

It is a **MYTH** that the death penalty costs less.
Here are the FACTS:

THE DEATH PENALTY COSTS MORE THAN LIFE WITHOUT PAROLE:

- Various state governments estimate that – from the point of arrest to execution – the cost of a single death penalty case ranges from \$1 million to \$3 million.
- Other studies have estimated the cost to be as high as \$7 million per case.
- Cases resulting in life imprisonment average around \$500,000 each, including the cost of keeping the offender in prison.

THE MILLIONS OF DOLLARS SPENT ON THE DEATH PENALTY TAKES MONEY AWAY FROM COMMUNITY NEEDS, SUCH AS SCHOOLS, HOSPITALS, PUBLIC SAFETY, JOBS, AND CHILD CARE:

- **FLORIDA:** Taxpayers spend an average of \$2.3 million on each execution – more than six times the cost for life without parole.
- **NEW YORK:** In 1995, New York brought back the death penalty even though the department of corrections estimated that it would cost over \$2 million per case and approximately \$118 million per year. That same year, state leaders complained about a budget shortfall and dramatically cut funding for higher education and health care.
- **CALIFORNIA:** Counties pay a fortune for the right to kill. “If we didn’t have to pay \$500,000 a pop for Sacramento murders, I’d have an investigator and the sheriff would have a couple of extra deputies and we could do some lasting good,” says Sierra County DA James Reichle.

Info from National Coalition to Abolish the Death Penalty www.ncadp.org (202) 543-9577 and reprinted by Olympia Fellowship of Reconciliation, (360) 491-9093 www.olympiafor.org

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It is a **MYTH** that the death penalty is fair.
Here are the FACTS:

“After 20 years on (the) high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country.”

~ U.S. Supreme Court Justice Sandra Day O'Connor (2001)

“The system has proved itself to be wildly inaccurate, unjust, unable to separate the innocent men from the guilty and, at times, a very racist system.”

~ Former Illinois Governor George Ryan

RACIAL BIAS:

- Although African Americans make up 12% of the U.S. population, they account for 42% of current death row inmates. (1)
- The percentages of minorities on death row are 100% in Colorado, 86% in the U.S. military's death row, 72% in Louisiana, and 70% in Pennsylvania. (2)
- People of color are about 25% of the U.S. population, but they comprise 43% of total executions since 1976. (3)
- In North Carolina, the odds of receiving a death sentence are 3.5 times higher among defendants whose victims were white. (4)
- Since 1977, blacks and whites have been the victims of murders in almost equal numbers, yet 80% of the people executed in that period were convicted of murders involving white victims. (5)

SOURCES OF FACTS ON RACIAL BIAS:

Information from the website of the National Coalition to Abolish the Death Penalty, (202) 543-9577 www.ncadp.org

- (1) “Death by Discrimination – The Continuing Role of Race in Capital Cases,” Amnesty International, April 24, 2003.
- (2) “Race and the Death Penalty,” American Civil Liberties Union, 2003.
- (3) Professors Jack Boger and Dr. Isaac Unah, University of North Carolina, 2001.
- (4) “Race and the Death Penalty,” American Civil Liberties Union, February 26, 2003.
- (5) Bureau of Justice Statistics.

MENTAL ILLNESS:

- A disproportionately large number of persons on death row have mental illness.
- Mentally ill persons are less able to defend themselves in court proceedings.

DEFENSE ATTORNEYS:

“I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution applications in which the defendant was well represented at trial.”

~ U.S. Supreme Court Justice Ruth Bader Ginsburg (2001)

- In Washington State, one-fifth of the 84 persons who have faced execution in a 20-year period were represented by lawyers who had been, or were later, disbarred, suspended, or arrested. (*Seattle Post-Intelligencer* articles, August 6-8, 2001)
- Other states have reported similar problems. (*Understanding Capital Punishment*, Death Penalty Information Center, 2003, p. 59)
- Several defendants in death penalty cases were represented by attorneys who repeatedly were drunk and/or fell asleep during their trials. (*Ibid.*, pages 60-61)

GEOGRAPHICAL INCONSISTENCIES:

Whether a person receives the death penalty depends heavily on where the crime was committed: state-by-state, and county-by-county within a state.

- Since the U.S. Supreme Court allowed the death penalty to return in 1976, 80% of all executions have occurred in the South and only 1% in the Northeast. (*Understanding Capital Punishment*, Death Penalty Information Center, 2003, p. 67)
- Baltimore City had only one person on Maryland's death row, but suburban Baltimore County, with one tenth as many murders as the city, had nine times the number on death row. (L. Montgomery, *Md. Questioning Local Extremes on Death Penalty*, Wash. Post, May 12, 2002).
- The U.S. is divided into 94 federal jurisdictions, but only 5 of those have contained 40% of federal death penalty prosecutions.
- In Washington State, four of our 39 counties contain the vast majority of death penalty prosecutions. Some prosecutors like to seek death sentences, while others seek life without parole for similar crimes.

