

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on February 6, 1985 in room 526S of the Capitol.

All members were present except:

Committee staff present:

Lynda Hutfles, Secretary

Conferees appearing before the committee:

Sister Dolores Brinkel, Criminal Justice Ministry

Darlene Stearns, Consultation of Churches

Sister Ellen Richardson, Kansas Catholic Conference

Bill Lucero, Unitarian Universalist Service Committee of Kansas

Ann Heberger, League of Women Voters

Donna Schneweis, Amnesty International U.S.A.

Theodus Lockhart, NAACP

Richard Ney, Wichita

The meeting was called to order by Chairman Miller.

Representative Aylward made a motion, seconded by Representative Long, to approve the minutes of the February 5 meeting. The motion carried.

HB2135 - Death Penalty - Opponents

Sister Dolores Brinkel, Criminal Justice Ministry, gave testimony in opposition to the death penalty. Sister Brinkel stated that the Catholic Bishops judge the death penalty immoral because it denies a convicted person's dignity as a person; it contributes to further erosion of respect for human life in our society; and it denies the christian hope for repentance and forgiveness. See Attachment A.

Darlene Stearns, Consultation of Churches, gave testimony in opposition to the death penalty. Their main concern was the chance of an error in the conviction.

Sister Ellen Richardson, Kansas Catholic Conference, gave testimony in opposition to the reinstatement of the death penalty in Kansas. Capital punishment is not necessary to any legitimate goal of the state and its use threatens to undermine belief in the inherent worth of human life. See attachment B.

Bill Lucero, Unitarian Universalist Service Committee of Kansas, gave testimony in opposition to the bill. There is no scientific evidence that the death penalty is a deterrent. In crimes of passion, the death penalty is not a deterrent. The effect of the death penalty has a brutalization effect and the murder rate increases as opposed to being reduced. See attachment C.

Ann Heberger, League of Women Voters, gave testimony in opposition to the death penalty and referred to a "Study of Sentencing Procedures in Kansas" completed by the League which found there are no statistics available that claim that a death penalty is a deterrent. The League also believes that no matter how well it is written, a death penalty statute will be arbitrary capricious and continues to discriminate against the poor and minorities. See attachment D.

Donna Schneweis, Amnesty International, U.S.A., gave testimony in opposition to the bill because it is a violation of basic human rights articulated in the United Nations Universal Declaration of Human Rights. See attachment E.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on February 6, 19 85

Theodus Lockhart, NAACP, explained some of the problems they have with the bill. The make up of the jury has given them cause for concern. Another concern is that plea bargaining has not been incorporated into the bill. He told the committee that he had worked at the U.S. Penitentiary for 17 years. The death penalty discriminates against the poor and the minorities.

Richard Ney, Public Defender for the 18th Judicial District, gave testimony in opposition to the death penalty. Mr. Ney told the committee he was a member of the Illinois Bar as well as the Kansas Bar and is the attorney for three death penalty cases in Illinois. He explained the differences between a trial for murder with the death penalty and a trial without the death penalty. Death penalty cases take a long time with all of the appeals that follow and are very expensive. The average time spent on death row at this time is nine years. The families of the victims relive the incident each time there is an appeal. One thing that will come of a bill such as this will be some fancy plea bargaining. Very few will plead guilty if there is a death penalty; they will deal to get the death penalty off. There will be fewer people convicted of 1st degree murder. Ten years on death row will cost as much as 30 years in prison. Is the vengeance quality worth the money you will be spending.

Hearings were concluded on HB2135.

Committee discussion and possible action on Thursday.

The meeting was adjourned.

