



USA: MOMENTUM AGAINST DEATH PENALTY CONTINUES AS WASHINGTON STATE GOVERNOR ANNOUNCES MORATORIUM ON EXECUTIONS

I have decided to impose a moratorium on executions while I'm Governor of the state of Washington...With my action today I expect Washington State will join a growing national conversation about capital punishment

Governor Jay Inslee, Washington State, 11 February 2014

The “national conversation” about the death penalty in the USA has been given a new topic to consider after the Governor of Washington State announced that he would not allow anyone to be executed there while he is governor. Governor Jay Inslee’s current term in office is due to run until January 2017.

Amnesty International, which opposes the death penalty unconditionally, welcomes Governor Inslee’s decision and urges him and all other officials in the USA – at local, state, and federal level – to ensure that this “conversation” is geared towards immediate and continuing action for abolition of the death penalty across the country, as well as for a nationwide moratorium pending removal of the death penalty from the statute books. All executions are in the end a political choice, never a legal necessity. The choice should always be to act against this cruel and brutalizing punishment.

In his announcement on 11 February 2014, Governor Inslee said that he had re-evaluated his previous support for the death penalty. He pointed to the high costs associated with the death penalty, coupled with “no credible evidence” that it deters murder. At the same time, he said, the death penalty was inconsistently applied and relatives of murder victims are forced to “constantly revisit their grief at the additional court proceedings” necessary in capital cases.

Washington State becomes the second US state in just over two years to see a governor-imposed moratorium. In November 2011, Oregon Governor John Kitzhaber announced that he would allow no further executions while he was governor, saying that he believed the death penalty to be “morally wrong”, and the capital justice system “broken”.

And in May 2013, the Governor of Colorado granted an indefinite reprieve to a state prisoner who was scheduled for execution. Governor John Hickenlooper pointed to the question of arbitrariness in the death penalty system, as well as referring to the national and international trends towards abolition: “Internationally”, he pointed out, “the United States is one of only a handful of developed countries that still uses the death penalty as a form of punishment. Approximately two-thirds of countries worldwide have abolished the death penalty in law or in practice, largely due to concerns regarding human rights violations.”

It was in 2008 that the then most senior Justice on the US Supreme Court had announced that after more than three decades on the Court he had concluded that executions amounted to the “pointless and needless extinction of life”. The USA’s continuing resort to the death penalty, Justice John Paul Stevens said, was the product of “habit and inattention” on the part of government rather than informed deliberation.

Four US states have broken the habit since then and legislated to abolish the death penalty – New Mexico (2009), Illinois (2011), Connecticut (2012) and Maryland (2013). Also, in 2007 New Jersey

abolished the death penalty and the last death sentence in New York State was commuted, following a 2004 court ruling that its capital law violated the state's constitution.

The USA's growing isolation on the death penalty – 140 countries are abolitionist in law or practice today – has also been expressly recognized in the newly abolitionist US states. “From an international human rights perspective”, said New Mexico's Governor Bill Richardson in 2009 when signing the abolitionist bill in his state, “there is no reason the United States should be behind the rest of the world on this issue”. Two years later, Governor Pat Quinn of Illinois asserted that “we are taking an important step forward in our history as Illinois joins the 15 other states and many nations of the world that have abolished the death penalty”. In 2012 Connecticut Governor Dannel P. Malloy promised to sign his state's abolitionist bill into law, saying that his state would be thereby joining the “16 other states and almost every other industrialized nation in moving toward what I believe is better public policy”.

When he announced in January 2013 that he was sending his state's legislature an abolitionist bill, Maryland's Governor Martin O'Malley also pointed to the global picture, emphasizing that abolitionist countries were “a much more expansive community than the number who still use the death penalty”. He asked: “So who do we choose to be? In whose company do we choose to walk forward?” adding that “the way forward is always found through greater respect for the human dignity of all.” The legislature voted for abolition and Maryland subsequently became the 18th abolitionist state in the USA.

There is reason to be optimistic that more states will follow before too long. On the same day as Governor Inslee announced the Washington State moratorium, the Committee on Criminal Justice and Public Safety in the New Hampshire House of Representatives voted 14-3 to approve a bill to abolish the death penalty in that state.

At the same time, the numbers of death sentences and executions each year have markedly declined in the USA in recent years. But too many officials in too many states are failing to build on the positive momentum and to offer the sort of principled leadership consistent with what is expected of them under international human rights law and standards. Many, for example, are currently scrambling to find solutions to their states' lethal injection problems, including considering reviving other methods of execution such as electrocution or firing squad, rather than recognizing that the problem is the death penalty itself.

Governor Inslee's decision comes just a few days before the 20th anniversary of the now famous announcement by US Supreme Court Justice Harry Blackmun that, after two decades of struggling to fashion a capital justice system that would be consistent, fair and error-free, he would no longer “tinker with the machinery of death”. No combination of rules or regulations, he wrote in his 22 February 1994 dissent, could ever save capital punishment from its inherent flaws.

It seems that Governor Inslee is among the officials in the USA now recognizing that these flaws make support for the death penalty untenable. The death penalty, he said, was “unequally applied” in a system with “too many flaws”, and “when the ultimate decision is death, there is too much at stake to accept an imperfect system.”

He is right, and his decision to block any execution during his time in office is entirely in keeping with repeated resolutions at the UN General Assembly calling for a global moratorium on executions.

Others should now follow suit.