



Feb 13, 2017

**Kansas House, Committee on Corrections and Juvenile Justice
Chairman: Rep. J Russell Jennings**

Re: HB 2167 - Abolishing the death penalty and creating the crime of aggravated murder

Thank you Chairman Jennings and Honorable Members of the House Committee on Corrections and Juvenile Justice for the opportunity to submit testimony on behalf of the Libertarian Party of Kansas (LPKS) in support of HB 2167 and the abolishment of the death penalty in the state of Kansas.

Both the LPKS and the national Libertarian Party platforms specifically state support for abolishment of the death penalty. We the LPKS, believe the reasoning and logic of the abolishment perspective offers an opportunity for alternatives to the death penalty, a safety valve to judicial error and ultimately makes better sense financially, socially and scientifically. After reviewing and researching statistics and the opinions of proponent groups, opponent groups, judges, and lawyers, we have come to a conclusion. Our findings are that there is not enough scientifically convincing data regarding: criminal and antisocial behaviors, the deterrent effect on criminal and non-criminal penalties with reference to illegal behaviors nor the quality of statistical methods for analyzing long-term data to support the death penalty.

In Kansas and across the nation, the decisions regarding the death penalty have been and will continue to be made heavily based on opinion and emotions. We resolve to end the death penalty in Kansas for the following specific reasons, factors and positions:

(in no order of importance)

- We believe there are alternatives to death penalty.
 - Alternatives to death penalty are not “soft on crime”.
- The death penalty has been used as a threat to make people plead guilty.
- The judiciary system is imperfect. There have been 157 exonerations nationally since 1973.
(<http://www.deathpenaltyinfo.org/innocence-and-death-penalty>)
- “Life in prison without parole” is a safety valve to error.
- With a track record of errors in previous capital punishment cases there appears to be a high opportunity for future errors in Kansas.
 - Mistakes in Kansas have already happened due to prosecutorial misconduct, judicial error, withheld evidence, and ineffective defense counsel.
- Death penalty support has been inconsistent - a few high profile murders have lead to calls for the death penalty, whereas many other murders are ignored and receive little attention.
- Kansas is conflicted on the idea of capital punishment. There have been no executions in Kansas since 1965.
- The death penalty is a waste of taxpayer money since we do not execute nor have an intention to execute.
- The LPKS is convinced the death penalty is not a deterrent.
 - The death penalty is neither swift or certain. These are two important ingredients in being persuasive.
 - States with the death penalty generally have the highest murder rates. States without generally have lower rates. Kansas was 26th as of 2015 data.
(<http://www.deathpenaltyinfo.org/murder-rates-nationally-and-state#MRord>) It should be noted that non-practicing death penalty states are generally lower.
 - For 2015, the average Murder Rate of Death Penalty States was 5.1 per 100,000 people, while the average Murder Rate of States without the Death Penalty was 4.1
(<http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates#stateswithwithout>)

- We believe in restitution not retaliation. We want the focus on victims not killers.
- The death penalty continues the suffering of victim families.
 - Trials and appeals can last over a decade causing victim families to relive the pain.
- The death penalty expands the circle of pain and loss.
 - Both victim AND perpetrator families suffer.
- A 2003 Legislative Post Audit report concludes the cost of the death penalty is more expensive than “life in prison”.
 - 27 completed cases since 1994, 13 sentenced to death, 5 thrown out
- There is a disparity of application based on location, race and personal economic status in Kansas. Inconsistent justice!
- The employment of capital punishment is a barbarous and retaliatory practice that is inconsistent with our nation’s and state’s high value of life.
- We believe that government should not have the authority to execute it’s citizens. It is a dangerous power. It should not be government’s place or function to do this.

The LPKS Executive Committee leadership, on behalf of the party’s registered state members, vehemently oppose the death penalty and strongly recommend passage of HB 2167, forever ending the state’s practice of capital punishment and the execution of its citizens.

Respectfully,

Libertarian Party of Kansas

Contact: Rob Hodgkinson, State Chair
 Ph: (913) 980.9269
 Chair@lpks.org

Libertarian Quotes on death penalty:

The Former Chair of the Libertarian Party of Kansas, Al Terwelp, sums up the case against the death penalty best: “The death penalty’s track record in this country is abysmal: millions of dollars wasted and dozens of innocent people sent to death row, while doing nothing to reduce violent crime. It is plain common sense to end the death penalty and make a clear statement that government should not have this power.”

Explaining his change of heart on the death penalty, **2012 Libertarian presidential nominee Gary Johnson** said: “As governor of New Mexico, I was a bit naive and I did not think the government made mistakes with regard to the death penalty. I came to realize that they do.”

Edward Crane, the founder of the Cato Institute, bases his opposition to the death penalty on the simple fact that “the government is often so inept and corrupt that innocent people might die as a result.”