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## Should Ohio Abolish Capital Punishment?

Richard J. Goetz\*

**I**N A RECENT ARTICLE in this review, it was stated that, Because of the moral, political and economic connotations of the subject, almost every person is aware of the problem and its social significance.<sup>1</sup>

The writer was referring to the so-called "population explosion," and showing the effects of birth control legislation on it. This same phrase can be applied with equal force to the problem of "capital punishment."

Everyone is familiar with the publicity given to the recent execution of Caryl Chessman in California,<sup>2</sup> which had international repercussions. Very recently the fate of Dr. Bernard Finch and Miss Carole Tregoff, who were tried for the murder of the former's wife, remained uncertain until after three trials.<sup>3</sup>

Ohio contributed its share to interest in the problem of capital punishment when Dr. Samuel Sheppard was tried and found guilty of second-degree murder for the slaying of his pregnant wife.<sup>4</sup> Great public interest was displayed during the Sheppard proceedings.

Shortly after he was elected Ohio's Chief Executive, Governor Michael V. DiSalle, in a special message to the leaders and members of the General Assembly of Ohio, expressed his doubts as to the deterrent value of capital punishment, and did his best to persuade the legislature to abolish its use. Ironically enough, it was this same man who, in 1937, introduced and successfully pursued to enactment the "Baby Lindbergh Act" for Ohio, which made kidnapping an offense punishable by death.

What then has changed the view of the Governor, as well as of others, on this controversial topic? The Governor stated in his message that:

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<sup>1</sup> Hudson, Birth Control Legislation, 9 Clev-Mar L. R. 245 (1959).

<sup>2</sup> Cleveland Press and News, May 2, 1960, p. 1.

<sup>3</sup> *Id.*, March 14, 1960, p. 1; Nov. 9, 1960, p. 1; Cleveland Plain Dealer, March 28, 1961, p. 5.

<sup>4</sup> Mulligan, Death, The Poor Man's Penalty. American Weekly, May 15, 1960, p. 9.

In the years since, maturity has produced a deeper feeling of the obligations of society in establishing a civilization which takes into consideration the element of example that people must set.<sup>5</sup>

Governor DiSalle has become convinced, over the years, that the old law of "a life for a life" is unworthy of civilized society.

In view of all the controversy surrounding this topic, it is interesting to review the history of the death penalty in Ohio, in other states, and elsewhere in the world.

### Historical Approach

The death penalty was first adopted in this area in 1788, when Ohio was part of the Northwest Territory.<sup>6</sup> It was continued as a part of the State's Criminal Code when Ohio was admitted to the Union in 1803. Hanging was the prescribed method of execution at that time, and it was employed in individual counties until 1884, when it became the task of the Warden of the Ohio State Penitentiary. From 1885 to 1897, twenty-eight men were hanged.<sup>7</sup> In 1897 the mode of execution was changed from hanging to electrocution. To date, over three hundred persons have died by this latter method in the Ohio State Penitentiary.

### State Laws Regarding Death Penalty

What does the State Constitution say in regard to the death penalty? There appears to be no definition of capital crime or capital offense in the Constitution of the State of Ohio, other than references to the death penalty in Article I and Article III. Article I, Sec. 9, dealing with bailable offenses, provides that "All persons shall be bailable by sufficient sureties, except for *capital offenses* where the proof is evident, or the presumption great." Article I, Sec. 10 provides generally that no person shall be held to answer for "capital crimes" unless on presentment or indictment of a grand jury. Article III, Sec. 2 of the Constitution expressly confers power upon the Governor to grant reprieves, commutations and pardons, upon such conditions as he thinks proper.

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<sup>5</sup> Special Message on Capital Punishment from Governor Michael V. DiSalle to the 103rd General Assembly of Ohio. Feb. 10, 1959, p. 2.

<sup>6</sup> *Id.*, at 6.