GUEST LIST

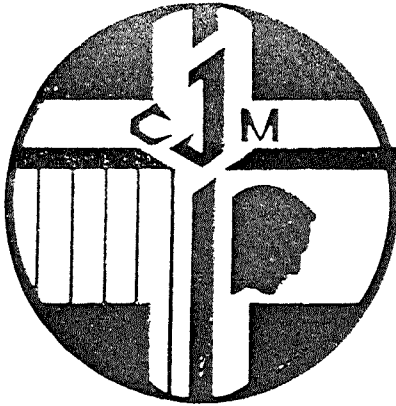
FEDERAL & STATE AFFAIRS COMMITTEE

DATE: 2-6-85

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
James A. Hague	515 N. Brady, Abilene, Ks	Dickinson County
RICHARD NEY	731 N. Wagon, Wichita, Ks	
Ron Miler	503 Kans., Topeka 536, Topeka	Bd of Ind. Def.
Lee Sipes	Topeka	T. P. D.
W. J. Anderson	201 N. W. 11th Abilene, Ks	Dickinson County
Harold Smith	R. 3 Hamilton	Student
Rod Jones	R.R. #5 Abilene	Dickinson County
Linda Jones	R. 5 Abilene, Ks	Dick.
Benjamin M. Kucin	1502 W. 2nd Abilene, Ks	Dickinson Co
Theresa M. Kucin	2060 S. Lawrence	NAACP
T. A. Lockhart	705-5th Sub - Lead, Ks	NAACP
Eldon K. Noel	Abilene, Ks R4	Dick Co. Commissioner
John P. Anderson	3017 S. 24th St. K.E., Ks	Kansas Catholic Conference
James Starn	Topeka	DOC
USA Anderson	Topeka	USA
Thomas F. ...	Lawrence	A.G.'s office - Intern
Michael Wolf	Lawrence	Intern - Sen. Morris
Doug Brohm	Topeka	Intern - Atty General
BELVA OTT	WICHITA	DUNN & BRADSTREET, Inc.
...	Votes Center	WOODSON
PAUL A. ...	JCS 1200	
...	...	
Ina Heddinger	Overland Park	League Women Voters of Kansas
Idella Frick	Oberlin Ks	
DARLENE STEARNS	TOPENIA	Consultation of Churches
...	Topeka	Committee Unit of Kansas





## Criminal Justice Ministry

229 South 8th Street  
Kansas City, Kansas 66101  
(913) 621-1504

Sister Dolores Brinkel, S.C.L.  
DIRECTOR

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

FROM: CRIMINAL JUSTICE MINISTRY  
CATHOLIC CHARITIES - ARCHDIOCESE OF KANSAS CITY IN KANSAS

DATE: FEBRUARY 6, 1985

RE: HB 2135 (DEATH PENALTY)

I speak from the perspective of one who has worked in a prison, is an outside sponsor of Lifers Club at Kansas State Penitentiary, manages a restitution program for victims. I am poignantly aware that what victims need is not more vengeance, but release from anger.

Furthermore I speak on behalf of Catholic Charities, the Archdiocese of Kansas City in Kansas. My testimony arises from a Catholic Charities 1984 policy statement in which the membership judged the death penalty to be immoral and called for its abolition.

The United States Catholic bishops judge the death penalty immoral because:

1. It denies a convicted person's dignity as a person.
2. It contributes to further erosion of respect for human life in our society.
3. It denies the christian hope for repentance and forgiveness.

Does Kansas need a death penalty? The murder rate dropped 40% in Topeka last year. During the first nine months of 1984 the number of recorded murders in Kansas dropped 42.9%. All of this without the death penalty.

Major Frank Davis of the Topeka Police Department, in a January 30, 1985 Topeka Capitol-Journal article (attached), believes there are several widespread causes for the decreased homicides. 1) Many people feel a better sense of well-being. 2) Treatment of mentally disturbed. 3) Baby-boom generation is past crime prone age (15-25).

Can Kansas afford a death penalty? I request this committee to attach a fiscal note to this bill. In these days of fiscal restraint can we pay for vengeance? My answer is negative. A New York State legislative study in 1982 found that appellate and court costs only would soar to \$1.8 million per case.

2/6/85  
Attachment A

Cost of Death Row confinement would, according to representatives of the Florida Clearinghouse on Criminal Justice, amount to \$15,000 in addition to the \$10,000 per inmate cost at Kansas State Penitentiary.

My argument is that Kansas cannot afford the death penalty. The economic costs are exorbitant. The moral fabric of our society would be undermined.

# Capital Losses: The Price of the Death Penalty for New York State

SEE INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING - PLEASE DO NOT REMOVE CARBON

STATE OF NEW YORK  
STANDARD VOUCHER

AC 92 Rev. (4/82)

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12 Cash Discount %

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22 Payee Certification: I certify that the above bill is just, true and correct; that no part thereof has been paid; and that the balance is actually due and owing, and that each item which the State is charged is described.

