

tem was so flawed that it could not ensure that the innocent were spared.

There can be no doubt that some people who were innocent have been executed. Criminologist Michael Radlet notes that between 1900 and 1992, there were 416 documented cases of innocent persons who have been convicted of murder or capital rape—a third of whom were given a death sentence. He discovered that in 23 of these cases, the person was executed.

## 4 The death penalty is not a deterrent to violent crime.

Over the past 10 years, studies have attempted to prove the death penalty deters murder. But as Professor Jeffrey Fagan of the Columbia Law School notes, these studies contain so many “serious flaws and omissions” that “this work falls well within the unfortunate category of junk science.”

The South, where 80 percent of all executions take place, has a higher murder rate than the North.

### More executions, more murders

If anything, credible evidence points in the other direction. One study by Thorsten Sellin found that between 1989 and 2002, California (one execution), Texas (239 executions) and New York (no executions) all had almost identical patterns of murder rates from year to year—though overall, Texas’ average was highest.

## 5 The death penalty is “cruel and unusual punishment.”

In 2007, executions are on hold in over a dozen states and botched executions have put the lethal injection process under increasing scrutiny.

In April 2005, in the British medical journal *The Lancet*, a team of medical researchers found serious flaws in how lethal injections were being administered, causing extreme suffering to the

Sources: Amnesty International, Death Penalty Information Center, NAACP, *New Abolitionist*

### Tortured to death

On December 13, 2006, Angel Nieves Diaz was the victim of a botched execution so terrible that it led Florida’s Republican Governor and death penalty enthusiast Jeb Bush to issue an executive order halting executions in the state.

Technicians wrongly inserted the needles carrying the poisons that were to kill Diaz. The caustic chemicals poured into his soft tissues instead of his veins, as intended. This left Diaz struggling and mouthing words in pain for over 34 minutes, when a second set of needles were inserted. The county medical examiner found 12-inch chemical burns inside both of his arms after the execution.

prisoners being executed. The report found “that in 43 of the 49 executed prisoners studied the anesthetic administered during lethal injection was lower than required for surgery. In 43 percent of cases, drug levels were consistent with awareness.”

### What can I do to help?

- Join a chapter of the Campaign to End the Death Penalty—or start your own!
- Subscribe to our national listserve for timely updates about the death penalty and CEDP activities.
- Get a year’s subscription to the *New Abolitionist*, the newsletter of the CEDP. Please enclose \$12 (or \$24 to buy a subscription for a prisoner, too).

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# 5 reasons to oppose the death penalty

The United States is the only country in the Western industrialized world that still uses the death penalty. Since 1990, 30 countries have abolished the death penalty. Among the 74 countries who continue to execute, a tiny group accounts for the vast majority of the world’s executions each year—China, Iran, Vietnam and the United States.

In the U.S., nearly 3,400 people live on death row. Since 1976, when the death penalty was reinstated, more than 1,000 people have been executed in the United States. More than three-quarters took place in southern states—and over 35 percent in Texas alone.

For decades, both Republicans and Democrats have competed to be “tough on crime,” and throughout the 1980s and ‘90s, executions skyrocketed. More recently, however, public support for the death penalty has declined. An October 2005 Gallup Poll found support for the death penalty was 64 percent, down from a high of 80 percent in 1994—and 2006 also saw the lowest number of executions in 30 years.

The time for building a movement to abolish the death penalty is now. What follows are five reasons why you should oppose the death penalty.



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# 1 The death penalty is racist.

The death penalty is applied in a racially biased manner. This bias extends not only to the race of the defendants singled out for death sentences but also to the race of the victim. When it comes to the death penalty, the lives of minorities are valued less than that of whites.

African Americans are 12 percent of the U.S. population, but 42 percent of prisoners on death row. In Pennsylvania, Louisiana and Maryland, and in the U.S. military and federal system, more than 60 percent of those on death row are Black; Virginia, Arkansas, Mississippi, North Carolina, South Carolina and Ohio all have death rows where more than 50 percent are African American. Although Blacks constitute approximately 50 percent of murder victims each year, 80 percent of the victims in death penalty cases were white, and only 14 percent were Black.

