

NEBRASKANS *for*
ALTERNATIVES
to the DEATH
PENALTY

The Death Penalty in Nebraska

Highlights from articles, studies, and testimony

Nebraskans for Alternatives to the Death Penalty

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Executive Summary

We've learned much about capital punishment since the Supreme Court allowed its reinstatement in 1976. Despite a half century of tinkering and the best intentions of many, the death penalty system remains broken beyond repair and cannot be made fair, accurate, or effective. That is why Nebraskans for Alternatives to the Death Penalty (NADP) was founded in 1981—and why we continue to work tirelessly to educate, empower, and mobilize Nebraskans toward the singular goal of removing capital punishment in the Cornhusker State.

This packet is designed to serve as a primer for those seeking to understand the many different facets of this complex policy. News articles, academic studies, and testimonial excerpts have been collected in key sections.

Victims' Families: Capital punishment prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning, but often results in a different sentence. By contrast, a sentence of life in prison without the possibility of parole begins as soon as victims' families leave the courtroom and is served anonymously—outside the spotlight of the media.

Cost: Capital punishment is a wasteful program that costs Nebraska taxpayers upwards of \$15 million each year just to have on the books, delays justice for victims' families, and devours millions of taxpayer dollars—which could be put to much better use on victim support and more effective crime prevention measures.

Innocence: More than one innocent person has been exonerated from death row for every nine who are executed, an error rate of over ten percent. Hundreds of others, including the Beatrice Six in Nebraska, have been exonerated from long prison sentences thanks to advances in DNA testing.

Plea Bargain Myth: It is a myth that we need the threat of capital punishment to secure confessions and plea deals that lead to life imprisonment. States without capital punishment have some of the highest rates of inmates serving life without the possibility of parole without ever having to use death as a bargaining chip.

Public Safety: The time and resources spent chasing a small handful of executions means countless other crimes go unsolved—while those who committed them remain free. Because the death penalty does not deter irrational acts of violence, many law enforcement officials find it a distraction from their goal of public safety.

Fairness: The argument that the death penalty is reserved for the most heinous crimes quickly falls apart when studies reveal that who is sentenced to die has far more to do with what race the victim and offender are, how much money a victim was worth, or what county a crime was committed in.

Lethal Injection: Nebraska remains incapable of executing a person without committing a crime to illegally purchase drugs for the execution. After the last execution, the State hid how it illegally purchased drugs for almost two years after the execution. During the execution itself, the Department of Corrections hid parts of the process from observers while an untested drug combination was used.

Changing Perceptions: Death sentences and executions are at a historic low. The 18 new death sentences imposed around the nation in 2021 represents a 94% drop from the high of 315 sentences imposed in 1996. The number of executions carried out each year has fallen more than 85% since the 1990s.

Faith Perspectives: Many faith communities throughout the nation take a stand against capital punishment as a matter of principle. Though there exists a wide range of nuance, common across creeds is basic reverence for the sanctity of life, concern over the fallibility of human-run criminal justice systems, and the toxicity of vengeance.

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Although this guidebook has been compiled from a wide variety of sources, efforts have been made to include the most compelling statements and data from citizen and expert testimony given before the Nebraska Legislature, from articles published in Nebraska newspapers, and from an array of nonpartisan nonprofit organizations from across the nation who specialize in providing accurate information about the death penalty, what it costs, and who it affects. Each chapter listed below collects that material into categories encapsulating many of the most common justifications for ending capital punishment.

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The mounting evidence of waste, inaccuracy, and bias has shattered public confidence in the criminal justice system. Death sentences are at an all-time low and public support for the death penalty has dropped in favor of life without parole. Across the country, states are reconsidering death penalty statutes.

The death penalty is dying, and Nebraskans can live without it.

Victims' Families

The 'Closure' Myth: How the Death Penalty Fails Victims' Families

Capital punishment prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning, but often results in a different sentence. By contrast, a sentence of life in prison without the possibility of parole begins as soon as victims' families leave the courtroom and is served anonymously—outside the spotlight of the media.

"When Michael Ryan was sentenced to death, we were sentenced too...For 25 years it has been all about Michael Ryan. He is all my family and I ever hear about. Jim is never mentioned. Only the continued talk about what Ryan deserves and not what my family and I need. Every appeal, on and on. Reading the horrible details again in the news, year after year. Even after the execution, if it ever comes, it will be another day about Michael Ryan, and nothing about Jim."

Miriam Thimm Kelle, whose brother James was murdered by death row inmate Michael Ryan
Testimony before the Judiciary Committee of the Nebraska Legislature, March 2013
Ryan died of natural causes in May 2015, after nearly 30 years on death row

"I think if Nebraskans understand what this process does to those left behind after these unspeakable crimes, they would re-think their support of the death penalty."

Kurt Mesner of Central City, NE
Death penalty harms victims' families, Grand Island Independent, November 15, 2014

"The existence of the death penalty...perpetuates a cruel illusion that [murder victims' families] may have vengeance, when in reality the system requires years of appeals, repeatedly putting the victims through the nightmare of their loved one's death...My firsthand experience working with victims is that they simply want to be done with their tragedy."

Brent M. Bloom, former chief deputy, Douglas County Prosecutor's office
Testimony before the Judiciary Committee of the Nebraska Legislature, January 2009

"You hear the term 'closure' as far as the satisfaction or the end of the case, but I don't know that people necessarily get closure from the criminal justice system because the process continues for quite some time."

Don Kleine, elected County Attorney of Douglas County, Nebraska
Testimony before the Judiciary Committee of the Nebraska Legislature, January 2009

"Nebraska has a choice. We can continue with our broken charade of a death penalty system and continue to keep victims' families trapped in this system of false hopes [and] we can continue to waste millions of dollars that could be better spent. Or we could replace the death penalty system with life imprisonment, allowing victims' families to leave the courthouse that day knowing their offender is going to start his punishment immediately and anonymously."

Ashley Gage, whose father was murdered in Kearney, Nebraska
Testimony before the Judiciary Committee of the Nebraska Legislature, March 2015

Victims' Families

Just the Facts

21

In Nebraska, it takes an average of over 21 years from the time of an original death sentence to an execution. Several Nebraska victims' families have agonized through more than 25 years of appeals and re-trials, waiting for a final outcome. (Nebraska Department of Correctional Services)

186

The sentencing and appeals process is longer because a life is on the line; the extra procedures are legally and constitutionally required in order to reduce the risk of mistakes. But even these safeguards are not enough—186 individuals around the United States and counting have been exonerated from death row since 1973, after waiting years or decades for the truth to come out. That's an average of one out of every nine death sentences. Streamlining this process would virtually guarantee the execution of more innocent people. (Death Penalty Information Center)

Diverting Scarce Resources

In 2015, over two dozen murder victims' families went to the Nebraska Capitol to implore our state Senators to end the death penalty and sent a joint letter to the media urging a shift of those funds toward victims' families.

The death penalty's cumbersome and expensive process diverts millions of dollars and attention away from the critical services that homicide survivors need to help them heal. This includes specialized grief counseling, financial assistance, and ongoing support. In most states, these services are sorely lacking.

