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Review of Lethal Injection: Capital Punishment in Texas During the Modern Era

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Lethal Injection: Capital Punishment in Texas During the Modern Era. By Jon Sorenson and Rochy LeAnn Pilgrim. Austin: University of Texas Press, 2006, xi + 222 pp. Tables, figures, appendix, notes, references, index. \$50.00 cloth, \$19.95 paper.

Texas has a notorious reputation as the death-penalty capital of America. The sheer number of Texas executions since 1976 has created a statistical pool that Jon Sorenson and Rochy Pilgrim use in *Lethal Injection* to address four major factual (as opposed to moral) issues surrounding the death penalty: (1) Does it deter would-be murderers from killing? (2) Does it prevent probable future acts of violence by those sentenced to death? (3) Is it applied to the most deserving defendants? (4) Is it imposed fairly and cost-effectively? These are certainly the right questions, and, for the most part, the authors do an excellent job providing honest, and sometimes surprising, answers.

Sorenson and Pilgrim generally approach these questions first with simple statistics that they then refine with more sophisticated analyses, both by describing their own empirical studies and critiquing those done by others. For example, to determine whether the death penalty produces a deterrent effect, the authors start with a basic cross-sectional study showing that death-penalty states tend to have higher—not lower—homicide rates than non-death-penalty states. Next, the authors examine studies that control for other factors (such as the number of death-eligible homicides, rate of actual executions, as well as social, cultural, and demographic differences among the states), explaining that they, too, fail to show a deterrent effect. Finally, the authors use a longitudinal study to demonstrate that although Texas murder rates decreased dramatically in the late 1990s when executions were at an all-time high, the national homicide rate also dropped during the same period, even in states without the death penalty. Their conclusion: whatever caused murder rates in Texas to decline, it couldn't have been the death penalty.

More unexpected were the authors' findings that historical racial disparities in the Texas death-penalty system have been eliminated. True, African Americans

are still overrepresented on Texas's death row as compared to their percentage of the state's population. After studying Texas death penalty cases from 1994 through 2000, however, the authors calculate that the percentage of African Americans on death row was actually about equal to the percentage of African Americans arrested for murder in the state during those years.

Sorenson and Pilgrim are at their best when analyzing empirical data. Some of their other conclusions, however, I found troubling. For example, the authors describe the Texas death-penalty system as efficient and cost-effective, in part because the rate of appellate reversal has declined over the years, and because executions are carried out more swiftly today than in the past. The authors fail to question adequately whether these "refinements" have exacted a countervailing cost. Some researchers attribute the state's low rate of appellate reversal in capital cases to insufficient review by appeals courts that accept lower court findings without meaningful oversight. Furthermore, Texas's rules and procedures do not reflect most reforms suggested by the Illinois Commission on Capital Punishment, which should make the pace of Texas executions more disturbing than laudable. **Nicole Cáarez**, *Department of Communication, University of St. Thomas, Houston, Texas*.