



LEAGUE OF WOMEN VOTERS®
OF LINCOLN-LANCASTER COUNTY

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The League of Women Voters of Lincoln and Lancaster County Supports Abolition of the Death Penalty in Nebraska

We believe the State of Nebraska should not be executing or threatening to execute its own people. Almost all developed countries of the world have already abolished the death penalty. The League of Women Voters of Lincoln and Lancaster County joins the call for abolition of the death penalty.

Our reasons for urging abolition of the death penalty:

1. The death penalty is applied arbitrarily.
2. Innocent people have been convicted and executed in Nebraska
3. The costs associated with trying and executing an individual greatly exceed the cost of life sentences without parole.
4. Repeated studies regarding the death penalty have shown that the death penalty is no more a deterrent than life imprisonment without parole.

The League of Women Voters of Lincoln and Lancaster County concurs with the National League of Women Voters of the United States and the League of Women Voters of Illinois' position on abolition of the death penalty and joins with the following states in concurrence: Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, and Wisconsin.

This position was adopted by a concurrence process February 11, 2016. It was further reviewed and approved at the Lincoln/Lancaster Annual General Membership Meeting on April 30, 2016 to be consistent with the LWWNE position statement and to be incorporated into the League of Women Voters of Lincoln and Lancaster County [Impact on Issues](#).

Supporting documentation and references can be found at our website www.lincolnleague.org

1. The Death Penalty is Applied Arbitrarily.

The death penalty has never been applied fairly across race, class, and gender lines. Who is sentenced to die often depends on the attitudes of prosecutors, where one is tried, the prejudices of judges and juries, and the abilities and commitment of the defense attorneys according to the American Civil Liberties Union.

- Defendants who kill white people are far more likely to get the death penalty than those who kill black people. Studies show that, holding all other factors constant, the single most reliable predictor of whether someone will be sentenced to death is the race of the victim.
- From initial charging, decisions from plea bargaining to jury sentencing, African-Americans are treated more harshly when they are defendants, and their lives are accorded less value when they are victims.
- Defendants continue to be convicted and sentenced to death based on such arbitrary factors as: their socioeconomic status and the socioeconomic status of the victim; their race and the race of the victim; where the crime occurred; or the poor quality of their counsel. Many death row inmates clearly suffer from mental retardation or mental illness.
- A recent study released by the Death Penalty Information Center found only two percent of the counties in the US have been responsible for the majority of cases leading to executions since 1976.
- According to Amnesty International there are several factors contributing to the arbitrariness of the death penalty:
 - Almost all death row inmates could not afford their own attorney at trial. Court-appointed attorneys often lack the experience necessary for capital trials and are overworked and underpaid.
 - Prosecutors seek the death penalty far more frequently when the victim of a homicide is white.
 - Co-defendants charged with committing the same crime often receive different punishments, where one defendant may receive a death sentence while another receives prison time.
 - Approximately two percent of those convicted of crimes that make them eligible for the death penalty actually receive a death sentence.
 - Each prosecutor decides whether or not to seek the death penalty. Local politics, the location of the crime, plea bargaining, and pure chance affect the process and make it a lottery of who lives and who dies.

2. Innocent Persons Have Been Executed.

The wrongful execution of an innocent person is an injustice that can never be rectified.

Since 1973, 156 individuals on death row in the US have been found to be innocent and released. In other words, for every 10 people we executed, one person was set free. There is no way to know how many of the executed individuals may also have been innocent.

- From 1973-1999, there was an average of three exonerations per year. From 2000-2011, there was an average of five exonerations per year.

- In Nebraska, there have been a number of wrongful convictions, executions and sentences:
 1. William Marion was executed in Gage County in 1887. He was convicted on circumstantial evidence of murdering John Cameron, his business partner. Four years after Marion's execution his partner was found alive and living in Kansas.
 2. Mead Shumway was executed in 1909 for crushing the skull of a Gage County farmwoman. Three years after the execution, another man allegedly confessed on his deathbed to killing the woman.
 3. In 1999, Jerry Simpson and Clarence Victor were taken off of Nebraska's death row because their IQs were less than 70. It is now unconstitutional to execute people with developmental disabilities.
 4. In 2000, the Nebraska Supreme Court vacated the death sentence of Randy Reeves because the court sentenced him with improper procedures. Reeves had been sentenced to death for the drug-induced murder of Janet Mesner and Victoria Lamm in Lincoln in 1980. Reeves was sentenced to two life terms instead.
 5. In 2001, Peter Hochstein and Michael Anderson were taken off death row and given life in prison because their sentencing judicial panels could not reach a unanimous decision to impose the death sentence. Anderson and Hochstein were sentenced to death for the 1975 murder for hire of an Omaha businessman.

