

OPINION PIECE

FACT-BASED DEATH PENALTY RESEARCH

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*“Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence: nor is the law less stable than the fact.”<sup>1</sup>*

I. What is Fact-Based Death Penalty Research?

The goal of fact-based death penalty research is, simply put, to capture and document as many facts surrounding legal executions as possible, organize them in a clear and logical manner, and present them without bias, cant, or sentiment. This compilation of facts is then made available for an analysis of whether patterns appear suggesting which facts were and possibly still remain the lead-

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<sup>1</sup> John Adams, Defense of the British Soldiers in the Boston Massacre Trials (Dec. 3, 1770). John Adams' famous defense of the soldiers charged in the Boston Massacre resulted in the acquittal of the officer in charge. 3 GEORGE BANCROFT, HISTORY OF THE UNITED STATES OF AMERICA, FROM THE DISCOVERY OF THE CONTINENT 390 (D. Appleton and Co. 1896) (1882). It could not be shown that the officer, rather than some other person, had told the soldiers to fire. *Id.* The jury returned manslaughter convictions on two of the eight soldiers who fired on the rabble. *Id.* at 391. The jury “acquitted the other six; choosing that five guilty should escape rather than one innocent be convicted.” *Id.*