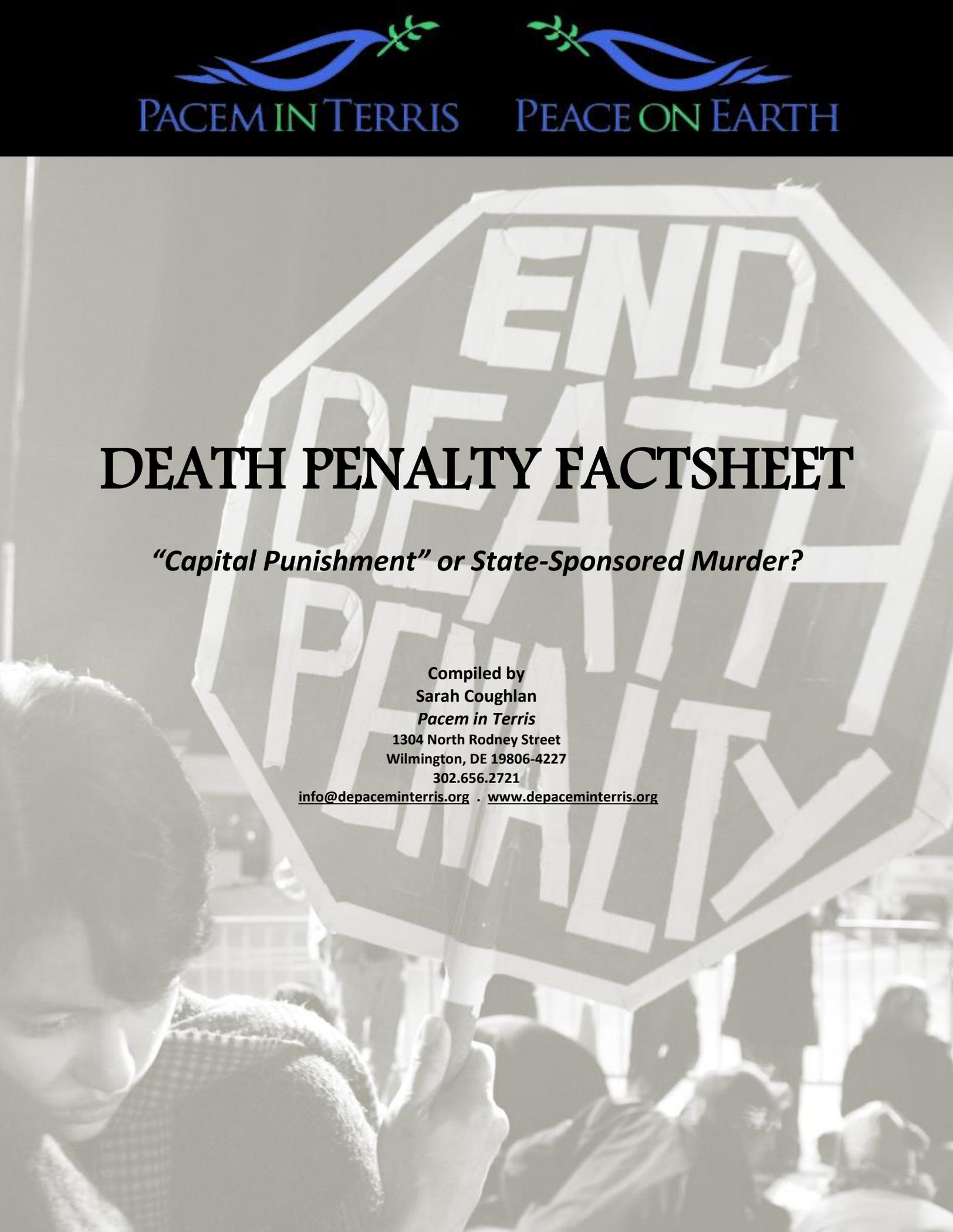




PACEM IN TERRIS



PEACE ON EARTH



# DEATH PENALTY FACTSHEET

*“Capital Punishment” or State-Sponsored Murder?*

Compiled by  
Sarah Coughlan  
*Pacem in Terris*

1304 North Rodney Street  
Wilmington, DE 19806-4227  
302.656.2721

[info@depaceminterris.org](mailto:info@depaceminterris.org) . [www.depaceminterris.org](http://www.depaceminterris.org)