<sup>7</sup> *Id.*

Under the Ohio Code,<sup>8</sup> no crime other than murder in the first degree is called a "capital offense." If and when any legislative act should abolish execution as a mode of punishment in Ohio, the present statute governing this, together with a number of other sections<sup>9</sup> of the code, will necessarily have to be amended or repealed.

Ohio is one of twenty-two states which presently employ electrocution as the method of execution (*see Table 1*). Twelve states use lethal gas, while seven states employ hanging. Mississippi and New Mexico recently changed their method of execution from electrocution to lethal gas, while Oklahoma is still using electrocution until a gas chamber is provided. Apparently these states feel that lethal gas is a more "merciful" method of execution. In Utah, a condemned man has a *choice* of being hung or shot.

Of the remaining states, six<sup>10</sup> have abolished capital punishment entirely, while three,<sup>11</sup> though counted as abolition states, still retain it for a few rare offenses, namely treason and murder in prison by a convicted murderer.<sup>12</sup> Nine states,<sup>13</sup> after having abolished capital punishment, reinstated it; usually after a spectacularly heinous crime. Maine, it is interesting to note, abolished the death penalty in 1876, restored it in 1883, and abolished it

<sup>8</sup> Ohio Rev. Code Sec. 2901.01.

<sup>9</sup> Statutes which would need to be amended:

Ohio Rev. Code Sec. 2901.01 (defining murder in the first degree); Sec. 2945.18 (setting up a special venire for jury in capital cases); Sec. 2945.20 (separate trial for capital offense); Sec. 2945.21 (ground for challenge of jurors who are unable to find the accused guilty of an offense punishable by death).

Statutes which would need to be repealed:

Ohio Rev. Code Sec. 2949.21 (conveying prisoner to penitentiary for death sentence); Sec. 2949.23 (time of electrocution); Sec. 2949.24 (execution and return of warrant for execution); Sec. 2949.25 (attendance at execution); Sec. 2949.27 (escape of felon under death sentence—rearrest and execution); Sec. 2949.28 (disposition of felon under death sentence who becomes insane); Sec. 2949.30 (action by Governor when convict is restored to competency); Sec. 2949.31 (disposition of pregnant prisoner under death sentence); Sec. 2949.32 (disposition of female prisoner formerly pregnant).

<sup>10</sup> Wis. (1853), Me. (1887), Minn. (1911), Alaska (1957), Hawaii (1957), and Del. (1958).

<sup>11</sup> Mich., R. I., and N. Dak.

<sup>12</sup> Time, Capital Punishment: A Fading Practice. Mar. 21, 1960, p. 19.

<sup>13</sup> Blair, Should Ohio Abolish the Death Penalty. Cleveland Plain Dealer, Jan. 11, 1959, p. 1 (Sec. B). (The states are: Iowa, Kan., Colo., Wash., Ore., S. Dak., Tenn., Ariz. and Mo.)

again in 1887.<sup>14</sup> Michigan was the first state to abolish the death penalty (see Table 3). In 1958, Delaware became the first state in forty-three years to abolish capital punishment.<sup>15</sup> The nation's two newest states, Alaska and Hawaii, came into the union without the death penalty.

Though there are more capital punishment states today than at the low point around World War I, the use of the death penalty is waning in the United States, as it is in Western Europe (see Table 3). During the 1930's executions in the United States averaged 167 annually; during the 1950's, the average was down to 72. In 1959, only forty-nine executions were carried out in the entire United States.<sup>16</sup> This was only one more than the all time low recorded in 1958.

These statistics demonstrate that use of the death penalty has become more and more questionable in the eyes of the authorities. Certainly, the reduction of executions has not been brought about by a comparable reduction in homicides. The Federal Bureau of Investigation reported that major crimes in the United States rose 1% in 1959 and that killings rose 21% in cities between 500,000 and 700,000.<sup>17</sup>

Although there have been some fluctuations, the practice of capital punishment has been declining on a world-wide basis for more than a century.<sup>18</sup> Capital punishment for civil crimes has been abolished in thirty-five countries (see Table 3).

