

Talking Points

Why Repeal of the Death Penalty?

- **Repeal is a non-partisan issue.** While conservatives are leading the movement in Kansas, there is significant support among liberals, progressives, libertarians and Tea Party members.
- **For many, repeal is a religious, ethical or philosophical matter.** Many denominations have a statement against the death penalty (see helpful links page.) Many people know that in the way it is actually used and carried out, the death penalty is highly discriminatory. Many know that like any human system, it has flaws. Philosophically, many people view use of the death penalty as a horrible example of over-reaching, too-large, or too-controlling government.
- **Repeal will protect victim's families from reliving trauma** as appeals work their way through the judicial branch.
- **Repeal will protect innocent people from being executed** for crimes they did not commit.
- **The death penalty is not a deterrent;** in fact, many states without the death penalty have lower murder rates. In 2012 the National Research Council of the National Academies published their review of three decades of research and found that no evidence links the death penalty to higher or lower crime rates.
- **Valuable tax dollars can be saved with the repeal of the death penalty** and those tax dollars can be put to better use. There are significant costs associated with having a death penalty.
- **Repeal is part of promoting a culture of life.** When alternative punishments are available to keep society secure, like life in prison without parole, the death penalty is unnecessary and incompatible with protecting the sanctity of life.
- **Repeal and replace the death penalty with a life sentence without parole.** A life without parole sentence is viewed by many, as a harsher and more punitive option.

Why the Death Penalty should be Abolished

- **Criminologists agree that there is no evidence that the death penalty leads to lower murder rates.** For a sentence to have a deterrent effect, it needs to be swift and certain. The death penalty is neither.
- **The system is not foolproof.** While DNA helped exonerate some individuals, such evidence is only available in 5%-10% of murder cases.
- **Having a death penalty creates the risk of executing an innocent person.** Since 1973, 142 persons who were wrongfully convicted and sentenced to death have been exonerated (that is, proved innocent and set free) nationwide.
- **The justice system is subject to human error.** The same mistakes that take place elsewhere do occur in Kansas. Eddie Lowery and Joe Jones are two examples of serious felony exonerations – Eddie and Joe spent a combined 28 years serving sentences for crimes they did not commit.
- **The death penalty is applied inconsistently** - The likelihood of a person receiving a **death sentence varies depending on where they live, their economic status, their gender, and their racial/ethnic background, and the racial/ethnic background of the victim.** In Kansas, half of the death sentences since 1994 were in Sedgwick County. A similar crime committed elsewhere in the state is less likely to receive a death sentence.
- The money spent on the death penalty could be better spent on programs that make society safer. **Having the death penalty is an expensive and wasteful program without clear benefits.** Since reinstating the death penalty in 1994, Kansas has sentenced 13 individuals to death. There are currently 8 individuals facing the death penalty, and no executions have taken place since 1965, yet there are significant costs.
- **The death penalty fails victims' families** – while we spend millions of dollars on the death penalty, there are insufficient resources to support victims' families such as grief counseling, assistance with burial costs, and tuition support for children of murdered parents. Death penalty trials and appeals can last over a decade, often prolonging the grief and suffering of the victim's family, while non-death penalty cases are usually settled at the initial trial, and a life without parole sentence begins right away.
- **For those who respect life, the death penalty is problematic.** The death penalty puts innocent life at risk of execution. The death penalty also unnecessarily takes life when alternative measures are available to keep society secure.

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Kansas Coalition Against the Death Penalty

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How You Can Help the Push for Repeal

Here are just a few of the ways you can help:

- You can join the Writer's Bureau and write a Letter to the Editor or write opinion pieces for publication. Please contact Carolyn Zimmerman at cjzim@sbcglobal.net
- You can join KCADP! – there is no cost and you can join on our website – or call the office and we will add you to the list of members.
- You can make a donation to help our work. You can donate on-line on our website or send a check to the office.
- You can recruit others who will be members, who will contact legislators, speak at civic groups or churches.
- You can become a speaker – and speak to your church, your civic group or club. Contact your area organizer for a packet of information and help on getting started.
- You can contact your legislators to let them know you stand for repeal.
- You can educate everyone you know about the facts, the costs and the risks of having a death penalty in Kansas.

The Kansas Coalition Against the Death Penalty

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Common Misconceptions about the Death Penalty

Misconception: People believe that no innocent person could be executed and that guilt can be completely and accurately assessed. But the judicial system is flawed.

Fact: Over 142 persons have been exonerated and freed from a death sentence in the past 40 years. People whose guilt was in serious doubt have been executed.

Misconception: Many believe that DNA makes a false conviction impossible – and that DNA is available at every crime scene. This is not true.

Fact: DNA evidence is not available in all cases. Of the 142 individuals sentenced to death and later exonerated since 1973 in the US, DNA played a role in only 18 of these cases

Misconception: Saying that the death penalty deters criminals from committing a violent crime does not make it true. It's a misconception.

Fact: "Research to date on the effect of capital punishment on homicide rates is not useful in determining whether the death penalty increases, decreases, or has no effect on these rates," says a new report from the National Research Council. (National Research Council. *Deterrence and the Death Penalty*. Washington, DC: The National Academies Press, 2012.)

Eighty-eight percent of the country's top criminologists do not believe the death penalty acts as a deterrent to homicide, according to a study published in the *Journal of Criminal Law and Criminology* and authored by Professor Michael Radelet, Chair of the Department of Sociology at the University of Colorado-Boulder, and Traci Lacock, also at Boulder.

