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U.N. report blasts state's death penalty

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Alabama's death penalty system is so broken that the state may have executed the innocent, and state officials refuse to recognize the problem, a United Nations report has concluded.

Philip Alston, a special investigator with the U.N.'s Human Rights Council, identified what he said is a series of flaws in Alabama's system, including judges who convert life sentences to death sentences for purely political reasons and inadequate representation for the condemned. Most alarming, he said, was Alabama officials' refusal to even discuss the possibility that the state's capital punishment system is in need of improvement.

"(Alabama) officials seem strikingly indifferent to the risk of executing innocent people and have a range of standard responses, most of which are characterized by a refusal to engage with the facts," Alston wrote in the report, released Monday.

Asked Tuesday whether he had read the report, Alabama Attorney General Troy King said, "I've looked at all of it that I intend to look at," and accused the U.N. of pushing an ideological agenda.

"The United Nations has grievous injustices in its own building that it ought to address before it begins worrying about a speck in the eye of a state like Alabama," King said.

Alston visited Alabama and Texas in preparing his report, and found that Texas officials wanted to improve their system, and recognized that the innocent may already have been executed. Alabama officials had no interest in change, he said.

"(Alabama) officials would rather deny than confront flaws in the criminal justice system," Alston wrote. "It is entirely possible that Alabama has already executed innocent people."

Alston met with federal and state officials, judges, victims and anti-death penalty activists. He visited Alabama because it has the highest rate of executions per capita in the country, and Texas because it has the most inmates on Death Row, the report said.

The report singled out Alabama's "judicial override" system - under which judges can overrule jury decisions on punishment - as problematic. Elected judges in Alabama feel compelled to change life sentences to death to ensure re-election, not because they believe the jury erred, he said.

"Given the key role of the jury in American justice, it is difficult to justify giving officials who will be held to account for

their stance on the death penalty every four years the power to substitute their own individual opinions for those of the 12-member jury,” Alston wrote.

King said judges are more qualified than juries to determine whether a death sentence is appropriate, and there is no evidence that they feel politically pressured to override life sentences and impose lethal injection.

”I don’t think there are judges who say, ‘I’m going to give this person the death sentence because I’m getting ready to stand for election,’” King said. “That is a serious allegation, and I don’t believe it.”

Representation issues

Alston, an Australian who is a law professor at New York University, also argued that Death Row inmates are inadequately represented on appeal. Alabama is the only state that does not guarantee counsel after the first round of appeals.

King said Death Row inmates typically are represented by lawyers from big firms with more resources than prosecutors.

”The fact that you’re not seeing a lot of these sentences reversed is not because they don’t have good lawyers, it’s because they’re guilty,” he said.

Richard Grenell, spokesman for the U.S. mission to the U.N., also rejected Alston’s conclusions.

”We know our system isn’t perfect, but we afford everyone the presumption of innocence and due process,” he told Reuters news service. “Mr. Alston’s sweeping judgments of our system after briefly visiting two out of 50 states show his personal dislike of the system we have, not fundamental problems with it.”

Among Alston’s recommendations:

-- Alabama and Texas should establish well-funded, statewide public defender services. Oversight of these should be independent of the executive and judicial branches.

-- Congress should enact legislation permitting federal courts to review all issues in death penalty post-conviction review cases on the merits.

-- Alabama should evaluate and respond in detail to the findings and recommendations of an American Bar Association report on the implementation of the death penalty.

The 2007 ABA report, which looked at eight states including Alabama, called for a national moratorium on the death penalty while problems, including inadequate representation, are addressed.

On the Net

-- www.un.org/

-- [www.ago.state.al.us/ index.cfm](http://www.ago.state.al.us/index.cfm) sdiel@bhamnews.com

---- Index References ----

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