"A new national report ranks Nebraska as the 'stingiest' state in the nation when it comes to helping crime victims pay expenses. The report, released Monday, said the state paid an average of \$26 each to help crime victims and survivors with funeral costs, medical costs, counseling, and lost wages in 2012. That's less than half the amount paid by the next-lowest state, Louisiana, and many times less than the \$763 average paid by neighboring Iowa."

Nebraska 'Stingiest'? State keeps tight wallet when compensating crime victims, new report says, Omaha World-Herald, June 17, 2014

"Resources could be used for so many other things... Victims' rights, cold cases—I mean, just pick whatever you'd like. Anything but [the death penalty]."

"In the Battle Over Nebraska's Death Penalty, Victims' Families Refuse to Be Political Pawns", Liliana Segura, <http://www.theintercept.com>, June 20, 2016

Full Articles

- *Death penalty harms victims' families*, Grand Island Independent, November 15, 2014
- *Nebraska 'stingiest'? State keeps tight wallet when compensating crime victims, new report says*, Omaha World-Herald, June 17, 2014
- *Victims' families feel they're put through death row wringer*, Omaha World-Herald, July 1, 2007

Cost

An Alarming Price Tag: A Wasteful, Inefficient Government Program

The death penalty's complexity and finality make it much more costly than life without parole. Capital cases necessitate an initial three-part trial: the guilt phase, the sentencing phase, and a review by a three-judge panel. All this takes place before the constitutionally-mandated appeals process, which is intended to reduce—but can never eliminate—the likelihood of executing innocent people. Capital punishment is a wasteful program that costs Nebraska taxpayers upwards of \$15 million each year just to have on the books, delays justice for victims' families and devours millions of taxpayer dollars—which could be put to much better use on victim support and more effective crime prevention measures.

| *"The costs of Nebraska's death penalty system are 'staggering.'"*

J. Kirk Brown, Nebraska Solicitor General & the State's chief Death Penalty Attorney

| *"The study that was done computed that the cost of a death penalty case is about \$3 million from beginning to end, and the cost of a life without parole case, about \$1.1 million...Over the course of Nebraska's death penalty, they have had about 35 death sentences, so now what you are figuring the state has spent in the realm of \$100 million... But of course, that hasn't resulted in 35 executions. In fact, it resulted in three executions. And so now you start to see where some of the large numbers with respect to the cost of the punishment come in; that is, what is this state paying per execution? Because without an execution, the death penalty is somewhat meaningless."*

Richard Dieter, Executive Director of the nonpartisan Death Penalty Information Center
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2013

| *"It is an expensive government program with the power to kill people."*

Brent Bozell, founder and president of Media Research Center
Viguerie & Bozell: Support is Waning for Death Penalty, Richmond Times-Dispatch, October 5, 2010

| *"The millions of dollars we've spent on the death penalty would have been much better invested in more police officers, additional resources or training for our current officers."*

Jim Davidsaver, Director of Lincoln-Lancaster County Emergency Management
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2013

| *"Nebraska, like Montana, has no system to accurately track how much it spends at the local or state level on the death penalty. If the death penalty actually saved money, one might imagine that the records would be meticulous."*

Jim Oppedahl, former Montana court administrator
Montana can't afford the death penalty, Helena Independent Record, February 2, 2009

| *"Nebraska has carried out three executions since 1976, with an estimated cost of \$15 million each. This is not a program that's compatible with the principles of limited government or fiscal responsibility."*

Matt Maly, coordinator of Nebraska Conservatives Concerned About the Death Penalty
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2015

Cost

Just the Facts

119

Between 1973 and 2014, Nebraska taxpayers paid for 119 cases in which the prosecution sought the death penalty, only 33 of which resulted in a death sentence. More than half of those death sentences were reversed, and only 4 have resulted in an execution. (“The Economic Impact of the Death Penalty on the State of Nebraska: A Taxpayer Burden?”; 2016 report by Goss & Associates)

\$750k

If a defendant pleads guilty, meaning there is no trial and no cost associated with determining guilt or innocence, death penalty cases in Nebraska can cost taxpayers more than \$750,000 for just the sentencing phase alone. (James Mowbray, chief counsel, Nebraska Commission on Public Advocacy)

\$19.9m

In Kansas, the cost of defense alone for 26 death penalty trials, 12 of which resulted in a death sentence, was \$19.9 million from its 1994 reinstatement through February 2009. Kansas, which reinstated the death penalty in 1994, has yet to carry out a single execution. (*Death penalty too costly, not deterrent*, Wichita Eagle, March 1, 2009)

\$28.1m

The Beatrice Six, wrongfully convicted in Gage County District Court for the 1985 rape and murder of Helen Wilson, were exonerated and awarded a \$28.1 million judgement—an amount more than three times the Gage County budget. Gage County had to hike its sales and property tax rates, and received \$4 million in state funds. (*Ricketts voices concerns but signs bill to help pay Beatrice Six judgment*, Lincoln Journal Star, May 26, 2021)

2

Prosecuting just two death penalty cases nearly bankrupted Richardson County. The county had to resort to both borrowing money and mortgaging its ambulances to pay legal expenses. (*Spat brews over public defenders*, Omaha World-Herald, January 31, 2012)

\$47k/day

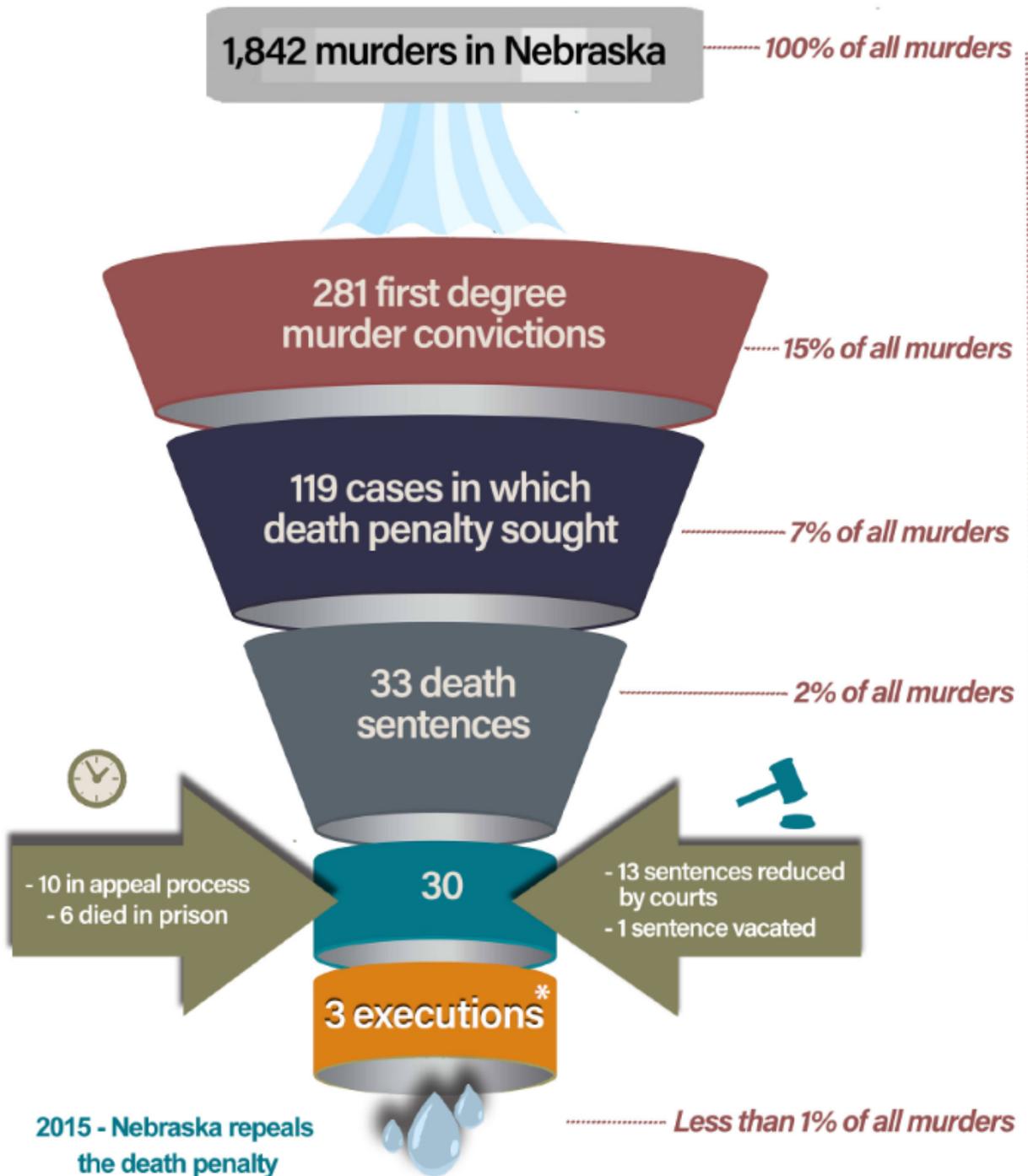
A 2016 study showed that simply having the death penalty on the books costs taxpayers \$14.6 million per year more than life without parole—whether or not anyone is put to death. That’s over \$17 million adjusted for 2022 dollars, which works out to nearly \$47,000 per day! (Full study: tinyurl.com/retainstudy2016)

