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California's Prop. 34 Will Stop the Execution of the Innocent

The Color of Law

By David A. Love, JD

BC Executive Editor

[Proposition 34](#), the important ballot initiative in California, would eliminate the death penalty in that state. With 725 people on death row, including 19 women, California has the most death row prisoners in the nation, and one quarter of America's death row population. So, if the Golden State repeals its death penalty, the change would be historic, and provide an example for other states to follow.

There are many reasons to oppose the death penalty. For example, executions are barbaric, outdated, and fly in the face of international human rights law. The death penalty is expensive, provides no deterrent effect, and represents pure retribution - a visceral bloodlust that invokes a violent American past. But most of all, the death penalty - as practiced in California throughout the U.S. - is irretrievably broken.

Some of the most effective spokespeople for the Yes on 34 campaign are those who have experienced the evils of the death penalty firsthand. They are five of America's 141 death row survivors, innocent people who spent an average of nearly 10 years on death row. Over the past several months, they have spoken to audiences in the Golden State about their traumatic experiences.

Wrongfully convicted, [Nathson Fields](#) spent 18 years behind bars for the 1984 double murder of rival gang members - 11 of them on Illinois' death row - before he was acquitted in 2009. Fields had been the victim of lying witnesses, and corruption, graft and greed on the

bench. The judge in his case had taken a \$10,000 bribe from his codefendant's lawyer, and was himself imprisoned for 13 years.

Wrongfully convicted for the murder of newlyweds Dyke and Karen Rhoads, [Randy Steidl](#) spent a dozen years on death row, and another five before he became a free man. An Illinois death row survivor, Steidl had been framed by the cops and the prosecutor. And he was also the victim of poor representation, a jailhouse snitch, and witnesses who fabricated testimony. Both he and Nate Fields would become leaders to abolish capital punishment in their state in 2011.

[Juan Melendez](#) spent nearly 18 years on Florida's death row, his conviction secured by the testimony of two questionable witnesses, including a sketchy police informant who received \$5000 for his testimony, and a co-defendant who was threatened with the electric chair, but ultimately received two years probation after testifying against Melendez. Despite the serious doubts surrounding the case, the Florida Supreme Court upheld the case three times on appeal. Meanwhile, the real killer had confessed to murdering at least 20 people, and the transcript of the confession was discovered 16 years after Juan's death sentence.

Meanwhile, [Kirk Bloodsworth](#) was the first death row survivor in America to be exonerated through DNA. Bloodsworth spent nine years in a Maryland prison - two on death row - for the 1984 rape and murder of nine-year-old Dawn Hamilton. The prosecution had withheld key evidence pointing to his innocence, and police failed to inform his defense about the possibility of another suspect. Meanwhile, the real killer had been incarcerated in a cell just one floor below Kirk's, serving time for unrelated crimes. Prior to his DNA exoneration, Bloodsworth's death sentence had been commuted to two consecutive life terms. The Innocence Protection Act, passed by Congress in 2000, established the Kirk Bloodsworth Post-Conviction DNA Testing Program, which helps states defray the costs of post-conviction DNA testing.

The only woman death row exoneree, [Sabrina Butler Porter](#) spent over five years in prison, including three years awaiting her execution. A teenage mother, Butler was convicted of felony child abuse - the unthinkable crime of murdering her infant son Walter. The baby had not been abused, and Butler had attempted CPR in an attempt to revive him. The medical examiner changed the cause of death to a kidney malady.

Given the threat of executing the innocent, California would be well served to put its death penalty system to death. Capital punishment creates innocent victims, and only perpetuates a vicious cycle of violence. Such circumstances do not make us whole as a society.

And the late Coretta Scott King - who lost both her husband and mother-in-law to assassination - said that "An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced in the taking of a human life. Morality is never upheld by a legalized murder."

California voters now have a golden opportunity to break the cycle of bloodlust by ending a broken criminal justice policy. Costing billions of dollars, failing to address or deter crime, and condemning innocent men and women to death, this state-sponsored vengeance simply is not worth the price.

BlackCommentator.com Executive Editor and Columnist, David A. Love, JD, is the Executive Director of [Witness to Innocence](#), a national nonprofit organization that empowers exonerated death row prisoners and their family members to become effective leaders in the movement to abolish the death penalty. He is, is a graduate of Harvard College and the University of Pennsylvania Law School. and a contributor to [The Huffington Post](#), [the Grio](#), [The Progressive Media Project](#), [McClatchy-Tribune News Service](#), [In These Times](#) and [Philadelphia Independent Media Center](#). He also blogs at [davidalove.com](#), [NewsOne](#), [Daily Kos](#), and [Open Salon](#). Click [here](#) to contact Mr. Love.



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