



The American Voice 2004: A Pocket Guide to Issues and Allegations

Issues and Allegations: Capital Punishment

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At a Glance...

The conservative view:

- Judeo-Christian teachings condone and even require capital punishment.
- Some crimes are so heinous that society must execute those guilty of them.
- Executing vicious criminals provides justice to their victims and their families.
- Enforcing the death penalty deters murder.
- The death penalty promotes public safety, as those executed will never commit crimes again; this benefit outweighs the harm to the tiny number of people wrongfully put on death row.
- Innocent people have not been executed; in fact, the much-publicized releases of Death Row inmates whose sentences are overturned prove that the system works.

WHY WE USE "CONSERVATIVE" AND "LIBERAL"

Background

The term "capital punishment" literally means punishment to the head. In ancient times severing the head from the body was a common way to deliver a death sentence.

For most if not all of human history the death penalty was meted out by virtually all states and cultures for a wide variety of crimes including stealing, sexual misbehavior, heresy and disrespect. The sentence was carried out by an equally wide variety of techniques (e.g. stoning, guillotining, impaling, hanging, drawing and quartering, burning, drowning).

In the 20th century nations began to reduce the number of crimes for which the death penalty could be imposed. Growing numbers abandoned its use entirely.

Currently 83 countries impose the death penalty; 112 do not. In 2002 at least 1,526 people were executed in 31 countries. Over 1,000 of these executions took place in China. At least 113 were carried out in Iran; 71 people were executed in the United States.[1]

Use of the death penalty in the United States dates back to colonial times. The first recorded execution occurred in Jamestown in 1608. Executions in the U.S. began to decline after the 1930s, a decade in which 166 prisoners were put to death each year. In the 1940s this fell to 128; in the 1950s to 72. [2] In 1963 there were 21 executions; in 1964 15.[3]

In 1967 the U.S. Supreme Court imposed a temporary ban on further use of the death penalty while it reviewed its constitutionality.

In 1972, in a 5-4 decision (*Furman v. Georgia*), the Court ruled "the imposition and carrying out of the death penalty...constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments." [4] Each justice wrote a separate opinion. The decision may have been the longest ever written by the Court.[5] As a result of the Furman decision and related the sentences of some 631 men and 2 women on death rows in 32 states were commuted to life in prison.

The Furman ruling focused on flaws in the existing criminal justice system, most importantly unguided jury discretion that resulted in arbitrary and capricious sentencing. The court left open the possibility that the death penalty could be reinstated if states redesigned their laws to avoid these kinds of problems.

Within two years of the Furman decision 15 states had redrafted their sentencing laws to provide for "guided discretion". By 1976 35 states had passed new death penalty laws; more than 500 inmates were on death rows.

In 1976 by a vote of 7-2 the U.S. Supreme Court reinstated the death penalty, ruling that "the punishment of death does not invariably violate the Constitution". [6] The first execution took place on January 17, 1977 when Gary Gilmore was put to death by a firing squad in Utah.

The liberal View:

- Although the Old and New Testaments condone the death penalty, many ancient biblical practices, such as slavery, are no longer accepted. Many Christian denominations now oppose capital punishment.
- The death penalty degrades a society that uses it as well as being cruel to those put to death.
- Use of the death penalty puts the United States out of step with international trends in justice.
- The threat of execution isn't any more effective a deterrent than life imprisonment, while it costs taxpayers far more. Scarce resources for promoting law and order are diverted to capital cases.
- The death penalty is irrevocable, eliminating the chance that a defendant could be exonerated by new evidence coming to light.
- The death penalty is applied unevenly along racial, class and geographic lines.
- The death penalty does not provide closure to victims' families.

The Furman decision also invalidated existing federal death penalty statutes. Congress revived the death penalty for federal crimes in 1988, authorizing capital punishments for 'drug kingpin' murders.[7] In 1994 Congress expanded to fifty the number of federal crimes punishable by death.[8]

No federal prisoner was executed from 1963 until Oklahoma City bomber Timothy McVeigh died by lethal injection on June 11, 2001; his execution was quickly followed on June 19 by that of Juan Raul Garza, who was convicted of three murders committed while conducting a criminal enterprise.[9]

Currently 38 states, the federal government and the military permit a death sentence.[10] Twelve states and the District of Columbia do not.[11]

Since 1977, 890 people have been executed in the United States. At the end of 2002, 37 states and the federal prison system held 3,557 prisoners under sentence of death.[12]

The problem

Should we continue to use the death penalty?

