

**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:06 AM  
**To:** Jane Pierson  
**Subject:** FW: Death Penalty

-----Original Message-----

From: James McCarty [mailto:James\_McCarty@msn.com]  
Sent: Friday, February 20, 2009 1:40 PM  
To: Rep. Lindsey Holmes  
Subject: Death Penalty

FYI I am pro death penalty and have researched info on it in the past and what you have in youu article is not always true it depends upon the age of the criminal when they are sentenced. I do whole heartily that any death penatly passed should be very limited in application. Such as killing multiple people, killers for hire and those who hired them, repeat murderers. And if it were up to me second offence child malestors would be executed.

D. THE COST OF LIFE WITHOUT PAROLE VS THE DEATH PENALTY

Many opponents present, as fact, that the cost of the death penalty is so expensive (at least \$2 million per case?), that we must choose life without parole ("LWOP") at a cost of \$1 million for 50 years. Predictably, these pronouncements may be entirely false. JFA estimates that LWOP cases will cost \$1.2 million - \$3.6 million more than equivalent death penalty cases.

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Cost of Life Without Parole: Cases Equivalent To Death Penalty Cases Penalty Cases	Cost of Death
1. \$34,200/year (1) for 50 years (2), at (1) for 6 years (5), at a 2% (3) annual cost increase, plus annual cost increase, plus \$75,000 (4) for trial & appeals = \$3.01 million	\$60,000/year  a 2% (3)  \$1.5 million
(4) for trial & appeals = \$1.88 million	
2. Same, except 3% (3) = \$4.04 million	Same, except
3% (3) = \$1.89 million	
3. Same, except 4% (3) = \$5.53 million	Same, except
4% (3) = \$1.91 million	

The full article is at: <http://www.prodeathpenalty.com/DP.html>  
There are also other articles pro death penalty.

Have a wonderful day and hang in there,  
Jim

From: Sharpjfa@aol.com  
 Sent: Monday, February 23, 2009 9:50 AM  
 To: Tom Wright; Jane Pierson  
 Subject: The Death Penalty is a Deterrent - 16 Recent Studies

For some of the recent 16 deterrence studies, go to:

<http://www.cjlf.org/deathpenalty/DPDeterrence.htm>

US Senate testimony

[http://judiciary.senate.gov/testimony.cfm?id=1745&wit\\_id=4991](http://judiciary.senate.gov/testimony.cfm?id=1745&wit_id=4991)

The Death Penalty as a Deterrent - 16 Recent Studies  
 Dudley Sharp, Justice Matters, updated 82207

CONTACT information for all of the study authors is within the footnotes

"I oppose the death penalty. " " But my results show that the death penalty (deters) — what am I going to do, hide them?" "Science does really draw a conclusion. It did. There is no question about it." "The results are robust, they don't really go away" "The conclusion is there is a deterrent effect."

Prof. Naci Mocan, Economics Chairman, University of Colorado at Denver  
 "Studies say death penalty deters crime", ROBERT TANNER, Associated Press, Jun 10, 2007, 2:01 PM ET

(2003) Emory University Economics Department Chairman Hashem Dezhbakhsh and Emory Professors Paul Rubin and Joanna Shepherd state that "our results suggest that capital punishment has a strong deterrent effect. An increase in any of the probabilities -- arrest, sentencing or execution -- tends to reduce the crime rate. In particular, each execution results, on average, in eighteen fewer murders -- with a margin of error of plus or minus 10." (1) Their data base used nationwide data from 3,054 US counties from 1977-1996.

(2003) University of Colorado (Denver) Economics Department Chairman Naci Mocan and Graduate Assistant R. Kaj Gottings found "a statistically significant relationship between executions, pardons and homicide. Specifically each additional execution reduces homicides by 5 to 6, and three additional pardons (commutations) generate 1 to 1.5 additional murders." Their "data set contains detailed information on the entire 6,143 death sentences between 1977 and 1997." (2)

(2001) University of Houston Professors Dale Cloninger and Roberto Marchesini, found that death penalty moratoriums contribute to more homicides. They found: "The (Texas) execution hiatus (in 1996), therefore, appears to have spared few, if any, condemned prisoners while the citizens of Texas experienced a net 90 (to as many as 150) additional innocent lives lost to homicide. Politicians contemplating moratoriums may wish to consider the possibility that a seemingly innocuous moratorium on executions could very well come at a heavy cost." (3)

(2001) SUNY (Buffalo) Professor Liu finds that legalizing the death penalty not only adds capital punishment as a deterrent but also increases the marginal productivity of other deterrence measures in reducing murder rates. "Abolishing the death penalty not only gets rid of a valuable deterrent, it also decreases the deterrent effect of other punishments." "The deterrent effects of the certainty and severity of punishments on murder are greater in retentionist (death penalty) states than in abolition (non death penalty) states." (4)

(2003) Clemson U. Professor Shepherd found that each execution results, on average, in five fewer murders. Longer waits on death row reduce the deterrent effect. Therefore, recent legislation to shorten the time prior to execution should increase deterrence and thus save more innocent lives. Moratoriums and other delays should put more innocents at risk. In addition, capital punishment deters all kinds of murders, including crimes of passion and murders by intimates. Murders of both blacks and whites decrease after executions. (5) NOTE In a later review of individual state data, Shepherd found that for states executing less than once every 27 months, that there was no effect on murders or murders actually rose. Citations to follow.

