

7/11/08 Huntsville Times (Huntsville, AL) 8A
2008 WLNR 15286434

Huntsville Times (Huntsville, AL)
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July 11, 2008

Section: Editorial

Why no DNA testing in Alabama?

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It seems a simple thing. Before the state of Alabama executes someone, it should leave no room for doubt about a person's guilt. There should be no lingering questions, no debatable points. Guilt should be absolutely indisputable.

Modern science has made this possible in many cases, thanks to the DNA test. So why isn't the state willing to give a DNA test to Tommy Arthur, whose execution has been set for July 31?

Arthur, who has been on Death Row for 25 years, claims he's not guilty. Maybe he's a lying, convicted murderer. Or maybe he's not. DNA testing could give a conclusive, definitive answer.

Since 1989, 218 persons convicted of crimes they did not commit have been exonerated by DNA testing, according to the non-profit Innocence Project. Of these, 16 had been sitting on Death Row in their states.

Gov. Bob Riley is a proponent of the death penalty. He told me last year that he believes it provides justice and serves as a deterrent to crime. I don't doubt that many Alabamians agree with him.

I'm not one of them. A life for a life is a bit too wild, wild West for me. And while it arguably may be just for a killer to be killed, it seems to do little to ease the ache of the murder victim's family.

And if the death penalty is such a deterrent to crime, why are thugs in Alabama and elsewhere still shooting and killing people with little or no regard for life?

As for DNA testing, Riley wasn't enthusiastic about it when we talked.

"If you look at every one of the cases, at least that have come before me, that have requested a DNA exam, it would not - could not - have changed the ultimate outcome," Riley said. "There was a preponderance of evidence, physical evidence and confessions, that led to that decision, and a DNA test could not have possibly changed it."

The experts at The Innocence Project would dispute this. In fact, they say that that faulty forensic science has been discovered in 65 percent of wrongful convictions. False confessions and incriminating statements have played a role in 25 percent of wrongful convictions, sometimes due to coercion of suspects and witnesses. And in 15 percent of cases later overturned by DNA testing, the testimony of prison snitches played a major role in the case.

Riley also believes that DNA testing can be unfair.

”Too often, especially when it takes 20, 25 years for one of these sentences to be carried out, to ask for the DNA only in the last hour, when it could have some ramifications, I don’t think that’s fair to the system (or) the family,” he told me.

I can understand his frustration on this point. Often it seems that Death Row inmates are throwing whatever they can at freedom’s wall, hoping for anything to stick.

However, I wouldn’t begrudge them this tactic. After all, if they’re executed they won’t have another chance to prove their innocence or to be caught in the trap of their guilt.

I would point out to the governor, though, that he’s probably in the minority on this one. A 2005 poll of Alabamians by the Capital Survey Research Center found that 96 percent of those surveyed believe DNA testing should be used to prove guilt or to establish innocence.

Equally gratifying for me and the other anti-death penalty folks is that 62 percent said they are more likely to vote for a candidate who believed the death penalty should be halted until any questions about the use of DNA testing have been resolved.

Alabama is one of seven states that doesn’t provide access to DNA testing for capital cases. What’s shameful about this is that DNA testing not only can exonerated the wrongly convicted, it can help identify the true perpetrators.

How many people walk our streets with blood on their hands, rapists or murderers who should be locked up for life, only because we’ve refused to use DNA testing?

If I were governor, I wouldn’t want to live with that. Neither, I’d like to think, would Riley.

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---- Index References ----

Company: EDITIONS DES DERNIERES NOUVELLES D’ALSACE SA

News Subject: (Social Issues (ISO05); Violent Crime (1VI27); Crime (1CR87); Death Penalty (1DE04))

Industry: (Science (1SC89); Science & Engineering (1SC33); Physical Science (1PH15))

Region: (Alabama (1AL90); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (CAPITAL SURVEY RESEARCH CENTER; DNA; EQUALLY) (Arthur; Bob Riley; Death Row; Gov; Innocence Project; Modern; Project; Riley; Tommy Arthur)

Keywords: COLUMN; CAPITAL PUNISHMENT; GOVERNOR

Edition: 2

Word Count: 789

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