

Is the Death Penalty Fair?

Capital punishment denies the due process of law enshrined in the Fifth and Fourteenth Amendments

The death penalty is arbitrary, and always irrevocable – forever depriving an individual of the opportunity to benefit from new evidence or new laws that might warrant the reversal of a conviction, or the setting aside of a death sentence. In some cases, evidence that would have ruled out the primary suspect has been dismissed or withheld.

The death penalty is arbitrary and violates the constitutional guarantee of equal protection

Economic Bias. It is a sentence largely reserved for the poor. The vast majority of those on death row across the country are too poor to afford their own attorney. Poor defendants sentenced to die have been represented by attorneys who were drunk, asleep, or completely inexperienced.

Racial Bias. More than 80% of those executed in the U.S. were convicted of killing a white person, even though African Americans are the victims in about half of all murders. Studies in states as diverse as California, Maryland, Ohio, and Georgia have found that people convicted of murdering a white victim were many times more likely to get sentenced to death than those who killed African Americans or Latinos.

Geographic Bias. In 2012, over three-quarters all executions took place in just four states. Since 1976, just 2% of US counties accounted for a majority of death penalty prosecutions, while 85% of US counties executed no one during that same time period.

Changes in death sentencing have proven to be largely cosmetic

Every effort to fix the system just makes it more complex – not more fair. The defects in death penalty laws, conceded by the Supreme Court in the early 1970s, have not been appreciably altered by efforts to limit its use. The Council of the **American Law Institute (ALI)** voted in 2009 to withdraw a section of its *Model Penal Code* concerned with capital punishment because of the “current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment.”

The death penalty risks killing innocent people

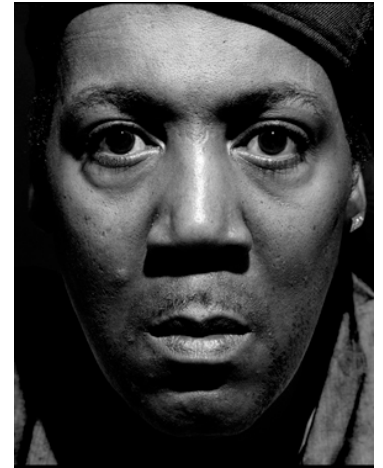
Carlos DeLuna was executed in 1989 in Texas. An independent investigation now has concluded he was innocent. Cameron Todd Willingham was executed in 2004 in Texas for an arson that killed his three children. Impartial

investigators now say there was no arson. Even if we can be 100% sure of someone’s guilt, keeping our death penalty system guarantees that more innocent people will be put to death in the name of justice. ***See our Innocence Fact Sheet for more.***

Capital punishment is cruel and unusual.

The death penalty is a relic of the earliest days of penology, when slavery, branding, and other corporal punishments were commonplace. They have no place in a civilized society. The US is the only western industrialized nation to engage in this punishment. A society that respects life does not deliberately kill human beings.

The death penalty is broken beyond repair and cannot be guaranteed to achieve real justice.



Derrick Jamison was sentenced to die in Ohio in 1985 for the murder of a Cincinnati bartender. Prosecutors hid eyewitness descriptions that didn't match his appearance, an eyewitness who initially identified two other suspects, and statements that contradicted the story told by Jamison's co-defendant. Jamison spent 20 years on death row before he was cleared in 2005.



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