

7/3/08 Birmingham News (AL) 4
2008 WLNR 12585143

Birmingham News (AL)
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July 3, 2008

Volume 121
Section: EDITORIAL

Alabama on the world stage

THE ISSUE The United Nations' look at Alabama's death penalty highlights unsavory facts, and our state's blithe acceptance of them.

If the report were aimed at some backwater on the other side of the globe, perhaps our reaction would be different.

We'd read: "Government officials seem strikingly indifferent to the risk of executing innocent people." And, surely, we'd be at least a little outraged.

But this damning assessment isn't about some place across the world. It's about Alabama.

It's included in a report made Monday to the United Nations.

Philip Alston, a law professor who reports to the U.N. on such things as arbitrary executions, looked at two of America's death penalty leaders, Texas and Alabama, and found similar problems. But at least he found "significant recognition" in Texas that changes are needed.

Not so in Alabama. Alston found our government officials were maddeningly willing to ignore weaknesses in the justice system, even those that could end with the wrong person being put to death for a crime.

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

State leaders' stubborn refusal to "engage with the facts" on this issue should not, alas, come as a bitter shock. For years, Alabama's elected officials have refused to address obvious problems with the death penalty, despite a growing body of evidence that the criminal justice system is not as infallible as many assumed it to be. DNA exonerations alone have called into question the reliability of everything from eyewitnesses and jailhouse snitches to confessions.

In Alston's report, two particular problems in Texas and Alabama were cited: Shoddy systems for providing criminal defense lawyers for those accused of death penalty crimes.

This is a problem area Alston said even Alabama officials acknowledge. Yet, in Alabama as in Texas, he said, "money-saving half-measures are being discussed when what is needed are statewide, wellfunded, independent public defender services."

Elected judges who may feel pressure to impose and uphold death sentences. In Alabama, the concern is even greater because

elected judges hold the power to inflict death sentences even when a jury advises against it. “When judges override jury verdicts, it is nearly always to increase the sentence to death rather than to decrease it to life, and a significant proportion of those on Death Row would not be there if jury verdicts were respected,” Alston wrote.

Those are real problems, and they work to the detriment of justice in Alabama.

Alston said both states should study the issues and institute reforms. Alabama, he said, can draw on the findings of a recent review by the American Bar Association of the state’s death penalty practices.

More broadly, Alston argued that Congress, rather than trying to speed executions, should pass laws giving federal courts more leeway to hear death penalty appeals.

Amen on all counts. Alston, a professor at New York University School of Law, didn’t tackle this report from a perspective of doing away with the death penalty. His report was designed to see how well the world’s understanding about justice and due process is reflected in two of the nation’s most active death chambers.

The picture isn’t pretty. Alabama, which has the highest percapita rate of executions, desperately needs to ensure that the ultimate punishment is imposed fairly and accurately.

But that’s hard to do when our leaders either won’t admit there’s a problem or just don’t care.

---- Index References ----

Company: UNITED NATIONS; AMERICAN BAR ASSOCIATION MEMBERS STATE STREET COLLECTIVE TR;
AMERICAN BAR ASSOCIATION; EDITIONS DES DERNIERES NOUVELLES D’ALSACE SA

News Subject: (World Organizations (1IN77); United Nations (1UN54))

Region: (Texas (1TE14); Alabama (1AL90); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (AMERICAN BAR ASSOCIATION; DNA; NEW YORK UNIVERSITY SCHOOL; STATE LEADERS;
UN; UNITED NATIONS) (Alabama; Alston; Amen; Congress; Philip Alston; Texas)

Word Count: 719

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