Full Articles

- *The high cost of killing people*, North Platte Telegraph, October 28, 2012
- *The conservative case against the death penalty*, Boston Globe, May 25, 2014
- *Debate on death penalty should not ignore the costs*, Omaha World-Herald, April 20, 2009

Cost

A snapshot of 41 years of executions in Nebraska, 1973–2014



“The Economic Impact of the Death Penalty on the State of Nebraska: A Taxpayer Burden?”; 2016 report by Goss & Associates)

Innocence

Our Most Haunting Fear: Executing an Innocent Person

The death penalty system continues to produce wrongful convictions, despite an extensive process of judicial checks. Nationally, 186 people and counting have been exonerated from death row since the 1970s, with many proving their innocence after the appeals process had finished. Executions cannot be undone. Our system of assessing guilt in death penalty cases is flawed, which means we will continue to sentence innocent people to death so long as this system remains. In addition, each wrongful conviction means that victims' families suffer while the real killers remain at large and tax dollars are wasted. That we can spend millions of dollars on a single case and still not get it right has extensive implications for the many cases which never receive this level of judicial review. The death penalty system is broken, representing much that is failing in our justice system.

"The most haunting fear for a prosecutor is that the system could make a mistake, sending an innocent person to death."

Brent M. Bloom, former chief deputy, Douglas County Prosecutor's office
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"The arguments against capital punishment seem clear. After all, no human system is infallible, so the death penalty requires that innocent people be executed."

Fran Kaye of Lincoln, Nebraska
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2015

"Humans inherently make errors, yet society expects judges and law enforcement officers to be perfect. Such expectations have placed an unfair burden on them to determine whether or not a person should be sentenced to death."

Curtis McCarty, exonerated Oklahoma death row inmate
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2013

"Although I have no moral qualms about the death penalty, I feel it is subject to human error. One has only to refer to the recent exonerations of six men and women from [...] Beatrice."

James M. Murphy, retired district court judge & former Douglas County prosecutor
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"Since 1970, 150 people on death row have been found innocent and have been set free, which makes one wonder how many innocent people have been killed."

Gwendolen Hines, Unitarian Church of Lincoln
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2015

"I am haunted by the demon of error—error in determining guilt and error in determining who among the guilty deserves to die."

George Ryan, former Republican Governor of Illinois
In 2003, Gov. Ryan "cleared the row" by commuting the sentences of all 167 death row inmates

Innocence

Just the Facts

- Since the 1970s, at least 186 men and women have walked off our nation's death rows after evidence of actual innocence revealed that they were sentenced to die for crimes they did not commit. Collectively, they have spent over 2,249 years on death row. (Death Penalty Information Center)
- Shockingly, in 1993, the US Supreme Court ruled that it is *constitutional* to execute an innocent person as long as that person had a "fair" trial. This ruling hasn't been reversed. In a concurrence on the ruling, Justice Antonin Scalia wrote "There is no basis in text, tradition, or even in contemporary practice (if that were enough) for finding in the Constitution a right to demand judicial consideration of newly discovered evidence of innocence brought forward after conviction." (Herrera v Collins, 506 U.S. 390 (1993))
- More than one innocent person has been exonerated from death row for every nine who are executed, an error rate of over ten percent. Hundreds of others, including the Beatrice Six, have been exonerated from long prison sentences thanks to advances in DNA testing. (Death Penalty Information Center, The Innocence Project)
- In April 2006, 28-year-old Matthew Livers confessed after more than 11 hours of continuous questioning about the Cass County murder of his aunt and uncle, and implicated his cousin Nicholas Sampson as a co-conspirator. Livers, like the Beatrice Six, was threatened with the electric chair. Both Livers and Sampson were found innocent, and the real murderers are now serving life sentences. (*Nephew of slain Murdock couple files wrongful imprisonment suit*, Lincoln Journal Star, March 12, 2008; Northwestern University Center on Wrongful Convictions, <https://www.law.northwestern.edu/legalclinic/wrongfulconvictions/>)
- Contrary to the belief of some, the appeals process is not good at catching mistakes. The vast majority of exonerations have come about only because of the extraordinary efforts of people working outside the system—*pro bono* lawyers, family members, former jurors, and even students. (*Trials too impure to risk executions*, Omaha World-Herald, March 2, 2009; The Innocence Project)
- Forensics is not a safety net for the innocent. Hundreds of DNA exonerations reveal that murder cases are often riddled with problems: mistaken eyewitnesses, bad lawyers, shoddy forensics, unreliable jailhouse snitches, coerced confessions, and more. Some forensic evidence used in past cases is now known to be based on junk science; the FBI announced in 2015 that experts exaggerated the value of hair analysis in hundreds of cases, some of which have already led to executions. Fingerprint, bite mark, ballistics, and fire pattern analyses have also come under scrutiny. (*FBI admits flaws in hair analysis over decades*, The Washington Post, April 18, 2015)

Full Articles

- *Don't risk executing an innocent*, Lincoln Journal Star, March 25, 2013
- *Too fallible for death penalty*, Lincoln Journal Star, May 13, 2012
- *Trials too impure to risk executions*, Omaha World-Herald, March 2, 2009

Plea Bargain Myth

The Dangers of Trying to Secure Life with the Threat of Death

Some believe we need the threat of capital punishment to secure confessions and plea deals that lead to life imprisonment, yet the facts do not bear this out. States without capital punishment have some of the highest rates of inmates serving life without the possibility of parole without ever having to use death as a bargaining chip. Most prosecutors consider such use of the death penalty unethical anyway, and for good reason—it's just one more cause of wrongful convictions.

