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REMARKS

"ABOLISHING THE DEATH PENALTY"

IN SUPPORT OF SENATE BILL ~~214~~ 217

ASSEMBLYMAN BERNIE ANDERSON

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE. I AM ASSEMBLYMAN BERNIE ANDERSON, REPRESENTING ASSEMBLY DISTRICT 31. I AM SPEAKING TODAY IN SUPPORT, AND AS A JOINT-SPONSOR, OF SENATE BILL ~~214~~ 217

IN KEEPING MY COMMENTS BRIEF, I SIMPLY WISH TO DRAW YOUR ATTENTION TO WHY THE DEATH PENALTY DOES NOT WORK. BEYOND THE MORAL ARGUMENTS, IT HAS BECOME APPARENT THAT THE CURRENT SYSTEM IS ANTIQUATED AND FAILS THE CITIZENS OF OUR STATE.

OVERVIEW

- THERE ARE CURRENTLY ⁸⁴~~83~~ PEOPLE ON DEATH ROW IN NEVADA. THESE PEOPLE HAVE BEEN CONVICTED OF FIRST DEGREE MURDER WITH AGGRAVATING CIRCUMSTANCES.

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- THESE 88 PEOPLE DO NOT JUSTIFY A SYSTEM THAT COSTS MILLIONS OF DOLLARS, IS WROUGHT WITH ERROR, AND IS APPLIED UNFAIRLY ACROSS RACIAL AND ECONOMIC LINES.
- ABOLISHING THE DEATH PENALTY, IS NOT A SOFT ON CRIME APPROACH!
- I BELIEVE THAT PEOPLE WHO COMMIT FIRST DEGREE MURDER WITH AGGRAVATING CIRCUMSTANCES DO REPRESENT A DANGER TO SOCIETY AND SHOULD SPEND THE REST OF THEIR LIVES BEHIND BARS.
- LIFE WITHOUT THE POSSIBILITY OF PAROLE IS A GREATER PUNISHMENT, IN TERMS OF LOSS OF FREEDOM FOR THE REST OF ONE'S LIFE, THAN MANY OF US CAN IMAGINE.

COSTS

- ACCORDING TO NUMEROUS JOURNAL AND RESEARCH PUBLICATIONS — THE TRIAL, APPEALS, INCARCERATION, AND EXECUTION OF DEATH PENALTY CASES COSTS FROM \$2.5 TO \$5 MILLION DOLLARS PER INMATE. THIS IS COMPARED TO LESS THAN \$1 MILLION FOR EACH PERSON SENTENCED TO LIFE WITHOUT PAROLE.
- NEVADA'S DEPARTMENT OF PRISONS HAS INDICATED THAT THE ANNUAL OPERATING COST PER INMATE AT ELY STATE PRISON

FOR FISCAL YEAR 2000 IS \$18,929. IF YOU MULTIPLY \$18,929 TIMES 40 YEARS, A ROUGH ESTIMATE OF THE COST TO INCARCERATE A PERSON FOR LIFE IS \$760,000. THIS FIGURE REPRESENTS A FRACTION OF THE TOTAL RESOURCES SPENT ON ATTORNEYS AND THE COURT SYSTEM TO SEND A PERSON TO EXECUTION.

- CAPITAL TRIALS REQUIRE MUCH GREATER RESOURCES, WITH NUMEROUS ATTORNEYS EMPLOYED BY THE PROSECUTION AND DEFENSE.
- FURTHER, IN ORDER TO SEND A PERSON FROM FIRST TRIAL TO THE EXECUTION CHAMBER, THERE ARE SEVERAL LEVELS OF STATE AND FEDERAL APPEALS, ALONG WITH PARDONS CONSIDERATIONS, WHICH ALL REPRESENT THE STATE'S TIME AND MONEY.

ERROR RATES IN CAPITAL CASES

- A RECENT COLUMBIA UNIVERSITY STUDY INDICATED THAT THE JUDICIAL SYSTEM MAKES SERIOUS AND REVERSIBLE ERRORS ABOUT 70 PERCENT OF THE TIME IN CAPITAL CASES. THIS STAGGERING ERROR RATE RESULTS IN NUMEROUS RE-TRIALS AND FURTHER ADDED COSTS.
- I BELIEVE THAT THIS IS A GROSS MISCARRIAGE OF JUSTICE AND A SIGNIFICANT WASTE OF TAXPAYER DOLLARS.

