

Every month since February 1987 the Olympia Fellowship of Reconciliation has produced one-hour TV programs on issues related to peace, social justice, economics, the environment, and nonviolence.

The Olympia FOR's program airs several times every week for the entire month on Thurston Community Television (TCTV), channel 22 for Thurston County's cable TV subscribers. You can see TCTV's schedule at www.tctv.net.

You can also watch the program described below (and more than 100 of our previous interview programs and special programs) at the Olympia FOR's website, www.olympiafor.org. Simply click the TV programs link to reach www.olympiafor.org/tv_programs.htm, scroll down, and click the program you want to watch.

Many of our website's TV program listings also include a .pdf document describing the program.

MAY 2014

"THE DEATH PENALTY IS UNJUST AND IS BEING ABOLISHED"

by GLEN ANDERSON, PRODUCER AND HOST OF THIS TV SERIES

Washington State is one of 32 states that can sentence people to death. Therefore, over the years, the Olympia Fellowship of Reconciliation's TV series has produced a number of programs about the death penalty.

Our May 2014 program provides fresh information, fresh insights, and fresh support for moving ahead.

- The first third of the program summarizes the problems in two ways: **(Problem #1)** The death penalty fails to deliver on what it promises. **(Problem #2)** Instead, it causes more problems.
- After making these two points we'll briefly explain why we would be safe without the death penalty.
- All of that happens in the first third of this TV program. **Most of the rest of the program provides fresh information with a long-range view showing that we really are making progress toward abolishing the death penalty.**
- The final few minutes offer some good ways to move ahead.

Let's start with Problem #1: The death penalty does not deliver what it promises. People have suggested several reasons for having the death penalty, but none of them stand up to the facts.

The death penalty does not deter murder:

When most murders occur, the offender is under severe emotional stress and/or the influence of alcohol or drugs. They are not thinking rationally enough to analyze the probabilities of being caught, convicted, and sentenced to death.

Some murders are rationally planned, but those killers think they have planned ways not to get caught at all, so the death penalty does not deter them either.

Some of the most horrible murders end with the killer committing suicide, so the risk of execution was not a deterrent at all.

In fact, Texas and the southern states that execute the most people still have very high murder rates.

Indeed, decades of scientific studies have consistently shown that the death penalty does **not** deter people from committing murder. Nowadays when experts debate the death penalty, intelligent supporters no longer raise this claim.

For all of these reasons, “deterrence” is **not** a valid reason for keeping the death penalty.

The death penalty does not provide justice:

Even though the death penalty does not deter, doesn't it at least provide some kind of justice – a balancing of taking a life for a life?

No, civilized society's sense of true justice has evolved beyond mere retaliation. We don't burn down the homes of arsonists, and we don't cut off the hands of thieves.

The US is alone among Western democracies in still using the death penalty. Every year the US is one of the world's biggest executioners -- along with several nations with horrible human rights records (e.g., China, Saudi Arabia, Iran, Iraq, Afghanistan, Sudan and Yemen).

Nor does the death penalty help the victim's family:

Nothing could ever bring the victim back to his or her family. Families of murder victims have other needs, but killing the killer does not satisfy their real needs.

Many families of murder victims oppose the death penalty and have created an organization to abolish it.

Also, the death penalty makes an additional family suffer. The killer's family is left to suffer, even though this family is innocent.

The death penalty does not get used on “the worst of the worst”:

Each case goes through a number of “screens” or “filters” throughout the long process:

- Was the victim white, economically privileged, attractive, well liked?
- What about the defendant's race, economic class, access to skilled lawyers?
- What do the press and politicians think about the case?

If an execution actually occurs, it does so only after the case has passed through the long, complex sequence of society's many biases and prejudices. Look at who actually gets executed. The merits of the case are largely irrelevant – certainly not “the worst of the worst” – but rather the people who are the most disadvantaged.

The death penalty does not save money:

Each death penalty case requires **two** trials – one to determine guilt or innocence, and if the person is guilty, a second trial to determine the sentence.

Each trial is extremely complex, because there are so many things that can go wrong. The death penalty is irreversible, and recent history shows tremendous risks of gross injustices, so each death penalty trial must be extremely complex. The more complex something is, the more it costs. Even **before** the appeals, a death penalty case has already cost much more than a life sentence.

Also, death penalty cases consume enormous resources in county-level courts, state supreme courts, and federal appeals courts that they waste the time and attention that are needed for other cases. This denies justice to other people who need access to the courts.

