



CAPITAL PUNISHMENT

The United States is the only advanced Western democracy today that does not view capital punishment as a profound human rights violation and a frightening abuse of government power. Since our founding, the ACLU has made the abolishment of the death penalty a cornerstone of our work, believing it to be inherently unconstitutional—both cruel and unusual punishment and a violation of the right to fair treatment under the law.

A Fatally Flawed System

Montez Spradley used to believe the death penalty was reserved for dangerous criminals who were convicted based on overwhelming evidence.

That was before he spent three and a half years on death row himself—the flimsy case against him riddled with lies.

Alabama police were frustrated by an unsolved murder with no one to pin it on. Then came their lucky break: Montez's ex-girlfriend, angry at their breakup, told police he had confessed.

She soon tried to recant, but officials threatened to prosecute her and take away her children. They also offered her a \$10,000 reward to stick to her original story.

After Montez's trial, the jury voted 10-2 for a life sentence. But the

judge overrode them and sentenced him to death.

Thanks to the ACLU, a unanimous appeals court reversed Montez's conviction, citing a "miscarriage of justice." When Alabama attempted to retry him, that's when we uncovered reward payments to the "witnesses" and other misconduct.

We secured Montez a deal that saved him from the risk of another trial and guaranteed his release. In September 2015, he walked out of prison a free man—yet another living testament to capital punishment's failure.



Montez Spradley (center), with his cousin (left) and brother, spent three and a half years on death row for a murder he did not commit.

Fighting Injustice Upon Injustice

Nowhere are the criminal justice system's failings more severe than in capital punishment, in which racial bias, prosecutorial misconduct, and failed policies coalesce into the worst form of injustice. Since 1973, 156 death row prisoners have been exonerated—over 1 for every 10 inmates executed. Several people have been executed despite strong evidence of innocence.

The death penalty fails as a deterrent, and whether one receives it is largely a game of chance. It depends on what crime takes place, how much money defendants have, and how skilled their attorneys are. But the dice are also loaded: people of color are far more likely to be executed than white people, especially if the victim is white.

The ACLU works on all fronts to end capital punishment and achieve nationwide reform.

We defend individuals whose cases demonstrate the unfairness of the death penalty, like the case of Montez Spradley (see over). We're pushing to add new states to the list of eight that have abolished capital punishment since 2007. We're focusing on reducing new sentences in "hot spot" jurisdictions; we work in three counties that account for nearly one-eighth of the entire death row

population. And we're building on the momentum created when two Supreme Court justices signaled in June 2015 that the death penalty is likely unconstitutional.



Damon Thibodeaux (left) was wrongfully convicted of murder in Louisiana and spent 15 years on death row before he was exonerated.

A History of Success

- In the 1960s, the ACLU was a key player in a campaign that resulted in the 1972 U.S. Supreme Court ruling in *Furman v. Georgia*, imposing a moratorium on executions. However, five years later, the justices allowed executions to resume based on states' revisions of death penalty sentencing rules.
- The ACLU filed a brief in *Roper v. Simmons*, the landmark Supreme Court case striking down the execution of juveniles. With this 2005 ruling, the United States became one of the last nations in the world to abandon the practice.
- A 2009 ACLU report, *Mental Illness and the Death Penalty*, highlighted the significant gaps in the legal protection accorded severely mentally ill capital defendants. Notably, the United States still permits the execution of the severely mentally ill.
- The ACLU has helped remove over 20 defendants from death row and has helped reduce the number of new death sentences to fewer than 80 annually compared with about 300 per year in the 1990s.
- In 2016, Delaware voted to abolish the death penalty, joining Connecticut, Illinois, Maryland, Nebraska, New Jersey, New Mexico, and New York since 2007—all with ACLU advocacy.