The debate over

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

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 loved mother’s death. He’s been tormented by more than 30 execution “just days away.” 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 right time of the crime, working as an unskilled laborer in a secure

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

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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 impotent 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, Bandal Padgett, Wesley Quick, James Cochran and Charles Bufford were all acquitted of capital murder after being wrongly convicted 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

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greater deference to jury verdicts, but Alabama persists as the only state in the nation that allows elected trial judges to overide jury verdicts of life imprisonment to death with no restrictions or standards. Since 1980, 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.