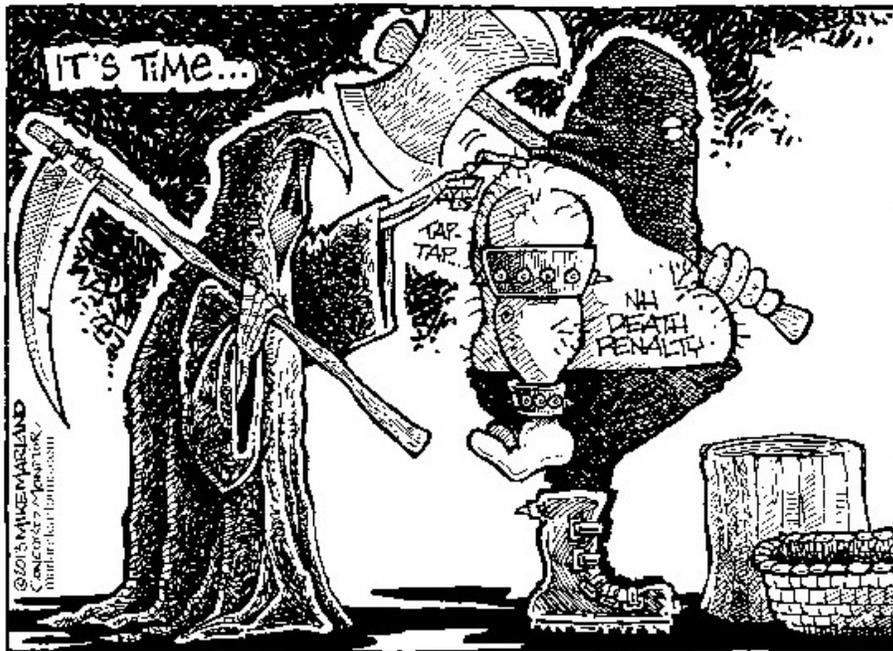


## Editorial: It's time to repeal the death penalty

November 10, 2013



It is to the significant credit of the prosecutors in the capital murder case against Michael Addison that their arguments withstood numerous strong arguments from defense attorneys before the New Hampshire Supreme Court. It is to the significant credit of the lower court judge that the process was deemed fair.

But it is to the extreme detriment of New Hampshire as a whole that Addison is now one step closer to death. This week's ruling should strengthen the resolve of those working to overturn the state's death penalty statute, to keep New Hampshire government from ever again playing executioner in our name.

Addison is the man who shot a Manchester police officer to death in 2006. His victim, Michael Briggs, was a 35-year-old father of two from Concord. The shooting followed a weeklong crime spree, after which then-Attorney General Kelly Ayotte called Addison a "cold-blooded, coldhearted, remorseless killer" who deserved the death penalty for his crime. Addison's lawyers said he fired the gun in a panic, that his actions were reckless but not purposeful. The jury sided with the state, and Addison was eventually sentenced to die, making him the only person on the state's death row, in a state that hadn't executed a soul since 1939.

About the same time, in a different courtroom, a different New Hampshire jury was weighing the case of John Brooks, a millionaire businessman accused of hiring three men to kill a handyman who Brooks believed had stolen from him. Brooks, like Addison, was convicted of capital murder, but his jury rejected the death penalty and sentenced him to life in prison instead.

Brooks was rich and white; Addison was poor and black. Brooks plotted his victim's murder deliberately; Addison shot Briggs as he fled. Addison's victim had the full force of New Hampshire law enforcement watching every twist and turn of the case; Brooks's victim was little known and quickly forgotten. Different lawyers, different juries, different cases. But it's difficult not to step back and wonder about the fairness of it all. In a state where the capital murder statute is rarely used, it's hard to imagine two more starkly different outcomes.

The Addison case isn't over – not by far. The state Supreme Court still must decide whether Addison's death sentence was excessive or disproportionate compared with the penalties imposed in similar cases. Should the state win, there will no doubt be federal appeals that will take years to resolve.

In the meantime, state lawmakers should take advantage of the new opportunity granted them by a governor who, for the first time in the modern era, opposes the death penalty. They should repeal the capital punishment statute in 2014, knowing full well that the sentence meted out to Brooks – life in prison without parole – is justice enough for even the most remorseless killers. New Hampshire hasn't used its death penalty in more than 70 years. We will be a better, fairer, more humane state without it.

# The Telegraph

## **Editorial: Senators should put justice above vengeance in NH**

Nashua Telegraph, Sunday, April 13, 2014

It is unfortunate that Michael Addison's fate has tainted the debate over whether New Hampshire should abolish the death penalty. No single murderer and no single killing – no matter how despicable or remorseless, no matter how horrific or callous – should corrupt the state's moral identity.

