

# URGENT ACTION

## URGE GOVERNOR NOT TO VETO ABOLITION BILL

**A bill abolishing the death penalty in the US state of New Hampshire, passed by its legislature, is due go to the Governor. He has said that he will veto it. He should sign it or allow it to become law and make New Hampshire the 20<sup>th</sup> abolitionist state in the USA.**

On 26 April, the New Hampshire House of Representatives voted 223-116 in favour of Senate Bill 593, which would abolish the death penalty in New Hampshire. The Senate had passed the bill 14 votes to 10 on 15 March. The bill will soon go to Governor Chris Sununu, although it is not yet clear when. He can sign it into law, allow it to become law by not acting on it, or veto it. In a statement on 28 February, he said: "I stand with crime victims, members of the law enforcement community, and advocates for justice in opposing a repeal of the death penalty. A top priority of my administration has been to strengthen laws for crime victims and their families. Repealing the death penalty sends us in exactly the wrong direction, and I will veto the bill if it reaches my desk. There is no doubt that the most heinous crimes warrant the death penalty." He has repeated his veto threat since the House vote.

As Governor Sununu suggests, there are law enforcement officials, crime victims and "advocates for justice" who support the death penalty. But his statement fails to recognize that this is far from a homogenous situation. Many law enforcement officials oppose the death penalty, as do many relatives of murder victims. On the issue of justice, as four US Supreme Court Justices noted in 2007, "Millions of Americans oppose the death penalty. A cross section of virtually every community in the country includes citizens who firmly believe the death penalty is unjust".

Amnesty International opposes the death penalty unconditionally. It violates the right to life and is the ultimate cruel, inhuman and degrading punishment. It consumes resources that would be better devoted to understanding and preventing violent crime and to assisting those impacted by it. Implementing a death sentence cements any injustice into irrevocable permanence, whether it is the execution of those who were wrongfully convicted or those whose death sentences were tainted by discrimination or other inequity. Arbitrariness, discrimination and error riddle the capital justice system in the USA, as a number of US Supreme Court Justices have noted over the years.

Today, 142 countries are abolitionist in law or practice, with more than 90 of them having abolished it in law for all or ordinary crimes since 1976, the year that the US Supreme Court allowed executions to resume in the USA. Abolition of the death penalty in New Hampshire would not be a move in "the wrong direction", but would join the momentum in country after country in the abolitionist direction. The USA has been showing signs of joining this global trend, with death sentences and executions on the decline and six states abolishing the death penalty since 2007, creating the political space for other politicians to lead their states away from this punishment. New Hampshire has lived without an execution for nearly 80 years. It is time to end the death penalty in law.

### 1) TAKE ACTION

**Write a letter, send an email, call, fax or tweet:**

- Welcoming the positive vote in both chambers of the legislature to repeal New Hampshire's death penalty;
- Encouraging the Governor either to sign Senate Bill 593 or to allow it to become law;
- Noting that the death penalty is on the decline in the USA, and that a clear majority of countries have abolished the death penalty in law or practice, recognizing its fundamental flaws.

### Contact these two officials by 14 June, 2018:

Governor Chris Sununu  
Office of the Governor, State House  
107 North Main Street, Concord, NH 03301, USA  
Fax: +1 (603) 271-7680  
Email: <https://business.nh.gov/nhgovernor/comments.asp>  
Twitter: [@GovChrisSununu](https://twitter.com/GovChrisSununu)  
Salutation: Dear Governor

Please also sign this petition and ask others to:  
[http://act.ejusa.org/p/dia/action4/common/public/?action\\_KEY=26169&track=ActionNat-NHGov-url](http://act.ejusa.org/p/dia/action4/common/public/?action_KEY=26169&track=ActionNat-NHGov-url)

### 2) LET US KNOW YOU TOOK ACTION

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INTERNATIONAL**



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### ADDITIONAL INFORMATION

There have been 24 executions in New Hampshire since 1739, the last of which was conducted on 14 July 1939. In 1972, the US Supreme Court found the death penalty in the USA unconstitutional because of the arbitrary manner in which it was being handed out. It approved new capital statutes in 1976, allowing executions to resume in the USA under capital schemes that would supposedly eliminate arbitrariness. New Hampshire did not re-enact its death penalty until 1991.

The last 40 years of the death penalty in the USA have shown a system riddled with arbitrariness and error. Since 1973, more than 160 wrongful convictions in capital cases have been discovered. Other inmates have gone to their deaths despite serious doubts about their guilt. The death penalty in the USA is supposedly reserved for the “worst of the worst” crimes and offenders. In reality, as a US Supreme Court Justice famously pointed out in 1994, “The basic question – does the system accurately and consistently determine which defendants ‘deserve’ to die? – cannot be answered in the affirmative”. In 2015, a dissent by two Justices argued that while “Every murder is tragic..., the constitutionality of capital punishment rests on its limited application to the worst of the worst. And [an] extensive body of evidence suggests that it is not so limited.” They also pointed to the monetary costs of the death penalty, for example, that while “the death penalty costs California \$137 million per year; a comparable system of life imprisonment without parole would cost \$11.5 million per year”, and that in Florida, the “cost of each execution is \$23 million above cost of life imprisonment without parole”.

In 2008, the then most senior Justice on the Court wrote that “current decisions by state legislatures... to retain the death penalty as a part of our law are the product of habit and inattention rather than an acceptable deliberative process that weighs the costs and risks of administering that penalty against its identifiable benefits”. Among other things, Justice John Paul Stevens wrote that “Despite 30 years of empirical research in the area, there remains no reliable statistical evidence that capital punishment in fact deters potential offenders”. Since then, state legislatures in New Mexico (2009), Illinois (2011), Connecticut (2012) and Maryland (2013) have passed bills abolishing the death penalty, which governors have signed into law. Today, 19 states and the District of Columbia, are abolitionist. Four other states, Washington, Colorado, Oregon and Pennsylvania, currently have moratoriums on executions in place because of official disquiet about capital justice.

After the New Jersey legislature voted in late 2007 to abolish the death penalty, the then Police Chief of West Orange, New Jersey, wrote that while he had long been a supporter of the death penalty, he had since concluded that abolition was “just plain common sense”. He wrote: “[T]he death penalty throws millions of dollars down the drain – money that I could be putting directly to work fighting crime every day -- while dragging victims' families through a long and torturous process that only exacerbates their pain... The judicial process sentences victims' families to an indeterminate time in legal limbo, waiting, waiting, waiting, for the day that the punishment will be carried out. For most of them, it never will be. The death penalty was supposed to help families like these... As a police chief, I find this use of state resources offensive. The death penalty is supposed to help me fight crime. I say: Give a law enforcement professional like me that \$250 million, and I'll show you how to reduce crime. The death penalty isn't anywhere on my list.”

Today there is one person on death row in New Hampshire. Michael Addison was sentenced to death in 2008 for the murder of a police officer, Michael Briggs, in 2006. The small number of capital indictments or prosecutions in New Hampshire over the years make the potential savings from repeal difficult to quantify. However, according to information gathered in relation to Senate Bill 593, “the cost to prosecute the Addison case has been \$2.5 million. The Addison case will continue for several more years resulting in additional costs”.

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