

# The Real Reason to End the Death Penalty

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When intellectuals talk about the death penalty, they talk about things like whether it's permissible for the state to take someone's life, whether the death penalty acts as a deterrent, and whether more death sentences are given to some groups than others. But in practice the debate about the death penalty is not about whether it's ok to kill murderers. It's about whether it's ok to kill innocent people, because at least 4% of people on death row are innocent.

When I was a kid I imagined that it was unusual for people to be convicted of crimes they hadn't committed, and that in murder cases especially this must be very rare. Far from it. Now, thanks to organizations like the Innocence Project, we see a constant stream of stories about murder convictions being overturned after new evidence emerges. Sometimes the police and prosecutors were just very sloppy. Sometimes they were crooked, and knew full well they were convicting an innocent person.

Kenneth Adams and three other men spent 18 years in prison on a murder conviction. They were exonerated after DNA testing implicated three different men, two of whom later confessed. The police had been told about the other men early in the investigation, but never followed up the lead.

Keith Harward spent 33 years in prison on a murder conviction. He was convicted because "experts" said his teeth matched photos of bite marks on one victim. He was exonerated after DNA testing showed the murder had been committed by another man, Jerry Crotty.

Ricky Jackson and two other men spent 39 years in prison after being convicted of murder on the testimony of a 12 year old boy, who later recanted and said he'd been coerced by police. Multiple people have confirmed the boy was elsewhere at the time. The three men were exonerated after the county prosecutor dropped the charges, saying "The state is conceding the obvious."

Alfred Brown spent 12 years in prison on a murder conviction, including 10 years on death row. He was exonerated after it was discovered that the assistant district attorney had concealed phone records proving he could not have committed the crimes.

Glenn Ford spent 29 years on death row after having been convicted of murder. He was exonerated after new evidence proved he was not even at the scene when the murder occurred. The attorneys assigned to represent him had never tried a jury case before.

Cameron Willingham was actually executed in 2004 by lethal injection. The "expert" who testified that he deliberately set fire to his house has since been discredited. A re-examination of the case ordered by the state of Texas in 2009 concluded that "a finding of arson could not be sustained."

Rich Glossip has spent 20 years on death row after being convicted of murder on the testimony of the actual killer, who escaped with a life sentence in return for implicating him. In 2015 he came within minutes of execution before it emerged that Oklahoma had been planning to kill him with an illegal combination of drugs. They still plan to go ahead with the execution, perhaps as soon as this summer, despite new evidence exonerating him.

I could go on. There are hundreds of similar cases. In Florida alone, 29 death row prisoners have been exonerated so far.

Far from being rare, wrongful murder convictions are very common. Police are under pressure to solve a crime that has gotten a lot

of attention. When they find a suspect, they want to believe he's guilty, and ignore or even destroy evidence suggesting otherwise. District attorneys want to be seen as effective and tough on crime, and in order to win convictions are willing to manipulate witnesses and withhold evidence. Court-appointed defense attorneys are overworked and often incompetent. There's a ready supply of criminals willing to give false testimony in return for a lighter sentence, suggestible witnesses who can be made to say whatever police want, and bogus "experts" eager to claim that science proves the defendant is guilty. And juries want to believe them, since otherwise some terrible crime remains unsolved.

This circus of incompetence and dishonesty is the real issue with the death penalty. We don't even reach the point where theoretical questions about the moral justification or effectiveness of capital punishment start to matter, because so many of the people sentenced to death are actually innocent. Whatever it means in theory, in practice capital punishment means killing innocent people.

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