



# DEATH ROW WOMEN

## Death sentences and executions for female offenders.

Victor L Streib

The death penalty for women is back in the headlines. The state of South Carolina unsuccessfully sought the death penalty for Susan Smith, convicted of having drowned her young children last year. This was an unusual case, in that the death penalty for a mother who murders her own children is quite rare. Only eleven (10%) of the 113 death sentences imposed upon female offenders since 1973 have been for the murder of their own children, and only six (13%) of the forty-six women offenders now under death sentences have been sentenced to death for such crimes.

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Attention was also drawn to the case of Pamela Perillo in Texas, who had been scheduled for execution in September 1995 and again early in 1996. This scheduled execution was delayed when an appellate court granted another hearing in Perillo's case. Another prominent case in the news was that of Guinevere Garcia in Illinois, scheduled originally to be executed on January 17, 1996. Garcia had been under a death sentence for only just over three years, making her one of the more recent additions to the death rows for women. Garcia steadfastly refused to fight her death sentence and repeatedly asked to be executed as soon as possible. However, only a few hours before her scheduled execution, the Governor of Illinois commuted her sentence to life imprisonment. Neither Perillo nor Garcia were executed, but the actual execution of another woman in the United States seems likely to occur in the next year or so.

In general, both the female death sentencing rate and the female death row population remain very small in comparison to that for males. Actual execution of female offenders is quite rare, with only 514 documented instances beginning with the first in 1632. These 514 female executions

constitute less than 3% of the total of 18,922 confirmed executions in the United States since 1608. The last female offender executed was Velma Barfield in North Carolina on November 2, 1984, the only female among about 330 offenders executed in the post-Furman era\* (1973-present). Prior to this current era, the last female offender executed was Elizabeth Ann Duncan, executed by California on August 8, 1962. The annual rate of death sentences for female offenders has remained around five or six (2% of the annual total) for many years.

Death sentences and actual executions for female offenders are also rare in comparison to such events for male offenders. In fact, women are more likely to be dropped out of the system the further the capital punishment system progresses.

- Women account for about one in eight (13%) murder arrests;
- Women account for only one in fifty (2%) death sentences imposed at the trial level;
- Women account for only one in seventy (1.5%) persons presently on death row; and
- Women account for only one in 330 (0.3%) persons actually executed in this modern era.

In sum, women are unlikely to be arrested for murder, extremely unlikely to be sentenced to death, and almost never executed.

Of the 113 death sentences for female offenders imposed since 1973 only forty-six sentences remain currently in effect. One such sentence resulted in an execution (Velma Barfield) and another sixty-six death sentences were reversed or commuted to life imprisonment. Thus, for the sixty-seven death sentences finally resolved (excluding the forty six still in effect and still being litigated) the reversal rate for female death sentences in the current era is 99%. (66/67).

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Well over one-half of the women on death row are white. One fourth were in their forties or older at the time of their crimes, with the total age range



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remarkably from eighteen to sixty-seven. Two thirds of their victims were white, and two-thirds were adult males (where these data are known). The most typical crimes of these women involved the murder of the offender's husband or lover. Several of these female offenders were battered women who killed their batterers or victims chosen by their batterers.

The present ages of these forty-six female death row inmates range from twenty-two to seventy-seven years old. They have been on death row from one to fourteen years. Despite the statistically high probability (99%) that death-sentenced female offenders will never be executed, some of these women have nearly exhausted their appeals. Another execution of a female offender seems likely within the next few years.

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\* The current American death penalty era began when new death penalty statutes were passed following the Supreme Court's decision in *Furman* in 1972, which in effect struck down all then-existing death penalty statutes. Sentencing began under the new statutes in 1973 and continues through today. Although the constitutionality of these current era statutes were not recognised formally by the United States Supreme Court until 1976 in *Gregg* and actual executions did not begin until 1977, the current era of sentencing began in 1973.