	1	8
Federal ²	Yes	0	0	0	0
State	...	578	187	51 ¹	714
Northeast	...	4	3	0	7
Maine	No	0	0	0	0
New Hampshire	Yes	0	0	0	0
Vermont	Yes	0	0	0	0
Massachusetts ³	No	0	0	0	0
Rhode Island	No	0	0	0	0
Connecticut	Yes	0	0	0	0
New York	Yes	0	0	0	0
New Jersey	No	0	0	0	0
Pennsylvania	Yes	4	3	0	7
North Central	...	32	27	4	55
Ohio	No	0	0	0	0
Indiana	Yes	3	4	1	6
Illinois	Yes	19	16	3	32
Michigan	No	0	0	0	0
Wisconsin	No	0	0	0	0
Minnesota	No	0	0	0	0
Iowa	No	0	0	0	0
Missouri	Yes	2	5	0	7
North Dakota	No	0	0	0	0
South Dakota	Yes	0	0	0	0
Nebraska	Yes	8	2	0	10
Kansas	No	0	0	0	0
South	...	469	114	37	546
Delaware	Yes	1	2	0	3
Maryland	Yes	1	1	0	2
District of Columbia	No	0	0	0	0
Virginia	Yes	8	4	0	12
West Virginia	No	0	0	0	0
North Carolina	Yes	8	8	1	15
South Carolina	Yes	8	7	1	14
Georgia	Yes	80	9	9	80
Florida	Yes	135	29	11	153
Kentucky	Yes	3	4	2	5
Tennessee	Yes	10	6	1	15
Alabama	Yes	43	5	4	44
Mississippi	Yes	11	3	2	12
Arkansas	Yes	12	3	0	15
Louisiana	Yes	7	0	0	7
Oklahoma	Yes	25	7	2	30
Texas	Yes	117	26	4	139
West	...	73	43	10	106
Montana	Yes	3	0	0	3
Idaho	Yes	1	0	0	1
Wyoming	Yes	1	0	0	1
Colorado	Yes	0	0	0	0
New Mexico	Yes	0	1	0	1
Arizona	Yes	23	12	1	34
Utah	Yes	7	1	4	4
Nevada	Yes	7	3	0	10
Washington	Yes	5	0	0	5
Oregon	Yes	1	2	0	3
California	Yes	25	24	5	44
Alaska	No	0	0	0	0
Hawaii	No	0	0	0	0

NOTE: Some of the figures for yearend 1979 are revised from those shown in *Capital Punishment, 1979* (final report), December 1980. Present figures reflect the exclusion of 5 inmates (4 in Florida and 1 in Tennessee) who were relieved of the death sentence prior to 1980 and the inclusion of 16 inmates (9 in Georgia, 5 in Louisiana, and 2 each in Arizona and Florida) who, although sentenced to death prior to 1980, were either reported late to the NPS program or were not admitted to the custody of the relevant correctional authorities by December 31, 1979.

¹Includes 2 California prisoners who committed suicide and 1 Georgia prisoner killed while on escape.

²Includes prisoners under the jurisdiction of the Federal Bureau of Prisons, but excludes prisoners under Armed Forces jurisdiction.

³The death penalty in Massachusetts was declared unconstitutional on October 20, 1980.

declined to fewer than 100 and it declined further to fewer than 50 a year early in the 1960's.

In the face of mounting challenges to the legality of capital punishment, an unofficial moratorium on executions was in effect for some 10 years, starting in June 1967. As a result, the death row population increased annually, reaching a peak of 642 in 1971. The issue of legality was addressed in a 1972 watershed decision—in the case of *Furman vs. Georgia*—where the U.S. Supreme Court ruled that capital punishment often had been applied in an arbitrary and capricious manner, thereby violating Eighth Amendment guarantees. Eventually, all persons sentenced under pre-Furman laws were removed from death row, although many States proceeded immediately to revise their death-penalty statutes to meet the objections raised in the *Furman* decision.

Recent trends in executions and in the size of the death-row population generally appeared to coincide with a shift in public opinion about punishment by death.³ In the mid-1960's, only 2 in every 5 participants in U.S. public opinion polls favored capital punishment for persons convicted of murder. However, this changed during the 1970's. Late in that decade the same polls showed that about 2 in every 3 persons favored the death penalty. By then, the number of jurisdictions with capital punishment laws had approached pre-Furman levels and near-record numbers of prisoners occupied death row.

Most current laws date from 1976 Supreme Court decisions upholding laws that carefully defined the types of cases in which the death penalty could be applied. The new laws provide for guided discretion on the part of judge or jury by specifying capital crimes in detail, while spelling out aggravating and mitigating circumstances to the crime that must be considered in deciding on the sentence.

Since 1976, further refinements have taken place as standards gradually evolved from cases before the U.S. Supreme Court. In 1977, for example, the Court held in *Coker vs. Georgia* that rape of an adult female was not a capital offense, thereby eliminating a sanction that had been applied almost exclusively to black men. Over 90

³Source: *Sourcebook of Criminal Justice Statistics, 1980*, Bureau of Justice Statistics, 1981, p. 199.