We should aspire to a judicial system that puts a higher value on the pursuit of justice for all citizens than on blood vengeance against a few.

Addison, of course, was sentenced to death for killing Manchester Police Officer Michael Briggs in 2006. It remains a raw wound for anyone associated with the case.

That includes U.S. Senator Kelly Ayotte, who prosecuted the case against Briggs when she served as the state's attorney general.

Ayotte took to the airwaves last week to oppose the death penalty's repeal because, she said, it could let Addison at least partially off the hook.

“These people who are voting on this need to understand they could effectively be commuting Michael Addison's sentence – or reducing his sentence for having killed Michael Briggs in the line of duty,” Ayotte told WGIR's Jack Heath. “I think that is wrong. I think it is sending the absolute wrong message.”

The senator must not be aware of the unanimous New Hampshire Supreme Court ruling against Kurt Carpentino, who sought to have a sentence for aggravated felonious sexual assault reduced because of subsequent changes to the law by the Legislature. Ruling in January of this year, the court said neither the federal or state constitutions offered protections for Carpentino's claim.

Still, by repealing the death penalty, the Legislature would prevent any future Michael Addisons from being executed. That's OK. A life-in-prison sentence is not getting off easy. (One prison survival website offers the tip “workout and study/practice street-fighting techniques. At some point soon you are going to be tested and you'll need to show that you can look after yourself.” It also recommends wearing boxer shorts when showering and sticking with your race.)

Even for those who would prefer that Addison be put to death, allowing people like him to live is a small price to pay for ensuring that an innocent person is not put to death. The Innocence Project reports there have been 314 post-conviction DNA exonerations in United States history. Seventeen of those people were on death row.

Can't happen in New Hampshire?

Consider the perspective of Barbara Keshen, chairwoman of the New Hampshire Coalition to Abolish the Death Penalty. Her experiences as a public defender and state prosecutor have led her to the conclusion that New Hampshire's criminal justice system cannot be trusted to be perfect.

"I saw my share of mistakes in more than 30 years as a trial lawyer: incomplete investigations, false confessions, incorrect eyewitness testimony, lab technicians using outdated equipment, attorneys who misunderstand or mischaracterize evidence, improper judicial rulings; jury verdicts based on passion," Keshen wrote in the Concord Monitor. "Any of these can lead to unfair results. Well-meaning, educated people, all wanting to do the right thing – and still mistakes get made."

The House-passed repeal sneaked through the Senate Judiciary Committee last Thursday with a 3-2 ought-to-pass recommendation. The full Senate is scheduled to take up the issue this Thursday in a vote that's pegged as too close to call.

When senators consider their votes, they should remember that ending the death penalty isn't about punishing the guilty, it's about ensuring the innocent live to tell about it.

## **Editorial: We urge N.H. Senate to repeal death penalty**

April 06, 2014

The death penalty repeal passed by an overwhelming margin in the New Hampshire House on March 12 and the fate of this great moral question now rests with the state Senate.

Whether the state should kill certain convicted murderers or put them in prison for life is a highly charged question that doesn't break along traditional political lines. We expect this will be a vote of conscience for most senators and they'll need to think deeply about the testimony they have heard from those who favor repeal and those who oppose it.

Our editorial board has been fully persuaded by those who have testified in favor of repeal.

On March 25, former Supreme Court Justice Joseph Nadeau and Chief Justice John Broderick wrote an op-ed in this paper titled simply: "Time to abolish the death penalty in New Hampshire." Broderick again stated his support for repeal at a marathon Senate Judiciary Committee meeting this past Thursday.

The justices rationally explained why the death penalty is not a deterrent to murder, does not provide society greater protection than life without parole, has a track record of bias against the poor and racial minorities, takes more time and money to prosecute, and actually makes healing more difficult for the families of murder victims.

"Eliminating state executions says nothing about criminals who kill, but it says a great deal about a society that does not," the justices wrote. "For us, the principle for any killing is the same: The intentional taking of human life, except in self-defense or in the defense of others, is not acceptable no matter who does the killing. Abolishing the death penalty will not compromise public safety, but it may replace rage with reason, retribution with self-respect and enrich the character of our people as a whole."

Judge Walter Murphy, chairman of the state's death penalty study commission, reached a similar conclusion in 2009. "There is no assurance that the death penalty does what its advocates claim is its purpose; nor is there any reason to believe it is necessary for public safety," Murphy wrote in the commission's final report. "The alternative, that is, life without the possibility of parole, offers the same protection without the attendant risks of mistakes and without the vast expense both monetary and otherwise."

Many religious leaders have spoken in favor of death penalty repeal including New Hampshire Episcopal Bishop Robert Hirschfeld and Catholic Bishop Peter Libasci.

