

Commission on death penalty begins broad study of N.J. law

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A 13-member commission yesterday began a comprehensive study of the death penalty that one member predicted will be the beginning of the end of capital punishment in New Jersey.

The commission is charged with studying all aspects of the death penalty, from its cost to its fairness and deterrent value. It met for the first time in Trenton and elected the Rev. M. William Howard, pastor of Bethany Baptist Church in Newark, as its chairman. He promised to give "a fair hearing" to the seven questions posed by the law creating the commission.

"I hope we answer those definitively," Howard said.

The prediction that the death penalty's days are numbered came from former state Sen. John Russo, who sponsored the 1982 law that reinstated capital punishment in New Jersey.

"If I'm right, the death penalty will be abolished -- not with my vote," Russo said. He said the commission's charge is loaded in favor of repealing capital punishment.

One of the specific questions it must answer is "whether the selection of defendants in New Jersey for capital trials is arbitrary, unfair or discriminatory in any way." Another is whether the state's interest "in executing some of those guilty of murder is sufficiently compelling that the risk of an irreversible mistake is acceptable."

"It almost suggests it is racist; there are mistakes made," said Russo, who added he is convinced neither is the case.

Celeste Fitzgerald, director of New Jerseyans for Alternatives to the Death Penalty, said she hopes the commission examines the relationships between the death penalty's cost, the role of race and the risk of a mistake.

"None of these issues should be looked at independently -- they're all inter-related," Fitzgerald said. "I think any thorough, comprehensive review of the death penalty system will show it has been a total failure and will continue to fail the people of New Jersey."

The commission includes Attorney General Zulima Farber, Public Defender Yvonne Smith Segars and retired state Supreme Court Justice James Coleman. In addition to Russo and Howard, there are two county prosecutors, a police chief, two lawyers in private practice, a rabbi and representatives of the New Jersey Crime Victims' Law Center and Murder Victims Families for Reconciliation.

According to the law enacted on Jan. 12 that created the commission, it has no power to abolish the death penalty but can recommend legislation that would. Whether to accept such a proposal would be up to state lawmakers and Gov. Jon Corzine.

Howard noted the unpaid commission is getting off to "a relatively late start" -- its members should have been appointed by early March -- and questioned whether the Nov. 15 deadline for completing its work is still realistic.

Farber said, "I don't believe beginning in the summer and having to have a report by Nov. 15 allows the commission to do its work." Howard said whether the commission can hold public hearings -- as he hopes -- may depend on whether lawmakers are willing to extend the deadline.

The law passed in January also imposed a moratorium on executions until 60 days after the commission issues its report. New Jersey carried out its last execution in 1963.