23 Payee's Signature in Ink  
24 Date

25 FOR AGENCY USE ONLY  
26 I certify that this voucher is correct and just, and payment is approved.

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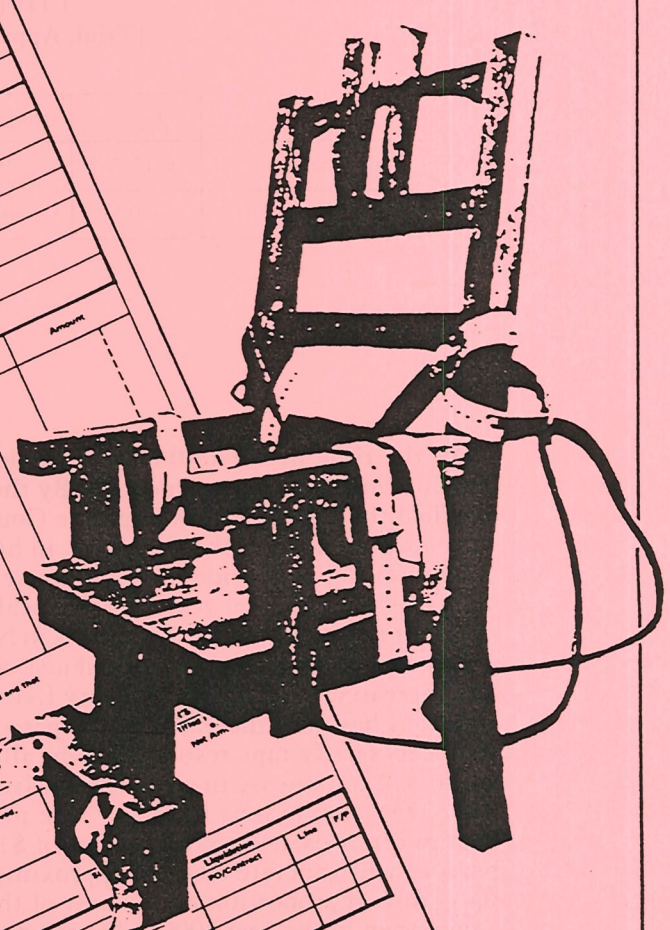
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April 1, 1982

A report from  
the Public Defense  
Backup Center to the Senate  
Finance Committee, the Assembly  
Ways and Means Committee and the  
Division of the Budget.

*New York State Defenders Association, Inc.*  
150 State Street • Albany, NY 12207

The debate on the death penalty has become sordid and loud. It has diminished us all. We have come very far down the road from morality. Too far. The distance is shamefully represented by the theme of this paper—cost. Capital litigation and the costs of the death penalty, however, will not go away until the death penalty is abolished.

As can be seen from Table 5 below, some of the costs of the first three stages of capital litigation will total no less than \$1,828,100.

TABLE 5  
COST OF STATE I  
(Trial, Appeal, Supreme Court)

	Defense	Prosecution	Court	Correction	Other	TOTAL
State Charge	\$517,700	—0—	\$300,000	?	?	\$817,700
County Charge	—0—	\$1,010,400	—0—	?	?	\$1,010,400

STATE \$817,700  
COUNTY \$1,010,400  
TOTAL \$1,828,100

By the time the first 40 New York death cases have been tried to verdict, over \$59 million will have been expended. By the time the first 21 New York death cases have reached the United States Supreme Court, New York State and its counties will have expended as much as the Governor, in his February crime message, deemed appropriate for the entire statewide Major Offense Prosecution Program. An amount exceeding the Legislature's fiscal year 1982-83 local criminal justice assistance budget will rapidly be spent to pay for the death penalty in New York.

