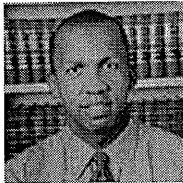


## Protecting Human Rights From Death



by **Bryan Stevenson**

One day, the fog of fear and anger will lift enough in America for capital punishment to be abolished. Perhaps on this clearer day, we'll reconcile our rhetoric about human rights and compassion with mass incarceration, torture and excessive punishment. Maybe we will reject the arrogance that justifies executions simply because our government believes it has the power to kill. Most likely, an improved climate will expose the bizarre bureaucracy of state-sanctioned killing as an unreliable, inaccurate and profoundly unfair system that is simply too costly and burdensome to continue. However the day comes—and it will come—I hope we get there soon. The longer we tolerate the mistakes, discrimination and abuse of power that characterize the modern death penalty, the more we sustain a legacy of indecent brutality that compromises the evolution of human rights in this country and around the world.

In the United States many politicians glory in their power to execute condemned prisoners. All the while, we forfeit reliability in criminal adjudications for speed and political expediency with shocking consequences. American states and the federal government have electrocuted, gassed, shot, lethally poisoned and hanged more than 1000 U.S. prisoners in the last 25 years. However, for every eight people who have been executed during the modern era, one innocent person on death row has been identified, exonerated and released. It is a rate of error that shocks the conscience.

We have a criminal justice system in America that treats you better if you are rich and guilty than if you are poor and innocent. There is no recognized federal constitutional right to counsel for the 3500 condemned U.S. prisoners currently sentenced to die, who must pursue crucial postconviction appeals to prevent wrongful executions. The American Bar Association has declared that there should be a moratorium on executions in the United States because of widespread problems with indigent defense. The ABA took this position after reviewing the quality of defense services provided to capital defendants who are mostly poor. They concluded that defense lawyers in many capital jurisdictions were grossly underpaid, lacked training, standards and the necessary skills for death penalty litigation.

In too many states, capital defendants have been represented by attorneys whose compensation is capped at less than \$1000 a case. In some rural areas in Texas, lawyers have received no more than \$800 to handle a capital case. A study in Virginia found that, after taking into account an attorney's overhead expenses, the effective hourly rate paid to counsel representing a capital defendant was \$13. Why are states permitted to execute prisoners when they provide the indigent with lawyers who are asleep, drunk or otherwise impaired during the trial? If states cannot first provide indigent defendants adequate legal representation, they do not deserve to carry out executions.

It is in the face of these realities that we must recognize that capital punishment no longer presents the question of who deserves to die for their crimes. The question we must confront is does the government deserve to needlessly kill its people? State and local governments claim the power and authority to kill without acknowledging the limitations, the mistakes, the unreliability and failures that are a part of the modern criminal justice system.

Eighty percent of all executions in America have taken place in the states of the old Confederacy where we have never addressed the legacy of lynching and racially motivated terrorism that gave birth to the modern death penalty. Even now in states like Alabama, where 80% of all condemned prisoners have been sentenced to death for crimes involving victims who are white, despite the fact that 65% of all murder victims are black, too few people question whether this state, or other similarly situated American jurisdictions, should be allowed to execute people when the history of racist administration of criminal justice remains unresolved. We expect organized government to overcome human rights violations of the past, not repeat them. Meanwhile, discriminatory law enforcement and bias contribute to one out of three black men between the ages of 18-30 ending up in jail, prison or some form of criminal justice system control.

In America, crime control and punishment policy is incident-driven, fueled by an unseemly enthusiasm for harsh and reactionary responses. A vast and over-eager system of incarceration has created the highest rate of incarceration in the world. Unspeakable crimes have inspired unspeakable punishments in a hopeless cycle that defies almost everything that represents justice and rehabilitation. We've been so corrupted by capital punishment that we sentence fourteen year-old children to life imprisonment without parole and herald these sentences as compassionate alternatives to death by execution.

It's time for change. The death penalty is a lie, a misguided mistake born of anger and frustration. Capital punishment has become a perverse monument to inequality, to how some lives matter and others do not. It is a violent example of how we protect and value the rich and abandon and devalue the poor. The death penalty is a grim, disturbing shadow formed by the legacy of racial apartheid and bias against the poor that condemns the disfavored among us, but corrupts us all. It's the perverse symbol elected officials use to strengthen their 'tough on crime' reputations and distract us from confronting the causes of violence. It is finally the enemy of grace, redemption and all of us who recognize that each person is more than their worse act.

No one is just the crime they commit, the lie they tell, the mistake, accident or misjudgment they make. The modern human rights movement is rooted in the basic notion that every person must be afforded some measure of dignity and worth. When we fail to recognize the dignity of any human being we risk the humanity of us all. The lowest of the low, the wretched, the despised and rejected, the condemned and reviled, none can be excluded from the 'moral arc of the universe' if it is to bend toward justice. The human condition requires that individuals be guided by laws that transcend the weakness of anger, fear and human emotion. Punishment must be rooted in a vision of justice that inspires, rehabilitates and esteems humankind. Killing someone to prove that killing is wrong is the illogical, ill-conceived response of people who have power but no vision.

America must ultimately be judged by how we treat our poor, the disadvantaged, the imprisoned and condemned, not by how well we provide for the rich, the privileged and the elite. The fog will lift. We've banned the execution of juveniles and the mentally retarded. Death sentences are down and awareness of wrongful executions and convictions is up. There is a growing demand that we be more sincere, credible and thoughtful in our leadership of human rights. Fortunately, the hope, vision and dedication necessary to make change doesn't belong to the elite, the elected and the powerful, but it resides with anyone willing to struggle and be a witness for human dignity.

A clearer day is coming. The death penalty will be abolished.