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OPINION

# Ohio should abolish the death penalty - now: editorial

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Death-row populations are aging in Ohio and across the nation, as one in four inmates sentenced to be executed is older than 60 years of age. One reason: The inability to obtain death-penalty drugs because of an embargo on their sales by producers has made it impossible to carry out death sentences. That's but one factor driving a new push in Ohio to abolish the death penalty (Associated Press file photo]

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By [Editorial Board, cleveland.com and The Plain Dealer](#)

A bipartisan group of state senators [is sponsoring a bill to repeal Ohio's death penalty law](#). The General Assembly should approve it and Republican Gov. Mike DeWine should sign the repeal.

This is not a new position for our editorial board. We have been calling for an end to the state's death penalty since at least 1983, two years after lawmakers enacted the current law. Our editorials argued against the death penalty on many grounds -- from practicalities and costs to the basic unfairness of a penalty that disproportionately targeted minorities and the poor. As we commented two years ago, Ohio's death penalty has been used "not for the worst of the worst, but for marginalized Ohioans, those of color, of low-income, those with mental deficiencies, those [who couldn't afford the best of the best defense counsel](#)."

We've also noted the absolutism of a punishment from which there can be no return, even when later evidence, including DNA evidence, exonerates the person who's already been put to death. And that's not to mention basic ethical and moral considerations. A 1989 editorial spoke of capital punishment as "a barbaric way for a civilized society to express its outrage about violent crime."

That's why it's so notable that bipartisan sentiment seems to be building at the Statehouse to retire a penalty that, because of a lack of death-penalty drugs, is no longer workable, yet leads to [added taxpayer costs because of the extra legal safeguards required for those facing capital punishment](#).

Prime sponsors of the death penalty repeal, [Senate Bill 101](#), introduced on March 29, are Sens. Nickie Antonio, a Lakewood Democrat, and Steve Huffman, a Tipp City Republican.

The repeal's co-sponsors are Democratic Sens. Hearcel Craig and Bill DeMora, both of Columbus; Paula Hicks-Hudson, of Toledo; Catherine Ingram, of Cincinnati; Kent Smith, of Euclid; and Vernon Sykes of Akron; and Republican Sens. Louis W. Blessing,

of suburban Cincinnati; George Lang, of West Chester; Michele Reynolds, of Canal Winchester; and Kristina Roegner, of Hudson.

That's more than a third of the state Senate right there.

The death penalty is not just barbaric but has become, practically speaking, all but unworkable in Ohio. As it is, DeWine has imposed what amounts to a de facto moratorium on executions in Ohio. Stated reason: The state's inability to obtain appropriate lethal-injection drugs for executions.

"There's been no executions in Ohio since I became governor [in January 2019]. I don't anticipate there will be," DeWine recently said. In 1981, as a state senator, DeWine voted for Ohio's current death penalty law, which took effect later that year, and the governor has never said he opposes the death penalty as such.

Now awaiting execution on Ohio's death row are 122 men and one woman. Ohio didn't execute anyone from early in 1963 until early 1999. That's when Ohio executed convicted murderer Wilford Berry Jr., termed the volunteer because he waived his right to further appeals. Berry had been convicted of the 1989 shooting death his employer, Charles Mitroff, of Cleveland.

Including Berry, Ohio has executed 56 inmates since 1999, the last, Robert Van Hook, in 2017, during the administration of Republican Gov. John R. Kasich, DeWine's predecessor.

According to the Death Penalty Information Center, 23 states -- including neighboring Michigan and West Virginia -- don't have the penalty, and Pennsylvania has a gubernatorial hold on executions.

And nationally, through 2022, according to the Death Penalty Information Center, "Since 1973, 190 former death-row prisoners have been exonerated of all charges related to the wrongful convictions that had put them on death row." Of them, 103 were Black defendants, the center reported.

Wrongful convictions, and not just in death penalty cases, are an acknowledged challenge in the American justice system. Approaches to righting the wrongful convictions of innocent Ohio defendants were reviewed by the Ohio Supreme Court's Task Force on Conviction Integrity and Postconviction Review. It recommended last year that the General Assembly create a Statewide Independent Innocence Inquiry Commission akin to North Carolina's, to investigate post-conviction claims of innocence.

The bipartisan group that has joined Antonio and Huffman in calling for death-penalty repeal runs the political spectrum from conservative to liberal and is geographically balanced among Ohio's regions.

Given DeWine's at-best ambivalent and arguably negative perspective on the death penalty, the time is right for the General Assembly to come together to end capital punishment in Ohio. Its inequities are manifest, its barbarism is clear -- and its time has passed.

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