A recent analysis of the criminal justice system<sup>66</sup> indicates that the cost of the system has increased by 120 percent every five years since the early 1900's, while the rate of inflation has only increased by 40 percent every five years. A capital case, therefore, that necessarily taps resources from all facets of the criminal justice system, can be estimated to increase in cost at a similar rate. If 20 percent of the murder cases in New York (251 convictions in 1980)<sup>67</sup> are prosecuted through three stages of litigation as capital offenses at an average cost of \$1.5 million, then in current dollars the death penalty will generate costs of approximately \$75,000,000. If we assume that the cost will grow in proportion to the cost of the criminal justice system as indicated by the study, then in the year 2000 A.D., the death penalty will cost \$1,075,000,000 annually. Perhaps that is what the Temporary Commission on Revision of the Penal Law meant in 1965 when, regarding the death penalty, it found "nothing but obstruction, confusion and waste."<sup>68</sup>

We have not detailed the costs of an actual execution. They singularly generate inordinate, almost uncontrollable, expense. The state of Georgia, which executes by electrocution, spent more than \$250,000 solely for the anticipated, but aborted, execution of Jack Howard Potts in 1980.<sup>69</sup>

Special telephone lines running from the prison to the United States Supreme Court and to the Governor's office are necessary. The cost of extra police personnel for crowd control, helicopter security and the shutdown of federal air space over the prison are but a few items of the irrational cost that will be generated in the rare handful of cases that ever reach the execution stage.

It is our hope that a rational discussion of the costs of the death penalty will lead New York State to a rational conclusion. ■



# Violent deaths down in Topeka during 1984

By ROGER AESCHLIMAN  
Capital-Journal law enforcement writer

Topeka was a safer place to live in 1984.

Fewer people died violently in Topeka in 1984 than in recent years, reflecting determined efforts on the part of safety officials and more than "a little luck."

There were three homicides in Topeka and three deaths by fire during the year. Both continue a downward trend in the statistics since 1980.

Five people were homicide victims in 1983, seven in 1982, 13 in 1981 and 15 in 1980. From there the numbers are stable until the early '70s, when they drop to three or four a year or even zero in some years.

Maj. Frank Davis, Investigative Division commander at the police department, said no single thing caused the decrease, just as no single thing caused the dramatic and frightening increase of the late 1970s. Unlike other types of crimes, police really have little direct effect on the number of homicides, he said. People become violently angry and killings occur, he said.

But he did suggest several wide-ranging possibilities.

First, many people feel a sense of well-being that they lacked during the troubled '70s. A better attitude means fewer arguments that can develop into fights.

Second, treatment of the mentally disturbed has progressed steadily, and many violent people have been successfully treated or removed from public circulation.

Third, the baby-boom generation is leaving the trouble-causing teens and 20s behind. Youths between 15 and 25 are the most prone to commit violent crime, and with fewer people between those ages, less crime results.

Fourth, improved medical care is saving the lives of some aggravated assault victims who might have become homicide statistics, Davis said.

"Luck" with aggravated assaults may be the most prevalent reason for their decrease in Topeka in 1984, Davis said. There were 425 cases in 1984 where a person was attacked by another person using a weapon, and "there are several of those aggravated assaults that easily could have been homicides," he said.

Included in those are a man who

suffered a fractured skull from a hammer beating by a robber and a woman who was shot six times by her boyfriend, police said.

Aggravated assaults are directly related to homicides and because of that Topeka detectives give special attention to both offenses, Davis said. Of 53 homicides since 1979, only five are unsolved. Since 1982 all have been solved. The department solves about 56.5 percent of the aggravated assaults. People know that, Davis said, and possibly think about it before committing such a crime.

"I think it does have a positive impact that we've been able to bring the homicide investigations to successful conclusions. And the prosecution has been good on that type of crime," he said.

Eight detectives are assigned to "persons" crimes, including assaults

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"I think it does have a positive impact that we've been able to bring the homicide investigations to successful conclusions."

— Maj. Frank Davis

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and homicides, but in a major case the department can draw from about 40 investigators "for a massive effort." Such was the case of Joseph Silver, killed in his fur store in early 1984.

"That was a tough case that required a long-term investigation with a large amount of people. . . Had we not expended a great deal of resources we wouldn't have got it. We had to rattle a lot of chains and the right chains, long enough to bring it to a successful conclusion," Davis said.

Knowing that the department can and will use 40 detectives for 10 days to crack a case may cause some decrease in homicides, he said.

The killing of Robert D. Morris during the spring was "a typical assault," that turned into a homicide. The victim and man convicted of the crime were acquainted. Morris, who was stabbed, died en route to the hospital, and when officers arrived at the scene of the crime witnesses quickly put the case together.

