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Death penalty's unfairness

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Another strong argument against the death penalty was provided in Trenton this week. The Death Penalty Study Commission reviewed the cases of the nine men on death row, comparing their sentences with those of 546 other convicted killers. What their data shows is that too often the death sentence is frighteningly arbitrary.

The crimes of death row inmates are often no more grievous than those of other killers. Yet they are sentenced to death, while other, perhaps more brutal inmates, are not.

Take Charles Cullen, the nurse who admitted killing 29 patients by overdosing them on medication. Though he is the most prolific serial killer in New Jersey's history, he didn't get the death penalty. He worked out a deal that spared his life.

By contrast, Donald Loftin, a two-time killer sentenced to death for killing a gas station attendant, was not as lucky. He is on death row. Even if you think Loftin deserves to be there, it's hard to make sense of the system's inequities.

As long as fallible humans are doing the decision-making, there is no way to remedy disparities like these. The sentencing system depends on a patchwork of judicial outcomes that are difficult to justify. Add this to other arguments against the death penalty -- the possibility of a wrongful conviction, costs, and the fact that there are huge disparities in the handling of cases from county to county -- and it becomes clear why the state ought to abolish it.

The committee's vivid illustration of the randomness of death-penalty sentencing should raise serious questions about fundamental fairness even in the minds of the most ardent supporters of capital punishment.

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