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To: Members of the Nevada State Senate Judiciary Committee
Submitted as Testimony for SB 217 Abolition of Capital Punishment, 3-12-03

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About 2,500 years ago, in a faraway place, lived a man named Kong Tzu (Confucius), a noted teacher. A major political leader asked him to authorize capital punishment. This leader said, "Suppose I were to kill the bad to help the good; how about that?" Confucius responded, "You are supposed to govern, not to kill. If you yourself desire what is good, the people will be good..."¹

Did you know that in Nevada there has been public discussion about the worth of the death penalty these past two years? Do you know that in the non-violent movement of Dr. Martin Luther King, Jr., the death penalty was considered unfair and it was opposed? Do you realize that the death penalty in Nevada relates to many other social justice issues? Did you know that some of the unfair issues of the death penalty will be considered in this upcoming legislative session starting February 3, 2003 in Carson City?

Considering these questions I believe that:

- The death penalty is unfair.
It targets people in poverty;
It is racist in its implementation; a majority of people executed are people of color,
Some have been executed who were found innocent later.²
- The death penalty plays God.
In the past 5 years the U.S. has executed more juveniles than the rest of the world combined, preventing them from ongoing opportunity to repent and know God's forgiveness; and contribute back to society.
We execute the mentally retarded even though they may not know what they did.

¹ Confucius' Analects

² Poverty: It is estimated that over 90% of death row inmates cannot afford their own attorney. The result is that people in poverty are more often given the death sentence whereas more affluent people who can afford to hire a lawyer more often escape such sentence.

Racism: In general, if a white person kills an African-American the sentence is life imprisonment. But if an African-American kills a white person, the sentence is more likely to be execution.

Innocence: Since 1973, over 100 people have been released from death row in the United States after evidence of their wrongful conviction was permitted to be presented. With DNA testing now available the number of people being found wrongly convicted who are innocent is increasing. Nevada has yet to require DNA testing in all capital cases.

It is a permanent judgment that does not provide closure for families and friends of the victim instead of seeking the closure of forgiveness.³

- The death penalty is immoral:

Capital punishment is more expensive than life in prison without parole, taking away budget funding for health care, education, reducing poverty.

It is not a deterrent; states with capital punishment have higher rates of homicides than states without capital punishment.

It does not make us a moral world leader; instead it puts us with the "Axis of Evil" – Iran, Iraq, North Korea which still utilize capital punishment. It is said that the U.S. is the only major Western nation that still implements the death penalty.⁴

The death penalty is also violence. The Rev. Dr. Martin Luther King, Jr. said, "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it.... Through violence you may murder the hater, but you do not murder hate. In fact, violence merely increases hate.... Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out hate; only love can do that."

As people of faith should we not stand with the Rev. Dr. King to ignite the dream and pass it on? Seek to erase poverty in our community? Stand with Dr. King's ideals and work to eliminate racism in any form in our communities? Model for our youth to help them grow to maturity in faith? Teach non-violence to our children in the spirit of Dr. King? Forgive our enemies so that we all may learn to live in peace? Be good stewards of our resources to use them to benefit anyone in need? Provide healing in our community? And, abolish the death penalty?⁵

3. Juveniles: Since 2000 only four countries in the world are known to have executed juveniles: the Congo, Iran, Pakistan, and the United States. In the past five years the U.S. has executed 12 juveniles, more than the total of the rest of the world. Closure: As an act of revenge, the death penalty is thought to bring closure for the family and friends of the victim. However, many victims' families testify that they do not want another life taken; many testify that without forgiveness there is no closure. Loretta Scott King did not want the murderer of Dr. King to be executed.

4. Nevada has executed 12 juveniles since 1973; one juvenile is currently on death row in Nevada. Nevada, anyone age 16 and older can be executed. This punishment is permanent and removes ongoing opportunity for each youth to repent and know God's forgiveness.

⁵ Mentally Retarded: On November 20, the Nevada Supreme Court commuted the sentence of a person who was mentally retarded. The U.S. Supreme Court ruled that execution of the mentally ill is cruel and unusual punishment in June 2002. However, it is up to states to determine who is mentally regarded. Nevada has not committed to abolishing the execution of mentally retarded.

Cost: Capital punishment is far more expensive than the penalty of a life sentence. In Florida for example, each execution costs the state \$3.2 million compared with the cost of \$600,000 for a sentence of life without parole in prison. These funds are thus not available to assist in other urgent areas of social need such as health, education, food, shelter and transportation.

Deterrence: A New York Times survey released in September 2000 indicated that during the past twenty years, the homicide rate among states with the death penalty has been 48- 101% higher than in states without the death penalty. FBI data show that 10 of the 12 states without capital punishment

have homicide rates below the national average. Nevada is said to have more inmates per capita than any other state and is a death penalty state with rising homicide rates.

Comparison: The United States may be the only Western democracy that continues to implement the death penalty. The U.S. stands with the "Axis of evil", countries of China, Iran, Iraq, and North Korea in its continued use of the death penalty. We are third only to China and the Democratic Republic of Congo in total number of executions since 1998. What does this say about the Judeo-Christian and religious role of life in the U.S.? What kind of role model are we for the rest of the peoples of the world?