"In the final analysis, the threat of execution was a significant factor in causing two of the Beatrice Six to start dreaming and having psychotic delusions that they were involved in Ms. Wilson's murder. The threat of execution also caused two of the Beatrice Six to agree to no-contest pleas to crimes they knew they didn't commit. The risk of trial was too great, and they didn't want to die in prisons for crimes they did not commit."

Jeffrey Patterson, defense attorney for four of the Beatrice Six
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2015

States Don't Need the Threat of Death to Get Life

*"Eliminating the death penalty will have **no negative impact** on community, police, victim, or prison safety. It will not hinder the prosecutorial capacity to seek, or the court's ability to impose, 'life without parole' sentences for serious, heinous crimes and criminals."*

Scott Harshbarger, former Attorney General of Massachusetts (a state with no death penalty)

- States without the death penalty have some of the highest rates of prisoners serving life without the possibility of parole in the country—proving you don't need the threat of execution to secure a sentence of life without parole. Massachusetts, which does not have capital punishment, has the highest percentage of prisoners serving life without parole sentences in the nation (14.1%). Indeed, two of the top five states in the nation are states without the death penalty, and a third has had a moratorium since 2015. Pennsylvania, even with its execution moratorium, is third on the list with 11.8%; Michigan is fifth with 10.2%. None of those states used the threat of a death sentence to secure those sentences. (The Sentencing Project, Death Penalty Information Center)
- Prosecutors in New Jersey say repeal of the death penalty in 2007 has made no difference in the state's ability to secure guilty pleas. (*A year later, state assesses justice without death penalty*, New Jersey Star-Ledger, December 15, 2008)
- In Alaska, plea bargaining was abolished completely in 1975. A 1980 study by the National Institute of Justice found that since the end of plea bargaining, "guilty pleas continued to flow in at nearly undiminished rates. Most defendants pled guilty even when the state offered them nothing in exchange for their cooperation." ("Plea bargaining: an unnecessary evil" Robert Bidinotto in *Criminal Justice*, ed. Irving-on-Hudson: Foundation for Economic Education, 1996; cited in "Plea bargaining: economic costs and benefits", for *The Economics of the Law*, Washington University in St. Louis, December 5, 1996)

Plea Bargain Myth

Death as a threat risks convicting the innocent

After the 1985 rape and murder of Helen Wilson in Beatrice, Nebraska, six people were threatened with the death penalty. Five pleaded guilty and four of them confessed in order to avoid execution. The “Beatrice Six” collectively served more than 70 years behind bars for a crime they did not commit. The governor and attorney general of Nebraska finally granted pardons in 2009, but only after DNA tests proved they were innocent.

- Many people sentenced to life and later found innocent were originally threatened with the death penalty and accepted a guilty plea and a life sentence simply to avoid an execution. They are walking evidence that plea bargaining with the death penalty is not only unethical, it is downright dangerous.
- It’s hard to imagine that an innocent person would confess to crimes they did not commit, but false confessions occur more often than we realize—especially when a suspect is under duress or trying to avoid a harsher punishment like a death sentence.

Just the Facts

- The Beatrice Six are not the only innocent Nebraskans to be threatened with the death penalty. In 2006, after 11 hours of questioning, Matthew Livers confessed to killing his aunt and uncle, and was charged with two counts of first-degree murder. He was ultimately found innocent; according to his wrongful imprisonment lawsuit, Livers confessed after being told he’d get the electric chair if he didn’t. The real killers are now serving life sentences. (*Nephew of slain Murdock couple files wrongful imprisonment suit*, Lincoln Journal Star, March 12, 2008; Northwestern University Center on Wrongful Convictions, <https://www.law.northwestern.edu/legalclinic/wrongfulconvictions/>)
- Chris Ochoa was sentenced to life for the 1988 rape and murder of Nancy DePriest in Austin, Texas. He was threatened with the death penalty during the investigation, and on the advice of his attorney he pled guilty to the murder but implicated his friend Richard Danziger for the rape. In 2001, DNA testing revealed that both Ochoa and Danziger were innocent. They were exonerated and released from prison, but Danziger never really got his life back—he was beaten in prison so severely that he suffered permanent brain damage, and has lived in the care of his sister since his release. (*Pardons granted to five in murder they didn’t commit*, Omaha World-Herald, January 27, 2009)

Full Articles

- *Death penalty distorted Beatrice case*, Lincoln Journal Star, November 13, 2008
- *Letters: Innocence at risk*, Lincoln Journal Star, November 18, 2008

Public Safety

Public Safety Officials Agree: Death Penalty Flawed, Unnecessary, and Not a Deterrent

Law enforcement officials have criticized capital punishment for wasting scarce crime prevention resources. The time and resources spent chasing a small handful of executions means countless other crimes go unsolved—while those who committed them remain free. Because the death penalty does not deter irrational acts of violence, many law enforcement officials find it a distraction from their goal of public safety.

“Looking at the money: \$30 million for an execution or \$30 million, say, for 60 more police officers on the streets? Or better lighting in crime areas? Or more teachers? That’s a lot of money that [...] might actually reduce the level of violence.”

Richard Dieter, Executive Director of the nonpartisan Death Penalty Information Center
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2013

“Any corrections professional will tell you the millions of dollars a state may invest in just one capital case would be more useful to them in the form of additional officers or programming than the death penalty could ever be.”

Karen Jones of Central City, Nebraska, Former Florida Corrections Officer assigned to death row
Corrections officers face trauma, North Platte Telegraph, January 29, 2015

“Based on my experience, I have reached the conclusion that the death penalty is unnecessary and should be abolished... [The death penalty] is unnecessary when a reasonable alternative is available such as life imprisonment without parole... It is time to end the death penalty and stop putting the burden of life and death on the shoulders of judges sworn to uphold this flawed law.”

James M. Murphy, retired district court judge & former Douglas County prosecutor
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

“To lock somebody up in a little six-foot-by-nine-foot concrete cell for the rest of their natural lives without the possibility of parole is the most harsh punishment that I could ever imagine.”

Ron McAndrew, former warden of a state prison in Florida
Ex-warden cites collateral damage of death penalty, Lincoln Journal Star, February 27, 2009

“I’ve spent my adult life working around and thinking about violent criminals. I assure you, the death penalty does not affect a criminal’s thought process. Very few consider the consequences of their actions and believe they will never be caught. I have never met a criminal who expected to be caught, or was deterred by the slight possibility he would be sentenced to death instead of spending the rest of his life in prison.”

Jim Davidsaver, Director of Lincoln-Lancaster County Emergency Management
Repealing death penalty would make us ‘smart on crime’, Lincoln Journal Star, November 23, 2014

“Persuasive scientific studies have demonstrated that capital punishment has no deterrent effect.”

Brent M. Bloom, former chief deputy Douglas County prosecutor
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"If you ask criminologists—and you've got many of the country's best criminologists here in the state of Nebraska—you could not find one who would say that the death penalty is a greater deterrence than life without parole. Ninety percent of our criminologists...are [saying]...that if you've not deterred somebody with life without parole, there is no added deterrent effect with the death penalty. It's like if you wanted to deter somebody from sitting on this bench, and it was a stove, medium heat works just as well as high heat... And every criminologist who's ever studied deterrence will say that if we want to deter homicides we need to do something about these 40 percent of murderers who prosecutors never see."

