

Transcript: Changing Opinion on Death Penalty
Reporter Rachel Godin
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Running Time: 7m42s / Split between 2 air intermissions

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Seg 1:

Anchor Lead: (00:28s) The death penalty is not the polarizing, hot button American issue that it once was. In fact, recent legislation and advocacy suggest that attitudes toward the death penalty in Ohio might be shifting. Topics of mental health, problems with the drugs and the acquisition of drugs used for lethal injection, as well as the perspectives of the families who deal with the aftermath of capital punishment on both sides have impacted the conversation. Kent Wired's Rachel Godin reports.

Godin: To date, Ohio has executed 393 convicted murderers. Within the last few years, some high-profile problems with executions have led to discussion over the rate of use of the death penalty and its possible alternatives. For the first time in years, America is beginning to show a general willingness to work across the aisle on the issue.

Conservatives who oppose the death penalty are using arguments that have traditionally been used by those by those left of center. What used to be liberal opposition to the death penalty because of the risk of executing people who are innocent, is now being used as opposition on the right, as innocent life is said to be a conservative value. There have been 156 exonerations from death row due to the person being found innocent and a few highly publicized ones in Ohio.

Clevelanders Sam Sheppard's father was one of these exonerees. Sheppard's mother Marilyn was murdered in her Bay Village home on the shores of Lake Erie west of Cleveland in 1954 - his father was convicted of killing her and sentenced to death. Sam Sheppard represents the families touched by capital punishment from the defendant's side. Sheppard was 7 years old then, but remembers the chaos vividly:

Sheppard1: (00:29s) Within that day, local authorities had concluded that my father had murdered my mother. They were wrong. I couldn't go to my mother's funeral. There was a shark frenzy the press was so high. Three major newspapers competed for headlines for the next 100 days.

Godin: Sheppard was retried and acquitted. Dr. Sheppard could have been killed as an innocent man. Years later, his son, Sam, joined the movement against the death penalty.

Sheppard3: (00:17s) The papers said: ' State asks death for Dr. Sam.' and I as a 7 year old child began dreaming that I would be executed, that my father would be executed. I was never treated for this so those dreams persisted and still exist to this day.

Godin: Sheppard considers the stress induced by the existence of the death penalty as it related to him and relates to others, as a public mental health issue. The family victim's perspective has emerged a lot over the past year. A particularly publicized example.

During the Boston Marathon trials, The Richers, A victim's family, talked about how the death penalty for Tsarnaev wouldn't be good or their family.

Robert Dunham, an Executive Director at the DC Death Penalty Information Center, says it's not just the fact that death penalty trials and appeals take longer.

Dunham5: (00:23s) It's not just the fact that the death penalty trials and death penalty appeals take longer and the wounds from the worst day in the family's life get ripped open over and over in the course of the the appellate process, it's the appeals vengeance and in some cases the guilt the people feel about being responsible for taking another person's life.

Godin: Studies show in states that have the penalty, family members of homicide victims are less healthy physically, emotionally and psychologically than those in states that do not have the death penalty. We'll continue the discussion about the evolving perception of capital punishment in Ohio, and particularly, what legislators on both sides have found to be an issue worth fighting for, after this break. I'm Rachel Godin. You're listening to Kent Wired.

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Seg 2:

Godin4: Polls show that a significant majority of Americans oppose the death penalty for those suffering mental illness. As part of the Ohio Task Force for Reforms on the Death Penalty, one of the recommendations was to exclude people with serious mental illness.

Lundburg1: (00:23s) I'm not an advocate on the death penalty as a whole. But when I was a justice, we had so many cases where we had mental health issues, we had hospitalizations, we had breakdowns, we had hallucinations, and those were supposed to be litigated factors when it came to the decision on the penalty.

Godin5: Evelyn Lundburg served as a Supreme Court Justice. In this role, she witnessed juries condemn to death criminals with what she said had 'obvious, clear mental health issues'.

Lundburg2: (00:11s) So I started writing on the issue and suggesting that this is something the legislature should take up because mental health has so many variations.

Godin6: She threw out the challenge to other supreme court justices: create some tests that in turn, create new mental health standards for those on death row. The onset tests would measure things like IQ and life skills and set some new standards. Other justices took up the challenge.

Over the span of about 8 months and with the help of psychologists, psychiatrists, doctors, NAMI, The National Alliance of Mental Illness, and Ohio Senator Bill Seitz, a Cincinnati Republican, Senate Bill 162 was crafted. Seitz co-sponsored the bill with Sandra D. Williams, a Cuyahoga County Democrat. It was presented last week to the Ohio Senate Criminal Justice Committee hearing.

Robert Durham, an executive at the DC Death Penalty Information Center, says this bipartisan reform efforts are a good test of Ohio's commitment to reforms.

Durham1: (00:26s) If the legislature can bring about that change, I think it's both significant in terms of death penalty reforms because we see so many problems across the country that result from attempts to apply the death penalty to people with serious mental illness. So I think that's a very serious problem and one that Ohio appears to be grappling with.

Godin: Not only nationwide, but in individual states, public opinion polls show that support for the death penalty is declining among almost all demographics. One of the interesting consequences is that conservative Republicans who oppose the death penalty are now working with moderate democrats and progressives.

A major drop, about 7 percent over 4 years, has been seen among those who identify as conservative Republicans. Change in conservative attitudes is not something that's just happening in the abstract. There are practical effects. For example,

Durham2: (00:29s) So if you look at the Nebraska legislative debate about the death penalty, the legislature there repealed the death penalty statutorily with more republican votes than democratic votes. And what they saw there was despite major partisanship across the country and despite the problems with getting people to work together across the aisle, you saw a broad-based bi-partisanship on what used to be a very divisive issue.

Godin8: The hearings for Senate Bill 162 follow this week's announcement by the Ohio Department of Rehabilitation and Corrections that all executions will be postponed until 2017, as the state struggles to obtain supplies of lethal injection drugs.

In January of last year, Ohio executed Dennis McGuire using a new and untested two-drug combination because traditional drugs could not be obtained. It resulted in a 25 minute long death, the longest in Ohio's lethal injection history.

Yesterday - a federal judge ruled that the state can shield the identity of people or entities involved in obtaining or using lethal injection drugs for executions, rejecting defense attorneys' arguments that the information should be disclosed.

Ohio Gov. John Kasich has ruled out looking for alternative methods of execution, such as the firing squad or hanging, while the state struggles to find supplies of lethal injection drugs.

Rachel Godin, Kent Wired.

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<http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>