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7610 Cougar Creek Cir.
Las Vegas, NV 89123
February 12, 2003

Mr. Bernie Anderson, Chair
Assembly Judiciary Committee

Re: AB 15, Abolition of Death Penalty for Mentally Retarded

We are all aware that George Ryan, former governor of Illinois, has changed the debate over capital punishment in the United States. In essence, he ignored the moral and philosophical questions that have marked the debate and focused only on the pragmatic issues. The result was that he commuted sentences because a government program of capital punishment doesn't work. He explained that the death penalty system is so flawed that it should be shut down. He reached his conclusions on the basis of the facts of Illinois' situation: since 1977, 12 people have been executed while 17 death row inmates were found innocent and released.

The more we learn, the more we realize that the death penalty doesn't work; and this is prior to any moral argument opposing the death penalty. It is becoming more and more clear that:

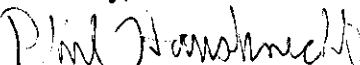
1. the death penalty is arbitrary and unfair; race, gender, politics, poverty and even geography may unjustly determine the outcome of a case;
2. the death penalty is not a deterrent to additional capital crime; "a recent 20-year survey found that the homicide rate in states with the death penalty is 50 to 100% higher than in states without the death penalty (brochure, Nevada Coalition Against the Death Penalty, 2003);
3. the death penalty is more costly than imposing a life sentence without parole, and thus diverts public monies that could be used in prevention through education, health care, and TANF support;
4. the death penalty in the U.S. violates the very right to life that the U.S. supports through the United Nations Declaration of Human Rights; the U.S. is the only Western country that still imposes the death penalty.

To this mounting evidence of the unfairness of the death penalty, I would like to add that I doubt that any Legislature can fairly determine the basis for imposing the death penalty in cases of mental retardation. Who can decide a just definition of mental retardation that fits every situation? In fact, we may all be guilty as we contribute to mental retardation by not providing pre-natal care for each pregnant mother, for not providing sufficient nutrition for each infant, for not providing affordable and accessible health care for every child, for not providing parenting skills education in order to prevent domestic abuse.

The next step is for the legislature to hear the moral and religious argument that no human system can be free of the demon of human error and that no error can be tolerated when a human life is involved. Because of the Evangelical Lutheran Church in America's commitment to justice we oppose the death penalty for any person, and particularly for any person even suspected of having mental retardation. We would be a better society by joining the many nations that have already abolished capital punishment (ELCA Social Statement, 1991). With the backing of this fourth largest Protestant denomination in America, I urge you to act to abolish the death penalty in Nevada for the mentally retarded.

Thank you for your attention to this request.

Sincerely,



Rev. Phil Hausknecht, Ph.D. <drphilah@earthlink.net>
Pres., Lutheran Advocacy Ministry in Nevada (a member of RAIN)
(702) 837-6176