Michael Radelet, chair, Department of Sociology, University of Colorado
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"The exorbitant costs of capital punishment are actually making Americans less safe, because badly needed resources are being diverted from proven effective crime fighting strategies such as community policing. Millions of dollars that are being spent on capital punishment could be used to fight crime in many other ways, such as improving police technology, better lighting in high-crime areas, more probation and parole officers who can better supervise defendants on probation and parole, and a more efficient court system."

Leslie Seymore, retired Lincoln police officer and past president of the National Black Police Association

"...[A] number of judges that were good friends of mine...and I frequently talked about [the death penalty] and we kept our fingers crossed that at some time the Legislature would simply abolish the death penalty. And I support repeal...because...[the death penalty] is more of a state-sanctioned form of revenge that has no value whatsoever on a deterrent basis."

Judge Ronald E. Reagan (ret.), Sarpy County District Court
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

Public Safety

Just the Facts

- In 2019, the murder rate per 100,000 residents was 11.7 in Louisiana, 9.4 in Missouri, and 6.9 in Oklahoma—all death penalty states. In Iowa and Minnesota, states without capital punishment, the rate was 2.2 and 2.3, respectively. (FBI Uniform Crime Reports, <https://www.fbi.gov/services/cjis/uc>)
- Nationwide, from 2008 to 2019, states with capital punishment had an average of 1.5 more murders per 100,000 residents than states without the death penalty. (Death Penalty Information Center)
- In 2012, the National Research Council reviewed more than three decades of research and found no credible evidence that the death penalty acts as a deterrent. (D. Nagin and J. Pepper, “Deterrence and the Death Penalty”, Committee on Law and Justice at the National Research Council, April 2012)
- Even police officers do not believe the death penalty is an effective deterrent. In national polls of police chiefs in 1995 and again in 2008, the death penalty was ranked *last* among effective ways to reduce violent crime. A full 99% of respondents said that reducing drug abuse, improving the economy and reducing unemployment, simplifying court rules, increasing prison sentences, increasing the number of police officers, or reducing guns were all more important than protecting or expanding the death penalty when it comes to reducing violent crime. (Death Penalty Information Center, 1995; 2008 poll of 500 police chiefs in the United States, conducted by R.T. Strategies of Washington, DC)

Full Articles

- *Corrections officers face trauma*, North Platte Telegraph, January 29, 2015
- *Local view: Repealing death penalty would make us ‘smart on crime’*, Lincoln Journal Star, November 23, 2014
- *Former prison warden says Nebraska would be better off without death penalty*, Omaha World-Herald, November 10, 2014

Fairness

Who Gets Life and Who Gets Death: Class, Race, Geography, and Prosecutor Discretion

We all expect justice to be unbiased, otherwise it's not justice at all—yet geography, poverty, and race continue to unfairly influence who lives and who dies. When the public sees this level of disparity in the death penalty, it compromises the integrity of the entire criminal justice system by sending a message that some lives are more valuable than others. The argument that the death penalty is reserved for the most heinous crimes quickly falls apart when studies reveal that who is sentenced to die has far more to do with what race the victim and offender are, how much money a victim was worth, or what county a crime happened to occur in. A just system should match the nature of the offense with the severity of the punishment, not skin pigment or stock portfolio.

"We need to face the ugly truth that the death penalty sets some crimes and some victims apart as more important than others. How do we make these decisions? Is it quantity of lives lost? The location of the murder? The death penalty attempts to identify the 'worst' crimes. There is just no way for us to reasonably do this, and it is hurtful that we try."

Vicky Coward, whose son Tyler was murdered
Murder victim's mother suggests big picture is more important, Connecticut News Junkie, May 13, 2011

"Our conclusion is that [Nebraska's death penalty system] is a classic example of disparate treatment—that is, people are being treated differently on the basis of factors that have nothing whatever to do with their culpability but rather on the socioeconomic status of the victim that they have killed. It's a system-wide influence that exists in both the major urban counties and in greater Nebraska."

Prof. David Baldus, Joseph B. Tye Professor of Law, University of Iowa College of Law
Testimony to the Judiciary Committee of the Nebraska Legislature, October 2001

"Racial disparities are present at every stage of a capital case and get magnified as a case moves through the legal process."

Robert Dunham, Executive Director, Death Penalty Information Center, September 2020

"I can...tell you that most prosecutors across our state feel torn about [the death penalty]...Most of us agree, though, that the death penalty is not working in Nebraska and our state would be better off to replace the current penalties with secure life-without-parole sentences."

Brent M. Bloom, former chief deputy, Douglas County Prosecutor's office
Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die."

United States Supreme Court Justice Harry Blackmun

"Who gets life and who gets death in Nebraska death penalty cases depends more on geography, class, race, and the discretion of prosecutors than on the heinousness of the crime."

The Disposition of Nebraska Capital & Non-Capital Cases (1973-1999): A Legal & Empirical Analysis, 2001

Fairness

Just the Facts

- Individual prosecutors have broad discretion to decide whether to seek the death penalty. Indeed, prosecutorial discretion is one of the hallmarks of our nation’s legal system. However, the definition of “death-penalty eligible” is so broad that there is little guidance for prosecutors, leaving room for other factors to seep into the decision-making process despite a prosecutor’s best intentions.
- One study found that in Nebraska, the overall error rate in death penalty cases is 68 percent, meaning courts have found serious, reversible errors in nearly 7 of every 10 death penalty cases prosecuted during that time. (“The Disposition of Nebraska Capital & Non-Capital Homicide Cases (1973-1999): A Legal & Empirical Analysis”, 2001; https://ncc.nebraska.gov/sites/ncc.nebraska.gov/files/pdf/others/other_homicide/execsum.pdf. See also: Jerry Soucie, Nebraska Capital Cases, Nebraska Commission on Public Advocacy, March 15, 2007)
- Defendants in death penalty cases in Nebraska whose victims were wealthy are 5.6 times more likely to be sentenced to death than those whose victims were poor. (*Ibid.*)
- Where a crime occurs can play as big a role as the nature of the crime in determining who will live and who will die. Similar murders might get 40 years in one county and death in the next county over.
- In fact, out of more than 3,100 counties in the United States, just fifteen of them are responsible for more than 30% of all executions carried out since 1977. Those fifteen counties represent less than 0.5% of all counties in the United States, and less than 1% of all counties in states with the death penalty. From January 2015 through April 2020, just five states—Texas, Georgia, Alabama, Florida, and Missouri—carried out 83% of all executions nationwide. (Death Penalty Information Center)
- People who do not support the death penalty are excluded from serving on capital juries, which means large segments of the population can’t participate in the most serious cases.
- Since 1976, more than 75% of death row defendants who have been executed were sentenced to death for killing white victims, even though about half of all homicide victims are Black. In that same time period, 296 Black defendants have been executed for killing white victims, whereas only 21 white defendants were executed for killing Black victims. (Death Penalty Information Center)
- Exonerations of African Americans for murder convictions are 22% more likely to be linked to police misconduct.
- The quality of representation a defendant receives in a capital case can make the difference between life and death. Almost all defendants facing capital punishment cannot afford private attorneys, and counties or states often do not provide adequate resources for those tasked with representing indigent defendants.

