

Testimony of Abraham J. Bonowitz  
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Proponent Testimony 11/15/23 – written and verbal

Ohio Senate Judiciary Committee  
RE: SB 101

Senators, thank you for holding this hearing today and for taking to heart the testimony being presented today.

My name is Abraham Bonowitz. I was born here in Columbus and I grew up in Bexley. Between 1994 and 2016 I lived and worked all over the country. We moved back in 2016 to help my mom and dad in the final years of my dad's decade-long journey with Alzheimer's. My wife is a teacher in Columbus City Schools, and I'm grateful to report that our son graduated from high school in May and is now an apprentice with the Ironworkers Local 127. We have a dog who will be 15 years old in a few weeks, and two cats. I share all of this irrelevant information because somewhere in there I suspect that each of us have something in common. If nothing else, we are all Ohioans.

Here's a few other things we all have in common.

- We all want to be safe from people who would harm us.
- We all want people who have committed awful crimes to be caught and held accountable.
- None of us want to execute or even imprison people who are innocent.
- We all want to have efficient and effective public policies that are wise uses of our tax dollars.

Here's another place where I am certain we all agree. The place where every one of us stand united is when no murders happen in the first place. If murders did not happen, we would not need to be having this conversation. So we have to ask ourselves how do we stop murders? There is an excellent Ted Talk that a friend of mine gives about this: Here is a link - [bit.ly/DavidDowTedTalk](https://bit.ly/DavidDowTedTalk) – and I will paraphrase....

I am not going to suggest that we can stop all murders, but what if we could stop some of them?

Here is a radical realization. Most of the men on Ohio's death row today were on a path to murder from the time they were children – some before they were even born! The common

threads we see time and again amongst the people this state tries to execute are some combination of the following: Poverty, abuse, neglect, and/or addiction -- at childhood.

Take a look at the social history of every person we've tried to execute and it's almost guaranteed that they experienced as children the failures of society's social safety nets. They all experienced some combination of neglect combined with physical and/or sexual abuse – sometimes from their own parents, sometimes within the foster care system, and sometimes within the juvenile justice system. Drug or alcohol abuse and addiction was present in their parents and in their own childhood. And once in the juvenile justice system, well, just take a look at the reports published jointly this week by multiple Ohio news agencies.

None of those things excuse murder. Don't misunderstand me. People get to be held accountable to their actions, and their inactions. However, the truth is that if you as Ohio legislators and policy-makers really want to prevent murders, then address the shortcomings of our social safety nets to more impactfully catch Ohioans who, as children, are falling through the cracks of poverty, addiction, abuse and neglect. That won't stop every murder, but there can be no doubt that it will stop some.

Here's another area where we can find common ground. We all know and respect Ohio leaders who have flipped their position on capital punishment. Don't take my word for it, but talk to any of the following people. This is a list that could certainly be much longer, but these are the people who have lived experience, who tried to make the system work, and saw its unacceptable failures firsthand:

- Former Ohio Supreme Court Justice Paul Pfeiffer – author of Ohio's death penalty statute
- Former Ohio Attorney General Jim Petro – who also voted to enact Ohio's death penalty when he was a state legislator way back in 1982, more than 40 years ago.
- Former Ohio Governors Ted Strickland, Bob Taft and John Kasich – ask them about their experiences and what they would change, if they could. Ask them about their regrets.
- The last three heads of the Ohio Department of Rehabilitation and Correction, who all left that position and became advocates against the death penalty – Reggie Wilkinson, Terry Collins, and now also, Gary Mohr. See Terry's 18-minute testimony here: [bit.ly/TerryCollinsOH](http://bit.ly/TerryCollinsOH)
- Former Ohio Attorney General and current Governor, Mike DeWine (The Governor is not yet a declared abolitionist, but his record since he took office speaks volumes. Governor DeWine is what we call "consistently pro-life.")

My friends, I am a flipper, too.

The first time I can remember thinking about this issue was when I was just ten or eleven. I was watching the news with my dad and a reporter had just finished reporting from the courthouse, where a man had been sentenced to death. They came back to the studio and the anchor man

said, "But of course, he won't be executed for years." I remember saying to my dad, "That's wrong! They should take him out and shoot him in the morning!" That's how I felt. That's what made sense to me.

