

## **A VIEW ON CAPITAL PUNISHMENT**

Thanks for the article, “A Question of Life and Death” by Noel Brady, September 5, 2006. We need more public debate on capital punishment in order to end this costly, ineffective, and uncivilized law.

While I generally commend Norm Maleng for the discretion he has exercised in seeking the death penalty, I disagree with his *doublethink* conclusion that the high reversal rate is evidence that the death penalty law is working well. If any other law was so ineffective, costly, and fraught with appellate reversals, the legislature would try to fix it. But not the death penalty. Most politicians are afraid to criticize the death penalty for fear of being viewed as “soft” on crime.

**ARBITRARINESS** – Life and death decisions vary from county to county. There are no standards. Same state, same law, same aggravating and mitigating factors but one defendant faces the death penalty and one does not. Capital punishment is applied arbitrarily, subject to the political whims of a county’s elected prosecutor.

**DETERRENCE** – Some who support the death penalty argue that it is a deterrent to murder. Current research disproves that argument. States with the death penalty generally have higher murder rates than states without it. Countries of Western Europe, without the death penalty, have significantly lower murder rates than the U.S.A. Worldwide, we shamefully join Iran, Libya, North Korea, and China in our use of capital punishment.

**COSTS** – It’s much more expensive to *seek* a death sentence than life in prison. Study after study has shown this to be true. Then, if a jury imposes a death sentence, approximately 70% nationwide (closer to 90% in Washington) are reversed on appeal. Taxpayer money is wasted. Meanwhile other criminal justice needs go under-funded, causing further problems and frustrations with the administration of justice at all levels.

**WRONGFUL CONVICTIONS** – Since 1973, 123 people in 25 states have been released from death row. Since 1989, the Innocence Project has utilized forensic DNA to help exonerate 183 innocent individuals who were wrongfully convicted of their crimes, 14 of whom were released from death row.

Forensic DNA has established without a doubt that there are many persons in prison and on death row who were wrongfully convicted. The reasons include faulty eyewitness testimony, false confessions, incompetent crime labs, junk science, jailhouse snitches, bad cops, bad prosecutors, and bad defense lawyers. It is fair to say that these problems existed long before the advent of forensic DNA, no doubt resulting in the execution of innocent people.

**LIFE MEANS LIFE** – Life without possibility of release or parole means just that: the individual will die within the prison walls. Many years ago, a “life” sentence could have resulted in

release in 13 years, 7 months. That is simply not the case anymore in Washington. Life means life. Never get out. Period.

**MORATORIUM** – In King County, we are fortunate to have someone of Norm Maleng’s integrity making these difficult decisions. But, let’s remove the emotion from the debate. Capital punishment is not a deterrent, is very costly, and doesn’t work. It is time to end the death penalty in Washington. I believe Washington ought to follow many other states and the recommendation of the American Bar Association by declaring a moratorium on using the death penalty while we study it’s continued viability.