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Dear Members of the House and Senate Judiciary Committees,

The death penalty is inherently unconstitutional. The General Assembly should, as Justice Blackmun advised the courts, abandon the delusion that capital punishment could ever be consistent with the Constitution.

**Risky** – Death Row exoneree Randy Steidl has said, “You can release a man from prison, but you cannot release a man from the grave.” Since 1973, 162 people have exonerated and freed from death row. Kentucky has had just one exoneration, but of the 78 people sentenced to death in Kentucky, 50 had their sentences overturned on appeal because of problems at the trial court level – that is an error rate of more than 60%.

**Unfair** - According to a study by the Kentucky Assessment Team assembled by the American Bar Association, at least 10 of the 78 people sentenced to death in Kentucky were represented by defense attorneys who were subsequently disbarred. That same study showed that Kentucky’s Commonwealth Attorney’s offices handle capital cases very differently so ultimately, whether or not you are sentenced to die often has more to do with what county you live in than the merits of the crime for which you are accused. These same trends are seen nationally, about 15 counties account for 30% of all executions.

**Race** – Our death penalty has a long and deeply intertwined relationship with race. When you look at where the death penalty is used, it parallels the sites of racial terror lynchings in the U.S. Death penalty cases are handled most often, if not entirely, by white prosecutors, judges, and juries. Subsequently, black defendants are more likely to face execution. Additionally, cases involving white victims are dramatically more likely to result in a death sentence than cases involving black victims.

**Poverty** – Attorney Bryan Stevenson explains, “We have a system that treats you better if you are rich and guilty than if you are poor and innocent.” The quality of the attorney is among the most critical factors in determining whether a defendant will receive the death penalty. Almost all defendants in capital cases cannot afford their own attorneys. In many cases, the appointed attorneys are overworked, underpaid, or lacking the trial experience required for death penalty cases.

Support for the death penalty continues to decline. There has been a dramatic drop in death sentences spanning the last several decades. According to Pew, support for the death penalty is far lower than it was two decades ago. Similarly, a majority of Kentuckians support a halt to executions until the state’s capital punishment system problems are solved. The best way to solve the issues facing our death penalty is to replace it with something else. Kentucky should end the use of the death penalty immediately.

Kate Miller  
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