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Death-penalty report flawed from the start

By Sharon Hazard-Johnson

My father, a 70-year-old retired Navy officer, and my mother, a retired postal worker aged 65, were savagely murdered six years ago during an invasion-robbery of their Pleasantville home. Our family still grieves their inhumane deaths.

Their killer was sentenced to death three years ago. Given the circumstances, it was a just penalty.

But now the New Jersey Death Penalty Study Commission has recommended that the death penalty be replaced with life without parole.

The governor and many in the Legislature favor the recommendation.

In my opinion, the study was flawed because of the makeup of the commission. The outcome was anticipated by legislators. The governor and legislators should not accept its recommendation without input from voters.

Most of the commission's 13 appointees - except possibly one - apparently were against the death penalty for various reasons from the start, were frustrated (like most of us) and surrendered their position, or simply succumbed to the rhetoric that the death penalty "is not working, so let's get rid of it."

My family and I have followed New Jersey's death-penalty controversy since our parents' murders and attended the commission's public hearings. As a victim survivor, I testified before the panel.

We found that publicly fighting for justice on the side of the death penalty is a difficult, unpleasant, exhausting and lonely fight. We were strikingly in the minority at hearings. Those against the death penalty, speakers and supporters, packed the room.

Some of them represented, were invited by, or were transported to the hearings by anti-death-penalty organizations with apparently strong membership and financial backing.

Many who testified were from outside New Jersey and referred to other states' death-penalty issues and statutes. The few pro-death penalty people were not permitted to speak at the final hearing.

No member of the commission adamantly advocated the death penalty.

What about the concern that innocent people sometimes end up on death row?

The commission found that out of 228 capital murder trials since 1982, juries returned unanimous death sentences in 60 cases, the court overturned 57 of them, and today only nine inmates are on death row. (One got off death row just as the commission began its proceedings.)

But not one person in New Jersey has claimed or has been released because of innocence.

The judicial system forces victims' survivors, such as my family, to endure repeated trials and appeals only to see sentences overturned by the state Supreme Court. Often the murderer eventually is even released.

Before Brian P. Wakefield, the killer of my parents, was sentenced to death, there were 13 people on death row. Now there are nine.

The commission should have studied and reported on what is really wrong with the administration of the death penalty in New Jersey.

How can nearly every death sentence, since the restoration of the penalty, be commuted, overturned or repealed? What is really driving the costs of implementing the death penalty? What can and should be done about the penalty for the sake of justice for victims, survivors, the state and the law?

The moratorium on executions, ordered during the course of the commission's work, wasn't necessary because no one was being executed. But now that it is in place, it should be kept until the real issues are acknowledged and studied.

There needs to be another, more comprehensive study and input from voters before the legislators and governor vote on the penalty.

Polls in and out of New Jersey continue to affirm that the majority of people are for the death penalty for some murderers and terrorists.

For an overview of the New Jersey Death Penalty Study Commission's report, visit <http://go.philly.com/penaltystudy>.

Kent Scheidegger of the Criminal Justice Legal Foundation, testifying in favor of the death penalty, said that some of the more than 11,000 people who were murdered in New Jersey between 1977 and 2004 might be alive today if the state had an effective death penalty - one that wasn't continually blocked by the state's high court.

For his full testimony, scroll down to "Transcribed Commission Meetings", click on "Oct. 25, 2006," and search for Scheidegger's name.

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