



The arbitrary nature of the death penalty as practiced in the US is laid bare in a new study that shows that just 2% of counties across the nation have generated most of the executions in the past 40 years.

A new report from the Death Penalty Information Center in Washington shows that of the 1,348 executions that have taken place in the US since the death penalty restarted in 1976, more than half originated in only 2% of counties. Under the US judicial system, the decision to launch a capital case lies with district attorneys at the county level.

Put another way, 15% of the counties of America have given rise to all the state executions to be carried out in the modern era. The argument that has been played out at the highest levels of US jurisprudence, that the death penalty is administered in a fair and equitable fashion within the federal system, is belied by the vastly divergent facts on the ground.

The finding of such unequal distribution – including the fact that all of the 3,125 inmates currently on death row in America came from just 20% of the counties – has potentially significant legal consequences. The US supreme court imposed a ban on the death penalty in 1972 on grounds that it was practised in an arbitrary and random fashion, and only allowed it to restart four years later once new guidelines had been issued to jurors.

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