And furthermore, 75% of those respondents agreed that "debates about the death penalty distract Congress and state legislatures from focusing on real solutions to crime problems." (M. Radelet and T. Lacock, *DO EXECUTIONS LOWER HOMICIDE RATES?: THE VIEWS OF LEADING CRIMINOLOGISTS*, 99 *Journal of Criminal Law and Criminology* 489 2009).

Misconception: Believing that it costs taxpayers more to fund the death penalty than life in prison without the possibility of parole is hard for many. But it does cost much more.

Fact: The State of Kansas studied the issue and concluded that capital cases are 70% more expensive than comparable non-death penalty cases. The study found that the median death penalty case costs \$1.26 million. Non-death penalty cases were found to have a median cost of \$740,000. The state of Kansas fiscal note from 1994 when the death penalty was reinstated estimated it would cost the state between \$2.4 million and \$4.2 million annually.

Common Misconceptions about the Death Penalty

Misconception: For those that believe our justice system is infallible and police and prosecutors only arrest and prosecute guilty people, the facts say otherwise

Fact: A Columbia University Law School study found that 68% of death penalty sentences are overturned on appeal and the serious errors that caused the overturning usually require that at least the sentencing phase be done over (J. Liebman, J. Fagan, V. West, *A Broken System: Error Rates in Capital Cases*, Columbia Law School. 2000).

Misconception: Many Kansans believe that mistakes only happen in other states and that Kansas has capital punishment laws that are cost effective and efficient – but that’s a misconception.

Fact: We have the same problems as other states. And the most expensive system is one that combines the costliest parts of both capital punishment and life-without-parole: lengthy and complicated death penalty trials followed by incarceration for life as appeals are exhausted and errors in the process result in retrials. This is the situation in Kansas.

Misconception: It is hard for many to understand that anyone could be pressured into a false confession, so they believe that prosecutors need the death penalty to leverage to confessions and plea bargains. That’s a misconception.

Fact: Coercing guilty pleas could result in unreliable convictions. Experts in interrogation caution against using the “Hammer” of the death penalty to gain a guilty plea – it can contribute to the risk of erroneous convictions.

Misconception: Its not true that repeal will mean the persons on the Kansas death row will be released.

Fact: That will not happen. The bills, if passed, would pertain to future sentencing and not address the sentences of those currently serving on death row.

Misconception: If you believe the death penalty is for the worst of the worst, it’s a misconception.

Fact: The worst offenders don’t always receive the death penalty. Some do; some don’t. Trial errors, plea bargains and the inequalities in the system create situations where the worst offenders do not always receive the death penalty.

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Legislative Contacts and Death Penalty Repeal Bill Information

How do I find and contact my legislator?

Go to <http://openkansas.org> and use the box that says "Find my Reps"
Or if you can call our office and we will look it up for you.

How do I contact the Governor?

Governor Sam Brownback
The Capitol, 300 SW 10th Ave., Ste. 241S
Topeka, KS 66612-1590
785-296-3232

Where can I read the Repeal Bills?

You can read the Senate Bill 126 at:

http://www.kslegislature.org/li/b2013_14/measures/documents/sb126_00_0000.pdf

You can read the House bill 2397 at:

http://www.kslegislature.org/li/b2013_14/measures/documents/hb2397_00_0000.pdf

You can also call the office and we will mail you a copy.

Who is leading the campaign in the legislature?

The House Champion is
Representative Steven Becker
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The Senate Champion is
Senator Carolyn McGinn
PO Box A, Sedgwick, KS 67135
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Other help links

Authoritative source of impartial facts and information: <http://www.deathpenaltyinfo.org/>

National Coalition Against the Death Penalty: <https://www.ncadp.org/>

Witness to Innocence: <https://www.witnesstoinnocence.org/>

Murder Victim Family Members for Reconciliation: <http://www.mvfr.org/>

Conservatives Concerned about the Death Penalty: www.conservativesconcerned.org

Links to positions of Faith Groups and Churches

Roman Catholic Church

<http://www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/catholic-campaign-to-end-the-use-of-the-death-penalty.cfm>

United Methodist Church

<http://archives.umc.org/interior.asp?ptid=1&mid=6385>

Mennonite Church USA

<http://www.mcusa-archives.org/library/resolutions/deathpenalty.html>

American Baptist Church

<http://www.abc-usa.org/wp-content/uploads/2012/06/Capital-Punishment.pdf>

Episcopal Church

http://www.episcopalarchives.org/cgi-bin/acts/acts_resolution.pl?resolution=1991-D056

Jewish Positions:

According to the Pew Research Center - all of the major Jewish movements in the United States either advocate for the abolition of the death penalty or have called for at least a temporary moratorium on its use. The Conservative, Reform and Reconstructionist movements in the United States oppose the death penalty in all instances. In 2001, Orthodox Jewish leaders called for a moratorium in light of perceived problems in the nation's criminal justice system, and urged the creation of a commission to review death penalty procedures.

Presbyterian Church (U.S.A):

Since its first official statement on the issue in 1959, reaffirmed again in 1977 and 1978, the Presbyterian Church (U.S.A.) has opposed the death penalty.

Unitarian Universalist Association of Congregations:

The Unitarian Universalist Association of Congregations has called for a moratorium on executions since 1961.

For information on others not listed above, contact our office and we will help you locate it. You can also access a complete list of institutional faith statements against the death penalty at <http://www.ncadp.org/pages/faith-statements-on-the-death-penalty>.