- IN ILLINOIS, THERE HAVE BEEN SO MANY ERRORS FOUND IN THE TRIAL SYSTEM, WITH 13 EXONERATIONS, THAT THE DISPARITY RECENTLY LED REPUBLICAN ILLINOIS GOVERNOR GEORGE RYAN TO DECLARE A MORATORIUM ON ALL DEATH PENALTY CASES.
- IN JULY OF 2000, CITING ERROR RATES AND RACIAL BIAS, AMONG OTHER FACTORS, THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION CALLED FOR A SUSPENSION OF EXECUTIONS.

DNA EVIDENCE

- MOVING BEYOND THE FINANCIAL FIGURES, THERE IS AN ALARMING POSSIBILITY THAT A SYSTEM FILLED WITH ERRORS, MAY WRONGLY EXECUTE AN INNOCENT PERSON.
- RECENT ADVANCEMENTS IN DNA TESTING TECHNOLOGY HAVE LED TO THE EXONERATION OF AT LEAST ¹⁰ ~~9~~ DEATH ROW INMATES ACROSS THE NATION.

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DETERRENCE

- IN REGARDS TO DETERRENCE, NUMEROUS STUDIES HAVE INDICATED THAT THE DEATH PENALTY IS NOT A DETERRENT TO VIOLENT CRIME.

- FIGURES RELEASED BY THE BUREAU OF JUSTICE STATISTICS INDICATE THAT MURDER RATES IN STATES WITH THE DEATH PENALTY ARE NOT LOWER, AND MAY ACTUALLY BE HIGHER, THAN STATES WITHOUT THE DEATH PENALTY.

ECONOMIC STATUS AND RACE

- FURTHER, RESEARCH HAS SHOWN THE DEATH PENALTY UNJUSTLY SINGLES OUT LOWER INCOME PERSONS AND MINORITIES, AND THE DEATH PENALTY IS NOT ENFORCED EQUALLY ACROSS THE BOARD.
- APPROXIMATELY HALF OF NEVADA'S INMATES ON DEATH ROW ARE OF A RACIAL MINORITY. WELL OVER ONE-THIRD ARE AFRICAN AMERICAN.
- A SEPTEMBER 2000 REPORT BY THE U.S. DEPARTMENT OF JUSTICE, INDICATED THAT 80 PERCENT OF THE CASES SUBMITTED BY FEDERAL PROSECUTORS FOR DEATH PENALTY REVIEW HAVE INVOLVED RACIAL MINORITIES AS DEFENDANTS. IN MORE THAN HALF OF THOSE CASES, THE DEFENDANT WAS AFRICAN AMERICAN.

DECLINING PUBLIC SUPPORT

- PUBLIC CONFIDENCE IN THE DEATH PENALTY HAS REACHED A 19-YEAR LOW.
- ACCORDING TO AN *ABCNEWS.COM* SURVEY, SUPPORT FOR THE DEATH PENALTY DROPS TO BELOW 50 PERCENT WHEN THE ALTERNATIVE PUNISHMENT OF LIFE IN PRISON WITHOUT PAROLE IS OFFERED.
- RESEARCH INDICATES THAT 64 PERCENT OF ALL AMERICANS NOW SUPPORT A MORATORIUM ON CAPITAL PUNISHMENT.
- A FEBRUARY 2000 GALLUP POLL SHOWED THAT 65 PERCENT OF AMERICANS BELIEVE THAT A POOR PERSON IS MORE LIKELY TO RECEIVE THE DEATH PENALTY.
- A *CNN/USA TODAY* GALLUP POLL SHOWS THAT ONLY A SLIM MAJORITY, 51 PERCENT OF AMERICANS, BELIEVE THAT THE DEATH PENALTY IS APPLIED FAIRLY.

CONCLUDING REMARKS

BASED ON STATEMENTS THAT I HAVE MADE TODAY, IT IS APPARENT THAT SOMETHING MUST BE DONE. IT IS TIME FOR THIS BODY TO TAKE A STEP FORWARD — TO REACT TO NOT ONLY PUBLIC OPINION AND THE CONCERNS OF OUR CITIZENS, BUT TO

THE FACT THAT THE DEATH PENALTY DOES NOT WORK. IT IS
TIME TO ABOLISH THIS SYSTEM THAT FAILS OUR SOCIETY AND
PROMOTES INJUSTICE.

THANK YOU.

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