The conservative perspective

Those who favor the death penalty argue that it is a moral and effective way to deter crime, punish heinous crimes and help bring closure to the families of victims.

Death penalty proponents note the many times the Bible condones and even requires capital punishment. "Whoever sheds the blood of man, by man shall his blood be shed; for in the image of God has God made man"(Genesis, 9:6.).

When God gave the law to Moses many acts were deemed worthy of death. These included hitting one's parents (Exodus 21:15), cursing one's father or mother (Exodus 21:17), worship of other gods (Exodus 22:20), working on the Sabbath (Exodus 35.2), sex during menstruation (Exodus 19:13). In the New Testament Paul observes that God has given governments the right to impose the death penalty. (Acts 25:11)

Those in favor of capital punishment note that the Sixth Commandment's admonition, "Thou shalt not kill" prohibits murder but not a death sentence imposed by the state. The Hebrew word which is translated "kill" is used 49 times in the Old Testament and in every relevant use it means "to murder", especially with premeditation according to biblical scholar Charles Ryrie. When it is repeated in the New Testament a word is used that never means anything else than to murder.[13]

In a speech at the University of Chicago Divinity School in 2002, Supreme Court Justice Antonin Scalia maintained that two millennia of Christianity teaches "that retribution is a proper purpose (indeed the principal purpose) of criminal punishment..." He describes the recent shift in the position of European countries against capital punishment as a shift toward secularism. "(T)he more Christian a country is the less likely it is to regard the death penalty as immoral," he claims, "Abolition has taken its firmest hold in post-Christian Europe and has least support in the church-going United States." [14]

Some conservatives argue that societies not only have the right to impose the death sentence; they have the responsibility to do so. Robert Pambianco, Chief Policy Counsel for the Washington Legal Foundation asks, "Are there some murders so heinous that imposing a penalty less than death would trivialize the crime and cheapen human life? On this, the answer remains: Yes." [15] *Boston Globe* columnist Jeff Jacoby adds, "When a vicious killer is sent to the electric chair or strapped onto a gurney for a lethal injection, society is condemning his crime with a seriousness and intensity that no other punishment achieves. By contrast, a society that sentences killers to nothing worse than prison - no matter how depraved the killing or how innocent the victim - is a society that doesn't really think murder is so terrible." [16]

In *Gregg v. Georgia* the U.S. Supreme Court observed, "The instinct for retribution is part of the nature of man." It declared, "Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death." [17]

Conservatives maintain that capital punishment has a significant deterrent effect. While recognizing the widely varying conclusions of statistical studies on the subject David Anderson observes, "The question of how much the death penalty deters is not a question that science, based on statistical credibility, can answer. It is a question that finds its answer based on common sense, logic, sound judgment and experience." [18]

Conservatives point to several studies that found a significant deterrent effect for capital punishment. In the mid 1970s economist Isaac Ehrlich analyzed executions carried out between 1933 and 1967 and concluded that each one probably prevented 7-8 murders. [19] Another study of the impact of capital punishment between 1977 and 1997 estimated a deterrence effect of 5-6 fewer homicides per execution. [20] A 2002 study concluded that capital punishment saves 18 lives per execution. [21] A 2001 study found that homicides increase during periods when there are no executions and decrease during periods when executions are occurring. [22]

The death penalty promotes public safety by insuring that murderers never return to the streets or kill other inmates. Utah law professor Paul Cassell found that of the roughly 52,000 state prison inmates serving time for murder in 1984, an estimated 810 had previously been convicted of murder and had killed 821 persons following those convictions. Executing these inmates following their initial murder conviction would have saved 821 innocent lives. [23]

Conservatives argue that the fact that 48 people have been released from death row since 1973 is a sign that the system is

working. They maintain that the mistakes of the past had to do with defective legal system practices. Reforms such as the Innocence Protection Act [24] could reduce error even further. The bill provides for the federal government paying for DNA testing for those death row inmates who request it and funding better representation in an attempt to eliminate class and race bias.

