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Written Testimony on House Bill 183, Abolition of Death Penalty  
Karen Leith, PhD, League of Women Voters of Ohio  
House Criminal Justice Committee  
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Chairman LaRe, Vice-Chair Swearingen, Ranking Member Leland and Members of the House Criminal Justice Committee.

Thank you for letting me speak on HB183 and the League of Women Voters support for this the bill.

I am Karen Leith, a social psychologist and member of the League of Women Voters of Ohio Lobby Corps. I have been studying and testifying on efforts for abolition of the death penalty since 2005. In some of my research, I have met and talked to exonerees, ministers who have worked with prisoners on death row and families of murdered victims. No one benefits from the death penalty, not even society. It is not even a deterrent.

The League of Women Voters supports HB183, abolition of the death penalty in Ohio. Our position is built on an 18-month statewide study and consensus process from 2005. Violations of due process, bias against minorities, the unequal quality of representation for capital crime defendants, and the cost of the death penalty process led League members to the conclusion that Ohio's death penalty should be abolished. In 2007 LWVUS adopted a national position calling for the abolition of the death penalty with LWVO as a co-sponsor of the position. With the possibility of life without parole, public opinion now supports abolition of the death penalty.

According to studies of the death penalty:

- The death penalty is inherently flawed, and no amount of reform can make it an appropriate sentencing option anywhere. Due process of the accused is often violated. Capital punishment is systematically biased against minorities.
- Over 100 persons on various state death rows have been wrongfully convicted and subsequently exonerated—including **eleven** in Ohio.
- Only 6 of the 88 counties in Ohio have put the death penalty on the table.
- A botched attempt in September 2009, during which prison guards spent two hours trying to find an inmate's vein suitable for his lethal injection, raised numerous constitutional questions, including whether a second attempt would constitute "cruel and unusual punishment" prohibited by the 8<sup>th</sup> Amendment. On November 30, 2009, Ohio became the first state in the country to adopt a one-drug protocol for lethal injections.
- On July 8, 2011, federal judge Gregory Frost delayed the July 19, 2011 execution of Kenneth Smith. He ruled that Ohio's death penalty procedures are enforced haphazardly.
- Ohio Supreme Court Justice William O'Neill voted to strike down the death penalty, when he dissented in an order setting an execution date for Jeffrey Wogenstahl in January 2013. Justice O'Neill wrote, "I would hold that capital punishment violates

the Eighth Amendment to the Constitution of the United States and Article I, Section 9 of the Ohio Constitution.” [deathpenaltyinfo.org/documents/FactSheet.pdf](http://deathpenaltyinfo.org/documents/FactSheet.pdf)

- The American Bar Association (ABA) released a report on Ohio’s death penalty in 2007. The report was troubling: Ohio fell short in 93% of the American Bar Association standards for a fair and accurate state death penalty system.
- In January, 2011, Ohio Supreme Court Justice Paul Pfeifer, who was a member of the General Assembly that reinstated the death penalty in 1981, stated that the system is so flawed that the death penalty needs to be abolished.
- Terry Collins, former Director of the Ohio Department of Rehabilitation and Corrections, supported Judge Pfeifer’s statement, further stating the death penalty is expensive, inefficient, and time- consuming and did not put the worst offenders on death row.
- The Ohio Department of Rehabilitation and Correction announced on October 19, 2015 that the state was postponing all executions until at least 2017 because it has been unable to obtain the lethal injection drugs necessary to carry them out.
- Ohio passed a secrecy law, HB 663, to shield the identity of any lethal injection drug provider. LWVO opposed this legislation due to lack of transparency. The *Columbus Dispatch* reported that the law was ineffective because Ohio pharmacies, bound by the Hippocratic oath or fearing adverse reactions from their customers, did not want to be involved in executions. Ohio also has been unable to obtain lethal injection drugs from abroad.

The League of Women Voters of Ohio strongly supports HB183.

Thank you for your consideration.