So all together, none of the reasons for having the death penalty are justified by the facts. The facts show that the death penalty does not deliver what it promises.

Now, Problem #2: It's bad enough that the death penalty fails to deliver what it promises. What's worse is that the death penalty makes existing problems worse, and it causes even more problems.

Violence escalates the cycle of violence:

Society is right to want to stop violent crime. But when fear or other emotions cause us to retaliate and repeat the cycle of violence, we only make the problem worse.

The death penalty is inherently contradictory and hypocritical. When our government kills people who have killed, we contradict our stated intent of showing that killing is wrong. The death penalty actually promotes the notion that it is OK to kill someone in order to vent your anger and get your way!

Indeed, some studies have shown increases in violent crime near the dates of highly publicized executions. Executions brutalize society and unleash ugly, uncivilized behaviors.

Innocent people are sentenced to death – and some are executed:

From the mid-1970s to the end of 2013, **143 persons** on death row were found to have been wrongly convicted. As complex as our death penalty system is, prosecutors, judges and juries convict “beyond a reasonable doubt” – and sentence to death – many, many people who were actually innocent! Many had spent 10 or 15 years – or even longer – on death row for crimes they did not commit.

The truth of their innocence rarely comes from routine appeals. The truth usually came from outside of the regular system (friends, journalism students, and others who conducted independent investigations). Mistakes often happen – but it is too late to correct the mistakes after the people have been executed.

In **only 18 of these 143 cases** was DNA evidence “a substantial factor” in showing their innocence.

Limiting appeals would cause even more innocent people to be executed:

To speed executions and cut costs, some people want to limit appeals. But even with current long appeal processes, some innocent people are executed.

Many innocent people spent 10 or 15 years or even longer before their innocence was proven. Limiting appeals would execute **many** more innocent people.

When the government executes an innocent person, it's too late to fix that horrible mistake.

The only remedy for executing innocent people is to stop executing people altogether.

Death penalty has severe bias by race and class:

Many filters and decision points occur while investigating, arresting, prosecuting, trying, and sentencing. Each filter or decision point allows for bias and discrimination on the basis of race, social class, economic resources, mental disability, political considerations, and other factors.

Research consistently shows that even when the basic facts of the crime are similar, persons of color are more likely than whites to receive the death penalty.

Research **also** shows that death sentences are more likely when the victim is white.

Although the death penalty's horrible record of inconsistencies and racism caused the US Supreme Court to throw out the death penalty nationwide in 1972, the same kinds of problems quickly crept back into the process, and today's much more harsh Supreme Court allows the death penalty to proceed regardless of systemic racism.

It's not efficient:

A tremendous number of death sentences are overturned by courts, by later findings of innocence, and by other methods. Very few death sentences actually result in executions.

Because the vast majority of cases consume huge amounts of money and time without resulting in actual executions, the **actual cost** of the death penalty **per execution** is very high.

This makes the death penalty very inefficient and very expensive.

We have shown that the death penalty fails to deliver on what it promises – and that it causes additional problems.

Even so, some people think we need the death penalty in order to be safe. However, this fear assumes that the death penalty is commonly applied to many murder cases, so the absence of the death penalty would leave a great void.

Actually, the death penalty is NOT protecting us, so we would be just as safe WITHOUT it.

Actually, **very few** homicide cases could even qualify for death sentences. In Washington State, which is typical, the death sentence is possible (not required, but merely possible) ONLY for those homicides that are First Degree Murder **and** have certain aggravating factors that are defined by law and **are** free from mitigating circumstances that are defined by law **and** for which the county prosecuting attorney has chosen to charge as capital crimes **and** for which the juries are unanimous in imposing a sentence of death. The death penalty is possible ONLY for cases that meet ALL of these requirements. Death sentences cannot be imposed in cases that are lacking even one of these requirements.

The vast majority of homicides cannot have the death penalty even considered. The vast majority of homicides are already covered by state laws that provide for prison sentences through the regular sentencing procedures.

In Washington, nearly all death penalty cases come from just four counties (King, Pierce, Snohomish and Kitsap). The other 35 counties almost never use it.

It is practically irrelevant to ask how we would get by without the death penalty. We already are living without the death penalty.

Furthermore, even when death sentences are imposed, the offender is very UNLIKELY to be executed, so – in effect – we already impose life sentences instead of the death penalty.

Washington executed **nobody** for **nearly three decades** from the mid-1960s through 1992.

