

DEATH PENALTY

Position Statement:

NASW, Iowa Chapter is opposed to the death penalty because it is cruel and unusual punishment, and is applied disproportionately to minorities and the poor, it risks executing the innocent, is overly costly, and does not provide an effective deterrent.

Discussion:

The NASW *Code of Ethics* (1999) requires that social workers should act to prevent practices that are inhumane or discriminatory against any person or group of persons. Instead, we encourage Iowans to advocate for changes in policy and legislation to improve social conditions and to promote social justice.

- The death penalty violates the eighth amendment of the Constitution, a prohibition of the use of cruel and unusual punishment. While most states that allow the death penalty have moved toward more humane means of execution, lethal injection, the most commonly used method, is performed by inexperienced, non-medical prison personnel, resulting in long delays and botched executions (Weisberg, 1991). According to one federal judge, "a slight error in dosage or administration can leave a prisoner conscious but paralyzed while dying" (American Civil Liberties Union, 2007). Florida, California and other states have suspended executions due to the number of botched injections that have occurred (American Civil Liberties Union, 2007).
- "African Americans are disproportionately represented among people condemned to death in the USA. While they make up 12 percent of the national population, they account for more than 40 percent of the country's current death row inmates, and one in three of those executed since 1977" (Amnesty International, 2003). Defendants who are poor face similar circumstances as they are unable to afford adequate representation in a capital trial. These defendants are appointed lawyers who are incompetent, overworked, inexperienced, and under-resourced. In 2001, Supreme Court Justice Ruth Bader Ginsburg stated, "I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial. People who are well represented at trial do not get the death penalty." (American Civil Liberties Union, 2003)
- The death penalty is an irreversible punishment with a high risk of execution of the innocent. A total of 123 people from 25 states have been released from death row since 1973 (Death Penalty Information Center [DPIC], 2005). Due to advancements in science and technology, more conclusive evidence has been available in more recent capital cases. From 1973 to 1998, exonerations averaged 2.96 per year, but between 1998 and 2003, the average rose to 7.6 exonerations each year (DPIC). Both proponents and opponents of the death penalty want the application to be without error, but the recently growing number of discovered mistakes negates that possibility with regard to the death penalty.
- It is *less expensive* to imprison someone for life with no chance of parole, as Iowa does, than to assign the death penalty. The Iowa Legislative Fiscal Bureau has estimated that assigning the death penalty will cost as much as \$900,000 *more* per case than the cost of sentencing a person to life in prison. On the average, it costs \$2.4 million to put a criminal to death from the time of arrest to execution. A conviction for life imprisonment costs about \$1.5 million from the time of arrest to natural death in prison. (Iowa Legislative Fiscal Bureau, 1998). Everything about the judicial process of a death penalty case costs more than similar non-death cases (Dieter, 2005). Iowa should be spending this money on services that can help prevent crime rather than ineffective punishment for crimes that have already been committed.
- Studies have found and most experts agree that the threat of the death penalty has very little, if any, deterrent effect. A study by the New York Times (Bonner & Fessenden, 2000) found that homicide rates rose and fell along basically symmetrical lines in states with and without the death penalty in place. In a ranking of murder rates in 2004 by state, the Death Penalty Information Center (2004) finds the average murder rates in states with the death penalty to be 5.71 per

100,000 people while it was 4.02 per 100,000 people in the twelve states without the death penalty. Iowa Attorney General Tom Miller reminds us that “convicted murderers in Iowa die in prison; they are not paroled” (1998). The argument for the deterrent effect of the death penalty is simply unfounded by research.

Recommendation:

Iowa should not pass a law to re-institute any form of death penalty.

“Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner, but also in some cases upon defendants who are actually innocent.”

U. S. Supreme Court Justice, Wm. J. Brennan, Jr. 1994

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