(2003) FCC economist Dr. Paul Zimmerman finds: "Specifically, it is estimated that each state execution deters somewhere between 3 and 25 murders per year (14 being the average). Assuming that the value of human life is approximately \$5 million {i.e. the average of the range estimates provided by Viscussi (1993)}, our estimates imply that society avoids losing approximately \$70 million per year on average at the current rate of execution all else equal." The study used state level data from 1978 to 1997 for all 50 states (excluding Washington D.C.). (6)

(2003) Emory University Economics Department Chairman Hashem Dezhbakhsh and Clemson U. Professor Shepherd found that "The results are boldly clear: executions deter murders and murder rates increase substantially during moratoriums. The results are consistent across before-and-after comparisons and regressions regardless of the data's aggregation level, the time period, or the specific variable to measure executions." (7)

(2005) In a review of Illinois state data, University of Houston Professors Dale Cloninger and Roberto Marchesini found that 150 additional Illinois' citizens died, in a four year period because of Governor Ryan suspended executions and commuted all death sentences. (Applied Economics, forthcoming 2006).

Criticisms rebutted and additional studies

(2006) "... (Donohue and Wolfers' "D&W") criticisms of Zimmerman's analysis are misrepresentative, moot or unsupported in terms of the analyses they perform." "It is shown that Zimmerman's published empirical results, or the conclusions drawn from them, are not in any way refuted by D&W's critique." (pg 3) "This later estimate suggests that each execution deters 14 murders on average ...". (pg 7) "It is shown that D&W made a number of serious misinterpretations in their review of Zimmerman's study and

that none of the analyses put forward by D&W (which ostensibly refute Zimmerman's original results and conclusions) hold up under scrutiny. (pg8) "... D&W do not even report Zimmerman's 'preferred' results correctly, and then proceed by carrying on this error throughout the remainder of their critique." (pg8) "Of course, (D&W's) omission tends to create a strong impression that Zimmerman's analysis 'purports to find reliable relationships between executions and homicides', when his actual conclusions regarding the deterrent effect of capital punishment are far more agnostic." (pg10) "... D&W's method of interpreting their results is not consistent with that proscribed by the received econometric literature on randomized testing ...". "As such, D&W's interpretation of their randomized test in itself does not (and cannot) reasonably lead one to conclude that Zimmerman's estimates suggesting a deterrent effect of capital punishment are spurious." (pg12) "... D&W do not appear to have interpreted their randomization test in any meaningful fashion." (pg14) "... the state clustering correction employed by D&W may not be producing statistically meaningful results." (pg16) "And while D&W once lamented that recent econometric studies purporting to demonstrate a deterrent effect of capital punishment yield 'heat rather than light', as shown herein, their criticisms of Zimmerman (2004) tend to yield 'smoke rather than fire'." (pg26)

Zimmerman, Paul R., "On the Uses and 'Abuses' of Empirical Evidence in the Death Penalty Debate" (November 2006). [ssrn\(dot\)com/abstract=948424](http://ssrn(dot)com/abstract=948424)

(2006) "This analysis shows that attempts to make the deterrence effect disappear are ineffective." (p 16)

--- Existence of the death penalty, in law, has a statistically significant impact on reducing murders. (p 23)

--- Execution rates show significant impact in reducing murders. (p 13 & 23)

--- Death row commutations, and other removals, increase murders. (p13 & 23)

--- The criticism of our studies is flawed and does not effect the strength of the measured deterrent effect.

"The Impact of Incentives On Human Behavior: Can we Make It Disappear? The Case of the Death Penalty", Naci H. Mocan, R. Kaj Grittings, NBER Working Paper, 10/06, [www\(dot\)nber.org/papers/w12631](http://www(dot)nber.org/papers/w12631)

(2007) "Had (D&W's) paper been subjected to the normal blind peer review process in an authoritative economic journal it is highly unlikely that it would have survived intact , if at all. "

"(D&W's) Quibbling over numerous and sometimes meaningless statistical issues obscures the picture painted by the cumulative effect of the nearly dozen studies published since the turn of the 21st century."

"Using differing methodologies and data sets at least five groups of scholars each working independently (and often without knowledge of the others) have arrived at the same conclusion—there is significant and robust evidence that executions deter some homicides. While there may be merit in some of (D&W's) specific criticisms, none addresses the totality of the collection of studies. The probability that chance alone explains the coincidence of these virtually simultaneous conclusions is negligible."

"DW's unsupported claim that the appropriate variable in studies of deterrence using these borrowed tools from portfolio analysis is the amount or level of homicides in the respective jurisdictions. This claim is without theoretical basis or empirical precedent. "

"With regard to DW's specific comments on our two papers (Cloninger & Marchesini, 2001 & 2006) we find very little requiring defense. Implicit in their critique, and explicitly stated in private communications, DW were able to replicate our results based on data we furnished, at their request, as well as data they acquired independently. "

"Reflections on a Critique", Dale O Cloninger and Roberto Marchesini, forthcoming Applied Economic Letters

The findings for deterrence reflect reason, common sense and history.

"According to the standard economic model of crime, a rational offender would respond to perceived costs and benefits of committing crime." "Capital punishment is particularly significant in this context, because it represents a very high cost for committing murder (loss of life). Thus, the presence of capital punishment in a state, or the frequency with which it is used, should unequivocally deter homicide." Furthermore, "an increase in pardons (commutations) implies a decrease in the probability of execution, which economic theory predicts should have a positive (increase) impact on murder rates." (8)

Isaac Ehrlich (1975) provided the first systemic analysis of the relationship between capital punishment and the crime of murder along with the first empirical analysis of the deterrence hypothesis. He found that each execution deterred, on average, 8 murders. Many additional studies have found corroborating evidence supporting the deterrent effect of the death penalty -- from the United States (Ehrlich, 1977, Layson, 1985, Cloninger, 1992, Ehrlich and Liu, 1999, Dezhbakhsh et al, 2000) and Canada (Layson 1983) and the UK (Wolpin, 1978). (9)

Pubic policy makers take note. Stopping executions will sacrifice innocent lives. Reinstating capital punishment will spare more innocent lives.

full report

THE DETERRENT EFFECT OF THE DEATH PENALTY

by Dudley Sharp

last update 42707

(contact info, below)

"... (E)ach execution results, on average, in eighteen fewer murders ...".