Full Articles

- *Report: Small Number of US Counties Responsible for Most Death Sentences*, U.S. News and World Report, October 2, 2013
- *Racism and the Execution Chamber*, The Atlantic, June 23, 2014

Lethal Injection

Contempt for Rule of Law, Propriety, and Transparency

The method by which Nebraska extinguishes a life has gone through three major phases. The gallows was used until 1913 when it was replaced by the electric chair. Electrocutation was used for almost a century until the Nebraska Supreme Court ruled that it constituted a “cruel and unusual punishment” in 2008, thereby violating the Nebraska Constitution. The Nebraska Legislature then passed a bill, signed into law by Governor Dave Heineman in 2009, providing for lethal injection as the state’s sole method of execution.

The new protocol involved using sodium thiopental to render the inmate unconscious, pancuronium bromide to induce paralysis, and potassium chloride to stop the heart. Almost immediately, Nebraska ran into problems sourcing sodium thiopental. In 2010, state officials imported the drug from suppliers in India and Switzerland—but upon learning they had been lied to regarding the way the drugs would be used, the suppliers demanded the return of their products. State officials fought the FDA to keep them, but lost and had to surrender the sodium thiopental to the DEA. The remaining substances that Nebraska had collected for use in lethal injection executions expired in 2013, leaving the state without the means to carry out executions.

In 2015, Governor Pete Ricketts made global news for attempting to purchase 1,000 doses each of pancuronium bromide and sodium thiopental for a sum of \$54,400, from another source in India with ties to the 2010 supplier. The governor was facing a veto override on LB268, a bill duly passed by the Nebraska Legislature to replace the state’s maximum punishment of death with a sentence of life without possibility of parole. Nebraska was warned by the FDA, DEA, and Customs that these purchases were illegal and would be seized upon entering the US (in accordance with a 2013 federal court ruling banning the import of sodium thiopental). Nebraska sent Harris Pharma payment in full anyway, and received neither the drugs it paid for, nor a refund. The state was still incapable of conducting an execution, and lost \$54,400 with nothing to show for their money.

Frustrated by repeated failure to acquire execution drugs, the Nebraska Department of Corrections updated its lethal injection cocktail in 2017, replacing sodium thiopental and pancuronium bromide with diazepam, cisatracurium besylate, and—in a nationwide first—the powerful opioid fentanyl citrate. Ignoring opponents’ attempts to determine where these drugs had been sourced, state officials used this untested formula to execute Carey Dean Moore on August 14, 2018. Moore had been on death row for 38 years before becoming the state’s first execution victim in more than 20 years (a national record).

Death penalty opponents were right to distrust the state’s acquisition of its lethal injection drugs. Officials at the Department of Corrections stonewalled a 2017 series of requests for records relating to the drugs to be used in Moore’s execution. In June of 2018, a trial court ordered the release of those records—but the state appealed, buying enough time to put Moore to death before the drugs expired again. In May 2020, almost two years after Carey Dean Moore’s execution, the Nebraska Supreme Court ordered the release of the records. Predictably, the records showed that state officials had acquired its execution drugs under false pretenses and used them against the explicit wishes of their manufacturers.

German-based pharmaceutical company Fresenius Kabi, manufacturer of two of the drugs, filed suit alleging that Nebraska had obtained the drugs “through improper or illegal means.” The company stated its contracts with distributors prohibit sales to correctional agencies for use in executions, and that an unauthorized supplier had sold Nebraska the drugs “in contradiction and contravention of distribution contracts.”

That was indeed the case. The released records showed that Community Pharma Services, based in Gretna, received a two-year \$492,000 contract to manage the Department of Corrections pharmacy, during which it sold the state all four of its lethal injection drugs, disguised on invoices as “Miscellaneous expense.” The contract has since expired, and so have the drugs—leaving Nebraska once again without the means to carry out executions.

Lethal Injection

Cruelty Behind the Curtain

Carey Dean Moore was administered the first execution drug, diazepam, at 10:24 on a gray August morning, and would not be pronounced dead for another 23 minutes. During the execution proceedings, AP reporter Grant Schulte reported that on three occasions totaling 14 minutes, prison officials lowered a curtain to obscure portions of the proceedings. He also noted that toward the end of Moore's life, his face turned reddish, then purple. Prison officials later stated the curtain came down after the last drug was administered, preventing reporters from witnessing Moore's reaction. Omaha World-Herald reporter Joe Duggan reported that media witnesses were unable to see prison personnel controlling the flow of the drugs. "[I]t was not possible for us to know exactly when each drug was administered," he said. Brent Martin, reporting for Nebraska Radio Network, called Moore's execution "much longer" than the 13 executions he'd previously witnessed in Missouri.

Citing the state's responsibility to ensure maximum transparency as it carries out its most lethal punishment, members of the Nebraska Legislature passed a bill in 2020 to prohibit personnel from obscuring any part of the execution process. Its sponsor, Lincoln Sen. Patty Pansing Brooks (LD28), said "The process of taking a life is not the government's little secret to protect themselves and hide from the public." Governor Ricketts vetoed the bill anyway, citing concerns over shielding the identities of execution team members. Danielle Conrad, executive director of the Nebraska ACLU, said the veto "will allow state officials to operate in the shadows, carrying out the death penalty without ensuring that witnesses can observe this grave and irrevocable act."

Just the Facts

- Though we may never truly know whether Carey Dean Moore's execution was botched, there are plenty of other examples of brutal executions carried out by lethal injection since it has become the dominant execution method across the nation in the last 30 years.
- The 2014 botched execution of Clayton Lockett spurred a renewed national conversation on the viability of lethal injection as an execution method. Lockett, like Moore, was the first to endure an untested lethal drug cocktail. Thirteen minutes after the proceeding had begun, Lockett was declared unconscious—but soon he started to struggle violently and desperately. The execution attempt was halted after 33 minutes, though Lockett was soon declared dead of a heart attack.
- The United States Supreme Court issued a close 5-4 ruling in 2015's *Glossip v. Gross*, which stated lethal injection did not violate the 8th Amendment prohibition on cruel and unusual punishment, provided that the first drug (midazolam in this case) is highly likely "to render an inmate insensate to pain during execution." If, however, the first drug is improperly administered or given in an insufficient dosage, an inmate could very well be awake for the administration of subsequent drugs.
- The midazolam used in other states as a sedative and the diazepam used in Nebraska's protocol both belong to the benzodiazepine family of sedatives. Medical experts have testified that even at high doses, these drugs lack the ability to render an inmate "insensate" to the excruciating pain induced by subsequent drugs. Many inmates executed via midazolam exhibited posthumous symptoms of pulmonary edema, a sudden accumulation of fluid in the lungs—meaning they had drowned on the table—all while likely not completely unconscious.

Full Articles

- "Ohio's governor stopped an execution over fears it would feel like waterboarding" The Intercept, February 7, 2019
- "Nebraska death sentences continue despite no execution drugs", AP News, May 9, 2021
- *Editorial: Don't botch an execution here*, Lincoln Journal Star, November 16, 2014

Changing Perceptions

The Dying Death Penalty: Momentum for Repeal is Growing

We've learned a lot about capital punishment since the Supreme Court allowed its reinstatement in 1976. More and more Nebraskans believe the death penalty is an ineffective, expensive, unfair system that risks executing innocent people and causes further harm to families of murder victims., and they are recognizing that these problems can't be fixed.