"Repealing the death penalty is a way for the state to counteract and push back against the culture of violence," Hirschfeld testified. "Wherever the death penalty is administered by the state, the dignity of all our citizens is diminished."

So if those who administer justice say the death penalty does not increase public safety and spiritual leaders believe it reduces the dignity of our citizens, then the only reason to support the death penalty would be because it brings some sense of comfort and closure to murder victims' loved ones.

This argument is refuted scientifically by Dr. Leonard Korn, MD, a psychiatrist, in his recent letter to this paper and by the bill's chief sponsor, Rep. Renny Cushing of Hampton, whose father was murdered in 1988 and whose brother-in-law was killed more recently in a separate unrelated crime.

"Contrary to the popular belief that the death penalty brings 'closure' to the families of victims, the use of the death penalty is often a more negative and painful experience for the family than a sentence of life without parole would be," Dr. Korn wrote. "This is because death penalty cases can take decades or longer, and this prolongs the suffering and trauma for families who have lost loved ones to murder. Like a wound left open, it prevents whatever healing might take place after such a horrendous crime and loss."

Rep. Cushing is persuasive when he states, "If we let those who kill turn us into killers, evil triumphs, violence triumphs."

While we respect those who believe society is best served by putting certain convicted killers to death, we see that the overwhelming evidence supports repeal of the death penalty in New Hampshire. We encourage state Sens. Martha Fuller-Clark, Nancy Stiles and Russell Prescott, who represent the people in Seacoast cities and towns, to vote in favor of repeal.

# VALLEY NEWS

## **Editorial: Of the Death Penalty and Human Dignity**

Wednesday, January 22, 2014

Let's be clear: The appalling circumstances attendant upon the execution of Dennis McGuire in Ohio last week did not render capital punishment barbaric; they merely personified its inherent barbarity. We hope the New Hampshire Legislature will take note and finally repeal the state's death penalty in the firm conviction that it is morally repugnant for the state to take human life.

McGuire was put to death with a new and untested combination of drugs that took 25 minutes to perform its lethal work while he was gasping, snorting, choking and moving as though struggling — a result his defense attorneys had anticipated in an unsuccessful court filing that sought to block the execution. In opposing their motion, Ohio Assistant Attorney General Thomas Madden contended that while the Constitution bans cruel and unusual punishment, “you're not entitled to a pain-free execution.”

The family of Joy Stewart, the woman whom McGuire raped and murdered in 1989, issued a statement following the execution saying that whatever suffering McGuire endured, it paled in comparison to that which the victim went through. “He is being treated far more humanely than he treated her,” the family said.

Anyone who finds themselves in the position of the Stewart family certainly could feel justified in holding that view, and it is entirely understandable in view of the emotional pain and loss they have suffered. But the problem with it, along with Madden's argument, is that it asserts a kind of equivalence between an official act of the state and that of a brutal murderer. Inflicting less suffering than McGuire did does not render the act of putting him to death morally acceptable. This is perhaps reflected in what necessitated the use of the experimental combination of drugs in the first place — the European manufacturers of the drugs previously used have blocked their further sale for use in executions.

While all this was transpiring in Ohio, the New Hampshire House Criminal Justice and Public Safety Committee was holding a three-hour hearing on a bill that, for the third time in the past 13 years, attempts to repeal the state's death penalty law. New Hampshire is one of 32 states that allow capital punishment, although it has not executed anyone since 1939.

According to the Concord Monitor, members heard testimony from religious leaders, police officers, lawyers and family members of murder victims urging them to repeal the law. They discussed issues such as the high costs associated with imposing the death penalty, unfairness in deciding which defendants are sentenced to death, and the very real possibility that an innocent person will be wrongfully executed.

These are all powerful arguments in favor of abolition, but we found most compelling statements that focused on the moral compromise inherent in the death penalty.

Former Attorney General Phil McLaughlin told the committee that he had changed his mind on the issue after his son returned from serving in Iraq and told him, “Our government shouldn’t kill its own people.”

And the Rev. A. Robert Hirshfield, Episcopal bishop of New Hampshire, said that, “Repealing the death penalty is a way for the state to counteract and push back against the culture of violence. Whenever the death penalty is administered by the state, the dignity of all our citizens is diminished.”

In fact, the death penalty makes killers of us all. And that’s hard to live with.



## **Editorial: The death penalty isn't the answer**

November 11, 2013

The capital murder case of Michael Addison, 33, the man convicted of the 2006 shooting death of Manchester Police Officer Michael Briggs, has brought New Hampshire's death penalty law to the forefront of a wider national issue. Ray Dodge of Jaffrey, former Peterborough officer and Marlborough police chief, has spoken out against the death penalty recently, bringing his concerns all the way to the State House.

