



**Testimony of Becky Straus, Legislative Director
Regarding HJR 1
House Judiciary Committee
February 26, 2013**

Chair Barker and Members of the Committee:

Thank you for the opportunity to submit comments this afternoon in regard to the operation of the death penalty in Oregon. For decades the ACLU of Oregon has advocated for replacing the death penalty with life without parole. We are thankful to Governor Kitzhaber for his request in November of 2012 that the Legislature begin a discussion about the death penalty in Oregon and we are thankful to Representative Greenlick and to this committee for answering that call today.

It is our belief that the death penalty is broken beyond repair and we cannot guarantee that it achieves real justice. Sentences of life in prison without the possibility of parole are a better way to keep communities safe without sacrificing our values.

The death penalty risks killing innocent people. Since 1973, nearly 150 people nationwide have been released from death row because they were innocent. Others were executed before their innocence was proven. Many people believe that DNA evidence is always available to prove guilt or innocence but that's just not true. In fact, DNA testing is available in less than 10 percent of murder cases. Most wrongful murder convictions rely on other flawed types of evidence, such as mistaken identification by witnesses or false testimony from jail informants. We are exposing ourselves to a dire risk of wrongful execution.

The death penalty is and will always be applied in an unfair and unjust manner. Decisions about who lives and who dies are largely dependent on how much money they have, the skill of their attorneys, race of the victim, and where the crime took place. People of color are far more likely to be executed than white people for the same crimes, especially if the victim is white.

Ending the death penalty would save millions in taxpayer dollars that could be better spent on solving crimes. Life in prison without parole is a severe sentence that costs far less than the death penalty. Capital punishment costs far more than life in prison because of special death row housing and legal fees. Meanwhile, a huge percentage of rape and murder cases go unsolved because of a lack of resources.

Finally, the death penalty is not a deterrent. The FBI has found the states with the death penalty have the highest murder rates. Further, a survey of police chiefs nationwide found they rank the death penalty lowest among ways to reduce violent crime.

Thank you for the opportunity to provide comments today. Please feel free to be in touch at any time about these issues.