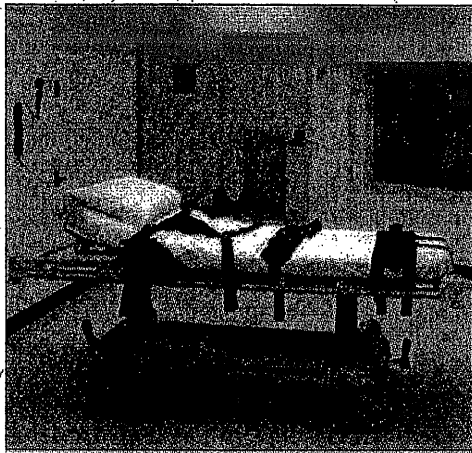


The debate over

■ NICHOLAS BERNARD ACKLIN ■ RANALDO CHANTE ADAMS ■ RICKY DALE ADKINS ■ ANDREW ANTHONY APICELLA ■ THOMAS DOUGLAS ARTHUR ■ BOBBY BAKER, JR.
 ■ JAMES EDWARD BARBER ■ CHRISTOPHER D. BARBOUR ■ TONY DARKSDALE ■ REX ALLEN BECKWORTH ■ RICK ALLEN BELISE ■ RANDY TULLIPIN BELL ■ BRANDYN
 JOSEPH BENJAMIN ■ PATRICIA BLACKMON ■ JAMES WILLIS BONDS ■ JEFFERY LYNN BORDEN ■ ANTHONY BOYD ■ WILLIAM GLEN BOYD ■ DANNY JOE BRADLEY ■
 DONALD BROADNAX ■ CHRISTOPHER EUGENE BROOKS ■ JIMMY LEE BROOKS, JR. ■ ANTHONY EUGENE BROWN ■ MICHAEL BROWN ■ RAYMOND EUGENE BROWN ■
 JAMES BEN BROWNFIELD ■ JERRY DEVANE BRYANT ■ ALONZO LYDELL BURGESS ■ WILLIE BURGESS, JR. ■ CHARLES LEE BURTON ■ WILLIAM EUSH ■ JOHN RUSSELL
 CALHOUN ■ JAMES HARVEY CALLAHAN ■ MICHAEL DAVID CARTWRIGHT ■ ANDREW BERT CLARK ■ GREGORY CHARLES CLARK ■ EUGENE MILTON CLEMMONS II ■ ROBERT
 LANCE CORAL ■ DONALD F. DALLAS ■ RENARD MARCEL DANIEL ■ DAVID EUGENE DAVIS ■ JIMMY DAVIS ■ MELVIN DAVIS ■ TIMOTHY CHARLES DAVIS ■ DONALD DEARDORFF
 ■ DERRICK ANTHONY DEBRUCE ■ JIMMY LEE DILL ■ WILLIE C. DOBYNE ■ HARRY DONNELL DUNAWAY, JR. ■ DIONNE EASTON ■ MICHAEL WAYNE FOGGERS ■ THOMAS
 DALE FERGUSON ■ RICHARD JEROME FLOWERS ■ TIMOTHY FLOWERS ■ DEMETRIUS TERRENC FRAZIER ■ DAVID FREEMAN ■ RICHARD EUGENE GADBY ■ LASAMUEL
 LEE GAMBLE ■ KEITH EDMUND GAVIN ■ LARRY DONALD GEORGE ■ ARTHUR LEE GILES ■ EMANUEL A. J. GISSENDANNER ■ CAREY DALE GRAYSON ■ DARRELL GRAYSON
 ■ COLON LAVON GUTHRIE ■ STEVEN WAYNE HALL, JR. ■ PHILIP D. HALLFORD ■ DOYLE LEE HAMM ■ ARTEZ HAMMONDS ■ JOHN MILTON HARDY ■ LOUISE HARRIS ■
 WESTLEY DEVON HARRIS ■ JAMES ALLEN HARRISON, JR. ■ GARY DAVIS HART II ■ ANTHONY RAY HINTON ■ MELVIN GENE HODGES ■ GLENN HOLIDAY ■ JOSEPH B. HOOKS
 ■ GREGORY HUNT ■ LARRY EUGENE A. HUTCHERSON ■ CHRISTOPHER SHANE HYDE ■ ROBERT SHAWN INGRAM ■ MICHAEL IRWIN ■ JEREMIAH JACKSON ■ SHONELLE
 ANDRE JACKSON ■ WILLIE SIMMONS JACKSON ■ JOE NATHAN JAMES, JR. ■ MARK ALLEN JENKINS ■ JAMES ALLEN JOHNSON ■ TOFORREST ONESHA JOHNSON ■ AARON
 JONES ■ ANTONIO DEVON JONES ■ TIMOTHY JASON JONES ■ GARY FRANK KEY ■ WILLIAM ERNEST KUENZEL ■ MICHAEL JEFFREY LAND ■ JAMES CHARLES LAWHORN ■