"It looks like the death penalty may be on life support.... Last year was not a good year for the death penalty, either, as death sentences hit a 40-year low and executions were at a 20-year low.... Political conservatives are now blasting the money wasted on the death penalty—money that could be used to support victims, prevent crime, and repair broken schools and families. In some states, such as Nebraska, it is likely that Republicans will lead the way to abolition."

Shane Claiborne, evangelical author

"Checking pulse on the death penalty", Red Letter Christians, February 4, 2015

"In the years since my days on the bench, I have had much time to reflect on the experience of judging another person's life or death. The conclusion I have reached is that I can no longer support the death penalty even though I once voted in favor of executing a man."

Judge Leland Anderson (ret.), Jefferson County (Colorado) District Court
Abandon death penalty, retired judge urges, Denver Post, March 7, 2013

"Conservatives should question how the death penalty actually works in order to stay true to small government, reduction in wasteful spending, and respect for human life."

Dr. Mark Heath, Cardiac Anesthesiologist, Columbia University

Testimony to the Judiciary Committee of the Nebraska Legislature, January 2009

"The only comment I would make is that the incidence of capital punishment has gone down, down down, so that now, I think, there are only three states that actually administer the death penalty. And not even whole states, but particular areas of states. It may depend on who's the district attorney. We may see an end to capital punishment by attrition as there are fewer and fewer executions."

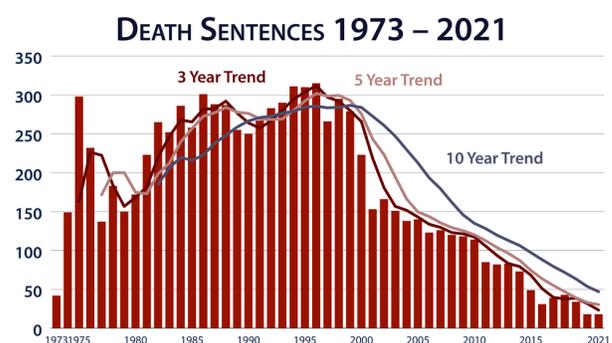
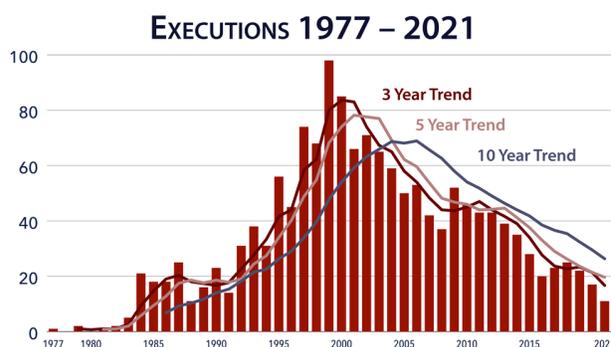
United States Supreme Court Justice Ruth Bader Ginsburg

Washington Council of Lawyers' forum, George Washington University, July 2017

Changing Perceptions

Just the Facts

- New York and New Jersey abolished the death penalty in 2007. New Mexico did the same in 2009. Illinois repealed capital punishment in 2011 and Connecticut followed in 2012. In 2013, Maryland became the 6th state in as many years, and the 18th overall, to get rid of its death penalty, followed by Nebraska in 2015 (though it was reinstated in 2016). Delaware struck capital punishment from the books in 2016, followed by Washington in 2018, New Hampshire in 2019, and Colorado in 2020. In 2021, Virginia became the 23rd state overall—and the first former Confederate state—to replace the death penalty with a sentence of life without parole. Finally, gubernatorial execution moratoria have been in effect since 2011 in Oregon, 2015 in Pennsylvania, and 2019 in California. Taken together, states without capital punishment and states with active moratoria contain more than 51% of the estimated total population of the United States in 2022. Finally, though the federal death penalty is still on the books, President Biden imposed a federal execution moratorium shortly after assuming office in 2021.
- Death sentences and executions are at a historic low. The 18 new death sentences imposed around the nation in 2021 represents a 94% drop from the high of 315 sentences imposed in 1996, following a long trend. The number of executions carried out each year has fallen more than 85% since the 1990s. A full 90% of all US counties did not sentence a single person to death between 2004 and 2009. Even Texas has only a handful of counties that use the death penalty. (Death Penalty Information Center)
- California has marked a dramatic shift away from capital punishment, from 71% who supported the 1978 initiative reinstating the death penalty to the 53% who voted to retain it in a 2016 referendum. Despite the referendum’s narrow failure, nearly 47% of voters—almost 6.4 million people—voted to replace the death penalty with life without parole. (California Secretary of State)
- A 2019 Gallup Poll asked respondents whether the death penalty or life without possibility of parole “is the better penalty for murder”, 60% chose the life-sentencing option and only 36% favored the death penalty. This represents a 15-point shift since an identical poll in 2014, where 45% preferred life in prison and 50% chose death.



Full Articles

- *Editorial: Government fails on death penalty*, Lincoln Journal Star, May 9, 2014
- *An unlikely conservative cause: abolish the death penalty*, Newsweek, May 14, 2014
- *A lesson from botched Oklahoma execution*, Beatrice Daily Sun, June 4, 2014
- *Ron Paul endorses anti-death penalty group*, <http://www.reason.com>, August 7, 2013
- *Change needs to be addressed*, North Platte Telegraph, February 8, 2012

Faith Perspectives

Faith Communities Speak Out: The Death Penalty Violates Sacred Principles

Just as death penalty opponents can be found in all major political parties and in every county of every state, many faith communities throughout the nation take a stand against capital punishment as a matter of principle. Though there exists a wide range of nuance, common across creeds is basic reverence for the sanctity of life, concern over the fallibility of human-run criminal justice systems, and the toxicity of vengeance.

“Saint John Paul II stated clearly and firmly that the death penalty is inadequate from a moral standpoint and no longer necessary from that of penal justice. There can be no stepping back from this position. Today we state clearly that ‘the death penalty is inadmissible’ and the Church is firmly committed to calling for its abolition worldwide.”

Pope Francis, *Fratelli Tutti*, 2018 encyclical

“[We] recommend the abolition of capital punishment in those states which still practice it...”

American Baptist Church

“We oppose capital punishment not just for what it does to those guilty of horrible crimes but for what it does to all of us as a society. We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders.”

United States Conference of Catholic Bishops

“While many evangelicals continue to acknowledge that the death penalty was called for in the Bible in certain cases, the death penalty constructed in the Bible is very different than the system used in the United States. Evangelicals are also becoming increasingly aware of the massive injustices carried out in the death penalty system...I will just say that God made it clear in Micah 6:8 that we are to act justly, love mercy, and walk humbly with our God.”

Bill Thornton, Associate Professor of Preaching Ministries at Nebraska Christian College
Testimony to the Judiciary Committee of the Nebraska Legislature, March 2013

“[T]he death penalty is cruel, unjust, and incompatible with the dignity and self-respect of man...”

American Jewish Committee

“Abolishing capital punishment requires education, conversion, and action.”

Episcopal Church

“We believe the death penalty denies the power of Christ to redeem, restore, and transform all human beings.”