## DEATH PENALTY FACTSHEET

### *“Capital Punishment” or State-Sponsored Murder?*

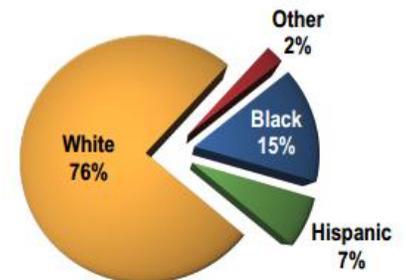
#### Overview

- The vast majority of countries in Western Europe, North America and South America — more than 139 nations worldwide — have abandoned capital punishment in law or in practice. The United States remains in company of Iraq, Iran and China as one of the major advocates and users of capital punishment.<sup>1</sup>
- In 1987, the U.S. Supreme Court ruled in *Tison v. Arizona* that a person may be executed *even if he or she did not actually commit a murder*.
- Jury override: in the states of Alabama, Delaware, and Florida, *a judge may overturn a jury decision of innocent to impose the death penalty in capital cases*.<sup>3</sup>
- Despite being the second smallest state, Delaware is ranked 16<sup>th</sup> nationally in total executions.

#### Racial Bias

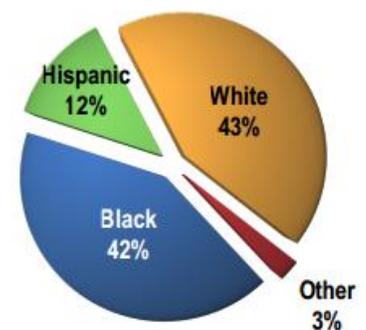
- Race-of-victim bias in the death penalty has been a persistent problem. Since 1977, the overwhelming majority of death row executions (77%) involved a white victim, even though blacks and whites are murder victims in nearly equal numbers of crimes.<sup>4</sup> A study performed by University of Iowa law professor David C. found that black defendants were 1.7 times more likely to receive the death penalty than white defendants and that murderers of white victims were 4.3 times more likely to be sentenced to death than those who killed blacks.<sup>7</sup>
- This bias is also problematic in states that use jury override in capital cases. In Alabama, seventy-five percent of all death sentences imposed by override involve white victims, even though less than 35% of all homicide victims in the state are white.<sup>3</sup>
- *In Louisiana, the odds of a death sentence were 97% higher for those whose victim was white than for those whose victim was black*.<sup>5</sup>
- More than 20% of black defendants who have been executed were convicted by all-white juries.<sup>6</sup>

#### Race of Victims in Death Penalty Cases



Over 75% of the murder victims in cases resulting in an execution were white, even though nationally only 50% of murder victims generally are white.

#### DEATH ROW INMATES BY RACE



## Mental Illness

- The execution of those with mental illness or "the insane" is clearly prohibited by international law. Virtually every country in the world prohibits the execution of people with mental illness.<sup>8</sup>
- The execution of the insane – someone who does not understand the reason for, or the reality of, his or her punishment - violates the U.S. Constitution (Ford v. Wainwright, 1986). The Ford decision left the determination of sanity up to each state. Constitutional protections for those with other forms of mental illness are minimal, however, and dozens of prisoners have been executed despite suffering from serious mental illness. The National Association of Mental Health has estimated that five to ten percent of those on death row have serious mental illness.<sup>8</sup>

***“IF YOU’RE RICH, YOU’RE NOT GOING TO GET CAPITAL PUNISHMENT – PERIOD.”*** –MARK JAMES, REPUBLICAN NEVADA STATE LEGISLATOR