It is a **MYTH** that the death penalty is used only on the worst criminals.

Here are the **FACTS**:

INNOCENT PEOPLE ARE SENTENCED TO DEATH:

“More often than we want to recognize, some innocent defendants have been convicted and sentenced to death.”

~ U.S. Supreme Court Justice Sandra Day O'Connor (2001)

- From the late 1970s to June 2008, a total of **129 persons** who had been convicted and sentenced to death have been exonerated. Many were not freed through the regular appeals process, but by independent investigations by journalism students and others outside of “the system.” Many had been on death row for more than 10 years.
- For every 8 executions that have been carried out since the death penalty was reinstated in the late 1970s, one person has been discovered on death row who never should have been convicted in the first place.
- Innocent people on death row do not occur only in the South. **Exonerations have occurred in 25 states.**
- In 2004 Texas executed Cameron Todd Willingham for setting fire to his house, where the house fire killed his three daughters. This was painted as a horrible crime, and **Mr. Willingham was executed** for being one of “the worst of the worst.” He kept insisting that he was innocent, and – as it turned out – **he was indeed innocent.** A more thorough investigation showed that the fire was not arson, but had occurred through some innocent problem with the kitchen’s cooking equipment.
- In an Illinois case the defendant was innocent, so he kept refusing a plea bargain. He insisted on a trial. **But the evidence was so weak that the police and prosecutors misrepresented the evidence to get a conviction.** This innocent man was convicted and **sentenced to death.** Was he “the worst of the worst”? No, he was **completely innocent!**
- A 1999 survey of Thurston County voters revealed that – even among people who supported the death penalty in theory – the biggest concern about the death penalty was the risk of executing innocent people.

IT IS NOT RESERVED FOR “THE WORST OF THE WORST”:

Some people say they are troubled by the death penalty, but they would use it only for “the worst of the worst.” The argument that we can use the death penalty only against “the worst of the worst” might sound plausible at the superficial level, but it really cannot be used as people envision.

A great many problems interfere with identifying “the worst of the worst.” **Each case is filtered through a great many social, cultural, political and other economic filters** in determining whether the prosecutor seeks a death sentence and whether the death penalty is actually carried out. **Examples:**

- What are the **victim’s** race and social & economic class status?
- What are the **defendant’s** race and social & economic class status?
- Is the defendant male or female?
- Do the victim’s family members support or oppose the death penalty?
- Are news media, politicians, and the general public clamoring for revenge?
- Are police investigating vigorously, skillfully, honestly, and open-mindedly?
- Did the murder occur in a death penalty state or a non-death penalty state?
- Did the murder occur in a county whose prosecutor likes to file death penalty charges, or one that files “life without any possibility of parole” charges instead?
- Is the county willing and able to pay for a very expensive death penalty trial?
- Is the defendant getting “a jury of peers” or a jury from which some kinds of potential jurors (e.g., minorities and poor people) are systematically excluded?
- Can the defendant financially afford a high quality legal defense, investigators to search for and analyze evidence, funding to locate and bring defense witnesses, etc.?
- Is the jury adequately informed about the legal matters – and free from misinformation, emotional pressure, stereotypes, etc.?
- Does the defendant look good? Handsome, attractive, pleasant looking? Free from disfiguring tattoos or other distractions that stir up jury members’ fears?
- Is the defendant mentally healthy enough to help the defense, or does the defendant have mental illness, suicidal tendencies, or other problems that interfere?
- If the trial results in a death sentence, will the appeals be heard in a state supreme court that treats death penalty cases fairly?
- Are the federal appeals courts in this part of the nation fair-minded in death penalty cases, or do those federal courts tend to almost always agree with prosecutors?

All of these filters affect who is sentenced to death. After a murder case has passed through all these filters or screens, what do we end up with? Not “the worst of the worst,” but rather the residue of social, economic and political biases.

It is a **MYTH** that the death penalty provides “closure.”

