

Arguments For Abolition of the Death Penalty

1. Inadequate legal representation is a better predictor of who is sentenced to death than the facts of the crime. In the words of Supreme Court Justice Ruth Bader Ginsburg, "I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial...People who are well represented at trial do not get the death penalty." For more detail, see www.aclu.org/DeathPenalty/DeathPenalty.cfm?ID=9313&c=62

2. The death penalty system is prone to error to an extent that is unacceptable. Professor James S. Liebman of the Columbia University School of Law studied state capital cases between 1973 and 1995. The study concluded that "courts found serious, reversible error in nearly 7 of every 10 of the thousands of capital sentences that were fully reviewed during the period. Capital trials produce so many mistakes that it takes three judicial inspections to catch them—leaving grave doubt whether we do catch them all." For more detail, see web site: www2.law.columbia.edu/instructionalservices/liebman/

3. That innocent people are being killed is not only possible but likely. The error rate and the fact that any number of the exonerated were saved by luck or at the last minute points to an unacceptable risk of killing innocent people. See the stories of those exonerated in Illinois at www.law.northwestern.edu/depts/clinic/wrongful/exonerations/Illinois.htm

Moreover, as standards change, one who was acceptable for execution in the past is acceptable no longer. On June 20, 2002, the Supreme Court of the United States determined that killing the mentally retarded is unconstitutional. In 2005, the Supreme Court overturned the death penalty for juvenile offenders. Because death is irrevocable and lives cannot be restored after an improper execution, "life without possibility of parole" for the worst crimes is advisable.

4. The death penalty cannot be adequately reformed. Legislation cannot correct flaws such as: eyewitness error (such testimony is now widely acknowledged as highly unreliable), false testimony (deal making to reduce a sentence or divert attention from the real offender), police and prosecutorial misconduct, arbitrariness (factors such as geography, race, class, judge, and jury will produce different outcomes of cases with the same evidence.) See www.icadp.org/page142.html

5. The international community is moving toward abolition of the death penalty. Amnesty International reports that 122 countries are abolitionist in law or practice and 74 retain the death penalty. The European Union will admit no nation to membership which practices the death penalty. Other countries cite the United States for violating international law when sentencing foreign nationals to death. See <http://web.amnesty.org/pages/deathpenalty-facts-eng>

6. The death penalty is costly and quite often does not deliver the promised "ultimate justice." A study by Richard Dieter, Executive Director, Death Penalty Information Center, examined the costs involved in capital cases: "The death penalty is much more expensive than its closest alternative—life imprisonment with no parole. Capital trials are longer and more expensive at every step than other murder trials. Pre-trial motions, expert witness investigations, jury selection, and the necessity for two trials—one on guilt and one on sentencing—make capital cases extremely costly, even before the appeals process begins." Since so many of these sentences at some point are overturned, and since so many states have a reluctance to carry out executions, scarce resources might better be spent elsewhere, e.g., for crime prevention measures and services for murder victim family members. For more detail, see web site: <http://www.deathpenaltyinfo.org/article.php?did=108>