### Capital Punishment—Proponent's Viewpoint

The arguments for retention of the death penalty center around two main points. Proponents of the death penalty say that it deters crime, and secondly, that the criminal must pay society for his offense.

Probably the chief forces against elimination of the death penalty in Ohio, as in other states, are police officers and law enforcement agents. Their main contention is that the life of a policeman will become more hazardous if the criminal knows that he can kill and not face a death sentence. Police authorities

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<sup>14</sup> *Id.*

<sup>15</sup> Bennett, A Historic Move: Delaware Abolishes Capital Punishment. 44 ABAJ 1053 (Nov., 1958).

<sup>16</sup> *Supra*, n. 12.

<sup>17</sup> Cleveland Press and News. March 17, 1960, p. 6.

<sup>18</sup> New York Times, Death Penalties Decline in World. March 3, 1960, p. 48M.

state that the threat of death exerts important influence in many situations prior to the final moment when a crime is committed. This threat, it is said, is what leads robbers, for example, to use unloaded guns, and persuades burglars to go unarmed. An extensive study on this very point, by a noted criminologist, indicates, however, that the rate of fatal attacks on policemen in some 260 northern cities was slightly higher in *death penalty states* than in abolition states.<sup>19</sup>

Nevertheless, Cuyahoga County Prosecutor John T. Corrigan recently pointed out<sup>20</sup> what might occur if the death penalty were eliminated. The prosecutor noted that the penalty for entering an inhabited dwelling in the "night season" is life imprisonment. He theorized, therefore, that if life imprisonment were the penalty for murder, the criminal, in such a situation, would unhesitatingly kill in order to escape. The prosecutor pointed out that the criminal would be no worse off for killing, and his chance of escaping would be immeasurably increased.

While this theory undoubtedly has some merits, a former Assistant Attorney General for the United States recently commented<sup>21</sup> that when the crime committed is a capital offense *other than* killing, such as rape or kidnapping, the threat of death may actually *encourage* murder. The theory is that after a man has kidnapped or raped someone, he is more than likely to cover his trail by murdering his victim. The additional offense would probably not subject him to a graver penalty, since the crime which he had already committed is punishable by death.

No one can say with confidence how often either of these two situations occur, but they do point up the problems inherent in use of the death penalty.

A recent editorial in a Cleveland newspaper<sup>22</sup> expressed the belief that the death penalty is still necessary to protect the public, and to protect law enforcement officers. It did admit, however, that the threat of a death penalty probably does not deter crimes of emotion and passion. The editorial suggested, by implication, that the state laws governing the death penalty be retained for murders by professional criminals, while punishment for emotional killers be modified, since capital punishment is ad-

<sup>19</sup> *Supra*, n. 12.

<sup>20</sup> Blair, *supra*, n. 13.

<sup>21</sup> Wechsler, *Life*. Big Debate on Capital Punishment. May 19, 1960, p. 47.

<sup>22</sup> Cleveland Press and News, The Death Penalty Must Stay (Editorial). Feb. 2, 1959, p. 16.

mittedly no deterrent for the latter crimes. In concluding, the editorial voiced the opinion that abolition of the death penalty in Ohio is an issue for the legislature to decide. It should not be referred to the people in a constitutional referendum, because the "emotional storm this issue would generate would make an objective decision difficult, if not impossible."<sup>23</sup> Another article,<sup>24</sup> on the same editorial page, however, shows that in 1912, the issue was taken to the Ohio voters, who defeated by 45,000 votes<sup>25</sup> a proposed constitutional amendment that would have ended capital punishment.