"Even that was delicate," Davis said. "Putting it together for prose-

cution in court takes skill. You don't want to blow it on a detail."

The last case was the brutal stabbing death of Carl J. Baldwin on a stairwell underneath the Kansas Avenue Bridge during the summer. That was a robbery and detectives swarmed to the event to quickly wrap it up.

"Having the right amount of manpower to take the information on the street, and a good person at the desk directing the activity and compiling information, helped. And we arrested the suspects quickly," Davis said.

Each case was distinct and required a different approach. Such flexibility is another possible reason for the high rate of solving cases, and solving cases probably prevents some others from occurring, Davis said.

The three fire deaths in Topeka were up one from 1983 but down from seven preceding years. Since 1978, when 10 people were killed in fires, the number has been decreasing, Assistant Fire Chief Bill Higgs, said.

"It'd be nice if we could drive down the street and point out a home and say 'we prevented a fire there,' or 'we saved a life there,' but we can't. I think we do prevent fires and do save lives, but it isn't tangible," Higgs said.

One key element in fire prevention is the Fire Safety Program of the department, now in its 17th year, Higgs said. District Chief Dick Parton presents more than 1,000 shows each year, mainly to schools and civic groups. Many of the children who've seen the shows every year for 17 years are now young adults with families and are more safety conscious, Higgs suggested.

Finally, the active inspection program of the department ferrets out unsafe practices in gathering places and is partly responsible for decrease in deaths, Higgs said. Fire inspectors annually check schools, hospitals, gathering halls, child care facilities and boarding facilities. If those places are fire-safe, then the chance of large numbers of people dying in one fire is lower.

The Topeka statistics bear that out. Almost all deadly fires of the last 10 years occurred in residences, Higgs said.

TESTIMONY: Sister Ellen Richardson  
Kansas Catholic Conference

Federal and State Affairs Committee  
House of Representatives

February 6, 1985

Subject: House Bill 2135

Thank you for the opportunity to speak against the reinstatement of the death penalty in the State of Kansas. Although this committee is deliberating on House Bill 2135, this testimony is not only in opposition to this measure, but to any legislative proposal seeking to legalize the death penalty.

The Kansas Catholic Conference is an association of the four Catholic Dioceses of Kansas. The Catholic Bishops of Kansas, on whose behalf I speak, have spoken often in the past in conjunction with other religious leaders of our nation, in opposition to execution as a punishment for crime.

The Catholic Bishops of our nation have concluded that capital punishment is not necessary to any legitimate goal of the state and that its use threatens to undermine belief in the inherent worth of human life. The value of a human life is not contingent on the moral rectitude of the individual person. The death penalty is inconsistent with respect for human life. God gave life and only God, in His wisdom, can end life.

The use of capital punishment will harden and debase our life together. It institutionalizes revenge and retribution. It gives official sanction to a climate of violence. Research suggests that the death penalty aggravates the level of violence in society instead of diminishing it.

We respectfully submit that this committee reject House Bill 2135 and any other bill which would reintroduce in Kansas the punishment of criminals by execution.

2/6/85

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Facts worth knowing about deterreny when considering a death penalty vote

Of the many hundreds of studies about criminal consequences to murder, none have ever substantiated that the death penalty has had a deterrent effect (Bailey, 1975; Glaser, 1976).

Several studies indicate that application of the death penalty has actually resulted in an increase of homicides. This so called "brutalization effect" occurs due to violence begetting violence (West, 1975; Solomon, 1975; Bowers and Pierce, 1977). Thus for every murder prevented by the death penalty's presence, more are committed for the same reason.

FBI Crime Index statistics reveal the following facts:

For the 9th consecutive year those states having a death penalty had a significantly higher murder rate than the so called abolition states.

In 1983 (most recently released statistics available) 13 states had no death penalty at year's end. Of those 13 states, 2 (Alaska and Michigan) had murder rates above the 50th percentile ranking and the mean average while 11 (including Kansas) ranked below it. Of the lowest 11 states, 7 had no death penalty.

