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New Report Finds Fatal Flaws in Alabama's Death Penalty

System Places Low-Income, African American and Disabled Alabamians at Unacceptable Risk

MONTGOMERY – According to a major new report, structural and procedural flaws in Alabama's criminal justice system stack the deck against fair trials and appropriate sentencing for capital defendants. The report, released today by the American Civil Liberties Union (ACLU), details unfair and discriminatory practices in the state's administration of the death penalty.

Broken Justice: The Death Penalty in Alabama identifies six major areas of concern: inadequate defense, prosecutorial misconduct, judicial override of jury recommendations, execution of the mentally retarded, racial discrimination, and geographical disparities.

“Our state is failing to provide the basic legal safeguards to people facing the death penalty,” said Olivia Turner, Executive Director of the ACLU of Alabama. “The capital punishment system is broken in Alabama, and we have to fix it before more people are killed by mistake.”

Alabama has the sixth-highest execution rate and the sixth-highest death-sentencing rate in the United States, according to the Death Penalty Information Center. Yet there is no statewide public defender system, and 95 percent of current death row inmates can't afford representation, says the ACLU's report.

According to the report released today:

- Lack of a statewide public defender system creates wide disparities among circuits in their standards of indigent defense, or representation of defendants who can't afford private legal counsel.
- Alabama is among the few states that still allow judges in capital trials to override jury recommendations for lesser sentences and impose the death penalty.
- Eighty-one percent of those executed in Alabama since 1976 were convicted of killing white people, yet only 35 percent of all murders in the state involve white victims.
- Between 1973 and 2003, nineteen Alabama death penalty cases were reversed because of prosecutorial misconduct.
- The 2002 U.S. Supreme Court decision prohibiting execution of mentally retarded offenders left it to the states to define mental retardation. In failing to issue its own definition, Alabama places mentally retarded inmates at risk of unconstitutional execution.

“It is our responsibility to document the unfairness and inconsistency that plague the death penalty system in Alabama, and it is the state’s responsibility to do something about it,” said Rachel King, an attorney with the ACLU’s Capital Punishment Project and an author of the report. “Our strongest recommendation is that Alabama implement a moratorium, or temporary freeze, on executions to allow a thorough review of the state’s capital punishment system.”

Kimble Forrister, state coordinator of Alabama Arise, noted that public support for such a measure is strong and growing. “A July 2005 poll by the Capital Survey Research Center found that 57 percent of Alabamians would support a moratorium,” Forrister said. “It’s time for legislators to act on this life-and-death issue.”

In producing the report, the ACLU’s Capital Punishment Project relied on the extensive database of the Alabama Prison Project. ACLU of Alabama and Alabama Arise contributed significantly to the research and writing.

The full report is available online at www.aclualabama.org