### Opposing Viewpoint

If the death penalty were an effective means of deterring the potential murderer, then an analysis of the criminal statistics of the United States might be expected to conclusively demonstrate the validity of this proposition. A recent study, however, makes clear that there is no necessary correlation between the presence or absence of the death penalty and the murder rate in any particular state.<sup>26</sup> For instance, Maine, which abolished the death penalty in the 1870's, has one of the lowest murder rates of any state.<sup>27</sup> Wisconsin and Minnesota, also abolition states, have lower homicide rates than most of the other states (see Table 2). On the other hand, Michigan, Rhode Island, and North Dakota, which also have no death penalties, have somewhat higher murder rates than Wisconsin and Minnesota. It is significant in this analysis that Georgia, a leader among states in executions each year, also has one of the highest murder rates. Statistics compiled by the Federal Bureau of Investigation show that the average of number of murders committed in the 41 capital punishment states<sup>28</sup> per 100,000 population is 5.93, whereas the average of the number of murders committed in six<sup>29</sup> non-capital punishment states per 100,000 is 2.0 (see Table 2).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* Allen, Death Penalty Has Survived Many Efforts at Change.

<sup>25</sup> *Id.* Compare with Blair, *supra*, n. 13.

<sup>26</sup> Vold, Extent and Trend of Capital Crimes in the United States. 284 *Annals* 4 (1952).

<sup>27</sup> Reichert, Capital Punishment Reconsidered. 47 *Ky. L. J.* 400 (1959).

<sup>28</sup> The murder rate for Vermont, a death penalty state, was not available for these statistics.

<sup>29</sup> Alaska and Hawaii, non-capital punishment states, were not yet admitted to the Union at time of computation of these statistics. Delaware changed to non-capital punishment in 1958.

The states of Ohio, Indiana and Illinois have consistently had a higher number of murders for each 100,000 population than Michigan, a neighboring abolition state, where it may safely be assumed that conditions of life are comparable.<sup>30</sup> On the other hand, Michigan has had a higher rate of murders than Massachusetts or Connecticut, which have retained the death penalty. One writer attributes this to the difference in cultural conditions and the nature of the population.<sup>31</sup> Although one may compare criminal statistics *ad infinitum* and arrive at various conclusions, one conclusion accepted by most criminologists is that a comparison of death penalty states with abolition states reveals that murder is *not* more frequently committed in the states that have abolished capital punishment than in those states that have retained it.<sup>32</sup>

Opponents of the death penalty cite various reasons to show why its use should be abolished. Probably the most comprehensive study in recent years was compiled in a report submitted to the Delaware legislature when it was conducting hearings on a proposed resolution to abandon the death penalty. The basic arguments presented in this report were:

1. The evidence clearly shows that execution does not act as a deterrent to capital crimes.
2. The serious offenses are committed, except in rare instances, by those suffering from mental disturbances; are impulsive in nature, and are not acts of the "criminal" class.
3. When the death sentence is removed as a possible punishment, more convictions are possible with fewer delays.
4. Unequal application of the law takes place because those executed are the poor, the ignorant, and the unfortunate without resources.
5. Convictions of the innocent do occur and death makes a miscarriage of justice irrevocable. Human judgment can not be infallible.
6. The state sets a bad example when it takes a life. Imitative crimes and murder are stimulated by executions.

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<sup>30</sup> Symposium, Abolition of Capital Punishment. 32 Can. R. 491 (1954).

<sup>31</sup> *Id.*

<sup>32</sup> Cook, Capital Punishment; Does it Prevent Crime? 182 Nation 196 (1956).



7. Legally taking a life is useless and demoralizing to the general public.
8. A trial where a life may be at stake is highly sensationalized, adversely affects the administration of justice, and is bad for the community.
9. Society is amply protected by a sentence of life imprisonment.<sup>33</sup>

The writer will enlarge on some of these points briefly.

If capital punishment were a real deterrent to crime then the forty-one states which today maintain the death penalty should be relatively free of murder and the nine states which have abolished its use should have an abundant share of murders. In 1955, however, the nine states which had the least murders—fewer than two a year per 100,000 population—were Connecticut, Iowa, Maine, Massachusetts, Minnesota, New Hampshire, North Dakota, Rhode Island and Wisconsin (see Table 2). Five of these nine states have abolished the death penalty. The twelve states which had the most murders in 1955—from eight to fourteen killings per 100,000 population—all enforce the death penalty.