Where is the deterrence when four of the five highest murder rates occur in states where not only does a death penalty exist, but executions are being carried out as fast as they can be processed (at a tremendous cost to taxpayers it should be added) in Texas (14.2), Louisiana (14.2), Nevada (12.8) and Florida (11.2)?

Kansas which has no death penalty had a murder rate of 5.6 per 100,000 compared to Colorado's 6.4, Oklahoma's 7.6 and Missouri's 8.1. Murder rate can be positively correlated to urban population and geographic regionalizing but only negatively correlated on the basis of execution or abolition orientation.

It is interesting to note that every state to the south and east of Kansas (there are fourteen) has a death penalty and every one has a murder rate higher than Kansas. (This is no fluke - it's been that way since 1975 when all fourteen had reinstated the death penalty after the Furman decision had abolished them).

What about when states changed their laws? In 1978, Oregon enacted a death penalty. Its murder rate increased slightly from 4.9 in 1977 to 5.0 in 1978. Massachusetts enacted a death penalty in 1979. Its murder rate remained the same (3.7) in 1979 as it had been in 1978. South Dakota enacted a death penalty in 1979. Its murder rate slightly increased from 1.9 in 1978 to 2.0 in 1979. New Mexico enacted a death in 1979. Its murder rate rose from 10.2 in 1978 to 12.4 in 1979. Thus, in every instance, the murder rate did not drop but remained the same or increased during the year a death penalty was enacted. Of even greater significance is the case of Rhode Island where its state supreme court ruled its death penalty unconstitutional in February 1979. Rhode Island's murder rate subsequently dropped 20% from 4.0 in 1978 to 3.2 in 1979.

Respectfully submitted by

William J. Lucero, Lobbyist  
Unitarian Universalist Service Committee  
Unit of Kansas

2/6/85

Bill J. Lucero

Unit of Kansas

# LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

February 6, 1985

## STATEMENT TO THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS IN OPPOSITION TO HB 2135.

Mr. Chairman and Members of the Committee:

I am Ann Heberger Speaking for the League of Women Voters of Kansas in opposition of HB 2135 and to the death penalty as a matter of State policy.

The League completed a Study of Sentencing Procedures in Kansas in December 1982. One question that was asked was whether the death penalty should become law or not. The question was based on whether the death penalty would deter others from committing murder; whether it is possible to administer fairly; and consideration of the cost of administrating a criminal justice system that includes a death penalty. After serious consideration, League members overwhelmingly said no.

DETERRENCE: We found that there are no statistics available that claim that a death penalty law or actual executions are a deterrent to others. A more important question is whether an execution is useful or useless. Since the death penalty has no affect one way or the other on deterrence, it is, in our opinion, a useless penalty. This in no way means that we are not compassionate toward victims' families. We just believe that the penalty accomplishes nothing.

DISPARITY IN SENTENCING: The League believes that no matter how carefully written, a death penalty statute will be arbitrary, capricious and continue to discriminate against the poor and minorities. Examples of disparity or inconsistency are shown in the following Missouri cases:

1. A young woman was sexually assaulted, beaten with a pipe, her throat was stepped on, and the defendant dumped her body in a ditch to await death. The jury handed down a sentence of life in prison;
2. A woman was kidnapped, stabbed to death, and buried in a cornfield. The prosecution waived the death penalty even though the defendant had been convicted of a previous capitol murder;
3. Two adults and one seven year old child were shot to death in a drug dispute. The jury handed down a sentence of three consecutive life terms.
4. An ex-girlfriend was beaten to death by a man who thought she had given him a venereal disease. The man was sentenced to death.

The Report of the Advisory Committee on Prison Overcrowding, January 1984, says that the Committee found it alarming that Kansas incarcerated black people at a rate nine times that of whites (based on population). National studies suggest

2/6/85  
Attach D

that minorities are more likely to be arrested, charged, convicted and imprisoned, and that they are less likely to be released than whites when the offense and prior felony record of the offender is the same. If the facts are true, and that statement would include a death penalty, it appears to us that more minority persons would receive the sentence of death in proportion to the population.

Again, we believe that no matter what crimes the Legislative body say deserve the death penalty, there is as much inconsistency in sentencing now as there was before 1972 when the U.S. Supreme Court struck down the death penalty for that very reason.

