

Nebraska bans death penalty. Will rest of U.S. follow?

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*(The Christian Science Monitor)* It took more than 40 years, but a Republican-controlled state has once again abolished the death penalty.

In a 30-to-19 vote that cut across party lines, Nebraska lawmakers on Wednesday overrode Gov. Pete Ricketts's veto of their bill to repeal capital punishment, making the state the first predominantly conservative one to do so since North Dakota in 1973.

The vote, which comes as lawmakers on both sides of the aisle find common ground on a number of criminal justice issues, reflects what experts have said is growing opposition to the death penalty among Republican lawmakers—even though surveys show that a majority of conservative voters still favor capital punishment.

That majority, however, is smaller than it once was. Overall vote support for the death penalty has declined gradually over the last 20 years and is at the lowest it's been in the last 40, according to the most recent Pew Research Center data. Among conservative legislators, the reasons for switching sides run from the fiscal to the philosophical.

More studies are showing that cases that seek the death penalty are far more expensive than those that don't. The scarcity of lethal injection drugs—and the botched executions that followed the use of non-FDA approved cocktails—have also added to scrutiny of the capital punishment system.

At the same time, some Republican lawmakers have begun to question whether supporting the death penalty is consistent with conservative values.

"It's certainly a matter of conscience, at least in part, but it's also a matter of trying to be philosophically consistent," State Sen. Laure Ebke, (R., Crete, Neb.), told the Associated Press. "If government can't be trusted to manage our health care ... then why should it be trusted to carry out the irrevocable sentence of death?"

[Heather Beaudoin, a national advocacy coordinator for Conservatives Concerned About the Death Penalty, a project of Equal Justice USA, wrote in a commentary for Religion News Service, “Interestingly, evangelicals in Nebraska and elsewhere are joining Catholics in re-evaluating their support for capital punishment. For example, the Rev. William Thornton told the Nebraska Legislature’s judiciary committee: ‘I’d like to say that as a Christ follower who believes that Christ died for all, that no person is beyond redemption, that I believe we should never advocate cutting someone’s life short and thereby guaranteeing no chance for them to experience redemption.’ ”]

In Nebraska, part of the Republican support for repeal was fueled by the 14 new conservative senators in the state’s unicameral legislature—a group that has “shown a willingness to buck old ideas on issues including the death penalty,” *LA Times* reporter Michael Muskal wrote.

Despite the emerging trend, however, nearly 60 percent of Americans still favor capital punishment, according to Pew. And opinion is split along party lines, with nearly four in five Republicans remaining in favor of the death penalty compared to only about two in five Democrats.

Ricketts, a Republican who remains a staunch death penalty advocate, expressed his disappointment with what he said was the state legislature’s failure to connect with Nebraskans.

“My words cannot express how appalled I am that we have lost a critical tool to protect law enforcement and Nebraska families,” he said in a statement. “While the Legislature has lost touch with the citizens of Nebraska, I will continue to stand with Nebraskans and law enforcement on this important issue.”

While it’s unclear whether or not other Republican-dominated states are set to follow in Nebraska’s footsteps, the vote does mark a turning point, and could empower other conservatives to make a decisive shift towards opposition, said Robert Dunham, executive director of the Death Penalty Information Center.

“The conservative Republicans’ positions as expressed in Nebraska are basically a microcosm of what’s going on with conservatives about the death penalty nationwide,” he said.

It's worth noting that broader social trends also factor into public sentiment about the death penalty. Historically, spikes in support for capital punishment have followed upticks in crime and violence and growing fear in the wake of high-profile assassinations and other concerns, such as the "red scare" of the 1950s, NPR reported. Conversely, death penalty opposition tends to gain ground after news of wrongful convictions and executions.

The events in Nebraska also reflect another trend: Bipartisan support for criminal justice reform. Across the nation, liberals and conservatives have been coming together on issues that range from limiting traffic fines to cracking down on civil asset forfeiture to easing mandatory prison time, *The New York Times* reported.

"The need to reform the broken U.S. criminal-justice system is fast becoming the rare cause for which Washington's warring factions will lay down their weapons and work together," according to *Time* magazine.