Dodge's position is made all the more compelling because of his strong ties to law enforcement, which has traditionally backed capital punishment in the killings of police officers. Dodge is a proponent of a bill legislators will vote on in January that would repeal the death penalty in New Hampshire. But it wouldn't affect Addison's case. The N.H. Supreme Court has upheld Addison's capital conviction, and is now reviewing his death sentence. If it too is upheld, Addison will be the first person executed in the state in almost 75 years.

This is an emotionally charged and sensitive subject from all perspectives. Some, an officer perhaps, might argue that killing Addison is just punishment for taking the life of a member of law enforcement, someone who puts his/her life on the line every day. Briggs was by all accounts an outstanding member of society. He was awarded the Congressional Law Enforcement Award in 2005, after having rescued residents from a burning building in 2004. They fear that taking the death penalty off the table will make killing police officers all too common, that there are no other deterrents to take the death penalty's place. They also say saving Addison would be a slap in the face, not only to every officer in the country, but also to Briggs' loved ones.

But from Dodge's perspective, as well as ours, the answers are not so simple. This issue goes far deeper than the battles between justice and compassion. It's also about a criminal justice system that nationally has far too often proven to be wrong in capital cases. Just look at recent history in Illinois, which in 2011 officially abolished its death penalty after a decade-long moratorium that saw clemency granted to all its death row inmates because of concerns about its process.

And there's the all-too-often unspoken question of a government's proper role. We find it hypocritical that the states with the deepest ties to the death penalty are also the one who most loudly call for smaller government. If government is not to be trusted to administer basic programs, how can it be given the power to execute?

We applaud Dodge for his political convictions, and we urge legislators to repeal the state's death penalty law.



## **Editorial: We support the repeal of death penalty in N.H.**

October 25, 2013

Hampton state Rep. Renny Cushing, whose father was murdered in 1988, officially launched a campaign Thursday to repeal the death penalty in New Hampshire.

Cushing was joined in Concord by the Catholic and Episcopal bishops, law enforcement representatives and crime victim advocates. We join them in voicing our support of death penalty repeal.

In our view, the death penalty is simply not justice. While we understand and respect the arguments in favor of putting to death those convicted of the worst capital crimes, we're convinced by the evidence that the damage capital punishment inflicts on society far outweighs the good.

We agree with Judge Walter Murphy, who served in 2009 as chairman of the Commission to Study the Death Penalty in New Hampshire.

"There is no assurance that the death penalty does what its advocates claim is its purpose; nor is there any reason to believe it is necessary for public safety," Murphy wrote in the commission's final report. "The alternative, that is, life without the possibility of parole, offers the same protection without the attendant risks of mistakes and without the vast expense both monetary and otherwise."

The arguments against the death penalty are too numerous to fully list, but the following are four top reasons to repeal:

New Hampshire's 2009 commission report revealed that improvements in DNA testing have shown many people on death row were wrongly convicted and 17 cases "where a condemned defendant was exonerated by DNA evidence." The Innocence Project reports more than 200 wrongful convictions in capital cases over the past two decades. The Death Penalty Information Center reports that 138 individuals have been released from death row since 1973.

One of those wrongly convicted, Kirk Bloodsworth, recently visited the Seacoast and shared his story with audiences at the University of New Hampshire, Winnacunnet High School and Christ Episcopal Church in Portsmouth.

A former U.S. Marine, Bloodsworth was convicted of murdering a child in the mid-1980s. In 1992, evidence was DNA-tested and proved he could not have been the killer. He was released and pardoned in 1993, and the state of Maryland paid him restitution of \$300,000.

“If it can happen to an honorably discharged Marine without a criminal record, it can happen to anyone,” Bloodsworth said.

The justice system is not infallible. The death penalty removes the possibility of correcting miscarriages of justice.

Because the legal threshold is so high, putting someone to death is also far more expensive than putting them in prison for life without the possibility of parole. Judge Murphy notes that to date, \$4 million has been spent prosecuting and fighting the appeals of the state’s only death row inmate, Michael Addison, who was convicted of killing a Manchester police officer in 2006.

Because New Hampshire has not put anyone to death since 1939, it would also be required to build a new capital punishment facility estimated at \$1.5 million. While putting someone in prison for life is expensive, the commission found it is far less expensive than the death penalty. We would rather see that money go to support the families of murder victims or, as Judge Murphy suggests, adequately fund the state’s cold case unit to find criminals who have literally gotten away with murder.

Many of the most outspoken death penalty critics are, like Cushing, family members of murder victims. They testify that the lengthy legal process prevents them from healing and that they do not want more blood spilled in their name.

Finally, the commission received no convincing evidence that capital punishment deters crime.

Because the risk of error is too high, the cost is exorbitant, it doesn’t help victims heal and has not been proven a deterrent to crime, we support repeal of the death penalty in New Hampshire.