

New Hampshire legislature abolishes death penalty, overriding governor's veto

By Kate Randall
5 June 2019

New Hampshire lawmakers voted May 30 to abolish the death penalty in the state, overriding a veto from the state's governor, Republican Chris Sununu. New Hampshire is the 21st state to abandon capital punishment, and the last New England state to abolish the practice.

Half of all US states, plus the District of Columbia, have now abolished the death penalty or imposed a moratorium on executions. The states with moratoria on capital punishment are California, Colorado, Oregon and Pennsylvania. Nine states have abolished the death penalty in the last 15 years.

Governor Sununu vetoed a bill last year that would have abolished the death penalty, but state legislators passed another measure this year that gained enough support to withstand a veto. The bill overrode the governor's veto by a 247-123 vote in the House and a 16-8 vote in the Senate, just enough for the override.

The state currently has only one person on death row, Michael Addison, who was sentenced to death more than a decade ago for the murder of Manchester police officer Michael Briggs. The bill abolishing the death penalty in the state is not retroactive and keeps Addison's sentence in place. However, it is unclear how the courts will respond to his case. He is currently in the process of a habeas corpus appeal.

Sununu vetoed the newly passed bill while at a facility named for Briggs along with relatives of the murdered officer. "I have consistently stood with law enforcement, families of crime victims, and advocates for justice in opposing a repeal of the death penalty because it is the right thing to do."

The bill gained sufficient support from Republican legislators to override a veto, and the vote was not strictly along party lines. Before the Senate vote May 30, state Senator Bob Guida, a Republican who

describes himself as pro-life, called an execution a "ghastly sight," and urged his colleagues to "move our civilization" past it and vote for the bill.

Another Republican, state Senator Harold French, also backed the bill, saying earlier last month that it would be a "misdeed" to keep capital punishment on the state books. He said he had been moved by the testimony of people who spoke out against the death penalty.

State Senator Marcy Hennessey, a Democrat, said, "I am grateful to the many survivors of murder victims who bravely shared their stories with the legislature this session, many of whom told us that the death penalty only prolongs the pain and trauma of their loss."

At a hearing earlier this year, Anne Lyczak, whose husband was killed in a drive-by shooting in Portsmouth in 1994, dispelled the notion that executions provide "closure" to victims' families, saying the death penalty would "serve absolutely no benefit to me or my family." She said, "We are bound by the ethical principle: do not kill. We must build a society where killing by anyone cannot be tolerated, and that includes the government."

New Hampshire has not executed anyone since 1939. In 1992, the New Hampshire State Prison dismantled its gallows. Current Democratic US Senator Jeanne Shaheen, as New Hampshire governor in 2000 vetoed legislation abolishing the death penalty. Another Democratic Governor, John Lynch, upheld the death penalty while in office (2005-2013), and threatened a veto if the legislature passed a bill abolishing it.

New Hampshire's abolition of the death penalty is part of a general trend which has seen the number death sentences and executions in the US decline in recent years. According to the Death Penalty Information

Center (DPIC), new death sentences have declined 85 percent since the mid-1990s, and executions have fallen by nearly 75 percent since 1999.

The death penalty has not been shown to reduce crime. Its purpose is clearly not aimed at rehabilitation of condemned prisoners but at retribution and inflicting suffering. Furthermore, there have been at least 165 death-row exonerations, according to DPIC, raising the distinct likelihood that innocent men, women and juveniles have been sent to their deaths.

The death penalty remains disproportionately the product of a small number of states in the South and Midwest and is practiced mostly by outlier counties that engage in a range of questionable practices, including prosecutorial misconduct and appointment of negligent defense counsel. The vast majority of US counties have no one on death row and have not executed anyone in 15 years.

As of May 31, 1,499 executions had taken place in the US since the US Supreme Court reinstated the death penalty in 1976. More than a third of these (561) have taken place in Texas. More than half have taken place in just three states—Texas, Virginia and Oklahoma.

On May 16, Alabama executed Michael Brandon Samra. The day before, Alabama Governor Kay Ivey, a Republican, signed into law the nation's most restrictive abortion law, which outlaws abortion in virtually all cases, with no exceptions for the victims of rape or incest.

Signing the anti-abortion legislation, Ivey declared that “every life is a sacred gift from God” and that “we must give every person the best chance for a quality life and a promising future.” The Alabama bill, and “heartbeat” bills in other states that restrict abortion to as little as six weeks of pregnancy, are aimed at bringing them before the Supreme Court in an effort to overturn the landmark 1973 ruling in *Roe v. Wade* that made abortion a constitutional right.

Similarly, death penalty proponents are looking to the high court to defend states' rights to continue practicing capital punishment. There is every reason to believe that they will find allies on the five-member ultra-right majority on the Court.

Already this year, the Supreme Court lifted a stay of execution for Alabama inmate Domineque Ray to have his Muslim spiritual adviser in the death chamber as he

was put to death, clearing the way for his execution on February 7.

On April 1, in an opinion for the majority rejecting a plea from a Missouri inmate that a rare health condition would make his lethal injection agonizing, Trump appointee Justice Neil Gorsuch wrote: “The Eighth Amendment does not guarantee a prisoner a painless death—something that, or course, isn't guaranteed to many people, including most victims of capital crimes.”

On April 12, the five-justice majority rejected an appeal by Christopher Lee Price, an Alabama inmate who was seeking execution by lethal gas—a method approved by the state of Alabama and apparently close to implementation—instead of lethal injection. The inmate's appeal had originally been rejected largely due to a paperwork error by his lawyer. The Supreme Court allowed that execution to proceed and Price was put to death on May 30.

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