---

## Discrimination Against the Poor

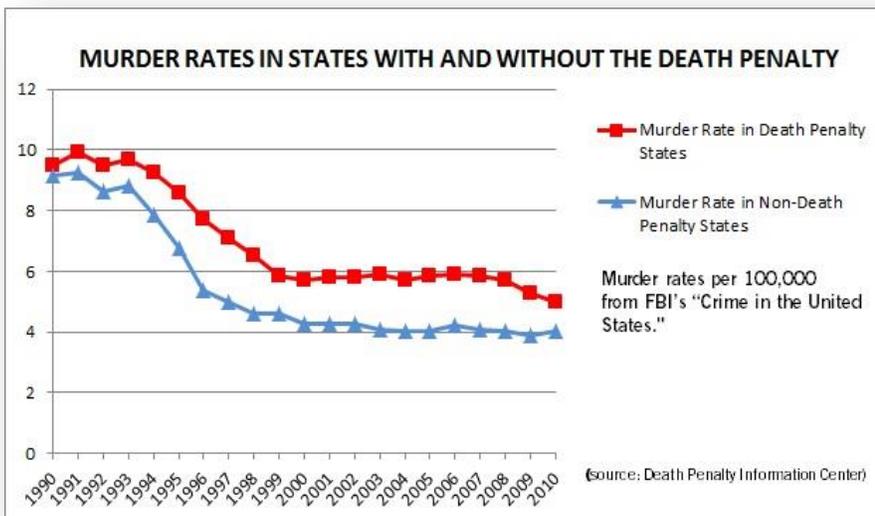
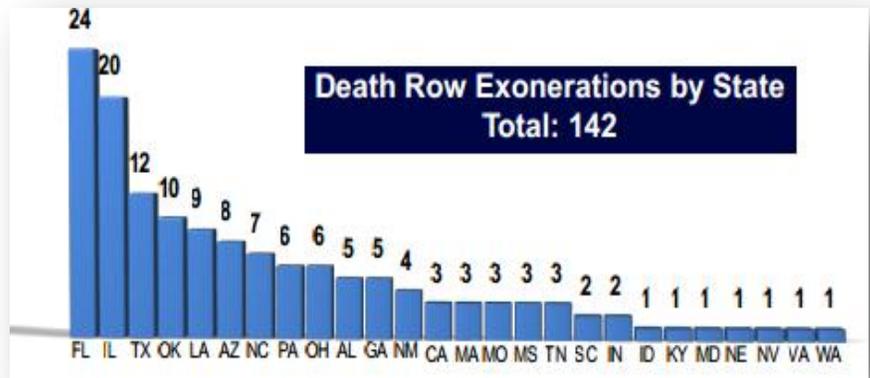
- “Across the country, more than 90 percent of those on death row were too poor to afford their own attorneys at trial. Poor defendants sentenced to die have been represented by lawyers who were drunk, asleep, or later disbarred. Others have been represented by collections or tax attorneys, or lawyers fresh out of school. Some court-appointed attorneys can be so overworked that they are unable to even mount a defense.<sup>9</sup> In the most extreme cases, some have slept through parts of trials or have arrived under the influence of drugs and/or alcohol.<sup>9</sup>
- *“The Constitution guarantees the right to an attorney. It doesn’t say the lawyer has to be awake.”* -- Texas court ruling upholding the death sentence of George McFarland, whose lawyer slept through the trial.<sup>9</sup>

## Arbitrariness

- Co-defendants charged with committing the same crime often receive different punishments, where one defendant may receive a death sentence while another receives prison time.<sup>10</sup>
- Each prosecutor decides whether or not to seek the death penalty. Local politics, the location of the crime, plea bargaining, and pure chance affect the process and make it a lottery of who lives and who dies.<sup>10</sup>
- Co-defendants charged with committing the same crime often receive different sentences: one life and the other death. **There have also been incidents where those who did not directly kill were executed and their counterparts who pulled the trigger were not.**<sup>10</sup>
- Geographic arbitrariness: since the U.S. Supreme Court reinstated the death penalty in 1976, eighty-three percent of all executions since 1976 have taken place in the South. *In 2008, 95% of executions occurred in the South.*<sup>10</sup>

## Innocence

- Since 1973, over 130 people have been released from death row with evidence of their innocence. Nationally, at least one person is exonerated for every 10 that are executed.<sup>4</sup>
- In Arizona, Ray Krone spent 10 years in prison in Arizona, including time on death row, for a murder he did not commit. He was the 100th person to be released from death row since 1973. DNA testing proved his innocence in 2002.<sup>4</sup>
- Factors leading to wrongful convictions include:
  - Inadequate legal representation
  - Police and prosecutorial misconduct
  - Perjured testimony and mistaken eyewitness testimony
  - Racial prejudice
  - Jailhouse "snitch" testimony
  - Suppression and/or misinterpretation of mitigating evidence
  - Community/political pressure to solve a case



