

LWVNJ DEATH PENALTY POSITION– 2004

The League of Women Voters of New Jersey believes that capital punishment should not be a sentencing option for murder or any other crime. A sentence of life imprisonment without possibility of parole is punishment that insures public safety without subjecting the state to the many complex problems associated with the death penalty. The League of Women Voters of New Jersey also supports the principle of restitution and services to those affected by violent crimes.

Along with opposition to the death penalty, we support systemic reforms of the judicial system as it applies to violent crimes. These reforms include:

- Stronger standards of competency and experience for attorneys.
- State funding for the testing and preservation of biological evidence.
- Reforms to assure the validity of testimony by eyewitnesses, co-defendants, and jailhouse informants.
- Reforms to address problems of proportionality in sentencing.

Until the death penalty in New Jersey is abolished, the League of Women Voters of New Jersey supports an immediate moratorium on executions and further study of the capital punishment system.

History

The LWVNJ study found that the capital punishment process in New Jersey and throughout the nation has been plagued with problems of racial and economic bias, arbitrariness, excessive cost and delays, high reversal rates for serious error, and wrongful convictions. The system is deeply flawed as shown by the number of people on death row, who were later found to be wrongfully convicted. DNA testing, while only available in a small percentage of murder cases, has helped expose many of the problems that lead to these mistakes. In addition, studies have shown that capital punishment is not a deterrent to crime, nor is it always supported by surviving family members.

Since New Jersey reenacted the death penalty August 6, 1982, no one has been executed in this state. As of January 1, 2005, eleven people currently await execution on New Jersey's Death Row. The LWVNJ's position was especially timely, because the New Jersey legislature is considering forming a study committee to review the state's death penalty law.

Explanatory Statement and Guide to Interpretation

The League of Women Voters of New Jersey opposes capital punishment under any circumstances and for any type of crime.

Life imprisonment without possibility of parole is the appropriate alternative for the worst crimes. Requiring restitution by the criminal is appropriate and acceptable, but the League could support legislation that did not include it.

The League does not support the use of 30 years before eligibility for parole as an alternative to capital punishment for crimes currently considered capital. This option was available during the consensus process, but was not accepted by the majority of participants.

Since the final consensus was clearly to oppose the death penalty across the board, certain points on which there was, in fact, agreement, were not included in the position. Notably, opposition to the death penalty for the mentally ill was even more emphatic than that against the death penalty in general, and members *did* want the death penalty restricted to the most heinous crimes, should it continue to exist.

The consensus process inquired about reforms to the system for "capital cases". The wording was changed to "violent crimes" in the final position, to reflect our opposition to capital punishment. Thus the section of the position listing recommendations for reform for violent crimes should be interpreted as applying most directly to crimes serious enough as to currently be considered capital offenses.