THE COST; Although at one time capital punishment was cheap, that is no longer true especially since the 1976 decisions on capital punishment. Court expenses and wear and tear on our courts and prisons are considerably more expensive when including a system of capital punishment than a criminal justice system without capital punishment.

When North Carolina's legislature was considering a new death penalty statute, an expert was called in to analyze the financial factors in the proposed legislation. He said that besides the high cost of the total legal process, prison costs would also increase. After a sentence of death, a person must be kept in a special facility. It seems very important to keep a resident of death row from committing suicide or dying of disease in order that society may have the privilege of killing him or her at the appointed time. This is costly considering the average time spent awaiting execution. The process also cuts down on the limited space available for those prisoners who are most likely to be harmed or harm others, most of whom have not been convicted of murder. The expert concluded that life sentences were much less costly to the taxpayer.

An Iowa study done in 1976 determined that it cost somewhere around \$240,000 to keep the average first degree murderer in prison for life, and that at least nine out of ten, sentenced to death, will serve out a life sentence. In each case the State would not only support the person for life, but would pay for all the extra costs of usually successful efforts to avoid execution. The study also points out that it is easy to imagine total extra costs running as high as \$50,000 per case more than the cost of an original life sentence in a non-death penalty state. Other studies also show that for all of the expense, very few are actually executed.

Kansas juries recommended the death penalty in only a small percentage of conviction for first degree murder. Since the first legal hanging in Kansas, in February, 1863, a total of 24 persons were executed under state law as of December 1965.

The League believes that a criminal justice system with capital punishment cannot solve the disparity of sentencing, and that it is too costly to the State for the purposes of revenge for a few, and an image of being tough on crime.

We urge you to oppose HB 2135 as well as the death penalty as an alternative to life in prison.

Thank you for the opportunity to speak before you today.



# Amnesty International

Donna Schneweis, CSJ, RN  
State DP Abolition Coordinator  
316 S. 7th  
Salina, KS 67401  
913-827-8506

February 6, 1985

To: House Federal and State Affairs Committee  
From: Donna Schneweis, CSJ, RN--State Death Penalty Abolition Coordinator AI  
Re: H 2135

I am here today representing Amnesty International USA to speak against H 2135.

For those of you unfamiliar with AI, we are a worldwide human rights movement, founded in 1961. We are not affiliated with any particular political, philosophical, economic, or religious group. Our mandate for action is three fold. We work for the release of prisoners of conscience, persons imprisoned for their beliefs who have not used or advocated violence. Second, we work for fair and prompt trials for all political prisoners. Finally, we oppose the use of torture and the death penalty in all circumstances.

Our mandate includes opposition to the death penalty because we believe it is a violation of basic human rights articulated in the United Nations Universal Declaration of Human Rights. Article 3 states "Everyone has the right to life, liberty, and security of person." Article 5 guarantees "No one shall be subjected to torture or to cruel, inhuman degrading treatment or punishment." Our experience is that when a government allows capital punishment, it also endangers other basic human rights.

In our country there is a public outcry over the use of debilitating drugs as a method of torture in the Soviet Union. Yet, what is the difference between the 'drug therapy' used in the Soviet Union and lethal injection in the United States? Ours is just the extension to the fullest of what they do. We denounce electric shock torture in Afghanistan, yet somehow we try to justify electrocution in our nation.

Amnesty members have not been immune from violent crime. Marie Deans, a very active member on the east coast, lost her mother-in-law to murder. Marie works very hard against the death penalty. She said the death penalty is "violence feeding on itself, dehumanizing all of us and denying to victims and offenders alike the process they need to go through in order to survive--the process of reconciliation."

Amnesty International is concerned about the transnational implications of the use of the death penalty in the U.S. With every execution, America loses more of its credibility as a voice for human rights in our world. Other countries look at the American actions and say "If they can violate human rights, so can we." American disregard for human rights can be a stimulus for other violations in other nations.

In opposing the death penalty, Amnesty is not saying that society should not protect itself from violent persons. We hold that the death penalty creates an atmosphere of fear in society. It is not necessary to use the death penalty to protect society.

To use the death penalty can never enhance the peace, justice, or security of society. To sacrifice one person's fundamental rights can never serve the interests of the common good of the people of Kansas.

2/6/85