

# Gallup Poll: 35 percent oppose death penalty

by [Gary Strauss](#)

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(RNS) More than one-third of Americans now oppose the death penalty -- the highest level in nearly 40 years -- according to a new Gallup Poll.

Moreover, those who believe the death penalty is being applied fairly, and those who say it isn't used often enough, are at the lowest levels in a decade, underscoring significant changes in attitudes.

The Gallup Poll released Thursday (Oct. 13) found that 35 percent oppose the death penalty -- the highest opposition since March 1972. That year, the Supreme Court effectively ruled that the death penalty was constitutional unless it was applied unfairly. By 1976, several states had reinstituted capital punishment.

Just 40 percent of those polled last week believe the death penalty isn't imposed often enough, the lowest level since May 2001.

The poll was conducted shortly after two controversial cases drew attention: the September execution of Troy Davis and last week's Supreme Court hearing involving Alabama death row inmate Cory Maples.

Davis was executed despite evidence that he may have been wrongly convicted in the 1989 murder of a Georgia police officer.

Maples was convicted of murdering two companions, but his death sentence is being appealed because his court-appointed lawyers failed to present key evidence about his background during the penalty phase of his trial.

Increasingly, death penalty cases are also viewed as being costly and providing little deterrent against serious crimes, says Barry Scheck, a law professor and co-director of the Innocence Project, which, like the American Bar Association, is seeking a moratorium on executions.

"The general public doesn't believe that the death penalty is a deterrent or is making anyone safer," Scheck said.

He added that the Gallup Poll may underestimate opposition to capital punishment because it doesn't ask a key question: whether those polled view life imprisonment as a better alternative.