As to the second contention, the committee stated that about one murder out of seven is committed by a person who is so deteriorated mentally as to have no conception of the consequences. About one murder in four is, according to the evidence compiled, a crime of passion. Of the remaining killings, the vast majority are the result of other crimes, such as robbery and burglary.<sup>34</sup> The Delaware committee found that 50% of the murderers who had been executed in that state had no previous record.<sup>35</sup>

The previously mentioned trials of Doctor Finch in Los Angeles aptly illustrate the third point made by the committee. A “gas them or free them” stand by two jurors twice prevented efforts of the ten other panelists to free Miss Tregoff, the doctor’s “lover,” and to convict the doctor.<sup>36</sup> This attitude made necessary three trials in order to convict them!

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<sup>33</sup> Bennett, *supra*, n. 15.

<sup>34</sup> Havemann, Reader’s Digest. Capital Punishment is Not the Answer. May, 1960, p. 117.

<sup>35</sup> Bennett, *supra*, n. 33.

<sup>36</sup> Cleveland Press and News. March 14, 1960, p. 1.

In the writer's opinion, the strongest point set forth is that conviction of the innocent does occur. In his book, *Convicting the Innocent*, Professor Borchard of Yale cites sixty-five cases of persons convicted of crimes of which they were later proved to be innocent. Twenty-five of these cases involved murder. The evidence in each was variously based on mistaken identification, perjured testimony, and circumstantial evidence. For instance, an example was cited in a bill to abolish capital punishment in Pennsylvania recently.<sup>37</sup> Consider the mistake of the murder conviction of Cero Gangi by a jury in Boston in November, 1927. Gangi was walking with his employer, Samuel Gello, in the north end of Boston, when a man in front of them, one Joseph Fantasia, was shot and killed. Running in terror from the scene of the crime, Cero lost his hat, and it was chiefly on the evidence of a witness who had seen him "drop something," that he was convicted. Sentenced to die in the electric chair during the week of November 4, 1928, Cero was within four hours of death when the chance discovery of a missing witness by his brother, Cosimo, resulted in a reprieve. The testimony of this witness proved without a doubt that it was not Cero but his employer, Samuel Gallo, who had fired the shot. Cero Gangi was later officially exonerated and set free. Four brief hours had stood between Gangi and death. Only the last minute effort by his brother averted a horrible and irreparable mistake.

Judges and juries are human and are bound to make mistakes occasionally. An innocent man who is sent to prison can be released, but a mistaken execution is an injustice that society can never rectify. As one writer pointedly said:

Society is entitled to protection in two ways: protection against being murdered, and protection against being wrongly executed.<sup>38</sup>

As to the contention that the state should set an example: Governor DiSalle, in his special message, said that one of the obligations of society is to establish a civilization that takes into consideration the example that people must set. One of the great defense lawyers of his day, Clarence Darrow, once said that he

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<sup>37</sup> Worley, *A Bill to Abolish Capital Punishment in Pennsylvania*. 60 Dick. L. R. 169 (1956).

<sup>38</sup> Drinkwater, *Controversy. Capital Punishment—July, 1959*, p. 12. (Printed debate between John B. S. Edwards, who was for capital punishment, and John Drinkwater, who took opposing viewpoint.)

would "hate" to live in a state that he did not think was better than a murderer.<sup>39</sup>

As to the final contention of the Delaware Committee, and perhaps the most vital of all, it is said that it is the swiftness and certainty of punishment, and not its severity, that deters the potential murderer.<sup>40</sup> In an estimated 23,370 cases of murder, non-negligent manslaughter, and rape in 1949, there were only 119 executions carried out in the United States.<sup>41</sup> Today, there are over 450 men at the Ohio Penitentiary who were either found guilty of murder in the first degree and were, for various reasons (including a recommendation of mercy) not given the death penalty, or who were charged with murder in the first degree but were found guilty of a lesser offense.<sup>42</sup> Each and every one of these inmates could have received the death penalty. The possibility, however, did not deter these men.