In 1972 the US Supreme Court threw out all states' death penalty laws because they violated the US Constitution. A few years later the states rewrote their laws. Since then, Washington State has sentenced a few dozen persons to death, but nearly all of their death sentences were overturned for various reasons. Out of these dozens of persons sentenced to death, and only a handful –only 8 as of December 2013 – were on death row.

Washington State executed nobody for three decades from 1964 through 1992 and only 5 persons between 1993 and 2010. This is an almost trivial number when compared to the overall number of homicides throughout the state in the past half century.

Except for those five cases, people stay on Washington State's death row until an appeal overturns the death sentence or until they die of natural causes.

The death penalty is practically irrelevant in Washington, but it does waste a lot of court time and taxpayers' money.

Washington State Law already provides an alternative to the death penalty.

In Washington State, for the very rare kinds of homicide cases that could result in the death penalty, the **default sentence already** is a life sentence without any possibility of parole. If for whatever reason the jury is not unanimous in imposing a death sentence, the offender would serve a **life sentence and never be eligible for parole**.

A sentence of "life without parole" means exactly what it says: the person would be in prison for the rest of his or her life and could never qualify for parole. This is a very severe punishment. It would protect society.

Eighteen states in the U.S., all of the European Union nations, and a growing number of other countries around the world do not use the death penalty at all, so they are already effectively living well without the death penalty.

The question "If Not the Death Penalty, What?" is not a difficult question at all. It's a non-issue in much of the U.S. and much of the world! They impose prison sentences without getting mired in the problems and complexities of trying to impose death sentences. **Effective solutions already exist.** **The death penalty just keeps us stuck in an unjust past.**

More and more people are figuring out that the death penalty is wrong.

Six states have abolished the death penalty from 2007 to 2013.

If we take a longer historical view, there is even more good news about reducing the death penalty. This is what our TV program does in the next 30 minutes:

- FIRST, we look at historical progress in U.S. history and especially since 1976.
- THEN, we consider strategies to make further progress.

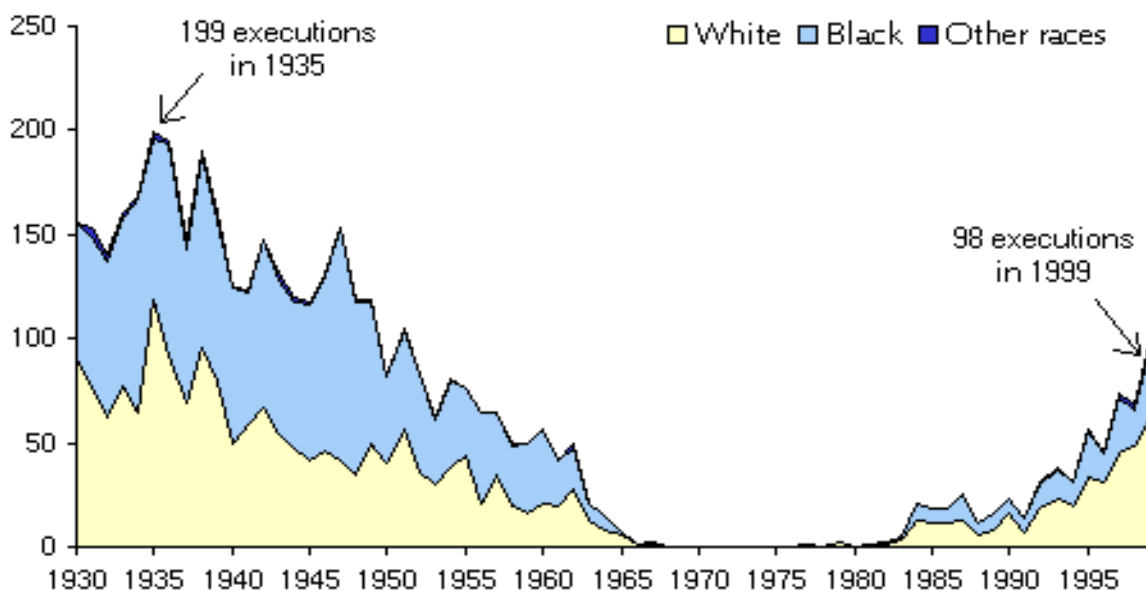
Much of the information in the rest of this document came from the Death Penalty Information Center, the US's very best source of information about the death penalty. See DPIC's well organized information at www.deathpenaltyinfo.org

National:

Reliable data about executions were not kept before 1930. From **1930 to 1967, 3,859 persons were executed under civil (non-military) jurisdiction in the United States.** While we are frustrated by the U.S.'s vigorous use of the death penalty, look at how the executions declined after peaking in the 1930s.