Deterrence

The potential for negative consequences deters some behavior. The most severe criminal sanction -- execution -- does not contradict that finding. Reason, common sense, history and the weight of the studies support the deterrent effect of the death penalty. The death penalty protects innocent lives. The absence of the death penalty sacrifices innocent lives.

Is there any group, be they criminologists, historians, psychologists, economists, philosophers, physicians, journalists or criminals that does not recognize that the prospect of negative consequences constrains or deters the behavior of some? Of course not -- not even fiction writers so speculate. Even irrational people wear seat belts, choose not to smoke and do not rob police stations because of the potential for negative consequences.

### I. Twelve Recent Deterrence Studies-- The death penalty saves innocent lives

Above

### II. Historical support

Reason, history and common sense all support that the potential for negative consequences deters or alters behavior. In short, incentives, negative or positive, matter. That is undisputed.

Numerous, previous studies have also supported a deterrence finding. And the studies that find a deterrent effect of other criminal sanctions give additional support to the deterrent effect of the death penalty, because, if lesser sanctions deter, then we know that more severe sanctions also deter. The studies that find a deterrent effect of 1. increased police presence, or any other levels of security; 2. arrest/arrest rates; 3. criminal sentencing/incarceration terms; and 4. the presence of rules, laws and statutes all provide additional, collateral support for the deterrent effect of the death penalty. And there are likely hundreds, if not thousands, of such studies and examples (database in progress).

### III. Negative consequences matter

Many have discounted a deterrent effect because of the irrationality of potential and active criminals. However, both reason and the evidence support that the potential for negative consequences does affect criminal behavior.

Criminals who try to conceal their crime do so for only one reason -- fear of punishment. Likely, more than 99% of all criminals, including capital murderers, act in such a fashion. Fear of capture does not exist without an expectation of punishment.

This doesn't mean that they sit down before every crime, most crimes or even their first crime, and contemplate a cost to benefit analysis of a criminal action. Weighing negative consequences may be conscious or subconscious, thoughtful or instinctive. And we instinctively know the potential negative consequences of some actions. Even pathetically stupid or irrational criminals will demonstrate such obvious efforts to avoid detection. And there is only one reason for that -- fear of punishment.

When dealing with less marginalized personalities, those who choose not to murder, such is a more reasoned group. It would be illogical to assume that a more reasoned group would be less responsive to the potential for negative consequences. Therefore, it would be illogical to assume that some potential murderers were not additionally deterred by the more severe punishment of execution.

As legal writer and death penalty critic Stuart Taylor observes: "All criminal penalties are based on the incontestable theory that most (or at least many) criminals are somewhat rational actors who try so hard not to get caught because they would prefer not to be imprisoned. And most are even keener about staying alive than about avoiding incarceration." (10)

Based upon the overwhelming evidence that criminals do respond to the potential of negative consequences, reason supports that executions deter and that they are an enhanced deterrent over lesser punishments.

### IV. The pre trial, trial and death row evidence - the survival effect

At every level of the criminal justice process, virtually all criminals do everything they can to lessen possible punishments. I estimate that less than 1% of all convicted capital murderers request a death sentence in the punishment phase of their trial. The apprehended criminals' desire for lesser punishments is overwhelming and unchallenged.

Of the 7300 inmates sentenced to death since 1973, 85, or 1.2% have waived remaining appeals and been executed. 98.8% have not waived appeals. The evidence is overwhelming that murderers would rather live on death row than die. Why? The survival effect -- life is preferred over death and death is feared more than life. Even on death row, that is the rule.

Even such marginalized personalities as capital murderers fear death more than imprisonment. And that which we fear the most, deters the most. (kudos to Ernest van den Haag and many others)

It is logical to conclude that some of those less marginalized personalities, who choose not to murder, also, overwhelmingly, fear death more than life, and, we, thus, logically conclude that some are deterred from murdering because of the enhanced deterrent effect of execution.

The evidence for the survival effect in pretrial, trial and appeals is overwhelming and that weighs in favor of execution as a deterrent and as an enhanced deterrent over lesser sentences.

### V. If unsure about deterrence

Common sense, reason and history all support that the potential for negative consequences restricts the behavior of some. But, if unsure of deterrence, we face the following dilemma -- If executions do deter, halting executions causes more innocents to be murdered and gives those living murderers the opportunity to harm and murder again. If the death penalty does not deter, and we do execute, we punish murderers as the jury deemed appropriate and we prevent those executed murderers from harming or murdering again.

Oddly, death penalty opponents believe that the burden of proof is on those who say the death penalty is a deterrent. Clearly it is not. The weight of the evidence, within reason, history, common sense and the social sciences is that the potential for negative consequences restricts the behavior of some. That is not in dispute. Furthermore, if opponents cannot prove it is not a deterrent, which they never have and never will, then they are the ones who risk sacrificing innocents, both by absence of deterrence and reduced incapacitation.

Regardless of jurisdiction, under all debated scenarios, more innocents are put at risk when we fail to execute. Any alleged concern for innocents weighs in favor of executions.

### VI. The individual deterrent effect

The individual deterrent effect is represented by those who state that they were deterred from committing a murder only because of the prospects of a death sentence. Individual cases support the enhanced deterrent effect. (11)

One Iowa prisoner, who escaped from a transportation van, with a number of other prisoners, stated that he made sure that the overpowered guards were not harmed, because of his fear of the death penalty in Texas. The prisoners were being transported through Texas, on their way to New Mexico, when the escape occurred. Most compelling is that he was a twice convicted murderer from a non death penalty state, Iowa. In addition, he was under the false impression that Texas had the death penalty for rape and, as a result, also protected the woman guard from assault. (12)

New York Law School Professor Robert Blecker recorded his interview with a convicted murderer. The murderer robbed and killed drug dealers in Washington DC., where he was conscious that there was no death penalty. He specifically did not murder a drug dealer in Virginia because, and only because, he envisioned himself strapped in the electric chair, which he had personally seen many times while imprisoned in Virginia. (13)

Senator Dianne Feinstein explained, "I remember well in the 1960s when I was sentencing a woman convicted of robbery in the first degree and I remember looking at her commitment sheet and I saw that she carried a weapon that was unloaded into a grocery store robbery. I asked her the question: 'Why was your gun unloaded?' She said to me: 'So I would not panic, kill somebody, and get the death penalty.' That was firsthand testimony directly to me that the death penalty in place in California in the sixties was in fact a deterrent."(13A)

Logic requires that the individual deterrent effect cannot exist without the general deterrent effect. Therefore, reason dictates that the general deterrent effect must exist. The question is not: "Does deterrence exist?" It does. The issue is: "What is the quantifiable impact of deterrence?"

