California voters to rule on death penalty; Opponents say it costs more than life without parole.

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SAN FRANCISCO - Death penalty opponents in California are trying a new argument this year: Abolish capital punishment because the perpetually cash-strapped state just can't afford it.

Voters in the state with the nation's largest death row will decide Tuesday whether to repeal the death penalty. Proponents of Proposition 34 say incarceration and litigation costs are too high for too little return.

California has spent about $4 billion since capital punishment resumed in 1977, yet just 13 inmates have been put to death.

An independent analysis says the state would save between $100 million and $130 million a year by converting death sentences to life-without-parole, money supporters say could be put toward public schools and local law enforcement investigations.

"The death penalty is a giant rathole where so much of California's budget is thrown with no discernible benefit," said Dionne Wilson, whose husband, a police officer, was killed by a man now on death row.

Opponents say the argument is merely a smoke screen by the American Civil Liberties Union and other longtime opponents of capital punishment.

Promoting Proposition 34 as a budget-saving mechanism is a convenient way to achieve their goal of ending capital punishment.

"He deserves the ultimate punishment for what he did to my daughter," said Marc Klaas, whose 12-year-old daughter, Polly, was abducted, raped and killed by Richard Allen Davis in 1993. "The crimes these characters have committed are so beyond the pale that you need an extreme punishment."

Klaas, an outspoken Proposition 34 opponent, acknowledged the state's death penalty is broken because so few inmates have been executed. But rather than do away with it, he said, the appeals process should be streamlined so more executions can be carried out, especially one for his daughter's killer.

Three former California governors - two Republicans and a Democrat - have spoken out against the initiative. One, Republican Pete Wilson, co-wrote the official argument against Proposition 34 that says the ACLU, which is pushing the initiative, is largely responsible for the high costs of housing death row inmates and the lengthy appeals process.

That the group would focus on money to be saved if capital punishment ended is hypocritical, he wrote. Repeal also could lead to higher court costs because prosecutors use the possibility of a death sentence as a way to get defendants to plead guilty to a lesser sentence and thus save costs, said Mike Genest, part of the No on 34 campaign.

Citing one study, he said eliminating that bargaining chip could lead to four times as many criminal trials.

If Proposition 34 passes, it would be only the second time in U.S. history - and the first time since a 1964 election in
Oregon - that voters have repealed a state's death penalty, according to the Death Penalty Information Center.

Seventeen states have repealed the death penalty, 16 through legislation. Five state legislatures have done so in the last five years, including Connecticut this year.