



> Op-Ed



69°

[Alert!](#)

[Forecast](#)

Web Search powered by **YAHOO! SEARCH**

[Classifieds](#)

[Jobs](#)

[Cars](#)

[Homes](#)

[Apartments](#)

[Place Ad](#)

Time to end Kentucky's death penalty

By Maria Hines, the Rev. Marian McClure Taylor and the Rev. Patrick Delahanty

Posted: 12:00am on Jul 3, 2011; Modified: 1:48am on Jul 3, 2011

The guilty plea and sentencing to life without parole of former state representative Steve Nunn for the murder of Amanda Ross came just one week after release of a report from the Death Penalty Information Center on the 35th anniversary of U. S. Supreme Court rulings allowing restoration of capital punishment.

States, including Kentucky, immediately enacted new laws establishing its use. The Kentucky legislation was approved in December, 1976 in a special session of the General Assembly and signed into law by Gov. Julian Carroll.

Since then, Kentucky has executed three men, two of whom volunteered to die. Just this year, juries and judges in Kentucky deciding the fate of several defendants, each of whom had murdered multiple victims, imposed sentences less than death. No defendant who murdered a victim and violated a domestic violence order has received a death sentence in Kentucky.

We agree with the undeniable conclusion to be drawn from the Death Penalty Information Center report: It is time for lawmakers to put repeal of the death penalty on a faster track.

The report, "Struck by Lightning: The Continuing Arbitrariness of the Death Penalty Thirty-Five Years After Its Reinstatement in 1976," concludes that the more than three-decades-long effort to make the system more fair has failed. The report pointed out that factors such as race, wealth and geography play a greater role in determining who faces the ultimate punishment than the crime itself or the character of the defendant.

Because of these arbitrary factors, Supreme Court justices who once thought the problems with the implementation of the death penalty could be fixed now believe the practice should be abandoned.

Justices Harry Blackmun, Lewis Powell and John Paul Stevens — all of whom were in the majority in the Gregg decision reinstating the death penalty — have all rejected its use.

Blackmun said, "the death penalty experiment has failed." Powell told his biographer, "I have come to think that capital punishment should be abolished." And Stevens wrote in the Kentucky case of *Baze v. Rees* that the death penalty represents "the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State [is] patently excessive and cruel and unusual punishment violative of the Eighth Amendment."

More and more Americans understand why it makes good sense to move away from capital punishment. A research study by Lake Research Partners found that a majority of the public supports ending the death penalty in favor of alternative punishments. This is not surprising because 69 percent believe the death penalty is applied unfairly.

Even the most ardent supporters of capital punishment concede that it is not a matter of whether, but when the death penalty will be repealed. The momentum toward repeal is building. Four states — Illinois, New Mexico, New Jersey and New York — have repealed the death penalty in the past five years. The handwriting is on the wall; the death penalty is a failed, antiquated experiment on its way out.

Every day the death penalty remains with us is a day when resources that could go to support the needs of victims are being siphoned off. Just recently a report by a senior judge and law professor concluded that death penalty prosecution in California costs up to 20 times as much as a case where the prosecutor seeks life without parole instead.

The least expensive death penalty trial costs \$1.1 million more than the most expensive life-without-parole case. Moving away from the death penalty frees funds to help victims and to hire and train more police who keep our neighborhoods safe.

It is obvious from the findings in "Struck By Lightning" that the responsible thing for Kentucky's General Assembly and the public to do is pull the plug on the death penalty and move forward with alternative sentences that still hold people accountable for the harm they do without violating our collective values of fairness and intelligent public policy.

More than three decades ago, Justice Potter Stewart wrote: "These death sentences are cruel and unusual in the same way that being struck by lightning is cruel and unusual ... I simply conclude that the Eighth and Fourteenth Amendments cannot tolerate the infliction of a sentence of death under legal systems that permit this unique penalty to be so wantonly and so freakishly imposed."

The time has come to end this unfair practice.

© www.kentucky.com and wire service sources. All Rights Reserved. <http://www.kentucky.com>

