

OREGONIANS FOR ALTERNATIVES TO THE DEATH PENALTY

Justice

Many people feel that killing convicted murderers will satisfy their need for justice, revenge or retribution. They feel that certain crimes are so heinous that execution of the criminal is the only reasonable response.

The scales of justice show two cups balanced, symbolizing equal treatment under the law. The administration of the death penalty is anything but fair, balanced and equitable. The death penalty, as used in this country, is biased against the poor and people of color. Fairness is not always practiced when it comes to the death penalty.

The administration of the death penalty is carried out by human beings. Humans make mistakes. There have been 142 people exonerated from death row in these United States, since 1976, as of a result of mistakes being corrected before the convicted person was executed. While DNA has played an important role in 19 of those cases, judicial errors, inadequate defense, prosecutorial misconduct, false testimony, forced confessions and eventual confessions by the real killer also are cited in the correction of those mistakes. Inequality in defense, in jury selection and in prosecution lead to a system that cannot be considered "just" and "fair".

Less than 2% of those tried and convicted of aggravated murder receive a death penalty. Those that do get a death penalty are overwhelmingly poor and a disproportionate percentage is people of color.

Juries made up of mostly white males convict people of color at a much higher rate than cases involving a white person killing a person of color or a victim or perpetrator of the same race.

In addition to race being an unfair factor, "place" is also a source of inequality in the administration of the death penalty. The same crime can be committed in one state with a death penalty or a state without a death penalty. They are not handled in the same manner. A crime committed in a county with a prosecutor who seldom pursues a death penalty will be treated differently than the same crime committed in a county with a politically ambitious, "tough on crime", prosecutor.

Another element that causes an imbalance in outcomes in death penalty eligible cases is the fact that there is no consideration of "comparative proportionality", or comparison of one murder to another. If the death penalty is supposed to be saved for the "worst of the worst", there is really no way to determine who they may be. There are glaring examples on Oregon's death row supporting this point. All murders are totally repugnant. Justice would provide that all those convicted of aggravated murder be treated in a similar fashion.

Unlike many states Oregon does not require prosecutors to exercise any discretion with regard to the death penalty decision. Instead, the death penalty is an option once aggravated murder charges are filed.