Fast forward to when I was college-age. I heard a presentation by one of Ohio's champion criminal defense attorneys, Adele Shank. This was at a student group meeting at OSU. I argued with her. I said, "This is the United States. We have the best justice system in the world, and if that includes the death penalty, it's fine with me. I'll pull the switch myself!"

That's how I felt, and I knew in my heart and in my head that I was right, so I set out to try to prove to all of those anti-death penalty people that they were wrong. But it turned out that it was I who was wrong. Everything I thought I knew about the death penalty, the truth was the opposite. I thought the system was fair. I thought it cost less to kill them. I thought it was what victim's families needed. I thought we always got it right, and that the death penalty was reserved for the worst of the worst.

I was wrong about all of those things. Here's the moment when I changed my mind. I was at another presentation, at another college, in another state, but the speaker was an Ohioan. Professor Michael Endres from Xavier University in Cincinnati was speaking, and he said this:

"If you are going to kill someone in Ohio, just don't do it in Franklin County, Cuyahoga County or Hamilton County – Columbus, Cleveland or Cincinnati – because those are the counties that can afford a death penalty trial. Kill in a rural county, and they simply can't afford a death penalty trial."

Wow. That floored me and I can still see myself in that lecture hall, jumping over an imaginary white picket fence, to sit on the other side. Because that does not make sense to me in a society that values fairness and equality. Of course, we can add Summit County, Lucas County, Montgomery County and maybe a few others, but Ohio has 88 counties, and most can't afford the death penalty. Lake County bankrupted its prosecutorial budget putting one killer on death row.

The severity of the crime should be what determines who is the worst criminal and who deserves society's harshest punishment, but that is not the way it works. The most significant indicator of who might get executed in Ohio has much more to do with the budget of the county in which the crime occurs, and the willingness of the elected county prosecutor to seek a death sentence.

It's that simple. And it is a roll of the dice, even then, because we all know that no death sentence is secure until the prisoner is dead. How many of you voted for the special appropriation of millions of tax payer dollars so that the Pike County murders could be prosecuted with death penalty specifications? Millions of dollars – wasted, because as you all know, not a single one of those defendants ended up on death row.

All of those extra funds were wasted. What if that money went to better services for homicide survivors? What if those funds went to catch some of the children who are falling through the cracks, who are on a path of bad decisions that may lead them to commit a murder that could be prevented?

I wish there was more time, because I would love to discuss with you the realities I have come to understand about how Ohio fails the co-victims in our state. Please ask me about that so that I can relate to you how this body has repeatedly failed to truly address the needs of murder victim family members.

I wish there was more time to address the epidemic of innocence on Ohio's death row, and how we have a number of men sitting on Ohio's death row right now who should be free, and who would not be convicted again if their lawyers knew at the time of their trials what we know now. They say we have eleven exonerated death row survivors, but that does not count the men Ohio tried to execute who ended up being exonerated and freed from life sentences instead of death. I could write a book just about that.

I hope that you take a hard look at this body's failure to even discuss the 56 recommendations of the Supreme Court Joint Task Force on the Administration of Ohio's Death Penalty, which issued its report in May, 2014, after several years of intensive study. We had the guidance needed to attempt to fix the many identified problems with Ohio's death penalty nearly a decade ago, and this body has never even discussed that report as a whole.

I wish there was more time to discuss the experiences of other states that have legislatively abolished their death penalty laws. I know a bit about that, because this has been my path as a former supporter of the death penalty. Once I flipped on this issue, I knew what I wanted to do, and I have now been doing this work for more than 30 years.

New Jersey abolished its death penalty in 2007.  
New Mexico abolished its death penalty in 2009.  
Illinois abolished its death penalty in 2011.  
Connecticut abolished its death penalty in 2012.  
Maryland abolished its death penalty in 2013.  
New Hampshire abolished its death penalty in 2019.  
Colorado abolished its death penalty in 2020.  
Virginia abolished its death penalty in 2021.  
Washington State abolished its death penalty last year, in 2022.

Now it's our turn. It's always a thrill when they pass your bill, and with your leadership, I look forward to saying that Ohio abolished its death penalty in 2024.

Finally, my guiding principle on this matter are the four words carved into the face of the United States Supreme Court Building in Washington, DC: "Equal Justice Under Law." If that aspiration is the bedrock foundation of our legal system, God knows we're not there yet. You

can take us a step in the right direction to make that statement true. Abolish Ohio's death penalty.

Thank you. I am available for questions.

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