Individual cases support the individual deterrent effect and such cases insure that general deterrence must exist. And, for both, the evidence also suggests that executions provide enhanced deterrence over incarceration.

#### VII. Conflicting studies

In reviewing 30 years of deterrence studies, the strongest statement one may make against deterrence is that there is conflicting data (14).

Yet, even when academic bias against capital punishment is overt, such as in the case of the American Society of Criminology -- the subtitle to their death penalty resources page is "Anti-Capital Punishment Resources" -- even they fail to state that the death penalty does not deter some potential murderers, only that "social science research has found no consistent evidence of crime deterrence through execution." (15) That is far from stating that executions do not deter. And the criminologists are, very likely, that academic group most hostile toward the death penalty. What social science conflicts with the notion that the potential for negative consequences restrains the behavior of some? And most would agree that execution is the most serious negative consequence that a murderer may face.

Numerous studies find that executions do deter. And there is a rational conclusion based upon common experience. It appears that all criminal sanctions deter some. It would be irrational to conclude that the most severe and publicized sanction -- execution -- does not deter some potential murderers.

Those studies which do not find deterrence say that they could not detect it, not that it doesn't exist. Those studies which find for deterrence state such.

As Professor Cloninger states: ". . . (Our recent) study is but another on a growing list of empirical work that finds evidence consistent with the deterrence hypothesis. These studies as a whole provide robust evidence -- evidence obtained from a variety of different models, data sets and methodologies that yield the same conclusion. It is the cumulative effect of these studies that causes any neutral observer to pause." (16)

Conflicting studies and reason both weigh in favor of the death penalty as a deterrent and as an enhanced deterrent over lesser punishments.

#### VIII. The brutalization effect of executions

Some, particularly death penalty opponents, find that the brutalization effect is more likely than the deterrent effect. The brutalization effect finds that murders will increase because potential murderers will murder because of the example of state executions.

Why would potential and active murderers be so influenced by the state in such a deep philosophical manner, revealed by brutalization, but they wouldn't be more affected by the simple "you murder, we execute you?"

Death penalty opponents make an interesting about face on this issue. They insist that criminals are so thoughtless and impulsive that they can't be affected by the potential of negative consequences but, then, those same opponents see criminals as so contemplative that their criminal actions increase BECAUSE those criminals follow the example of the state. One might ask those opponents: "Is there any other government action which influences criminals in such a fashion?" Do criminals kidnap more BECAUSE the state increases incarceration rates? Do criminals give money to potential victims BECAUSE the state donates to needy causes?

#### Murder rates and execution rates

Although deterrence is much more than a simple look at only execution rates and murder rates, we do find that as executions have risen dramatically, the murder rate has plunged.

From 1966-1980, a period which included our last national moratorium on executions (June 1967- January 1976), murders in the United States more than doubled from 11,040 to 23,040. The murder rate also nearly doubled, from 5.6 to 10.2/100,000. During that 1966-1980 period, the US averaged 1 execution every 3 years, with a maximum of two executions per year. From 1995-2000 executions averaged 71 per year, a 21,000% increase over the 1966-1980 period. The US murder rate dropped from a high of 10.2/100,000 in 1980 to 5.5/100,000 in 2000 -- a 46% reduction. The US murder rate is now at its lowest level since 1966 (17).

The Texas example -- The murder rate in Harris County (Houston), Texas has fallen 73% since executions resumed in 1982, through 2000, from 31/100,000 to 8.5/100,000 (18). Harris County is, by far, the most active death penalty sentencing and execution jurisdiction in the US. The Harris County murder rate dropped nearly 70% more than did the national murder rate, during similar periods. Texas' murder rate dropped 62% during that same period, or 41% more than the national average.

Potential murderers may have been affected by the example of the state of Texas but, likely, not in a manner consistent with brutalization.

And "(t)he biggest decline in murder rates has occurred in states that aggressively use capital punishment." (19)

After a thorough review of deterrence studies, Professor Samuel Cameron observed, "The brutalization idea is not one the economists have given any credence." "We must conclude that the deterrence effect dominates the opposing brutalization effect." (20)

Reason, history, common sense and the studies weigh against the brutalization effect.

#### IX. The incapacitation effect

The incapacitation effect states that executed murderers cannot harm or murder again. Reason dictates that living murderers are infinitely more likely to harm and murder again than are executed murderers.

That obvious logic escapes death penalty opponents who say that we can have foolproof incarceration. What hypocrisy. This is the same group of folks who tell us that our system of justice is so fraught with error that we cannot possibly continue the death penalty. Yet, the facts tell us that living murderers harm and murder again, in prison, after escape and after improper release. Executed murderers do not. In addition, the US death penalty appears to be that criminal justice sanction which is the least likely to convict the factually innocent and the most likely to remedy such rare error upon post conviction review.

Stuart Taylor: "Statistical studies and common sense aside, it's undeniable that the death penalty saves some lives: those of the prison guards and other inmates who would otherwise be killed by murderers serving life sentences without parole, and of people who might otherwise encounter murderous escapees". (21)

Under all circumstances, the execution of murderers will protect innocents at a higher rate than will incarceration.