Conservatives deny that innocent people have been wrongly executed. Pambianco insists, "There is no proof of an innocent person's being executed since 1900. One will search in vain through news stories and editorials for mention of a single case of an innocent execution." [25] Ward Campbell, a California Supervising Deputy Attorney General, reviewed the list compiled by the Death Penalty Information Center (DPIC) of people on death row whose sentences were later overturned, "In compiling its List, the Death Penalty Information Center has too often relied on inexact standards such as acquittals on retrial, dismissals by the prosecution, and reversals for legal insufficiency of evidence to exonerate released death row inmates... Moreover, the DPIC has used old cases in which the defendants did not receive the modern protections that 'probably reduce the likelihood of executing the innocent.'" [26]

Conservatives argue that even if there are errors in the legal system the benefits of avoided homicides far outweighs the tiny number of people who wrongly end up on death row. One observer looks at Professor Lawrence Marshall's findings that as of 1998 about 40 people on death row had been found factually innocent, that is, have evidence to support their claim of innocence and observes, "about 40 factually innocent or 0.6% out of about 6700 death sentences since 1973. Is there any other criminal sanction, anywhere in the world, where we could find a 99.4% guilt accuracy rate after 27 years of critical review by opponents of that sanction..." [27]

Marquette University political scientist John McAdams writes, "If we execute murderers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call." [28]

The liberal perspective

Liberals believe that capital punishment is a barbaric practice that coarsens and brutalizes society, doesn't deter crime, diverts scarce resources to superior crime-fighting strategies, is not evenly applied (in terms of class, race or geography), puts the innocent at risk and offers little justice for victims.

Liberals concede that the Old and New Testaments condone the death penalty but maintain that ancient practices cannot automatically be accepted as moral in a modern context. They point out that the bible condones many practices, like slavery that is no longer condoned by civilized societies.

Liberals point out that leaders of many religious groups now oppose the death penalty, including the Episcopal Church, the Evangelical Lutheran Church of America, the National Baptist Convention of America, the Presbyterian Church and the United Methodist Church.

[29] In 1995 Pope John Paul II announced, "Among the signs of hope we should also count the spread...of a growing public opposition to the death penalty." The new Catechism of the Church includes the following moral direction, "If bloodless means are sufficient to defend human lives against an aggressor and to protect public order and the safety of persons, public authority must limit itself to such means, because they better correspond to the concrete conditions of the common good and are more in conformity to the dignity of the human person."

Liberals view the death penalty as inherently degrading to a society that uses it. More than two centuries ago, the Italian jurist Cesare Beccaria, in *On Crimes and Punishments* (1764) asserted: "The death penalty cannot be useful, because of the example of barbarity it gives men." Some 30 ago Supreme Court Justice Arthur J. Goldberg observed, "The deliberate institutionalized taking of human life by the state is the greatest conceivable degradation to the dignity of the human personality." [30]

Liberals note that one by one, methods of execution traditionally used have been eliminated as "cruel" punishment. Most states now use lethal injection. But the *New York Times* reported in October 2003 that "a growing number of legal and medical experts are warning that the apparent tranquility of a lethal injection may be deceptive. They say the standard method of executing people in most states could lead to paralysis that masks intense distress, leaving a wide-awake inmate unable to speak or cry out as he slowly suffocates." [31]

In December 2003, the 4th U.S. Circuit Court of Appeals, which has jurisdiction over Maryland, stopped a Virginia execution in part because of questions related to lethal injections. [32]

Liberals observe that the United States' expanded use of the death penalty is radically out of step with the direction the rest of the world is going. The U.S. is the only country in which the execution of those under 18 is officially sanctioned and is the only country that has not signed the United Nations Convention on the Rights of the Child, which prohibits the practice. Until 2002, the execution of mentally retarded inmates was permitted in the United States. [33]

Meanwhile, 28 European countries have abolished the death penalty either in law or in practice. The United Nations General Assembly in a formal resolution affirmed the desirability to "progressively restrict the number of offenses for which the death penalty might be imposed, with a view to the desirability of abolishing this punishment." [34]

Liberals deny that the threat of execution deters capital crimes more effectively than imprisonment. They note that to be an effective deterrent a punishment must be consistently and promptly employed.

Yet only a small proportion of first-degree murderers are sentenced to death; even fewer are executed. Of all those convicted of criminal homicide only 2 percent -- about 1 in 50 -- are eventually sentenced to death. [35] If just those cases

where the accused can be given the death sentence "the probability of being sentenced to death is only about 1 to 10 and of being executed between 0.6 and 1.25 per 100", writes Roger Hood, Professor of Criminology, and Director of the Centre for Criminological Research at the University of Oxford. [36]

Hugo Bedau, Professor of Philosophy at Tufts University, argues that capital punishment doesn't deter murder if the murder is premeditated because in that case the criminal plans to escape detection, arrest, and conviction. If the crime is not premeditated, on the other hand, it is impossible to imagine how the threat of any punishment could deter it. Most capital crimes are committed during moments of great emotional stress or under the influence of drugs or alcohol, when logical thinking has been suspended. Impulsive or expressive violence is inflicted by persons heedless of the consequences to themselves as well as to others.