 JEFFREY LEE ■ GERALD PATRICK LEWIS ■ MICHAEL JEROME LEWIS ■ KENNETH LOGGINS ■ ALBERT MACK III ■ VERNON MADISON ■ BILLY JOE MAGWOOD ■ COREY
 MAPLES ■ AUDRA MARSHALL ■ GEORGE MARTIN ■ DERRICK ONEAL MASON ■ MICHAEL CRAIG MAXWELL ■ EARL JEROME MCGAHIE ■ JAMES WILLIAM MCGOWAN
 ■ TORREY TWANE MCNABB ■ WILIE MCNAIR ■ CASEY A. MCWHORTER ■ JAMES EDMOND MCWILLIAMS, JR. ■ ROBERT BRYAN NELSON ■ ALAN EUGENE MILLER ■
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 JR. ■ DAVID LARRY NELSON ■ HARRY NICKS ■ JOHN FORREST PARKER ■ MAX LANDON PAYNE ■ CUHUATEMOC HINRICY PERANA ■ ROY EDWARD PERKINS ■ STEPHEN
 PILLEY ■ EDDIE DUVAL POWELL III ■ CHRISTOPHER LEE PRICE ■ DOMINIQUE RAY ■ MATTHEW REEVES ■ JEFFERY DAY RIEBER ■ DAVID LEE ROBERTS ■ WILSON BILLY
 ROBITAILLE ■ MICHAEL BRANDON SAMRA ■ WILLIE EARL SCOTT ■ MOHAMMAD SHARIFI ■ DANIAL LEE SIEBERT ■ CLARENCE LELAND SIMMONS ■ NATHAN D. SLATON
 ■ COREY SCHROD SMITH ■ JERRY JEROME SMITH ■ JOSEPH CLIFTON SMITH ■ KENNETH EUGENE SMITH ■ LARRY REYNOLD SMITH ■ RONALD BERT SMITH, JR. ■ WILLIE
 B. SMITH ■ WILLIAM A. SNYDER ■ MICHAEL ANTHONY SOCKWELL ■ KERRY SPENCER ■ CALVIN L. STALLWORTH ■ STANLEY STEPHENS ■ VICTOR R. STEPHENS
 CHARLES RANDALL STEWART ■ BOBBY TARVER ■ JARROD TAYLOR ■ MICHAEL SHANNON TAYLOR ■ KENNETH GLENN THOMAS ■ DEVIN DARNELL THOMPSON ■ WAYNE
 HOLLEMAN TRAVIS ■ JACK HARRISON TRAWICK ■ DARRYL D. TURNER ■ ANTHONY TYSON ■ BOBBY WAYNE WADROP ■ JAMES EARL WALKER ■ JOHN MICHAEL WARD ■
 CHARLIE WASHINGTON ■ GEOFFREY TODD WEST ■ THOMAS WARREN WHISENHANT ■ LEROY WHITE ■ LARRY WAYNE WHITEHEAD ■ HERBERT WILLIAMS, JR. ■ JASON ORIC
 WILLIAMS ■ LUTHER JEROME WILLIAMS ■ MARCUS BERNARD WILLIAMS ■ JOSEPH MICHAEL WILSON ■ SHEP WILSON, JR. ■ HARVEY LEE WINDSOR ■ HOLLY WOOD ■
 FREDRICK D. WOODS ■ GREGORY RENARD WYNN ■ VERNON LAMAR YANCEY ■ JAMES DONALD YEOMANS ■ WILLIAM JOHN ZIEGLER

These are the names of the 188 people on Alabama's Death Row.

NEWS ILLUSTRATION/JODY POTTER



FILE

In the death chamber at Holman Correctional Facility near Atmore, Death Row inmates are executed by lethal injection.