#### X. Death Penalty Opponents

Why is it that some death penalty opponents appear to laugh off any potential for a deterrent effect of executions? Because to admit that executions deter some potential murderers would be to admit that, in reaching their goals, they will knowingly benefit murderers at the cost of sacrificing more innocent lives. Of course, opponents will never prove it is not a deterrent and many will admit that executions do deter some.

How many would still oppose executions if they knew that the evidence supported the deterrent effect and that many more innocents are put at risk by not executing?

Stuart Taylor: "So those of us who lean against the death penalty must confront the very real possibility that abolishing it could lead to the violent deaths of unknown numbers of innocent men, women, and children. And those who are still skeptical that the death penalty deters any killings must also confront the risk-benefit calculus suggested by political scientist John McAdams of Marquette University: 'If we execute murderers, and there is, in fact, no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call.' " (22)

#### XI. Conclusion

Those of us who support execution do so because it is a just punishment. The moral foundation for all punishments is that they are deserved. One cannot support a punishment based upon deterrence alone.

Reason, common sense and history all fall on the side of deterrence. Be it Sweden or Rwanda, Texas or Michigan, Singapore or Chile, England or Japan, whether high crime rates or low, the death penalty will always deter some potential murderers. Regardless of jurisdiction, the potential for negative outcomes will always restrict the behavior of some. And, the weight of the evidence clearly supports execution as an enhanced deterrent.

As Professor Rubin states, "Our evidence is that there are substantial benefits from executions and, thus, substantial costs of changing this policy (23).

From Prof. Robert Blecker, New York Law School,

"We support execution as a just and appropriate forfeiture of lives which deserve to be taken. We also support execution as a just and appropriate method to save lives which deserve to be saved. "

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Dudley Sharp, Justice Matters  
e-mail sharpjfa@aol.com 713-622-5491,  
Houston, Texas

Mr. Sharp has appeared on ABC, BBC, CBS, CNN, C-SPAN, FOX, NBC, NPR, PBS, VOA and many other TV and radio networks, on such programs as Nightline, The News Hour with Jim Lehrer, The O'Reilly Factor, etc., has been quoted in newspapers throughout the world and is a published author.

A former opponent of capital punishment, he has written and granted interviews about, testified on and debated the subject of the

death penalty, extensively and internationally.

Pro death penalty sites <http://homicidesurvivors.com/categories/Dudley%20Sharp%20-%20Justice%20Matters.aspx>[www.dpinform.com](http://www.dpinform.com)[www.cjlf.org/deathpenalty/DPinformation.htm](http://www.cjlf.org/deathpenalty/DPinformation.htm)[www.clarkprosecutor.org/html/links/dplinks.htm](http://www.clarkprosecutor.org/html/links/dplinks.htm)

[www.coastda.com/archives.html](http://www.coastda.com/archives.html) see Death Penalty [www.lexingtonprosecutor.com/death\\_penalty\\_debate.htm](http://www.lexingtonprosecutor.com/death_penalty_debate.htm)  
[www.prodeathpenalty.com](http://www.prodeathpenalty.com)<http://yesdeathpenalty.googlepages.com/home2> (Sweden) [www.wesleylowe.com/cp.html](http://www.wesleylowe.com/cp.html)

- 1). "Does Capital Punishment Have a Deterrent Effect? New Evidence from Postmoratorium Panel Data", American Law and Economics Review V5 N2 2003 (344-376), Hashem Dezhbakhsh, Paul H. Rubin and Joanna M. Shepherd. contact Dezhbakhsh at [econhd@emory.edu](mailto:econhd@emory.edu), ph 404-727-4679, Rubin at [prubin@emory.edu](mailto:prubin@emory.edu), ph 404-727-6365 and Shepherd at [jshepherd@law.emory.edu](mailto:jshepherd@law.emory.edu), ph. 404-727-8957  
The quotation is from the complete, pre publication study which can be found at [http://userwww.service.emory.edu/~cozden/Dezhbakhsh\\_01\\_01\\_paper.pdf](http://userwww.service.emory.edu/~cozden/Dezhbakhsh_01_01_paper.pdf)
- 2) "Getting Off Death Row: Commuted Sentences and the Deterrent Effect of Capital Punishment," Journal of Law and Economics, Volume 46, Number 2, October 2003, at [www.journals.uchicago.edu/cgi-bin/resolve?JLE460202](http://www.journals.uchicago.edu/cgi-bin/resolve?JLE460202) registration required  
H. Naci Mocan ([mmocan@carbon.cudenver.edu](mailto:mmocan@carbon.cudenver.edu), ph 303-556-8540) and R. Kaj Gottings ([rgitting@carbon.cudenver.edu](mailto:rgitting@carbon.cudenver.edu)), This is a revised version of "Pardons, Executions and Homicide," NBER WP8639) at [econ.cudenver.edu/mocan/papers/GettingOffDeathRow.pdf](http://econ.cudenver.edu/mocan/papers/GettingOffDeathRow.pdf)  
The quote is from the working paper "Pardons, Executions and Homicide", October 2001, located at <http://econ.cudenver.edu/beckman/kai.pdf> downloaded on 1/22/01
- 3) "EXECUTION MORATORIUM IS NO HOLIDAY FOR HOMICIDES", Prof. Dale O. Cloninger and Prof. Roberto Marchesini. go to <http://www.prodeathpenalty.com/Moratoriums.htm> based on the study "Execution and deterrence: a quasi-controlled group experiment", Dale O. Cloninger ([cloninger@cl.uh.edu](mailto:cloninger@cl.uh.edu), phone 281-283-3210), Roberto Marchesini ([marchesini@cl.uh.edu](mailto:marchesini@cl.uh.edu), phone 281-283-3215), Applied Economics, 4/01, Vol 33, N 5, p569 -- p576
- 4) Capital Punishment and the Deterrence Hypothesis: Some New Insights and Empirical Evidence, December 2001, Eastern Economic Journal, Forthcoming, ZHIQIANG LIU (e-mail [zqliu@buffalo.edu](mailto:zqliu@buffalo.edu), ph. 716-645-2121) on line at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=352681](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=352681)
- 5) Murders of Passion, Execution Delays and the Deterrence of Capital Punishment, March 2003, at <http://people.clemson.edu/~jshephe/>, Joanna M. Shepherd, [jshepherd@law.emory.edu](mailto:jshepherd@law.emory.edu), ph. 404-727-8957
- 6). "State Executions, Deterrence and the Incidence of Murder", Paul R. Zimmerman ([zimmy@att.net](mailto:zimmy@att.net)), March 3, 2003, Social Science Research Network, [http://papers.ssrn.com/sol3/delivery.cfm/SSRN\\_ID354680\\_code021216500.pdf?abstractid=354680](http://papers.ssrn.com/sol3/delivery.cfm/SSRN_ID354680_code021216500.pdf?abstractid=354680)
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- 8) "Pardons, Executions and Homicide", H. Naci Mocan ([mmocan@carbon.cudenver.edu](mailto:mmocan@carbon.cudenver.edu)) and R. Kaj Gottings ([rgitting@carbon.cudenver.edu](mailto:rgitting@carbon.cudenver.edu)), Journal of Law and Economics, forthcoming. Online version located at <http://econ.cudenver.edu/beckman/kai.pdf> downloaded on 1/22/01
- 9) Professor Ehrlich, e-mail [mgtehr@acsu.buffalo.edu](mailto:mgtehr@acsu.buffalo.edu), phone (716) 645-2121. For support and defense of his work go to: <http://wings.buffalo.edu/economics/IEcrime.html>  
Review from Capital Punishment and the Deterrence Hypothesis: Some New Insights and Empirical Evidence, December 2001, Eastern Economic Journal, Forthcoming, ZHIQIANG LIU, e-mail [zqliu@buffalo.edu](mailto:zqliu@buffalo.edu), ph. 716-645-2121, on line at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=352681](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=352681)
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- 20) "A Review of the Econometric Evidence on the Effects of Capital Punishment", The Journal of Socio-Economics, v23 n 1/2, p 197-214, 1994
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- 23) "Death penalty deters scores of killings ", Paul H. Rubin, The Atlanta Journal-Constitution: 3/13/02, from [www.accessatlanta.com/ajc/opinion/0302/0314death.html](http://www.accessatlanta.com/ajc/opinion/0302/0314death.html)