Bedau notes that political terrorism is usually committed in the name of an ideology that honors its martyrs. Trying to cope with it by threatening death for terrorists is futile. Attempting to reduce murders in the illegal drug trade by the threat of severe punishment ignores the fact that anyone trafficking in illegal drugs is already betting his life in violent competition with other dealers. It is irrational to think that the death penalty--a remote threat at best -- will deter murders committed in drug turf wars or by street-level dealers.

Those opposed to the death penalty argue that if severe punishment does deter crime, then long term imprisonment is severe enough to cause any rational person not to commit violent crimes. Liberals note that 35 of the 38 states with death penalties now also have statutes that impose automatic life prison sentences, thereby guaranteeing that the criminal cannot commit further crimes.

Death penalty opponents note that the vast preponderance of evidence shows that the death penalty is no more effective than imprisonment in deterring murder.

Death-penalty states as a group do not have lower rates of criminal homicide than non-death penalty states. A 2000 New York Times survey found that during the last 20 years the homicide rate in states with the death penalty has been 48 to 101 percent higher than in states without the death penalty. Data from the FBI reveals that 10 of the 12 states without capital punishment have homicide rates below the national average.[37]

In neighboring states, one with and the other without the death penalty, the one with the death penalty does not show a consistently lower rate of criminal homicide. For example, between 1972 and 1990, the homicide rate in Michigan (which has no death penalty) was generally as low as or lower than the neighboring state of Indiana, which restored the death penalty in 1973 and since then has sentenced 70 persons to death and carried out 2 executions.[38]

Inflicting the death penalty does inherently guarantee that the condemned person will commit no further crimes. But that is too high a price to pay, death penalty opponents maintain when studies show that very few convicted murderers ever commit another crime of violence. Recidivism among murderers does occasionally happen. But it happens less frequently than most people believe.

A recent study examined the prison and post-release records of 533 prisoners on death row in 1972 whose sentences were reduced to life by the Supreme Court's ruling in Furman. The research showed that 6 had committed another murder. But the same study showed that in 4 other cases, an innocent man had been sentenced to death.[39]

Liberals note that those with the most experience in fighting violent crime believe that the death penalty does not deter murders. "I have inquired for most of my adult life about studies that might show that the death penalty is a deterrent and I have not seen any research that would substantiate that point," writes former US Attorney General and former prosecutor Janet Reno.[40] A 1996 survey of 67 of the 70 former presidents of three professional criminology organizations -- the American Society of Criminology, the Academy of Criminal Justice Sciences, and the Law and Society Association found that 85 percent of the experts found that the empirical research on deterrence has shown that the death penalty is not superior to long prison sentences as a deterrent to criminal violence.[41]

Liberals note that capital punishment is irrevocable and thus denies the defendant the ability to be declared innocent if new information comes to light. "It forever deprives an individual of benefits of new evidence or new law that might warrant the reversal of a conviction or the setting aside of a death sentence", Bedau writes.[42]

Yet virtually every year someone on death row is found to be innocent. Since 1976, for every eight people executed, one on death row has been found to be innocent.

"Since 1900, in this country, there have been on the average more than four cases per year in which an entirely innocent person was convicted of murder", notes Bedau. "Scores of these persons were sentenced to death. In many cases, a reprieve or commutation arrived just hours, or even minutes, before the scheduled execution. These erroneous convictions have occurred in virtually every jurisdiction from one end of the nation to the other. Nor have they declined in recent years, despite the new death penalty statutes approved by the Supreme Court." [43]

Liberals point out that some 87 inmates have been released from death row since the Furman decision because of doubts about their guilt. [44] They point to the results of the Innocence Project, which only takes cases where post-conviction DNA testing of evidence can yield conclusive proof of innocence, as evidence that innocent people do end up on death row. Some 142 inmates have been exonerated, including 13 from Illinois' death row. [45]

In fact, given the evidence that wrongly convicted inmates were on death row, former Republican Governor Ryan of Illinois issued a moratorium on the death penalty.[46] In 2003, he commuted 164 sentences from death to life in prison; in four cases he commuted the inmates' death sentences to 40 years.[47]

