

EDITORIALS: A Decade of Progress on Death Penalty Justice

A recent editorial in the *Dallas Morning News* recalled that the paper had reversed its position in support of the death penalty in April 2007. Since then, the editorial noted, Texas has accounted for an even larger percentage of the country's executions, but also that there are signs the use of the death penalty is declining even in Texas. The paper highlighted the 55 exonerations from death row in this decade as a 25% increase from last decade, and the sharp decline in the number of death sentences compared to ten years ago. "These are all signs that courts, prosecutors, politicians and the public are recognizing the problems in our imperfect system of justice," the editorial states. "This newspaper feels more strongly than ever that those flaws are sufficiently widespread that the justice system cannot be trusted to impose irreversible sentences of death." *Read the full editorial below.*

Editorial: A decade of progress on death penalty justice

In April 2007, when this newspaper reversed its long-held support for the death penalty, we lamented the fact that while the nation was moving away from the death penalty, Texas seemed to be clinging to it more tightly.

We noted then that our state had carried out slightly more than a third of all the executions in this country. In the past two years, it's gotten worse. Texas accounts for almost half of all U.S. executions. Increasingly, the Lone Star State stands alone.

But as we look back at 2009 and the decade as a whole, we also see fewer new prisoners sent to death row. Texas juries sentenced prisoners to death only nine times this year, the lowest number since capital punishment was reinstated in 1976.

That is not the result of a major decrease in capital crimes. The murder rate, unfortunately, has remained steady.

This newspaper doesn't think it's coincidental that fewer death sentences are being doled out at the tail end of a decade that saw a record number of death row exonerations. According to the Death Penalty Information Center, 55 people walked free from death row this decade after potentially deadly mistakes were found in their cases. That's a 25 percent increase over the 1990s.

That's certainly part of the reason why only 106 people nationwide were sentenced to death in 2009, about a third as many as in 1999.

Changes in the law also have played a role. It's hard to imagine that, at the start of this decade, it was legal to execute people for crimes they committed as children, to execute the mentally retarded and to bring racial biases into jury-selection processes.

The Supreme Court righted those wrongs and, for the first time, established that post-conviction DNA evidence could be considered in the appeals process. And in Texas, life without parole – or "death by prison," as we like to call it – finally became an option for juries.

These are all signs that courts, prosecutors, politicians and the public are recognizing the problems in our imperfect system of justice. This newspaper feels more strongly than ever that those flaws are sufficiently widespread that the justice system cannot be trusted to impose irreversible sentences of death.

And there is much work to be done. Efforts to bring consistency to eyewitness evidence stalled in the Texas Legislature. The governor has obstructed the Texas Forensic Science Commission's work to examine the Cameron Todd Willingham arson case. The Texas Court of Criminal Appeals, under the leadership of Sharon Keller, continues to deliver on her election promise to deliver "pro-prosecution" decisions.

But the number of exonerations is up, and the number of death sentences is down. The U.S. – including Texas – begins a new decade headed in the right direction.

("Editorial: A decade of progress on death penalty justice," Dallas Morning News, December 24, 2009). [See Editorials](#). See also [Innocence](#) and [Sentencing](#).