Persons Executed in the U.S. Under Civil Authority, by Race, 1930-1999

Of the 4,459 persons executed in the U.S. from 1930 to 1999, 2,125 were white, 2,279 were black, and 55 were of other races.



Source of data: Bureau of Justice Statistics

Three out of five executions during that period took place in the southern U.S. Georgia executed the most persons, followed – in order – by Texas, New York, California, and North Carolina.

During this period of nearly half a century, **over half (54%) of those executed were black**, 45 percent were white, and the remaining one percent were members of other racial groups.

The racial bias and gross inconsistencies in the DP were so severe that **in 1972 the U.S. Supreme Court overturned all states' death penalty laws.** States wrote new laws, so the death penalty started coming back in 1976.

After 1976 the number of **death sentences** imposed in the U.S. grew until they peaked in **1996 at 315 death sentences in 1996.** Since then, the trend has been downward. In **2011 only 78 death sentences** were imposed, and **80 death sentences in 2012.**

Likewise, the number of **executions** in the U.S. also peaked during the 1990s. During **1999**, **98** persons were **executed**. The number of execution has been declining since then. In 2011, there were **43** executions in the U.S., and **43** again in 2012, and only **38** executions by mid-December 2013.

Public opinion surveys over the years showed that public support for the death penalty peaked in **1994**.

Also, most polls about this unwittingly overstate support for the death penalty. A simple “support/oppose” question fails to offer a viable alternative, so people err on the “safe” side of saying they support it. But when a viable alternative is offered – such as a sentence of life without parole and earning money in prison to help the victim’s family – support drops significantly. During the 1990s researchers were discovering this in many parts of the country. The Olympia Fellowship of Reconciliation’s Committee for Alternatives to the Death Penalty devised and conducted a scientifically valid study of this in 1999 and found this to be true here too.

Public support for the death penalty has dropped even further since then.

Some of the main reasons why the public has been turning against the death penalty are:

- Too many innocent people are sentenced to death. (From 1973 to December 2013, **143 persons** were released from death row because they were wrongfully convicted – basically, they were innocent!)
- Crime rates have been declining for a number of years, so there is less public pressure for mindless “tough on crime” punishments, and more willingness to consider facts not just fear.
- More people are concerned that the death penalty discriminates on the basis of race, economic class, and other factors.
- A growing factor is that more people – especially state legislators and governors – understand that the death penalty is more expensive than a sentence of life without parole.

Before 2007 only 12 states and the District of Columbia prohibited the death penalty. But the number of abolitionist states increased by 50% in the next six years when six more states abolished it from 2007 to 2013:

- **New Jersey** in December 2007
- **New York** in 2008
- **New Mexico** in March 2009
- **Illinois** in March 2011
- **Connecticut** in April 2012, and
- **Maryland** in March 2013.

While Washington DC does not have the death penalty for murders committed in that city, the US government still has a federal death penalty law. The US government executed 37 persons from 1927 to 2003.

New Jersey:

As explained above, murder trials in which the prosecutor is seeking the death penalty are much more expensive than murder trials where the prosecutor is not seeking the death penalty. New Jersey had the death penalty from 1983 to 2007. During that time, New Jersey’s taxpayers spent **\$253 million more** for death penalty trials than if the death penalty had not been sought. But after spending \$253 million on the death penalty from 1983 to 2007, how many people did New Jersey execute? Absolutely none!

When the legislature was looking for ways to save money, eliminating the death penalty was an obvious solution. Other factors were important too, but the wasteful cost helped to convince New Jersey to abolish the death penalty in 2007. Then five more states followed through 2013.

New York:

People who want to abolish the death penalty are often frustrated that we have not made more progress. But if we take a longer-range historical view, we can see that we have made significant progress over the years.

Before 1976 the state of New York had executed **1,130 persons**, but **nobody** after 1976.

New York's last execution occurred half a century ago in 1963

New York effectively abolished the death penalty in 2008. Although some New Yorkers want to bring the death penalty back, New York's state legislature did **not** restore the death penalty for several reasons including:

- Victims' families explained that the death penalty really would not help them.
- Religious people and religious leaders emphasized that the death penalty is immoral.
- Public employees explained that the state had better uses for the tax money.
- People who care about civil rights explained that the death penalty discriminates on the basis of race, economic class, and other factors.

New Mexico:

Likewise, New Mexico executed **SEVENTY-THREE** persons before 1976, but only **ONE** person after 1976. But since 1973, **FOUR INNOCENT** persons were freed from New Mexico's death row. What a terrible error rate!