Liberals note that the death sentence is arbitrarily and unevenly applied along class, race and even geographic lines. Where a death sentence is sought often determines whether a defendant is sentenced to death more than the circumstances of the

crime. In its survey of capital punishment practices in the 38 death penalty states *USA Today* found that although suburban counties have lower murder rates than urban counties, they send more murderers to death row. The *New York Times* reports that 37 of those executed in Texas were from Houston where the District Attorney is a death penalty proponent; five were from Dallas, a city almost as large, where the district attorney is a less committed proponent.[48]

The quality of legal representation is a better predictor of whether or not someone will be sentenced to death than the facts of the crime. Not surprisingly the poor have the worst representation and these are often those charged with a death penalty crime. Rose Park, an attorney with the Minnesota Advocates for Human Rights notes that 95 percent of those charged with death penalty crimes cannot afford attorneys.[49] "Approximately ninety percent of those on death row could not afford to hire a lawyer when they were tried." [50] The ACLU cites a recent report on indigent defense by the Texas Defender Service that found that death row prisoners "face a one-in-three chance of being executed without having the case properly investigated by a competent attorney or without having any claims of innocence or unfairness heard." [51]

A defendant's poverty, lack of firm social roots in the community, inadequate legal representation at trial or on appeal--all these have been common factors among death-row populations. As Justice William O. Douglas noted in *Furman*, "One searches our chronicles in vain for the execution of any member of the affluent strata in this society."

There is no evidence that those who commit the most heinous crimes are those who are put to death. In the past 25 years some 2-3 percent of those convicted of homicides have been sentenced to death. The severity of the crime does not explain the severity of the sentence. "(T)here is no reliable basis for distinguishing between those who are sentenced to death and those who are not....Whether one lives or dies seems more a function of the quality of the defendant's legal counsel or pure luck than any of the relevant characteristics of the crime or the offender's prior record." [52]

In determining whether the death penalty is imposed the race of the defendant and the race of the victim are often the best explanatory factors in predicting the sentence. [53] In 1990, the U.S. General Accounting Office reported to the Congress the results of its review of empirical studies on racism and the death penalty. The GAO concluded: "Our synthesis of the 28 studies shows a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty after the *Furman* decision" and that "race of victim influence was found at all stages of the criminal justice system process...." [54]

Over 80 percent of capital cases involve white victims, even though nationally, only 50 percent of murder victims are white. People of color have accounted for a disproportionate 43 percent of total executions since 1976 and comprise 55 percent of those currently awaiting execution. [55]

"Three-quarters of those convicted of participating in a drug enterprise under the general provisions of [21 USC section] 848 have been white and only about 24% of the defendants have been black", noted the Subcommittee on Civil and Constitutional Rights Committee on the Judiciary in 1994. However, of those chosen for death penalty prosecutions under this section, just the opposite is true: 78% of the defendants have been black and only 11% of the defendants have been white." [56]

Under John Ashcroft, the Justice Department has been three times more likely to seek death sentences for black defendants accused of killing whites than for blacks alleged to have killed nonwhites, according to the Federal Death Penalty Resource Counsel Project, which was established by the courts to monitor capital cases. [57]

"Where the death penalty is involved, our criminal justice system essentially reserves the death penalty for murderers (regardless of their race) who kill white victims." [58]

Liberals claim that capital punishment costs the taxpayers more than life in prison. "Capital punishment wastes resources", writes Bedau, "squanders the time and energy of courts, prosecuting attorneys, defense counsel, juries, and courtroom and correctional personnel. It unduly burdens the system of criminal justice, and it is therefore counterproductive as an instrument for society's control of violent crime." [59]

A murder trial normally takes much longer when the death penalty is at issue than when it is not. Litigation costs - including the time of judges, prosecutors, public defenders, and court reporters, and the high costs of briefs - are all borne by the taxpayer. One study of North Carolina murder trials concluded that on average capital murder trials last over 3.5 times longer than non-capital murder trials. The researchers concluded that it cost at least \$2.16 million more per execution above the costs of a non-death penalty murder case with a sentence of life imprisonment. [60]

The average cost of a capital trial in Texas is \$2.3 million, three times the cost of incarceration of a single individual at the highest security level for 40 years. [61] A New York study estimated the cost of an execution at three times that of life imprisonment. In Florida, each execution costs the state \$3.2 million, compared to \$600,000 for life imprisonment. [62]

Liberals point out that shortening appeals and even denying convicted criminals the right of appeals would not significantly reduce the cost of capital punishment. Most of the costs are incurred prior to and during the trial, not in post-conviction proceedings. Where a death penalty is recommended trials have two separate and lengthy phases (conviction and sentencing) typically preceded by special motions and extra jury selection questioning. Generally higher investigative costs are incurred particularly by the prosecution. [63] One California study reportedly found that 87 percent of the costs in capital cases were incurred at the trial level. [64]