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**From:** pstandefer [pstandefer@alaska.net]  
**Sent:** Sunday, February 22, 2009 8:47 AM  
**To:** Rep. Jay Ramras  
**Subject:** Death Penalty

Please vote NO on this bill. Paula Standefer POB 2438 Soldotna

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 9:59 AM  
**To:** Jane Pierson  
**Subject:** FW: HB 9

---

**From:** jfriedman@alaska.com [mailto:jfriedman@alaska.com]  
**Sent:** Sunday, February 22, 2009 10:33 AM  
**To:** Rep. Jay Ramras; Rep. Nancy Dahlstrom; Rep. John Coghill; Rep. Carl Gatto; Rep. Bob Lynn; Rep. Max Gruenberg; Rep. Lindsey Holmes  
**Subject:** HB 9

Chair Ramras and Committee Members,

I am writing to urge you not to support HB 9 which will be heard by the Judiciary Committee on Monday.

HB 9 is a death penalty bill. Killing criminals satisfies our desire for revenge. It serves no other purpose. My basic, emotional objection to the death penalty is that it is wrong to kill people. I simply do not want my government in the business of killing people or deciding which people are worthy of killing and which are not.

There are other, logical reasons to oppose the death penalty. First, it is a known fact that some people are wrongly convicted. It doesn't happen often, but it does occur more often than any one would like. Unfortunately, DNA evidence is not always available to prove innocence and there is no way to ensure that we will never kill an innocent person who has been wrongly convicted. Life in prison for an innocent person isn't a wonderful alternative, but it is better than death.

Second, the current method of administering lethal substances is not perfect, and occasionally has caused extreme pain, agony, and suffering. I don't want my government torturing anyone, not even a murderer.

Third, the cost of a death penalty prosecution is enormous. When a life is at stake, the defense spares no expense, and the prosecution must meet the challenge and also do its best. Since many of these cases will involve the Public Defender's Office, the State will be paying for both sides of a very expensive criminal case. It makes little sense to add this large financial burden on to the Public Defender and the District Attorney's offices.

Fourth, there are very few instances of people convicted of 1st degree

murder being released (or escaping) from prison who go on to kill another person. When this happens, it is highlighted in the media, so it seems like it occurs more often, but it is truly very rare.

Fifth, there is no evidence that the existence of capital punishment deters murder. People who commit first degree murder don't think they are going to be caught, so they don't think about what the punishment might be if they are caught.

Capital punishment is emotionally satisfying for some people. But the measure of our justice is in how we treat the most reprehensible and evil people. Redemption and forgiveness should be available for all people, not just those who we like or who we can sympathise with. It is not our place to take that possibility away from anyone.

Thank you for your consideration.

Jeff Friedman  
1534 D Street  
Anchorage, AK 99501

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 9:58 AM  
**To:** Jane Pierson  
**Subject:** FW: Death Penalty Bill

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**From:** Zobel, Patricia [mailto:pzobel@dmgz.com]  
**Sent:** Sunday, February 22, 2009 11:53 AM  
**To:** Rep. Lindsey Holmes  
**Subject:** Death Penalty Bill

Lindsey - I understand that the death penalty bill is coming to the Judiciary committee this week. Please take a hard stand against such a bill. I have always been proud of the fact that Alaska was a civilized place and did not engage in barbaric acts such as the death penalty. As the testing for such things as DNA evolves, we are having it clearly brought home that many times, innocent people are sent to jail and the death of even one of those innocents is too much to trade for a death penalty. It is a reprehensible bill - that the government thinks that it has the power to put people to death, for whatever reason. We have jails and we can keep people who kill there away from society and for society's protection. But who will protect the people of the society that thinks that it can adopt mores that continence the killing of others by the government itself? Please vote no and speak out to protest this barbaric bill. Thank you.  
Penny Zobel.