Illinois:

Illinois' recent experience with the death penalty has been terrible.

From 1973 to 2011, **TWENTY INNOCENT** persons were freed from Illinois' death row. This is the largest number of any state except Florida, which had to release 24 persons from Florida's death row.

Police officers had bullied – and actually tortured – some of these innocent persons into confessing to crimes that the police knew the defendants had not committed.

Illinois' death penalty situation was so grossly unjust that Republican Governor George Ryan – who supported the death penalty – imposed a moratorium on executions in 1999. He appointed an independent commission of 7 supporters and 7 opponents to study everything they could about how the death penalty was functioning in Illinois, including how the police showed photos of suspects to witnesses, how prosecutors decided which cases to charge with a possible death sentence, how juries were selected, etc., etc., etc. Governor Ryan told them to write a report. You can see it www.olympiafor.org/death_penalty.htm, listed alphabetically as “Illinois Moratorium Commission's Complete Report.”

The Moratorium Commission's 2000 report refrained from saying that Illinois should abolish the death penalty, but they did insist that if Illinois was going to continue it, they needed to fix 85 specific problems. In the next few years the legislature fixed a few of the problems and neglected many. (Washington State's death penalty system also fails to meet the standards laid out in the Illinois commission's report.)

Before Governor Ryan left office a few years later, he ended up commuting all death sentences to life without parole. In 2011 the Illinois legislature voted to abolish the governor and the current governor signed the bill.

Connecticut and Maryland:

The most recent state to abolish the death penalty is Maryland in 2013.

The next state before that was Connecticut, which abolished the death penalty in 2012. In the 52 years leading up to that, Connecticut had executed only one person.

A number of reasons persuaded Connecticut's legislature to abolish the death penalty, including severe racial bias. In that state as in so many others, prosecutors were more likely to seek the death penalty if the victim was white than black.

Connecticut's governor, Dannel Malloy, had supported the death penalty for many years. As an adult he worked many years as a prosecutor, and prosecuted serious crimes, including murder. But when Gov. Malloy signed the law abolishing Connecticut's death penalty in 2012, he stated:

“In the trenches of a criminal courtroom, I learned firsthand that our system of justice is very imperfect. ... [I]t is subject to the fallibility of those who participate in it. I saw people who were poorly served by their counsel. I saw people wrongly accused or mistakenly identified. I saw discrimination. In bearing witness to those things, I came to believe that doing away with the death penalty was the only way to ensure it would not be unfairly imposed.”

Texas:

People around the world know that Texas is legendary for its eagerness to execute people. **But even in Texas the trend is shifting toward less death penalty.** Texas is imposing fewer death sentences and executing fewer people.

There are several reasons for this, including some very embarrassing cases of innocence and some very embarrassing cases of racial bias and other misconduct by prosecutors.

Also, until just a few years ago, Texas law did not allow a sentence of Life Without Parole for aggravated murder cases, so juries were pressured into imposing death sentences. Now with the option of Life Without Parole, juries are imposing fewer death sentences.

As of January 2011, three prominent newspapers in Texas (*Houston Chronicle*, *Dallas Morning News*, and *Austin American Statesman*) had editorialized for abolishing the death penalty in Texas. The January 1, 2011, editorial in the *Houston Chronicle* stated:

“The death penalty in Texas is fraught with demonstrable error, and the people of the state seem more willing to deal with that fact than their leaders. ... [D]efendants have been executed on the basis of invalid evidence. They may or may not have been guilty, but the fact that we have convicted people based on faulty evidence leads inexorably to a horrible likelihood — that we have executed innocent people. The high number of death row prisoners eventually exonerated makes a strong case that other innocent but less fortunate prisoners have been wrongfully put to death. ... The accumulating evidence indicates that the current application of the death penalty in Texas involves an unacceptably high risk of killing innocent people. Yet even as the evidence of false convictions and wrongful executions piles up, only the participants at the base of the Texas criminal justice system, jury members, seem to be waking up to the reality of this evil.”

California:

While Texas conducts the most executions in the US, California has our nation's largest death row. In December 2013 California had 731 persons on death row awaiting execution.

In November 2012 California's voters narrowly defeated a ballot initiative to repeal the death penalty.

Oregon:

Oregon's feelings about the death penalty have varied over the years. The state has passed laws authorizing the death penalty on four occasions: 1854, 1920, 1978, and 1984. Oregon is one of only two states that has the death penalty written into its constitution, so it can be repealed only by a statewide vote of citizens to amend Oregon's constitution.