## Deterrence

The vast majority of law enforcement professionals surveyed agree that *capital punishment does not deter violent crime any better than a sentence of life without parole*; a survey of police chiefs nationwide found they rank the death penalty lowest among ways to reduce violent crime.<sup>11</sup>

- **The death penalty is not a viable form of crime control.** When police chiefs were asked to rank the factors that, in their judgment, reduce the rate of violent crime, they mentioned curbing drug use and putting more officers on the street, longer sentences and gun control. *They ranked the death penalty as least effective.*<sup>12</sup>

## Cost

- It costs far more to execute a person than to keep him or her in prison for life. The state of California has spent more than \$4 billion on capital punishment since it was reinstated in 1978, and seeking the death penalty trials costs the state 20 times more than seeking a sentence of life in prison without possibility of parole.<sup>1</sup>
- The death penalty diverts resources from genuine crime control measures. Spending money on the death penalty system means:
  - Reducing resources available for crime prevention, mental health treatment, education and rehabilitation, meaningful victims' services, and drug treatment programs.
  - Diverting it from existing components of the criminal justice system, such as prosecution of violent crimes.<sup>4</sup>

## Constitutionality

- The death penalty violates the constitutional guarantee of equal protection. It is applied randomly – and discriminatorily. It is imposed disproportionately upon those whose victims are white, offenders who are people of color, and on those who are poor and uneducated and concentrated in certain geographic regions of the country.<sup>11</sup>

## But what about the victim?

- Capital punishment prolongs pain for victims' families, dragging them through a long and difficult process that promises an execution at the beginning but often ends with a different sentence. But a sentence of life without parole begins as soon as the families leave the courtroom and is served anonymously, leaving the family protected from the media spotlight.

*“Little did me and my family know that when Michael Ryan was sentenced to death, we were sentenced too. Our sentence has been going on for 20 years, and there has been no execution.*

*For 20 years it has been all about Michael Ryan. He is all my family and I ever hear about.*

*Jim is never mentioned...having seen what the death penalty has done to my family, I have since changed my mind and now think it should be abolished.”*

—Miriam Thimm Kelle, whose brother, Jim, was murdered

## Further Reading and References

Articles:

<http://www.deathpenaltyinfo.org/arbitrariness>

Info-graphics:

[http://www.aclu-de.org/wp-content/uploads/2012/04/Infographic\\_Revised\\_7.10.12.jpg](http://www.aclu-de.org/wp-content/uploads/2012/04/Infographic_Revised_7.10.12.jpg)

<http://www.amnestyusa.org/our-work/issues/death-penalty/international-death-penalty>

Videos:

[http://www.youtube.com/watch?feature=player\\_embedded&v=4E9I8IpsiDA&list=PL3B939DFF7EEB8EAF](http://www.youtube.com/watch?feature=player_embedded&v=4E9I8IpsiDA&list=PL3B939DFF7EEB8EAF)

Sources:

[1]: <http://www.deathpenalty.org/section.php?id=13>

[2]: [http://www.aclu-de.org/wp-content/uploads/2012/04/Infographic\\_Revised\\_7.10.12.jpg](http://www.aclu-de.org/wp-content/uploads/2012/04/Infographic_Revised_7.10.12.jpg)

[3]: [http://www.eji.org/files/Override\\_Report.pdf](http://www.eji.org/files/Override_Report.pdf)

[4]: <http://www.amnestyusa.org/pdfs/DeathPenaltyFactsMay2012.pdf>

[5]: <http://www.deathpenaltyinfo.org/FactSheet.pdf>

[6]: <http://www.deathpenaltyinfo.org/race-and-death-penalty>

[7]: [http://www.nytimes.com/2011/07/09/opinion/09dow.html?\\_r=0](http://www.nytimes.com/2011/07/09/opinion/09dow.html?_r=0)

[8]: <http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-and-mental-illness>

[9]: [http://www.acadp.org/contents/images/stories/acadp\\_justiceforfew.pdf](http://www.acadp.org/contents/images/stories/acadp_justiceforfew.pdf)

[10]: <http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-and-arbitrariness>

[11]: <http://www.aclu.org/capital-punishment/case-against-death-penalty>

[12]: <http://www.deathpenaltyinfo.org/front-line-law-enforcement-views-death-penalty>

