

Hello, and welcome to the Death Penalty Information Center's podcasts examining the status of the death penalty in each of the states. In this podcast, we will briefly discuss the history of the death penalty in the District of Columbia and some of the circumstances that led to its abolition.

In 1800, the seat of the U.S. government was relocated from Philadelphia to the newly established city of Washington, within the federal District of Columbia. Although officially placed under congressional rule, Washington maintained a local municipal government, with elected officials. Despite granting local officials some autonomy in crafting a justice system, Congress reserved the right to overturn local laws.

Representative government in the District was ended by Congress in 1874 when the territory was put under the control of a three-person Board of Commissioners, appointed by the President. This Board was solely responsible for passing laws that applied locally, allowing for specific federal legislative control over the District, as opposed to the more general federal laws that apply to the rest of the United States. This system lasted nearly a century. Residents of the District were unable to elect their leaders until 1974, when a form of home rule was established. The District's criminal law has always involved a unique mixture of federal and local supervision, ultimately controlled by Congress and the President.

There have been a number of notable executions in the history of the District of Columbia. The first execution in the territory was the hanging of James McGirk in 1802. He was convicted under District law of having beaten his wife to death, and was executed near the Capitol. Mary Surratt, the only woman executed in D.C., was hanged by the U.S. military in 1865 for conspiring to assassinate President Abraham Lincoln.

Charles Guiteau was executed under federal law in 1882 for assassinating President Garfield. The District has not had an execution since Robert Carter's in 1957. Between 1853 (the first year where data is available) and 1957, 118 people were executed, mostly for violations of local law.

In 1962, D.C. became the last jurisdiction in the United States to remove the mandatory death sentence for first-degree murder when Congress passed bill HR-5143. This bill provided that in the District of Columbia, "life imprisonment may be the penalty for first degree murder if recommended by a unanimous jury vote, or by the court, should the jury be unable to decide between the death penalty and life imprisonment for a convicted first degree murderer." The local death penalty statute in D.C. was completely overturned in 1972 by the Supreme Court in *Furman v. Georgia*. In 1981, DC's elected council voted to remove the law entirely from the penal code. Although Congress could pass legislation reimplementing the death penalty in the District, the federal government has been less inclined to intervene after reestablishing DC's municipal government under the 1973 Home Rule Act.

In 1992, an aide to Senator Richard Shelby of Alabama was murdered in D.C. In response, Congress passed a measure requiring D.C. officials to include a referendum on the general election ballot asking citizens if they favored reestablishment of the death penalty. Civil rights groups and religious organizations mobilized to oppose the death penalty, and it was rejected by a two-to-one margin. Reasons cited for resisting reinstatement included fears of congressional intervention in the District and unfair treatment of minorities in the application of the death penalty.

There have also been efforts by local officials to reinstate capital punishment. In 1997, Mayor Marion Barry proposed a bill to permit capital punishment for the murder of public safety employees. The D.C. Council's Judiciary Committee rejected it.

The federal government can still pursue the death penalty in the District of Columbia, as it can in the rest of the country, and federal prosecutors became more active in seeking capital punishment in the area after the failed referendum. In response, D.C.'s Council passed resolutions in 2000 asking the US attorney general to cease the practice. Even when the federal government has pursued capital punishment in D.C., juries composed of District residents have declined to return any death sentences.

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