### Conclusion.

What then, is the alternative to the use of the death penalty? Many and varied solutions have been offered on this point as well. One answer is to write ample safeguards into the law; that is, tighten up parole requirements and make a life sentence a meaningful term.<sup>43</sup> Michigan is a leading example that this suggestion can be successful. Since 1846, in Michigan, life imprisonment has been mandatory for first degree convictions.<sup>44</sup> This provides for no parole, and the only way for a convicted person to get out of prison under such conditions is by commutation of the sentence by the Governor. The difference in ratio of murders per 100,000 committed in Michigan and in Ohio is inconsequential (see Table 2). In fact, Michigan has consistently had a smaller number of murders for each hundred thousand people than the neighboring states of Ohio, Indiana and Illinois.<sup>45</sup>

Of the countries in Europe outside of the Iron Curtain, only Britain, France and Spain still retain capital punishment (see

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<sup>39</sup> Darrow, *Is Capital Punishment a Wise Policy?* in, *Attorney for the Damned* 89 (Weinberg, ed., 1957).

<sup>40</sup> *Op. cit. supra*, n. 30, at 493. See also Reichert, *supra*, n. 27 at 405.

<sup>41</sup> Caldwell, *Why is the Death Penalty Retained?* 284 *Annals* 50 (1952).

<sup>42</sup> DiSalle, *supra*, n. 5 at 6.

<sup>43</sup> Havemann, *supra*, n. 34 at 119.

<sup>44</sup> Blair, *supra*, n. 20.

<sup>45</sup> Symposium, *supra*, n. 30 at 491.

Table 3). The remaining Western European countries have apparently found a satisfactory alternative in detaining those who otherwise would have been executed.

Regardless of the outcome of the hearings in the Ohio Legislature regarding Governor DiSalle's proposal to abolish the death penalty, the least that should be done, at present, is to give the voters of Ohio another opportunity to express themselves on this vital topic, by means of a constitutional referendum. It has been almost fifty years since their last opportunity, and with new light being shed on this subject, it is quite possible that the voters would concur in the Governor's proposal.

**Table I. Methods of Execution in United States\***

<u>State</u>	<u>Method</u>	<u>State</u>	<u>Method</u>
Alabama	Electrocution	Montana	Hanging
Alaska	No Death Penalty	Nebraska	Electrocution
Arizona	Lethal Gas	Nevada	Lethal Gas
Arkansas	Electrocution	New Hampshire	Hanging
California	Lethal Gas	New Jersey	Electrocution
Colorado	Lethal Gas	New Mexico	Lethal Gas
Connecticut	Electrocution	New York	Electrocution
Delaware	No Death Penalty	North Carolina	Lethal Gas
D. C.	Electrocution	North Dakota	No Death Penalty
Florida	Electrocution	Ohio	Electrocution
Georgia	Electrocution	Oklahoma	Lethal Gas
Hawaii	No Death Penalty	Oregon	Lethal Gas
Idaho	Hanging	Pennsylvania	Electrocution
Illinois	Electrocution	Rhode Island	No Death Penalty
Indiana	Electrocution	South Carolina	Electrocution
Iowa	Hanging	South Dakota	Electrocution
Kansas	Hanging	Tennessee	Electrocution
Kentucky	Electrocution	Texas	Electrocution
Louisiana	Electrocution	Utah	Hanging
Maine	No Death Penalty		or Shooting
Maryland	Lethal Gas	Vermont	Electrocution
Massachusetts	Electrocution	Virginia	Electrocution
Michigan	No Death Penalty	Washington	Hanging
Minnesota	No Death Penalty	West Virginia	Electrocution
Mississippi	Lethal Gas	Wisconsin	No Death Penalty
Missouri	Lethal Gas	Wyoming	Lethal Gas

\* Source: Information Please Almanac, 1960, p. 355.

Note: Method shown with each state is maximum penalty for murder and certain other crimes. In most states having capital punishment, jury or judge can specify whether sentence shall be death or life imprisonment.