Here are the **FACTS**:

THE “CLOSURE” ARGUMENT IS A NEW EXCUSE, NOT BASED ON REAL SCIENCE:

- After a great many scientific studies disproved the assumption that the death penalty deterred murder, some supporters of the death penalty devised the new theory of “closure” for the victims’ families in order to justify continuing the death penalty.
- Science does not support the “closure” theory. Executions tend not to be very satisfying for anyone concerned. Many families feel extremely “let down” when the eventual execution fails to help them feel any better about their loss.
- Every person who is executed has his or her own family members – people who are innocent of the crime their relative committed – who will now grieve forever. Every execution leaves another family grieving, but without any societal support. *(See bottom of page.)*

Murder victims families who oppose the death penalty are often treated very badly by prosecutors and others in the criminal justice system. MVFR (the first organization listed in the next column) released a report titled, “**Dignity Denied: The Experience of Murder Victims' Family Members Who Oppose the Death Penalty.**” It recounts the experiences of murder victims' family members who oppose capital punishment. It recommends ways to protect these individuals from discrimination based on this opposition. “Dignity Denied” challenges prosecutors, lawmakers, governmental agencies that are supposed to serve crime victims, and leaders within the victims' services community to address past and current discrimination and commit to equitable treatment of survivors of homicide victims, regardless of the victims’ and families’ position on the death penalty.

MVFHR (the second organization listed in the right-hand column) released a report entitled “**Creating More Victims: How Executions Hurt the Families Left Behind.**” Families of the executed are victims, too, according to the new report, which draws upon the stories of three dozen family members of inmates executed in the US. It shows that their experiences and traumatic symptoms resemble those of many others who have suffered a violent loss.

TWO ORGANIZATIONS OF MURDER VICTIMS’ FAMILIES WORK TO ABOLISH THE DEATH PENALTY:

Murder Victims’ Families for Reconciliation (MVFR) has members who have lost family members to murder or execution and oppose the death penalty. Friends of MVFR support these members and help bring their stories to the public, the press and policy makers.

MVFR opposes the death penalty for a variety of reasons: endless trials re-open emotional wounds and put off the time when real healing can begin, the vast resources and attention spent on the death penalty is better spent supporting victims and preventing crime in the first place, the risk of executing the innocent is too high a price to pay, biases of geography and race and class plague the system, and executions create more families who have lost a loved one to killing. Many members think it is just plain wrong for the state to kill.

Murder Victims’ Families for Reconciliation (MVFR)
2100 M St NW, Suite 170-296, Washington, DC 20037
(877) 896-4702 www.mvfr.org

Murder Victims’ Families for Human Rights (MVFHR) is an international, non-governmental organization of family members of victims of criminal murder, terrorist killings, state executions, extrajudicial assassinations, and “disappearances” working to oppose the death penalty from a human rights perspective.

Membership is open to all victims’ family members who oppose the death penalty in all cases. “Friend of MVFHR” membership is open to all those interested in joining their efforts.

Murder Victims' Families for Human Rights, (MVFHR)
2161 Massachusetts Ave., Cambridge, MA 02140
Telephone: (617) 491-9600 www.murdervictimsfamilies.org

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It is a MYTH that the death penalty is free from errors.

Here are the FACTS:

“Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner, but also in some cases upon defendants who are actually innocent.”

~ U.S. Supreme Court Justice William J. Brennan Jr., 1994

INNOCENT PEOPLE ARE ON DEATH ROW -- AND HAVE BEEN EXECUTED:

- Since 1972, 129 innocent persons have been exonerated from death row. (Death Penalty Information Center)
- The death penalty system is flawed at both the state and federal level. On the federal level, 3.5% of persons whom the Attorney General has attempted to execute have been innocent. In one example of state-level problems, Illinois (prior to Governor Ryan’s blanket commutation) had an error rate of at least 4.5%. (American Civil Liberties Union)
- A study identified 23 instances in the 1900s in which a person with an extraordinarily strong case of innocence had been executed by the government. (H. Bedeau & M. Radelet, “Miscarriages of Justice in Potentially Capital Cases” Stanford Law Review, 1987) Since 1987 8 cases have been reported.

RECENT CASES OF MISTAKEN EXECUTION:

- Texas executed Gary Graham on July 22, 2000 despite claims that he was innocent. Graham was 17 when he was charged with the 1981 robbery and shooting of Bobby Lambert outside a Houston supermarket. He was convicted primarily on the testimony of one witness who said she saw the killer's face for a few seconds through her car windshield, from a distance of 30-40 feet away. Two other witnesses who worked at the grocery store and said they got a good look at the assailant, said Graham was NOT the killer, but Graham's court appointed attorney never interviewed them and never called them to testify at his trial. Three of the jurors who voted to convict Graham signed affidavits saying they would have

voted differently had all of the evidence been available. (www.deathpenaltyinfo.org)

- Virginia executed Joseph O'Dell on July 23, 1997 despite the existence of DNA evidence that could have proved O'Dell's innocence. The courts refused to consider this new evidence because Virginia law says that any evidence found after 21 days is inadmissible in proving the innocence of a convicted person.
- Texas executed Leonel Herrera in 1993 despite compelling evidence of his innocence. A former Texas judge submitted an affidavit stating that another man had confessed to the crime for which Herrera was facing execution. Numerous other pieces of new evidence also threw doubt on his conviction. The Supreme Court, however, ruled that the new evidence missed a deadline and could not be considered, so Mr. Herrera – despite evidence that he was innocent – was executed.