Of the over 18,000 executions that have taken place in this country's history, only 42 involved a white person being punished for killing a Black person.

According to Amnesty International, more than 20 percent of Black defendants executed since 1976 were convicted by all-white juries.

In 1972, the U.S. Supreme Court ruled that death penalty laws in the U.S. were unconstitutional, in part because capital punishment was rife with racial disparities.

## Murder by the pound

Michael Goggin, a former prosecutor in Cook County, Illinois, admitted that the district attorney's office ran a contest to see which prosecutor could be the first to convict defendants whose weight totaled 4,000 pounds. Men and women upon conviction were marched into a room and weighed. Because most of the defendants were Black, the competition was known by local officials as "Niggers by the Pound."

# 2 The death penalty punishes the poor.

*"One searches our chronicles in vain for the execution of any member of the affluent strata in this society."* ■ Justice William O. Douglas

*"There is something wrong in this country; the judicial nets are so adjusted as to catch the minnows, and let the whales slip through."*

■ Eugene V. Debs

If you can afford good legal representation, you won't end up on death row.

Over 90 percent of defendants charged with capital crimes are indigent and cannot afford an experienced criminal defense attorney. They are forced to use inexperienced, underpaid and over-worked lawyers.

Many capital trials last less than a week—hardly enough time to present a good defense. The results are predictable. It is clear that had O.J. Simpson been poor, he would now be on death row, innocent or guilty.

## Good representation is a luxury

"The reality in the United States today is that representation by a capable attorney is a luxury, one few of those accused of a crime or in prison can afford. There is a temptation to give up hope that the poor person who faces the loss of life or liberty or languishes in prison will ever receive adequate representation. Legislatures will not pay for it, most courts will not order it, and most members of the bar are unwilling or financially unable to represent a poor person in a criminal case without adequate compensation." (Source: "Neither Equal nor Just," Stephen Bright, president, Southern Center for Human Rights)

# 3 The death penalty condemns the innocent to die.

Since 1973, 123 people in 25 states have been released from death row with evidence of their innocence.

## The Death Row 10: Madison Hobley

Upon leaving office in 2003, Illinois Governor George Ryan pardoned four death row prisoners—Aaron Patterson, Leroy Orange, Madison Hobley and Stanley Howard. They were members of a group of known as the Death Row 10.

These men were all sent to death row under the supervision of Jon Burge, lieutenant of Chicago's Area Two Violent Crimes Detective Unit. Burge was later fired from the Chicago Police Department on February 10, 1993, for overseeing torture. It was revealed that Burge was responsible for torturing more than 40 Black men during interrogations. Methods of torture included electric shocks, suffocation hoods, Russian roulette, burns, beatings and threats of death.

Madison Hobley was sentenced to death based on a coerced confession. Police at Area Two handcuffed him to a wall ring and beat him, after which he was taken downtown, where he was handcuffed to a chair and kicked by Sgt. Patrick Garrity. Then, according to Hobley, three cops suffocated him with a plastic typewriter cover until he blacked out.

Though police claimed that he confessed to setting a fire in an apartment building that killed his wife and child, no document was ever produced, and Madison insisted he never confessed. A witness who identified Hobley as purchasing a canister of gas an hour before the fire could not initially pick him out of a lineup. A 2002 hearing uncovered evidence that the jury had been intimidated, and that the gas canister, which had no signs of being burned by fire (including an intact plastic cap!), had been planted at the crime scene.

Given the way in which the justice system herds the poor through its gates, it is no wonder that it often ensnares innocent people. The use of plea bargains and leniency in exchange for snitch testimony often results in the least guilty serving the most time. Often, police and prosecutors—whether under pressure or in the effort to further their careers—make quick arrests and ignore evidence that might point in another direction.

In January 2003, Illinois Governor George Ryan commuted the sentences of all the state's death row prisoners on the grounds that the sys-