*The Birmingham News starts
 a six-day editorial page series,
 "Choosing Life in a Death
 Penalty State," about problems
 with the way Alabama
 administers the ultimate
 punishment / 2B*

State's justice system does not deserve to kill

By BRYAN STEVENSON

Last week, I spent two hours at Holman Correctional Facility with a condemned man who has been on Alabama's Death Row for nearly 20 years:

Anthony Ray Hinton is innocent. He has never committed a violent crime. Hinton is generous, thoughtful and tries very, very hard to be cheerful. He helps guards and prisoners, he's never had a disciplinary violation, and he sends handmade presents whenever he can save up enough money.

Although he has struggled for two decades to remain positive and hopeful, after you talk to him for a while you begin to see the profound sadness and unbearable grief emerge. He believes his wrongful conviction has contributed to his beloved mother's death. He's been tormented by more than 30 executions "just down the hall." He's been locked down in a tiny cell year after year after year. He cries a lot, and each day he struggles to control the pain and anguish of a continuing nightmare and an American tragedy.

Hinton was not sent to Death Row because he was in the wrong place at the wrong time. He was actually in the right place at the exact time of the crime, working as an unskilled laborer in a secure

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STATE: Shouldn't be in killing business

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warehouse 15 miles away from where he was alleged to have shot someone. Hinton passed a polygraph test before trial, and he begged police to believe he is innocent. However, his life, freedom and rights were simply never taken seriously by anyone.

Hinton is on Death Row because he is poor. He is a victim of Alabama's grossly underfunded indigent defense system. His appointed lawyer, like 70 percent of those still on Alabama's Death Row, could by law only be paid \$1,000 for preparing his capital case for trial. Hinton was given \$500 for an expert to prove that a gun police found in his mother's home was not the gun used to commit these

crimes. With so little money, the only expert he could afford was legally blind in one eye and had no experience using the equipment necessary to test the evidence.

Like most Death Row prisoners, Hinton was presumed guilty before trial. Without money, political power or celebrity, he was a nameless black man imperiled by a system of justice that is shockingly tolerant of error, a system that treats you much better if you are rich and guilty than if you're poor and innocent.

Hinton is not the only innocent person who has been sent to Alabama's Death Row. In 1993, the state ultimately admitted that Walter McMillian spent six years on Death Row for a crime he did not commit. Gary Drinkard, Louis Griffin, Randal Padgett, Wesley Quick, James Cochran and Charles Bufford were all acquitted of capital murder after being wrongly con-

victed and sentenced to death. With 34 executions and seven exonerations since 1975, one innocent person has been identified on Alabama's Death Row for every five executions. It's an astonishing rate of error.

What most defines capital punishment in Alabama is error. Reviewing courts have concluded that nearly 150 Alabama capital murder convictions and death sentences have been illegally and unconstitutionally imposed. Reversals outnumber executions almost 5 to 1. While some states have seriously examined their death penalty systems and pursued reforms, Alabama leaders have recklessly called only for speeding up the execution process.

The U.S. Supreme Court has ruled that executing the mentally retarded is unconstitutional, but the Alabama Legislature has refused to enact laws enforcing this limitation. The Supreme Court has called for

Continued...

greater deference to jury verdicts, but Alabama persists as the only state in the nation that allows elected trial judges to override jury verdicts of life imprisonment to death with no restrictions or standards. Since 1990, nearly 25 percent of all Alabama death sentences have been imposed after jurors concluded that life without parole was the appropriate sentence.

I have represented people on Alabama's Death Row for nearly 20 years. I know that not everyone on Death Row is innocent. I also know that Alabama's death penalty is not about guilt and innocence. Anthony Ray Hinton can painfully tell you a lot about that.

Alabama's death penalty is a

lie. It is a perverse monument to inequality, to how some lives matter and others do not. It is a violent example of how we protect and value the rich and abandon and devalue the poor. It is a grim, disturbing shadow cast by the legacy of racial apartheid used to condemn the disfavored among us. It's the symbol elected officials hold up to strengthen their tough-on-crime reputations while distracting us from the causes of violence. The death penalty is an enemy of grace, redemption and all who value life and recognize that each person is more than their worst act.

With so much fear, anger and violence, it's easy to see the appeal of capital punishment. The

pain of victims of violent crime is real.

However, the tragic number of innocent people wrongly condemned, the scores of illegal convictions and sentences, the unequal treatment of the poor and racial minorities have made capital punishment a question that is not about whether some people deserve to die for the crimes they've committed. Rather, the death penalty in Alabama is about whether state government, with its flawed, inaccurate, biased and error-plagued political system of justice, deserves to kill.

It's time to acknowledge that it does not.