3. Death Penalty Cases Cost More Than Life Without Parole.

Executions are carried out at staggering cost to taxpayers. Several death penalty states, including Nebraska, have conducted studies, comparing the costs of death penalty versus life sentences. These studies have consistently found the costs of adjudicating death penalty sentences greatly exceed cases in which a life sentence is sought.

Nebraska Studies have shown the average death penalty case costs \$3 million to prosecute. According to the Nebraska Department of Correctional Services, it costs an average of about \$36,000 per year to keep a person in a maximum security prison. That means that over 25 years, Nebraska would spend \$900,000 to house an inmate.

Since 1976, when the U.S. Supreme Court affirmed the constitutionality of capital punishment, Nebraska has spent an estimated \$100 million on death penalty cases resulting in three executions,

Before a death sentence may be imposed in Nebraska, a capital case essentially goes through three trials: the guilt/innocence phase; a hearing to determine if the killing was particularly heinous; and a sentencing hearing. Without the death penalty, the costs involved in the two additional trials are eliminated and subsequent appellate litigation to correct serious error and constitutional defect that may have occurred in the second and third phases.

Washington A Seattle University study found the costs of death penalty cases in the state of Washington were an average of \$1 million more than similar cases where the death penalty was not sought (\$3.07 million versus \$2.01 million).

Nevada A study commissioned by the Nevada legislature found the average death penalty case costs \$500,000 more than a case in which the death penalty is not sought.

Kansas Based on 34 potential death penalty cases from 2004-2011, defending a death penalty case cost about four times more than defending a case where the death penalty is not sought, according to a study by the Kansas Judicial Council.

California The additional cost of confining an inmate to death row, as compared to the maximum security prisons where those sentenced to life without possibility of parole ordinarily serve their sentences is \$90,000 per year per inmate. With California's current death row population of 670, that accounts for \$63.3 million annually.

Maryland A 2008 study released by the Urban Institute forecasts the lifetime cost to taxpayers for the capitally-prosecuted cases in Maryland since 1978 will be \$186 million. That translates to \$37.2 million for each of the state's five executions since Maryland reinstated the death penalty. The study estimates the average cost to Maryland taxpayers for reaching a single death sentence is \$3 million, \$1.9 million more than the cost of a non-death penalty case; this includes investigation, trial, appeals, and incarceration costs.

Federal Cases The average cost of trying a federal death penalty case is \$620,932, about eight times than a federal murder case in which the death penalty is not sought.

4. The Death Penalty Is Not a Deterrent.

There is no credible evidence capital punishment deters crime. Scientific studies conducted worldwide have consistently failed to demonstrate that executions deter people from committing crime compared to long prison sentences. Moreover, in the United States, states without the death penalty, on average, have lower murder rates. Regionally within the United States reflect the same trend: the South accounts for more than 80 percent of US executions and has the highest regional murder rate.

Year	Murder Rate Per 100,000		
	Death Penalty States	No Death Penalty States	Nebraska
2014	4.7	3.8	2.9
2013	4.4	3.4	3.1
2012	4.7	3.7	2.8
2011	4.7	3.1	3.7
2010	4.6	2.9	3
2009	4.9	2.8	2.3
2008	5.2	3.3	3.8

- There has not been an execution in Nebraska since Robert Williams was executed at the Nebraska Penitentiary on December 2, 1997 for crimes committed twenty years earlier
- The death penalty has been completely abolished in all European countries, except Belarus. Despite abolishing the death penalty, the murder rate in European countries is substantially lower than in the US and other parts of the world where the death penalty is still in use. The United States remains in the same company as Iraq, Iran, North Korea, and China as one of the major advocates and users of capital punishment.
- Based on criminologists' research there are reasons to doubt criminals change their behavior to avoid the risk of execution. Often it is found killers are not in a state of mind to coolly evaluate their chances of being caught, tried and put to death, especially since appeals can continue for many years and only about half of those sentenced to death are eventually executed. Research suggests criminals are mainly concerned about whether they will be caught, not what might happen to them afterward. "It's the certainty of apprehension that's been demonstrated consistently to be an effective deterrent, not the severity of the ensuing consequences," according to Daniel Nagin, professor at Carnegie Mellon University.

Source Materials

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 - b. "Facts About the Death Penalty" Death Penalty Information Center, 2015, <http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>
 - c. "History Not on the Side of Death Penalty Repeal" Bill Kelly, Senior Producer, Nebraska Educational Television, NET News, 2015, <http://netnebraska.org/article/news/history-not-side-death-penalty-repeal-nebraska>
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 - a. "1887 Hanging Remains Nebraska's Most Controversial Execution", Bill Kelly, Senior Producer, Nebraska Educational Television, NET News, 2015 <http://netnebraska.org/article/news/1887-hanging-remains-nebraskas-most-controversial-execution>
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 - f. "Execution by Electrocutation" by Tim Dempsey <http://timdempsey.net/Execution%20by>

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