Patricia L. "Penny" Zobel

DeLisio Moran Geraghty & Zobel, P.C.

907-279-9574

[www.dmgz.com](http://www.dmgz.com)

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:08 AM  
**To:** Jane Pierson  
**Subject:** FW: death penalty

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**From:** Caitlin Shortell [mailto:shortellc@yahoo.com]  
**Sent:** Friday, February 20, 2009 1:38 PM  
**To:** Rep. Lindsey Holmes  
**Subject:** death penalty

Dear Lindsey,

As one of your constituents, I wanted to write to express my intense opposition to the institution of the death penalty in Alaska. I am a lawyer and have worked on both state and federal death cases in other jurisdictions. My objections to the death penalty are multiple. First, I believe that the death penalty is morally wrong. Second, I agree with the ABA and the European Community that the death penalty is cruel and should not stand in a civilized society. Third, the possibility of error in the charging, trial, and sentencing process is all too great, which results in wrongful executions of innocent people. Finally, in this economic climate, the cost of capital punishment is too great for the state to bear. I urge you to reject any proposal that would bring the death penalty to our state.

Thank you.

Sincerely,

Caitlin Shortell

From: Rep. Lindsey Holmes  
Sent: Monday, February 23, 2009 10:10 AM  
To: Jane Pierson  
Subject: FW: Keep the Death Penalty Out of Alaska

-----Original Message-----

From: pamkelley@ak.net [mailto:pamkelley@ak.net]  
Sent: Thursday, February 19, 2009 6:29 PM  
To: Rep. Lindsey Holmes  
Subject: Re: Keep the Death Penalty Out of Alaska

Thanks for taking a pragmatic stand against bad public policy, something we can ill afford right now.

**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 9:55 AM  
**To:** Jane Pierson  
**Subject:** FW: death penalty

-----Original Message-----

From: carolyn murray [mailto:carolynmur400@yahoo.com]  
Sent: Sunday, February 22, 2009 10:32 PM  
To: Rep. Lindsey Holmes  
Subject: death penalty

Dear Lindsey,

I believe you are correct that many people will be talking about the death penalty. I am writing to you this evening as a representative of Church Women United. At our last business meeting our members discussed several reasons we are against the death penalty. The two most common reasons being that we fear an innocent person may be but to death and that the death penalty is not a deterrent to violent crime.

With this facts in mind I respectfully request that you oppose any legislation that would bring the death penalty to Alaska.

Thank you in advance for your consideration,

Carolyn Murray  
Church Women United- Anchorage, Ak  
Legislative Liaison

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 9:57 AM  
**To:** Jane Pierson  
**Subject:** FW: HB 9

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**From:** ruthb@alaska.com [mailto:ruthb@alaska.com]  
**Sent:** Sunday, February 22, 2009 2:48 PM  
**To:** Rep. Lindsey Holmes  
**Subject:** HB 9

Please oppose HB9. MAYBE when the death penalty sentence is never in error, does not result in costly appeals and is administered without prejudice to murderers of all races and economic and social conditions, I may waver in my opposition, but not before those conditions are met. Please vote NO on this ill-advised proposal.

Ruth Benson

--

1551 Farmers Loop  
Fairbanks, Alaska 99709  
Tel: 907 479-6912



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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:00 AM  
**To:** Jane Pierson  
**Subject:** FW: HB 9

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**From:** akimpact@gci.net [mailto:akimpact@gci.net]  
**Sent:** Sunday, February 22, 2009 9:03 AM  
**To:** Rep. Lindsey Holmes  
**Subject:** HB 9

**Dear Rep. Holmes:**

The death penalty does not deter capital crimes. It is much more expensive than life imprisonment. It is increasingly considered a violation of the International Declaration of Human Rights at the United Nations. The direction among the States of the US is away from the death penalty for many good reasons. One is that it has been disproportionately used against minorities. Of the 8 executions by federal authority in Alaska during the first half of the 20th Century, 2 were for Whites and the 6 others were for Alaska Natives and Blacks.

To legalize the death penalty in Alaska would be taking a giant step backwards. So may HB 9 and any other legislation of this kind quickly find the way to the trash bin (and the paper recycled).

Faithfully,

Richard K. Heacock, Jr.  
Executive Director  
Alaska IMPACT  
Also: WW II veteran, Chaplain for Alaska Legislatures (1956 - 66)

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**From:** Trouba Door [trouba93@gmail.com]  
**Sent:** Saturday, February 21, 2009 7:20 PM  
**To:** Rep. Jay Ramras  
**Subject:** HB 9

Debbie McKay  
55441 Chinook Rd.  
Kenai, AK 99611  
(907)776-5745  
debbiemckayinak@gmail.com

Please take care when voting on the upcoming bill on capital punishment, HB 9.

In the past 35 years, 130 inmates were found to be innocent and released from death row. How Many Innocent Victims are Too Many?

The vast majority of those executed are poor. About 90% cannot afford a lawyer when they go to trial. They have to rely upon an over worked, under paid, court-appointed lawyer.

Relatively few other developed countries in the world impose the death penalty. Japan and South Korea are the only established democracies in the world, other than the U.S., which still conduct executions. The execution rate in Japan is a small fraction of that in the U.S.

The homicide rate in Canada has been gradually dropping since executions were stopped. Though it has never been convincingly proven that there is a relationship between the decrease in homicides and the cessation of the death penalty, this phenomenon has been observed in many other countries who have abandoned the death penalty.

