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Kill the Death Penalty

Posted: 05/16/11 11:06 AM ET

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The abolitionist group Death Penalty Focus has just announced the appointment of Jeanne Woodford, the former warden at California's San Quentin prison, as its new executive director. Woodford, who also was the director of the California Department of Corrections at one point, will be lobbying against the death penalty. After years in the prison business -- even carrying out four executions at San Quentin -- Woodford is now opposed to the death penalty. As she [puts it](#): "The death penalty serves no one. It doesn't serve the victims. It doesn't serve

prevention. It's truly all about retribution."

I agree with Woodford. It's time for California and the other 33 states where the death penalty is on the books to repeal the death penalty as have Canada, Australia, Mexico, and all of Europe. The UN General Assembly has adopted a resolution calling for a moratorium on the use of the death penalty.

After spending four years on the California Commission on the Fair Administration of Justice, it became clear to me and several other members that the death penalty should be repealed. The death penalty is too costly, the possibility is high that a person who has been wrongfully convicted will be put to death, capital punishment inordinately affects communities of color, the imposition of the death penalty varies greatly from county to county within the same state, a low income defendant faces a troubling disadvantage when charged with a capital offense, the death penalty forecloses any possibility of healing and redemption, and the death qualification juror requirement inherently and unjustly biases the process against the defendant.

Costs. The resources that go into a death penalty case are enormous. The pursuit of execution adds millions at each phase of the process, from trial to appeal, and habeas proceedings. For example, at a time when state and local budgets are suffering, a death penalty trial costs counties at least **\$1.1 million more** than a conventional murder trial.

Racial and geographic variation. Counties with the highest death penalty sentencing rates tend to have the highest proportion of whites in their population and are more rural. Also, those who kill African Americans and Latinos are less likely to be sentenced to death than those who kill whites. Persons of color have been **sentenced** to death at rates far exceeding their numbers in the

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population. The correlation between poor communities (that are comprised of many blacks, Latinos, and Southeast Asians) and crime and inadequate representation is just too high to accept capital punishment as a potential penalty.

Economic disadvantage. The death penalty disproportionately punishes the poor. Those from economically deprived, marginalized communities are particularly vulnerable in society and within the judicial system. Over 90 percent of defendants charged with capital crimes are indigent, and as a result, the vast majority of death row inmates [are poor](#). The indigent accused may not be fortunate enough to be represented by an institutional public defender team with the experience, skills, and resources to provide high quality, zealous advocacy.

Risk of error. The risk of a wrongfully convicted person being executed is unmistakable. In our criminal justice system, wrongful convictions arising from such factors as faulty eyewitness identification, false confessions, police mistake or misconduct, and prosecution mistake or misconduct occur with unacceptable frequency. Inept defense representation, lack of defense resources, and shoddy investigations also increase the risk of error. Many individuals on death row have been exonerated or otherwise have had their convictions set aside. That means that now or in the future, a person improperly sentenced to death will likely be sitting on death row.

Closing off other options. The death penalty closes the door on any possibility of redemption and healing. I have heard testimony from relatives of murder victims who had the opportunity meet with the murderers of their loved ones. Several were convinced of the sincerity of remorse that the perpetrators expressed and believed in their redemption. Those experiences have convinced many such relatives that capital punishment must be abolished. As a civil, compassionate society, we should embrace the opportunity to develop the humanity in all individuals through our own humanity, but the death penalty forecloses that option. For those beyond rehabilitation, then life in prison without the possibility of parole is the solution.

Death qualification bias. During jury selection, potential jurors in capital cases are questioned about their views regarding capital punishment in order to determine whether they will be able to follow the law in deciding what sentence to impose. In order to be "death-qualified" to serve, a juror must be willing to consider all the sentencing options -- including death. If they would not consider the death penalty, then they cannot sit on the jury. Studies [show](#) that with such a requirement, capital case juries may be bias toward a verdict of guilt for the defendant.

Evolving standards in other countries. Capital punishment has been [abandoned](#) by a majority of the countries of the world. The list includes allies like the United Kingdom, Germany, France, Spain, Mexico, Ireland, the Philippines, and Canada. Russia and Myanmar have de facto bans on the death penalty. The 34 death penalty states in our country [share](#) the ignoble company of North Korea, China, Iran, Saudi Arabia, Libya, Kuwait, Pakistan, Afghanistan, Cuba, and Egypt.

No government action taken against an individual is more serious than the imposition of the death penalty. Nothing is more severe. Nothing is more final. Our position on the death penalty says much about us as a people. Its process and administration are inherently flawed. Its costs are too high. The death penalty should be abolished.

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