

Senate Judiciary Committee Senate Bill 101
Written Testimony Only
James Rutherford, M.D.

Dear Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee,

My name is James Rutherford, and I am a resident of Gahanna, Ohio. Thank you for the opportunity to submit proponent written only testimony on Ohio Senate Bill 101.

The Role of Values in Domestic and Foreign Affairs: Abolishing the Death Penalty

Only 18 prisoners were executed in six states in the United States in 2022. Currently, 23 states have abolished the death penalty, and an additional 10 states have not had an execution in a decade. In addition, the governors in California, Oregon, and Pennsylvania have put moratoriums on executions. Ohio itself has halted executions since 2019 due to concerns about lethal injections. Abolishing the death penalty in Ohio would thus likely be a tipping point toward achieving a national abolition of the death penalty.

In addition, 136 countries (more than 70%) have either abolished the death penalty in law or in practice. Most consider it a violation of human rights. A country cannot belong to the European Union if it has capital punishment. The United States not only remains an outlier, but also it has consistently been amongst those countries that most frequently use the death penalty along with China, Iran, Saudi Arabia, and Egypt. This is the company that we keep, countries that use coercive power such as clandestine assassinations and the death penalty often for political purposes or in particularly abusive ways.

China, Russia, Iran and their proxies in North Korea, Syria, and Venezuela among others are now planning to replace the world order which since the United Nations Declaration of Human Rights in 1948 has been based primarily on the Western liberal tradition. The only thing that these governments have in common is that they are autocracies, dictatorships or totalitarian regimes.

Abolishing the death penalty in Ohio when there is a viable cost-effective alternative, and then the nation, would help to internally clarify our own values. It would also create a clearer distinction between the values of the Western liberal tradition, based on human rights, individual personal dignity and our common humanity, and those of this building coalition of autocratic governments which seek to minimize, co-opt, or eliminate such moral concepts. These moral values are important and to our advantage in both domestic and foreign policy.

In summary, Ohio has numerous compelling reasons to abolish the death penalty. There are moral arguments based on a respect for life, human dignity and our common humanity. There is also opposition to elective violence sanctioned by the state when there is a viable alternative of life imprisonment. Practical considerations, such as cost-effectiveness, the lack of deterrence, potential wrongful convictions, the need for closure, and disparities on the basis of race, geography, and/or economic circumstances, strengthen the case against the death penalty. Abolishing the death penalty in Ohio would also be a tipping point and contribute to a broader movement towards national abolition. This shift would align the United States more

closely with the principles of human rights, individual personal dignity, and our common humanity.. These moral values are perhaps the one thing that is most to our advantage against a building coalition of coercive autocratic governments.

Your vote can help validate our values and bring about needed change.

James Rutherford, M.D.