

EDITORIAL: The case for a death penalty moratorium

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Ironically, Thomas Clifford McGowan Jr. became a free man the same day the U.S. Supreme Court freed states to resume executions.

McGowan's case illustrates why Texas and other states should maintain a moratorium on capital punishment.

McGowan was a 26-year-old day laborer in 1985, when a 19-year-old rape victim picked his picture out of a police lineup. Tentative at first, when pressed for a decision by a police officer, the young woman said McGowan was the man who raped her.

So, McGowan went to prison for more than 22 years—almost half his life. This spring, DNA tests proved McGowan did not commit the crime. Judge Susan Hawk recommended McGowan go free, and he's out of jail while the Texas Court of Criminal Appeals considers Hawk's decision. He became the 16th Dallas County inmate to be exonerated by DNA tests during the past seven years.

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The same day McGowan walked free, the Supreme Court ruled the three-step process Kentucky uses to administer capital punishment does not violate the Constitution's ban on "cruel and unusual punishment." The ruling virtually freed states to move forward with lethal injection as a method of execution.

Fortunately, McGowan's wrongful conviction couldn't earn him the death penalty. He might have died an innocent man.

Strong advocates of the death penalty might counter that McGowan was not sentenced to execution, so his case has no bearing on capital punishment. Of course, they would be wrong.

Our justice system is fallible

McGowan's case illustrates the fallibility of the U.S. justice system, which is fallible simply because human beings are fallible. Problem is, a mistake that takes a person's life is irreversible. And courtroom mistakes do happen.

Nationwide, 215 people convicted of crimes have been exonerated by DNA evidence, according to The Innocence Project, an organization dedicated to reversing wrongful convictions. Sixteen of the people who have been exonerated spent time on Death Row. Without intervention, they could have been executed for crimes they did not commit.

Thirty-two states have exonerated convicts. Texas leads the way, with 31 reversals. As science improves, the pace of exonerations increases. In the first 11 years DNA-based exonerations were possible, 63 people were set free. In the past eight years, 152 wrongful convictions were overturned.

The Innocence Project identifies at least seven causes of wrongful conviction. Those causes and the number of cases involving Texans are eyewitness identification, 24; unreliable/limited science, 9; false confessions, 3; forensic science misconduct, 4; government misconduct, 3; informants/snitches, 2; and bad lawyering, 0. (The number totals more than 31, because some cases involved multiple causes.)

While many Christians—for theological reasons—are among the strongest advocates of capital punishment, the McGowan case should prompt Christians and other citizens of goodwill to promote a moratorium on

capital punishment. Several reasons stand out:

- **We seek justice.** Justice for murderers is one of the strongest arguments for capital punishment. But in light of so many wrongful convictions, justice should be an equally strong argument for refraining. Putting an innocent person to death is the ultimate act of injustice that can be imposed by the state.
- **Life is precious.** Set aside whatever you think about actual murderers and rapists, we cannot contend anything but that the lives of people who are wrongfully convicted are precious and should be protected, even if the guilty die in prison of old age instead of on a gurney by lethal injection.
- **We say we love others and want them to go to heaven.** Then how can we consider the possibility of wrongfully sending an innocent person to eternity in hell?