**Table II. Number of Murders and Penalties by States—1955(1)\***

	<u>Penalty</u>	<u>Murders per 100,000 persons</u>
Alabama	Electrocution	17.1
Arizona	Lethal Gas	6.7
Arkansas	Electrocution	7.4
California	Lethal Gas	3.7
Colorado	Lethal Gas	4.1
Connecticut	Electrocution	1.2
Delaware	Hanging	3.9
Florida	Electrocution	12.3
Georgia	Electrocution	13.6
Idaho	Hanging	3.0
Illinois	Electrocution	5.7
Indiana	Electrocution	4.4
Iowa	Hanging	1.1
Kansas	Hanging	2.8
Kentucky	Electrocution	9.4
Louisiana	Electrocution	8.6
Maine	Life Imprisonment	1.8
Maryland	Hanging	7.6
Massachusetts	Electrocution	1.2
Michigan	Life Imprisonment	4.6
Minnesota	Life Imprisonment	1.1
Mississippi	Electrocution	9.4
Missouri	Lethal Gas	7.2
Montana	Hanging	2.8
Nebraska	Electrocution	2.0
Nevada	Lethal Gas	20.2
New Hampshire	Hanging	0.7
New Jersey	Electrocution	2.1
New Mexico	Electrocution	4.5
New York	Electrocution	3.1
North Carolina	Lethal Gas	9.9
North Dakota	Life Imprisonment	1.8
Ohio	Electrocution	3.7
Oklahoma	Electrocution	5.2
Oregon	Lethal Gas	3.1
Pennsylvania	Electrocution	3.2
Rhode Island	Life Imprisonment	1.4
South Carolina	Electrocution	10.0
South Dakota	Electrocution	2.2
Tennessee	Electrocution	10.8
Texas	Electrocution	9.9
Utah	Hanging or Shooting	2.4
Vermont	Electrocution	N. A.
Virginia	Electrocution	8.4
Washington	Hanging	2.1
West Virginia	Electrocution	2.6
Wisconsin	Life Imprisonment	1.2
Wyoming	Lethal Gas	3.8
Average U. S. Rate		4.7

\* Source: Uniform Crime Reports for the United States, Federal Bureau of Investigation, Vol. 26, No. 2 (1955).

(1) Based on 1950 decennial census.

Table III. Nations and States Which Have Abolished Death Penalty\*

	<u>Year Abolished</u>		<u>Year Abolished</u>
<b>EUROPE</b>			
Austria	1930	Venezuela	1863
Denmark	1930	Nicaragua	1950
Finland	1949	Panama	1903
Holland	1870	Peru**	1900
Italy <sup>1</sup>	1889	Puerto Rico	1929
Lithuania**		Virgin Islands	1957
Luxembourg	1945	<b>AUSTRALIA</b>	
Norway	1905	Queensland	1922
Portugal	1867	<b>ASIA (INDIA)</b>	
Roumania**	1865	Nepal	1931
Spain <sup>2</sup>	1932	<b>UNITED STATES</b>	
Sweden	1921	Maine	1887
Switzerland	1879	Michigan	1847
Turkey	1950	Minnesota	1911
U. S. S. R.**	1947	North Dakota	1915
West Germany	1949	Rhode Island	1852
<b>CENTRAL-SOUTH AMERICA</b>			
Argentina	1922	Wisconsin	1853
Brazil	1891	Alaska	1957
Columbia	1910	Delaware	1958
Costa Rica	1888	Hawaii	1957
Dominican Republic	1924	<b>ELSEWHERE</b>	
Equador	1897	Greenland	1930
Guatemala <sup>3</sup>	1955	Iceland	1944
Honduras	1894	Israel	1948
Mexico <sup>4</sup>	1928		
Uruguay	1907		

\* Source: New York Times, March 3, 1960, p. 48.

\*\* Retained for political crimes.

<sup>1</sup> Restored by Mussolini: re-abolished in 1948.

<sup>2</sup> Under Martial Law.

<sup>3</sup> Abolished for women and children.

<sup>4</sup> Abolished in Federal Law in all but ten states.