# Death Penalty Dying Out

By David Swanson
Global Research, May 08, 2013
War is a Crime

*Most of the world's governments no longer use the death penalty.  Among wealthy nations there is one exception remaining.  The United States is among the top five killers in the world.  Also in the top five: the recently "liberated" Iraq.*

But most of the United States' 50 states no longer use the death penalty.  There are 18 states that have abolished it, including 6 in this new millennium, including Maryland this week.  Thirty-one states haven't used the death penalty in the past 5 years, 26 in the past 10 years, 17 in the past 40 years or more.  A handful of Southern states — with Texas in the lead — do most of the killing.

The progress is slow and painful.  Mississippi is right now having trouble deciding whether to spare a man just because he might be innocent.  Maryland has perversely left five people waiting to be killed while banning the death penalty for any *future* cases.  Next-door in Virginia we hold second place behind Texas and continue to kill.

Virginia electrocuted a man named Robert Gleason in January.  Since then, Texas has killed four men, Ohio two, and Florida, Oklahoma, and Georgia one each — all by lethal injection.  Since 1973, there have been 141 exonerations from death row nationwide, including an innocent Virginian who came within days of being killed.

If you're convicted of killing a white person in Virginia, you're over three times as likely to receive the death penalty as you would be if the victim had been black.  The injustice and backwardness is staggering, but so is the lack of democracy.  Only a third of Virginians tell pollsters they favor the death penalty.

The evil of the death penalty is not limited to the instances in which it is used — or to the corrosive influence it has on our culture.  The death penalty primarily serves as a valuable chip in plea bargaining.  Want someone to plead guilty, whether or not they actually are guilty?  Threaten them with the death penalty.  Who needs trials by jury (now used in under 2% of cases) when you have that kind of tool?  And who has time for them when you've overloaded the system by treating drug use as a crime?

Remarkably, a former commonwealth's attorney here in Charlottesville, Va., named [Steve Deaton](#) is campaigning for his old job with a commitment to never use or threaten to use the death penalty.

"I believe the death penalty is barbaric and has no place in modern Charlottesville courts," Deaton says, reversing the electoral wisdom of many decades, which firmly holds that candidates must pretend to believe the death penalty is just and righteous and a deterrent to crime, even if the public thinks that's nonsense.

"I am calling for a moratorium on death penalty prosecutions," says Deaton. "During the past 20 years — that is, the term of the incumbent Commonwealth's Attorney — a number of capital murder charges have been brought against some people, almost all of them poor. Then the charge is often used as a bargaining chip to get the defendant to plead guilty to murder and accept a life sentence. This practice of using the threat of death to plea bargain is legal, and under current ethical standards, considered ethical. However, I find such a practice appalling. By engaging in this practice the prosecutor is tempting fate: what if their threat doesn't work and the case goes to a jury?"

Many in Charlottesville oppose the death penalty. Deaton explains the very real possibility that it will nonetheless be employed here: "The notion that no Charlottesville jury will return a death sentence is misleading. In a capital murder case the jury has to be 'death qualified,' meaning that the jurors must believe in the death penalty. Such a jury is not representative of the community! Studies have shown that a 'death qualified jury' is also much more likely to convict."

Deaton points out that prosecutors have a great deal of discretion: "A prosecutor does not have to bring a capital murder charge. They have the option of bringing a regular murder charge instead."

If elected, Deaton intends to use the enormous discretion given to prosecutors to try to make punishments more reasonably fit crimes, including so-called drug crimes. While Charlottesville City Council failed by a vote of 3-2 in February to end jail time for possession of marijuana, Deaton intends to charge those possessing marijuana with a different charge: disorderly conduct. It's technically a higher level charge — a Class 1 misdemeanor — but it does not carry the draconian punishments of loss of driver's license, subjection to drug testing, ruined college acceptance and student loan prospects, immigration status, etc. "If a person makes a mistake, they should be punished. They shouldn't have their lives ruined," Deaton says.

Deaton aims to counter mass-incarceration, not add to it. "The state has built a new $100 million prison in Grayson County and there is talk of expanding our local jail," he says. "All of this in spite of declining crime rates. It is time to stop feeding the prison-industrial complex. I believe the goal of the justice system should be to empty out spaces in the jails and prisons — not to fill every available space!"

Of course, the system of mass incarceration creates a caste system by stamping the scarlet F of "Felon" on those released, no matter how many years of their lives are wasted in cages. Deaton favors restoring rights, including voting rights, for people convicted of nonviolent felonies.

Charlottesville has a chance to give the death penalty in Virginia a big push toward the door, which would help the United States and the world along that path. As Charlottesville only elects Democrats (and packs the full range of great to awful candidates into that one party)

the election for Deaton is effectively the June 11th primary. Anyone in Charlottesville can vote in that primary, without swearing any loyalty to any party. And anyone else can help to spread the word or donate to the campaign.

*David Swanson's books include "War Is A Lie." He blogs at http://davidswanson.org and http://warisacrime.org and works for http://rootsaction.org. He hosts Talk Nation Radio. Follow him on Twitter: @davidcnswanson and FaceBook.*

The original source of this article is War is a Crime
Copyright © David Swanson, War is a Crime, 2013

**Comment on Global Research Articles on our Facebook page**

**Become a Member of Global Research**

*Articles by:* David Swanson