Liberals argue that the death penalty diverts resources from more effective crime fighting strategies like crime prevention, education and rehabilitation, investigations, and drug treatment programs. The ACLU points out that the death penalty system implemented in New Jersey raised trial and conviction costs \$16 million a year enough to hire 500 police officers at \$30,000 per year. [65]

The Florida Supreme Court spends about half of its time devoted to death penalty cases. Gerald Kogan, Chief Justice of the Court noted that it causes the Court to spend "an inordinate amount of time...when there is so much out there that affects the

average citizen much more." He has proposed that Florida should "seriously consider whether the death penalty is a truly viable remedy for first degree murder."**[66]**

Liberals deny that the death penalty provides closure to the families of victims. Many relatives of those murdered do not seek revenge as closure. Bud Welch, a retired Oklahoma businessman whose daughter Julie was killed with 167 others in the Oklahoma City bombing of 1997 was at the federal prison in Terre Haute, Indiana in 2001 when Timothy McVeigh was executed. Welch, a member of the board of directors of Murder Victims Families for Reconciliation (MVFR) quietly protested the execution. Capital punishment, he asserts, "debases society."**[67]**

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[46] **Report of the Governor's Commission on Capital Punishment**. Recommendations. April 2002.

[47] **Illinois Death Row Commutations and Pardons Commended**. Human Rights Watch. January 13, 2003.

[48] **"Geography Determines Death Sentences."** *Death Penalty: Unequal Justice*. ACLU. March 8, 2002.

[49] Lydia Howell. "Thou Shalt Not Kill." *Pulse*. February 25, 2004.

[50] Bedau, *Op. Cit*.

[51] **"Inadequate Representation."** *Death Penalty: Unequal Justice*. American Civil Liberties Union. October 8, 2003. Accessed February 25, 2003.

[52] Radelet, *Op. Cit.* See also David C. Baldus, George G. Woodworth & Charles A. Pulaski Jr. *Equal Justice and the Death Penalty: A Legal and Empirical Analysis*. Northeastern University Press. 1990.

[53] See David C. Baldus, George Woodworth, David Zukerman, et. al. "Racial Discrimination and the Death Penalty in the Post-Furman Era: An Empirical and Legal Overview, with Recent Findings from Philadelphia", 83 *Cornell Law Review*. 1638 (1998). In March 1998, Kentucky became the first state to pass a Racial Justice Act. The Kentucky bill allows defendants in capital cases to use statistical evidence of racial discrimination to show that race influenced the decision to seek the death penalty. Should the judge find that race was a factor, the death penalty would be barred. The U.S. House of Representatives has passed a similar bill on two occasions, but it has been defeated in the Senate.

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[56] Staff of the Subcommittee on Civil and Constitutional Rights Committee. **Racial Disparities in Federal Death Penalty Prosecutions 1988-94**, 103rd Cong., 2d Sess. (March 1994).

[57] Dan Eggen. "Ashcroft Aggressively Pursues Death Penalty". *Washington Post*. July 1, 2002. A.1.

[58] Bedau, *op. cit*

[59] Michael L. Radelet, William S. Lofquist & Hugo Adam Bedau. "Death Penalty Symposium: Prisoners Released From Death Rows Since 1970 Because of Doubts About Their Guilt." *Thomas M. Cooley Law Review*. Vol. 13, 1996.

[60] Philip J. Cook & Donna B. Slawson. *The Costs of Prosecuting Murder Cases in North Carolina*, Duke University. 1993.

[61] **The High Cost of the Death Penalty**. American Civil Liberties Union. No date.

[62] "Cost." *Death Penalty Facts*. Amnesty International USA. Accessed February 25, 2004.

[63] *Ibid.*

[64] *Sacramento Bee*, March 28, 1988.

[65] *The High Cost of the Death Penalty*. Op. Cit.

[66] Martin Dyckman, Death Penalty Repair, *St. Petersburg Times*. December 7, 1997. 1D.

[67] Doug Grow. "His Minnetexas has opposition; Group fights Pawlenty plan to execute execution policy." *Star Tribune*. February 5, 2004. p. 2B. Murder Victims' Families for Reconciliation. **Dignity Denied: The Experience of Murder Victims' Family Members Who Oppose the Death Penalty**. August 2002. MVFR has never publicly declared itself for or against any specific alternatives to capital punishment; reconciliation, rather than revenge, is the guiding principle. PDF file



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