

News

Repeal or Reform? Death Penalty Voter Decisions for 3 States

California, Nebraska, Oklahoma will all face ballot measures on capital punishment this fall

By Brian Melley
Associated Press

LOS ANGELES (AP) — California's dysfunctional death penalty faces a fate in November that seems fitting: voters can put it out of its misery, or fix it so it does what it promises. The state is among three where voters will make decisions on capital punishment.

California's ballot initiatives — one would repeal capital punishment, the other would speed up appeals so convicted murderers are actually executed — are fueled by those who agree only that the current system is broken, leaving murder victims' kin grieving and the condemned languishing on death row.

Voters in Nebraska will be asked whether they want to reinstate the death penalty and Oklahoma residents will decide whether to make it harder to abolish it.

In California, more than 900 convicted murderers have been sent to death row since 1978 — but only 13 have been executed in the state. Many more have died of natural causes and no one has been put to death in more than a decade after a judge ordered an overhaul to the state's lethal injection procedure.

Executions have mostly been in decline since the turn of the century and last year reached their



In this Dec. 13, 2005 file photo, anti-death penalty demonstrators protest outside San Quentin State Prison in San Quentin, Calif., during the execution of Stanley "Tookie" Williams, the founder of the Crips gang. California voters face opposite choices to fix the state's broken death penalty. They can repeal capital punishment in November 2016 or reform it so that convicted murderers are actually executed.

lowest level in 25 years, with 28 prisoners killed. Capital punishment has been either legislatively or judicially repealed in eight states since 2000, according to Robert Dunham, executive director of the Death Penalty Information Center.

CALIFORNIA: ABOLISH

The referendum to repeal California's death penalty and replace it with life in prison without parole is a repeat of a 2012 ballot measure that failed 52 percent to 48 percent. Only voters in Arizona and twice in Oregon have repealed the death penalty and both

states later reversed course to reinstate it.

The California repeal effort is supported by defense lawyers plus luminaries including former President Jimmy Carter, Netflix CEO Reed Hastings and hedge fund billionaire Tom Steyer.

Proponents of Proposition 62 argue eliminating it would save California \$150 million a year, mostly in reduced legal fees plus cheaper prison costs since death row inmates who get single cells could be double-bunked. California's finance director has estimated the proposed reforms to speed up the death penalty could save

the state \$30 million annually.

They also point to wrongful convictions. Kirk Bloodsworth, who spent nearly nine years in a Maryland prison for the sexual assault and bludgeoning death

"If it can happen to an honorably discharged Marine with no criminal record or criminal history, it can happen to anybody in America," Bloodsworth said.

In the unlikely event both competing measures cross the 50 percent threshold, the one with the most "yes" votes would take effect. If neither passes, the current system would remain.

CALIFORNIA: SPEED UP

California's prosecutors and law enforcement are leading the opposing measure to "mend, not end" capital punishment. They say Proposition 66 will begin to clear the legal bottleneck blocking the path to the death chamber at San Quentin State Prison.

"It shouldn't take decades upon decades," said Sacramento District Attorney Anne Marie Schubert, who helped draft the initiative. "I'm not a rabid dog about the death penalty, but I think

said. "I'd like to see the last breath that Rhoades takes. I really would. I think that's what Michael had to endure."

NEBRASKA: REINSTATE

Lawmakers in Nebraska abolished the death penalty last year and voters there are being asked whether it should be reinstated.

Republican Gov. Pete Ricketts, who helped finance the ballot drive with \$200,000 of his own money, insists lawmakers were out of touch with their constituents when they got rid of capital punishment.

Death penalty opponents have appealed to the state's conservative ideals, arguing the punishment is expensive and inefficient because no one has been executed in Nebraska since 1997.

Last month, Catholic leaders launched a statewide campaign urging voters not to reinstate the punishment and promised to raise the is-

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of a 9-year-old girl in Maryland, was the first condemned inmate in the United States freed because of DNA results in 1993. Another man later pleaded guilty to the murder.

it should be an option in the rarest of the most heinous cases that exist in our society.”

The reformers want to trim state appeals of death sentences to five years, assigning some to trial judges and expanding the pool of lawyers taking cases. It would have no control over federal appeals.

Those seeking to abolish the death penalty say the reforms will result in incompetent lawyers being assigned appeals and forced to meet arbitrary deadlines that will overwhelm already strained trial courts.

Death penalty supporters point to heinous crimes and the grieving family members of victims who have long waited for justice.

Sandy Friend's 8-year-old son, Michael Lyons, was kidnapped, stabbed 70 to 80 times with a knife and bludgeoned 20 years ago in Northern California. Robert Rhoades, the barber who murdered him, was also convicted of murdering and raping a young woman and sentenced to death for both.

"Robert Rhoades is just the poster child for the death penalty and there are people who are worse than him. These people are monsters," Friend

sue in church services before the election.

There are 10 prisoners on death row in Nebraska. The state's last execution was in 1997.

OKLAHOMA: KEEP IT AROUND

Voters in Oklahoma, where executions are on hold after mistakes in the past two executions, will consider enshrining the death penalty in the state constitution, making it harder for legislators or courts to end it.

"There are people that are trying to remove the death penalty from being used," said state Rep. Lewis Moore, R-Arcadia, one of the measure's authors. "We wanted that to continue to be a viable alternative."

Among other things, the initiative declares that all death penalty statutes are in effect, that the methods of execution can be changed and that "the death penalty is not cruel and unusual punishment."

Oklahoma has 48 prisoners on death row. Its most recent execution was last year.

Associated Press writers David Crary in New York, Grant Schulte in Lincoln, Nebraska, and Tim Talley in Oklahoma City contributed to this report.

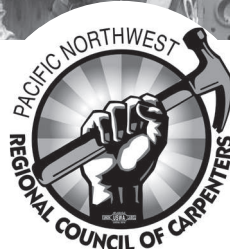
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