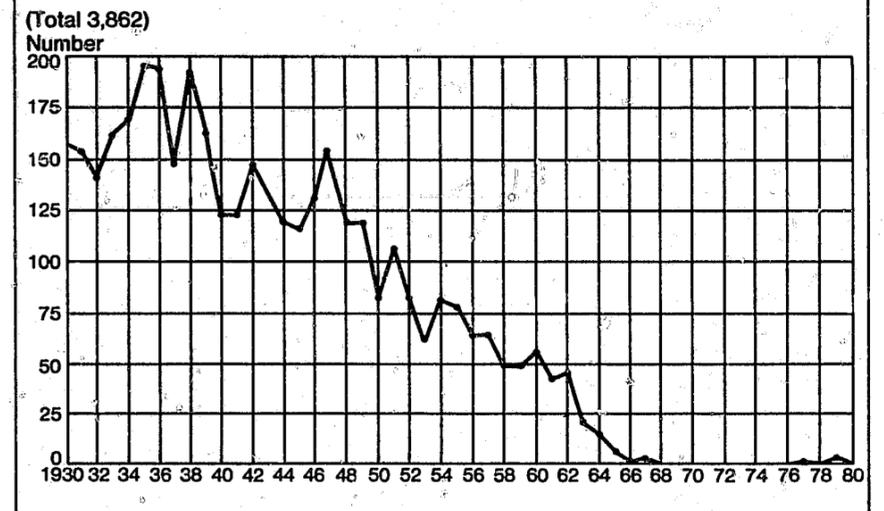
percent of all persons executed for rape since 1930 were black.

During 1980, the Court generally considered litigation concerning penalty by death on a case-by-case basis, handing down decisions that did not, as a rule, have a broad impact on previous convictions, as was the case with the 1972 and 1976 decisions relating to the death penalty. However, the Court made it clear during 1980 that it will continue to monitor the way in which States apply their capital punishment laws. Thus, in the *Godfrey vs. Georgia* case, the Court, while leaving that State's statute intact, declared that it had been applied inappropriately in the case in question. The defendant had been convicted under a Georgia statute requiring the death penalty in cases of murder that were "outrageously or wantonly vile, horrible or inhuman in that they involve torture, depravity of mind or aggravated battery." According to the justices who reversed the decision, the *Godfrey* case was no different from others in which the statute was not applied and, therefore, it was being applied capriciously. In addition, the Court struck a provision of Alabama's law that blocked juries from convicting defendants of lesser crimes rather than the capital offense.

In Massachusetts, the State Supreme Court ruled that a 1979 law reinstating capital punishment violated the constitutional ban on cruel and unusual punishment and discriminated against minorities, particularly blacks. The strongly worded 6-1 decision called capital punishment "impermissibly cruel" and said that it was a "denial of the executed person's humanity and a denial of all his rights." The Massachusetts decision thus differed somewhat from the 1972 *Furman vs. Georgia* case. Although both invoked Eighth Amendment rights, the basis for violation of those rights in the Massachusetts case was much broader than in the *Furman* case. In effect, the Massachusetts court came close to saying that capital punishment is inherently unconstitutional under all circumstances. With the Massachusetts law rescinded, a total of 36 States and the Federal system had capital punishment statutes in effect at the end of 1980.

Of the 30 States with death-row prisoners at yearend, all except Utah had either increased their count or held the same number as a year earlier. Only 6 of the 36 States that authorized the death penalty held no condemned prisoners at yearend. Florida led the death-row States with 153 prisoners, followed by Texas (139) and Georgia

Number of persons executed, by year, 1930-80



(80). Together, these three States accounted for 52 percent of all persons under sentence of death, while the South as a whole held 76 percent of the national total. Other States with large numbers of death-row inmates were California and Alabama (44 each), Arizona (34), Illinois (32), and Oklahoma (30). None of the other 28 States with persons on death-row held more than 15 condemned prisoners.

Both Florida and Texas substantially increased their death-row populations over the previous year, accounting for almost 3 in every 10 newly sentenced prisoners. Georgia's numbers, however, remained the same.

Blacks accounted for roughly 2 of every 5 death-row prisoners, about the same as in 1978 and 1979. Prior to 1976, blacks constituted half or more of all such prisoners. Of the eight women on death-row, one was black, and all were held in southern States: two each in Georgia and Texas and one each in Florida, Kentucky, North Carolina, and Oklahoma. The number of Hispanics under sentence of death jumped from 26 to 39 during 1980. Texas held the largest number of this group (18); California (7) was followed by Arizona, Florida, and Illinois (4 each) and Arkansas and Utah (1 each).

The number of new death-row prisoners, 187, represented a 14 percent increase over the number sentenced in 1979 but was lower than those of 1975, 1976, and 1978. Of the 36 States with death-penalty laws, 25 imposed the death sentence during 1980, the same

number as in 1979. Florida imposed the largest number of new death sentences, 29, followed by Texas (26), California (24), Illinois (16), and Arizona (12). Georgia, which held the third largest number of death-row prisoners at yearend, sentenced nine persons to death during the year.

Fewer than a third as many persons were relieved of the death penalty as were sentenced. Florida granted the most dispositions (11), followed by Georgia (9); California (5); and Alabama, Texas, and Utah (4 each). In all, 15 States granted dispositions compared with 16 in 1979.

Although there were no executions during the year, three deaths of capital prisoners occurred in 1980, including two by suicide in California and an inmate from Georgia killed while on escape from death row. From the beginning of 1971 through 1980, 25 capital prisoners died, most from natural causes. At least four of them committed suicide and three were executed.

Bureau of Justice Statistics Bulletins are prepared principally by the staff of the Bureau. The idea was originated by Carol B. Kalish, who maintains editorial oversight. Marilyn Marbrook administers publication. Mimi Cantwell of the Bureau of the Census is the principal author of this Bulletin.

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Further reading

A final report on the prison population in 1980 will be published later in 1981. Annual capital punishment reports are available for the years 1971 through 1979.

Other Bureau of Justice Statistics Bulletins include Measuring Crime, February 1981; The Prevalence of Crime, March 1981; and Prisoners in 1980, May 1981.

To obtain copies of any of these publications or to be added to the Bulletin mailing list, write to the Bureau of Justice Statistics, Washington, D.C. 20531.

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