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New Mexico's Death Penalty Repeal as US Soft Power Asset ^[1]

On March 18, 2009, New Mexico Governor Bill Richardson signed legislation overturning the state's longstanding death penalty. The "Land of Enchantment", as the state calls itself, joined fourteen other US states that ban capital punishment and became only the second to do so since the end of a four-year national execution hiatus in 1976.

At the signing ceremony, the Governor spoke about his rationale for backing the legislation; focusing on issues like the skewed application of the death penalty toward the poor and minorities, the potential abuse of prosecutorial powers, and the possibility of executing an innocent person. Near the end of his remarks Richardson, a former US ambassador to the United Nations, added briefly, "From an international human rights perspective, there is no reason the United States should be behind the rest of the world on this issue. Many of the countries that continue to support and use the death penalty are also the most repressive nations in the world. That's not something to be proud of."

Although Richardson spent far more time in his comments noting domestic as opposed to international factors affecting his thinking, his decision is arguably more significant in terms of shoring up American soft power abroad than in terms of influencing the debate at home. New Mexico executed just one criminal between 1960 and 2009. Richardson's action is unlikely to sway New Mexico's colossal neighbor Texas, America's death penalty capital, where three-quarters of residents support executions for murderers ([link](#) , see table 5.2). Nation-wide, Americans are split down the middle over whether capital punishment is preferable to life imprisonment without parole. It's likely to be quite some time before there is a national critical mass in favor of abolishing executions, although New Mexico does add incremental support.

Rather, it's overseas where New Mexico's repeal can have the greatest impact. Although it's now a distant memory, prior to the US invasion of Iraq one of the sharpest areas of disagreement between the US and many of its allies was over capital punishment. As the Iraq war winds down and the international perception of US militarism and unilateralism begins to recede, the death penalty is sure to make its way back to the forefront as an issue complicating America's image and policy goals. Governor Richardson's signature and the law it ratifies serve as a pointed reminder to both friends and foes that the US is not a monolith when it comes to a policy that many countries view as a violation of human rights, and which gives adversaries ammunition to paint the US as hypocritical and bloodthirsty.

Here's a bit of the flavor of pre-Iraq war criticism. In 1999 the *Economist*, not exactly a bastion of bleeding-heart thought, tarred the US as "defiant", "stubborn", and the "most glaring exception to the emerging international consensus on the death penalty." When Oklahoma City bomber Timothy McVeigh was executed in June 2001, the *Glasgow Sunday Herald* reflected the chasm between the US and countries opposed to capital punishment as it

decried “the latest twisted piece of Americana.”

At around the same time the European Union, in advocating universal abolition of the death penalty, declared that “[t]he EU is deeply concerned about the increasing number of executions in the United States of America”, noting that the sharp uptick occurred during the 1990s—that is, largely in the era of the Clinton administration, recalled wistfully by many during the Bush 43 years as a golden age of US soft power (and let’s not forget that during his 1992 presidential campaign then-Arkansas governor Bill made a special trip back to Little Rock to reject clemency for a brain-damaged convicted murderer facing imminent execution).

The US is currently ranked fourth internationally in number of executions per year; behind China, Iran, and Saudi Arabia, and just ahead of Pakistan—not the sort of statistical company the US can be comfortable keeping, especially as it seeks to regain its global moral leadership. Indeed, in a grimly humorous bit of “strange bedfellow” symmetry, the US and China have pointedly omitted any mention of capital punishment in their respective 2008 reports condemning each other’s human rights violations.

Even President Barack Obama is a qualified supporter of the death penalty, although he has stated “it has to be reserved for only the most heinous crimes” like the rape of young children and the September 11, 2001 terror attacks. [;

] Many Americans may think it is reasonable to execute dreadful characters like child rapists or Osama bin Laden, but they don’t have much support from other democracies, as evidenced by the international outcry when Saddam Hussein was hanged in December 2006 following the US military’s transfer of the deposed dictator to Iraqi custody, and caustic editorials from the likes of Germany’s Der Spiegel over Obama’s criticism of the 2008 US Supreme Court decision limiting capital punishment to cases of murder.

President Obama’s position, attenuated though it is, means that the US will continue to be at an automatic disadvantage—both in terms of regaining its leadership mantle with allies, and vis-à-vis figures like Hugo Chavez who have long been able to swat away American criticism of local anti-democratic practices by pointing to the lack of a death penalty ban in the US.

Richardson’s repeal has helped shore up this vulnerability by complicating foreign perceptions of the US and its public support for the death penalty—especially because, unlike New Jersey, the other state which has rejected capital punishment since 1976, New Mexico is not lumped together with the reliably liberal states of the two American coasts. It also helps mightily that Richardson is a high-profile international figure as the result of both his diplomatic service and his well-publicized presidential run. It doesn’t hurt that America’s only Hispanic governor will be seen abroad, particularly by Latin America, as a progressive leader on the divisive issue.

The decision has already drawn wide international coverage— from Ireland to Australia, to Taiwan and beyond. The European Union has lauded New Mexico for taking “an immense step forward in the worldwide movement to abolish the use of capital punishment.”

Governor Richardson and the New Mexico legislature have added to their state’s already burgeoning capacity to present a unique and consistently attractive face of America— one could call it New Mexican Soft Power. The US State Department has long made Santa Fe, the state capital, a standard destination for its International Visitor Leadership Program. New Mexico is a global Mecca for artists, as well as art and music aficionados—the Santa Fe

Opera is one of the world's great opera festivals, and "The City Different" is the second-largest art market in the US. The state similarly attracts spiritual seekers of all stripes from the proverbial four corners of the earth. Richardson can take personal credit for making New Mexico a top US film production center, leveraging Hollywood to show the state to the world; as well as a true "blue sky" high tech capital with Spaceport America, the first purpose-built US commercial spaceport, anchored by a 20-year headquarters contract with Sir Richard Branson's Virgin Galactic enterprise.

During the dark years for America's overseas image of George W. Bush's presidency, New Mexico played a desperately needed, if largely unheralded, role in showing a more enlightened aspect of America to an angry world. Barack Obama has already gone a long way toward repairing the worst of the last eight years' worth of damage. But recent history indicates that the issue of America as outlier on capital punishment is bound to re-emerge, and President Obama is not in a position to address it effectively unless he fundamentally changes his stated views. Until then New Mexico's decision to end capital punishment, adding to the Land of Enchantment's extant soft power, will continue to be an important asset to US public diplomacy efforts.