DEATH PENALTY CASES INVOLVE MORE RISK OF ERROR:

- The death penalty has become a politicized issue that is commonly used in campaigns for judges and district attorneys who are elected to their positions. Those judges and prosecutors are motivated to sentence as many defendants to death as they possibly can to maintain a record of being “tough on crime.”
- High emotions surrounding murder cases impose great pressure on law enforcement officials to solve homicides quickly. Such pressure may lead to misconduct by investigators and prosecutors.
- Many murders lack eyewitnesses, so prosecutors use less reliable sources for evidence, such as jailhouse snitches, accomplices seeking reduced sentences and coerced confessions from defendants.
- During the jury selection process, any person opposed to the death penalty is dismissed by the prosecutors. Not only do these “death-qualified” juries exclude an extremely large proportion of the population, but they are also more likely to convict during the guilt/innocence phase of the trial. (S. Gross, “The Risks of Death: Why Erroneous Convictions are Common in Capital Cases,” 1996)

TURN PAGE OVER TO LEARN ABOUT EYEWITNESS ERRORS

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It is a **MYTH** that the death penalty deters crime.

Here are the **FACTS**:

THE DEATH PENALTY DOES NOT REDUCE MURDER RATES:

“I have inquired for most of my adult life about studies that might show that the death penalty is a deterrent. And I have not seen any research that would substantiate that point.”

~ U.S. Attorney General Janet Reno (January 21, 2000)

- States that practice the death penalty (*e.g.*, Texas) have high rates of murder, and many states without the death penalty have low rates.
- Recent studies in Oklahoma and California failed to find that the death penalty deterred violent crime. Instead, it found a significant increase in stranger killings and homicide rates after the death penalty had been reinstated. (William Bailey, “Deterrence, Brutalization, and the Death Penalty,” *Criminology*, 1998; Ernie Thompson, “Effects of an Execution on Homicides in California,” *Homicide Studies*, 1999)
- The murder rate in Canada has dropped by 40% since the death penalty was abolished in that country in 1976. (Amnesty International)
- A Texas study determined in 1999 that there was no relation between the number of executions and murder rates in general. (Victoria Brewer, Robert Wrinkle, John Sorenson and James Marquart)
- A New York Times survey demonstrated that homicide rate in states with the death penalty have been 48% to 101% higher than those without the death penalty. (Raymond Bonner and Ford Fessenden, “Absence of Executions,” *New York Times*, September 22, 2000)
- The five countries with the highest homicide rates that **do not** impose the death penalty average 21.6 murders per 100,000 people. The five countries with the highest homicide rate that **do** impose the death penalty average 41.6 murders for every 100,000 people. (United Nations Development Program)

THOSE WHO COMMIT MURDER DO NOT CONSIDER THE CONSEQUENCES OF THEIR ACTIONS:

“I am not convinced that capital punishment, in and of itself, is a deterrent to crime because most people do not think about the death penalty before they commit a violent or capital crime.”

~ Willie L. Williams, Police Chief, Los Angeles, CA

- Most people who commit murders either do not expect to be caught or do not carefully weigh the differences between a possible execution and life in prison before they act.
- Murders are most often committed in moments of blinding anger or passion, or by people who are substance abusers and act impulsively.

AUTHORITIES RECOGNIZE THAT THE DEATH PENALTY DOES NOT DETER CRIME:

“Take it from someone who has spent a career in federal and state law enforcement, enacting the death penalty . . . would be a grave mistake. Prosecutors must reveal the dirty little secret they too often share only among themselves: The death penalty actually hinders the fight against crime.”

~ Robert M. Morgenthau, District Attorney, Manhattan, NY

- 84% of current and former presidents of the country’s top academic criminological societies reject the notion that research shows any deterrent effect from the death penalty. (Michael L. Radelet, Ronald L. Akers, Northern Illinois University)
- 2 out of every 3 law enforcement officers do not believe that the death penalty decreases the rate of homicides. (Death Penalty Information Center)

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