United Methodist Church

“The ongoing controversy surrounding the death penalty shows the weaknesses of its justifications. We would be a better society by joining the many countries that have already abolished capital punishment.”

Evangelical Lutheran Church in America (ELCA)

| *“Capital punishment...promotes the evils of vengeance and injustice through the agencies of government intended to advance righteousness and justice.”*

Friends United Meeting

| *“There is an element of God in each of us, and so we must hold all human life as sacred.”*

Church of the Brethren

| *“The taking of human life is far too serious an act to contemplate when there is any possibility of error.”*

Mennonite Central Committee US

| *“We believe that one should strive to act with compassion and empathy toward all creatures in accordance with reason and as such we feel it is morally repugnant to reciprocate murder with state-sponsored murder—to punish violence with more violence. Capital punishment is brutal and barbaric, and the methods used to carry it out are unavoidably inhumane.”*

The Satanic Temple

| *“[T]he death penalty disregards the power of God’s grace and sovereignty in human life which offers the possibility of transforming individuals and circumstances deemed ‘irredeemable’ by human judgement...”*

United Church of Christ

| *“The use of the death penalty tends to brutalize the society that condones it...”*

Presbyterian Church (USA)

| *“Before, I had asked God to right the wrongs and comfort the suffering. Now I know—really know—that God entrusts those tasks to us.”*

Sister Helen Prejean

Just the Facts

- The majority of mainstream religious denominations in the United States have official positions against the death penalty and actively encourage their followers to work toward its end, while those who do not take a hard stance argue that far more care must be taken to ensure it is not applied unjustly.
- A 2021 Pew Research survey determined that 65% of atheists and 57% of agnostics either “strongly” or “somewhat” oppose the death penalty.

Full Articles

- “Nebraskan Bishops Support Legislation to End the Death Penalty”, Catholic Mobilizing Network, November 15, 2013
- *Poll: Younger Christians less supportive of the death penalty*, Religion News Service, January 17, 2014
- “Abby Johnson: If Gosnell deserves death and hell, tell me, what do I deserve?”, <http://lifesitenews.com>, May 14, 2013

Taking Action

Everyone Can Do Something, Everyone Has a Voice

Levers of Power

- **United States Congressmembers** can introduce or cosponsor legislation to limit or remove the federal government's ability to kill its citizens, or at the very least vote in favor of advancing such bills whenever possible. Such legislation could also provide incentives to states who remove the policy as well. In this era of extreme political polarization, it is more important than ever to note that the growing movement to end the broken death penalty system in the United States cuts across political ideologies, creeds, and generations in ways that many other policy issues do not.
- Elected **county attorneys** have wide discretion when making decisions about whether to seek the death penalty in eligible cases. Those who hold such office are within their rights to take advantage of that prosecutorial discretion and strictly limit or even abandon their offices' efforts to pursue death sentences.
- Like their federal counterparts, **Nebraska state senators** can introduce or cosponsor a wide variety of legislation intended to limit the state's ability to execute prisoners—up to and including striking the death penalty from the books altogether, replacing it with a sentence of life without the possibility of parole. Short of abolishing capital punishment in Nebraska (again), legislators could also pass lesser bills aimed at increasing transparency in the execution process, providing for better/more opportunities for retrials or appeals, expanding the board of pardons, establishing a statewide Conviction Integrity Unit, setting restrictions on the state's ability to acquire and stockpile lethal injection drugs, and so on. Nebraskans for Alternatives to the Death Penalty is always eager to rally public support for any such bills as they make their way through the legislative process!
- The Nebraska **Board of Pardons** consists of the **governor**, the **secretary of state**, and the **attorney general**. In addition to the ability to grant pardons and restore civil rights to those reentering society, the board is empowered to commute a death sentence into one of life without possibility of parole.
- The offices of the **governor** and the **attorney general** are responsible for seeking a death warrant for an inmate whose appeals process has concluded unsuccessfully, beginning the execution process in conjunction with the Department of Corrections. This is a decision they could choose not to make.
- The office of the **governor** wields tremendous power over the capital punishment system. In addition to choosing not to seek death warrants, the governor can also decline to veto legislative efforts to inhibit or eliminate executions. In fact, some ambitious governors of both major political parties have made the brave decision to impose a moratorium on executions. Likewise, a governor may commute a death sentence into one of life without parole, independent of the board of pardons. Some governors have even "cleared the row" by commuting all active death sentences at once!

Grasstops and Grassroots

- **Community leaders** and **faith leaders** alike can speak directly to elected officials on behalf of many like-minded people at once, which can be a powerful source of public support for this movement. Similarly, **business leaders** often understand that economic influence leads to political influence, and some choose to use that influence for good. Beyond that, these leaders can share or donate resources or infrastructure for actions taken against the death penalty system (e.g., providing a meeting space or sharing supplies), as well as request those they lead to participate—or to take actions of their own.
- **Individuals** have a powerful voice! Whether approaching local leaders to spur advocacy in the community, testifying in the Nebraska Legislature on proposed legislation to affect the state's ability to execute inmates, participating in demonstrations, writing postcards or leaving phone messages for their elected officials, or even investing time and treasure in organizations like ours, there are always ways to lift up the movement to end the broken death penalty once and for all.

Conclusion & Dedication

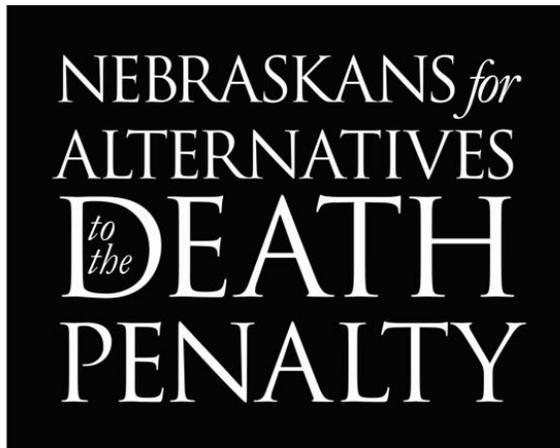
This packet was created, revised, and updated in order to present clear evidence that opposition to capital punishment can be found in every cross-section of Nebraskans, and that thoughtful people of all sorts can follow any number of personal paths to arrive at the plain conclusion that the death penalty is simply bad public policy.

Whether capital punishment opponents join the coalition based on the moral indefensibility of executing innocents, its history of uneven application across socioeconomic, geographic, and demographic lines, its failure as a deterrent, its flagging popularity, its incompatibility with religious doctrines, or its monumental waste of valuable taxpayer resources—there is a reason for nearly everyone.

Above all, we hope this guidebook proves a valuable and thought-provoking resource for those who are still deciding. Please feel free to reach out to our organization if you would like to begin a genuine conversation.

In the four decades since its founding, Nebraskans for Alternatives to the Death Penalty has allied with thousands upon thousands of people, in communities across the state, throughout the nation, and around the world, in the growing movement to build a more just and humane society free from the barbaric stain of capital punishment. Over that time, we have celebrated wins, but we have also celebrated devastating losses; some of our most dedicated champions have passed from the earth before seeing the work completed, while the future no doubt rings with the powerful voices of those we have yet to meet.

**With gratitude to those who came before, service to those engaged now,
and commitment to those who have yet to join the movement, we
continue to work towards a day when the death penalty no longer exists.**



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