Recent Cost Studies:

A 2003 legislative audit in Kansas found that the estimated cost of a death penalty case was 70% more than the cost of a comparable non-death penalty case. Death penalty case costs were counted through to execution (median cost \$1.26 million). Non-death penalty case costs were counted through to the end of incarceration (median cost \$740,000).

(December 2003 Survey by the Kansas Legislative Post Audit)

In Tennessee, death penalty trials cost an average of 48% more than the average cost of trials in which prosecutors seek life imprisonment.

(2004 Report from Tennessee Comptroller of the Treasury Office of Research)

In Maryland death penalty cases cost 3 times more than non-death penalty cases, or \$3 million for a single case.

(Urban Institute, The Cost of the Death Penalty in Maryland, March 2008)

In California the current system costs \$137 million per year; it would cost \$11.5 million for a system without the death penalty.

The greatest costs associated with the death penalty occur prior to and during trial, not in post-conviction proceedings. Even if all post-conviction proceedings (appeals) were abolished, the death penalty would still be more expensive than alternative sentences.

The death penalty diverts resources from genuine crime control measures. Spending money on the death penalty system means:

Reducing the resources available for crime prevention, mental health treatment, education and rehabilitation, meaningful victims' services, and drug treatment programs.

Diverting it from existing components of the criminal justice system, such as prosecutions of drug crimes, domestic violence, and child abuse.

There are many matters to consider when deciding this particular issue. Please take all into consideration. In my opinion the financial factor cannot be ignored. In this time of economic uncertainty, it becomes more difficult to justify adding something so costly and controversial to our agenda. Please vote no on HB 9.

Debbie McKay

From: zoom@gci.net on behalf of Scott [zoom@gci.net]  
Sent: Saturday, February 21, 2009 11:23 PM  
To: Rep. Jay Ramras  
Subject: HB9

Hi Jay--

Hey, I'm not in your district, but I'm a fan of you and your commitment to public service.

HB9 SUCKS.

HB9 is HORRIBLE.

HB9 is a step in the wrong direction for our civilization.

I've got a longer discourse, but I wanted you to know CLEARLY that I think this is a BAD BILL and I would urge you to vote NO on it.

Thanks again for your service, Jay. Just back off this lousy, rotten piece of JUNK that parades as a bill in our legislature. B-A-D.

s

Scott McMurren  
Alaska Travelgram  
www.alaskatravelgram.com  
zoom@gci.net

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:00 AM  
**To:** Jane Pierson  
**Subject:** FW: HB 9

---

**From:** Sarah Drummond [mailto:[scdrummond@gmail.com](mailto:scdrummond@gmail.com)]  
**Sent:** Sunday, February 22, 2009 10:26 AM  
**To:** Rep. Lindsey Holmes  
**Subject:** HB 9

Hi, Representative Holmes. It's my understanding that HB 9 will be discussed this coming week and I would like to take this opportunity to express my concern about it to you, as my representative in the State House. As I'm sure you've noticed, we are in the middle (well, let's hope in the middle and not still in the beginning) of a recession and Representative Chenault wants to change the punishment of first degree murder to the death penalty, which is far more expensive than a life sentence. Although, there are some murderers who have committed crimes that are so heinous that I dread the idea of them ever being released from prison, I know that Alaska has a much longer average life sentence than the rest of the U.S. When I took criminology in 2003, the average life sentence in Alaska was 23 years, compared to the 7 year average life sentence nation wide. I'm not sure if that has changed at all in the past 6 years, but it's clear to me that in Alaska, we're pretty good about keeping people locked up a good long time and economically the death penalty is not a very good idea. It is much cheaper to keep a person in prison for 23 years or so than to pay for all the automatic appeals required with capital punishment. If it weren't so expensive, I might be okay with allowing the death penalty in Alaska as punishment for first degree murder, but it is extremely expensive and apparently there's no way to get around all those expensive appeals. From the quick skim I did of the HB 9, it seemed to allow capital punishment from crimes other than first degree murder, which I am not okay with at all. It's silly enough to demonstrate how wrong it is to kill people, by killing people. To give people a death sentence for assault and battery is just ridiculous. Please vote against HB 9 and encourage your fellow legislators to do the same, because this bill is not good for the state of Alaska. At best, it would just be a frivolous expense added to a shrinking budget. Thank you.

~Sarah Drummond  
district 26 resident

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:05 AM  
**To:** Jane Pierson  
**Subject:** FW: Rep. Holmes enews update

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**From:** Bernhard Richert [mailto:berney@alaska.net]  
**Sent:** Friday, February 20, 2009 3:38 PM  
**To:** Rep. Lindsey Holmes  
**Subject:** RE: Rep. Holmes enews update

Thank you for the update, Lindsey: We are strongly opposed to the Death Penalty for all the reasons. I hope the bloodthirsty legislators back off, if for no other reasons than the expense you noted. Best regards, Berney and Family

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**From:** Rep. Lindsey Holmes [mailto:Representative\_Lindsey\_Holmes@legis.state.ak.us]  
**Sent:** Friday, February 20, 2009 12:49 PM  
**To:** Rep. Lindsey Holmes  
**Subject:** Rep. Holmes enews update

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**From:** Rep. Lindsey Holmes  
**Sent:** Monday, February 23, 2009 10:04 AM  
**To:** Jane Pierson  
**Subject:** FW: Death Penalty

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**From:** acliburd@ak.net [mailto:acliburd@ak.net]  
**Sent:** Friday, February 20, 2009 4:29 PM  
**To:** Rep. Lindsey Holmes  
**Subject:** Death Penalty

Hello Lindsey,

I hope you will work against adoption of the death penalty. It is barbaric and has been applied unjustly too many times. Differential enforcement remains a significant issue.

I have always been proud that Alaska abolished the death penalty before statehood.

Sincerely,  
Ann Liburd