In 2013 Oregon had 37 persons on death row, far more than Washington, which had 8.

On November 22, 2011, Oregon's governor declared he will not allow any executions to occur while he is governor.

Michigan:

167 years ago -- on March 1, 1847 -- Michigan became the first English-speaking territory in the world to abolish the death penalty. Ever since then, people who oppose the death penalty have celebrated March 1 as "Abolition Day."

Washington State:

Washington State is one of 32 states that have the death penalty.

Washington State executed **105** persons **before** 1976, and **five** between 1993 and 2010.

That's quite a disparity: **105 before 1976**, but **only five after that**.

The most recent execution occurred in September 2010.

Of the **five** persons Washington executed, **three wanted** to be executed. One of them -- James Elledge -- actually hired lawyers to interfere with the people who were trying to save his life. He hired lawyers to speed the way toward his 2001 execution.

Since 1980 Washington State had to release one person from death row because he was **innocent**. His name was Benjamin Harris.

In December 2013, **eight** men were on Washington's death row.

On February 11, 2014, Governor Jay Inslee announced that he will not approve any executions as long as he is governor. He urged a broad conversation about the death penalty rather than persist with the status quo, which is seriously problematic in many ways.

The Olympia Fellowship of Reconciliation has been working for decades to stimulate such a conversation, and we are increasing our efforts in light of this new opportunity.

Worldwide:

In the US the trend has been toward reducing and abolishing the death penalty. **The trend toward less death penalty extends worldwide.**

About 2/3 of the world's nations no longer practice the death penalty. Some nations have repealed their death penalty laws, and others never use them.

In 2011 **only 20** nations executed anyone.

Sadly, the U.S. stands alone as **the only Western democracy** that still practices the death penalty.

China executes **more people by far** than any other nation – in fact, more than all other nations combined.

In recent years, the other nations that execute the most people in any given year typically include **Saudi Arabia, Iran, Iraq, Afghanistan, Sudan, Yemen,** and the **US.**

Now, to devise strategies toward abolishing the death penalty, we should start by grounding ourselves in some basic principles:

- Historically, people have organized grassroots movements to make progress on a number of issues. From the grassroots up, people built the labor movement, the women's movement, the environmental movement, the peace movement, and so forth.
- The movement to abolish the death penalty also must come from the grassroots up.
- Politicians will not vote to abolish the death penalty unless and until they feel it is “politically safe” to do so.
- Therefore, the movement to abolish the death penalty must be a grassroots movement that shifts public opinion toward opposing the death penalty.
- Therefore, we need strategies that will shift public opinion.
- We need to find out:
 - What the public thinks and feels;
 - What thoughts and feelings keep the public supporting the death penalty;
 - What thoughts and feelings would move the public toward opposing the death penalty;
 - What has already worked in the 6 other states that have abolished it in the past 6 years.
- Likewise, we need to inform the public and elected officials and the media:
 - The death penalty fails to deliver what it promises, and causes additional problems;
 - The death penalty is a hot issue that they must deal with;
 - We need alternatives that are workable and fair.
- We need to develop smart, practical strategies. Exploring and developing possibilities would go beyond the scope of this TV program. Contact us for ideas.

If you want more information, you're in luck!

Some of the excellent sources include:

Olympia Fellowship of Reconciliation's Committee for Alternatives to the Death Penalty

If you live in the greater Olympia area and want to connect with the grassroots movement to abolish the death penalty, the Olympia Fellowship of Reconciliation's **Committee for Alternatives to the Death Penalty** invites you to connect with us.

We meet one evening each month to educate ourselves and to organize outreach activities to educate the public.

For information contact us at (360) 491-9093 or deathpenalty@olympiafor.org

We have posted a lot of very interesting information at the "Death Penalty" part of www.olympiafor.org, which is www.olympiafor.org/death_penalty.htm

A number of regional and national organizations are working on this. We can connect you with them, and you can find them at **Death Penalty Information Resources** (available in both Word and .pdf versions) at our website's death penalty page.

Address: 5015 15th Ave SE, Lacey WA 98503-272.

Phone (360) 491-9093

E-mail deathpenalty@OlympiaFOR.org

Website www.olympiafor.org and click "Death Penalty" to reach www.olympiafor.org/death_penalty.htm

On this page, see "**Death Penalty Information Resources**" in both Word and .pdf formats.

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Death Penalty Information Center is a truly amazing source of information!

www.deathpenaltyinfo.org