



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

Weekend at death row

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I regret that I won't be around on Monday to compete in this year's Boston Marathon--although, to be honest, I run the width of the course whereas the real athletes tackle the length.

As it happens, I have out-of-town reservations for the weekend. Destination: Florida's death row in Starke (such an appropriate name for a prison town). I'll be there for a couple of days, as there are just so many people to see once I get there. The Sunshine State currently houses over 400 condemned men in a place where the sun rarely shines. The backlog is so long that most newly convicted and sentenced residents of death row will not see the executioner for well over a decade or two, if ever at all.

Since 1976, when the capital punishment was reinstated, Florida has put 69 murderers to death, ranking it fourth among the 34 states that have performed executions. Yet the most that Florida has executed in any one year is 8, so it is more than likely that many of the hundreds awaiting their turn will die a natural death rather than a state-sanctioned one.

As shown in the figure below, the average time between sentencing and actual sentence for those who have in fact been executed has grown steadily (from 8.6 years in the early 1980s to 17.6 years more recently) and will continue to do so. The flow of new cases is many times greater than state's capacity or willingness to execute.

Florida is hardly unique in this regard. In California, the queue is so long—now over 700 on death row--that apparently some defendants charged with murder hope for a death sentence, a penalty that has been carried out by that state only 13 times in the past 35 years. Betting that their turn will never come, these defendants, if condemned to death, would benefit from having a single-bunk cell on death row, rather than doubling up, tripling up, or worse in the general population of California's badly overcrowded correctional system.

The heavy backlog of cases across America, with over 3,200 prisoners awaiting execution nationally, reflects one of the reasons why the death penalty is not a deterrent--why it does not discourage murder any more than a life sentence might. What we do know about deterrence, based on decades of research, is that the key components for deterring unlawful behavior are the swiftness and certainty of punishment, not the severity.

This is *not* an argument for wholesale executions at an accelerated pace. That would have many potential drawbacks, assuming that citizens of this country would even tolerate several hundred executions every year. After all, public support for capital punishment has dipped in recent years, partly as a result of the growing number of exonerations off of death row (now at 138 since 1973) and partly because of low murder rates.

Fortunately for me, the trip to Florida's death row is only for the weekend. Nice place to visit, but you wouldn't want to die there. When I return, I will gear up for a series of columns on capital punishment. Given that at least one candidate for Governor has indicated a desire to see capital punishment reinstated in Massachusetts, and another has expressed willingness to sign the death penalty into law should such legislation come across his desk, the issue may resurface in political debate between now and November.

