



## The Star-Ledger

### Senate acts to suspend executions

Bill seeks to put off death penalty for a year to allow panel to assess it

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A bill imposing a year-long moratorium on executions until a study commission determines whether capital punishment is just, fair and worth the cost passed the state Senate yesterday 30-6.

Opponents of the bill said the study seems designed to find reasons for ending the death penalty. Supporters, noting that no one has been executed since capital punishment was reinstated 23 years ago, said it is time for a reassessment.

"Something clearly is wrong. We have a death penalty that has never been utilized," Sen. Nicholas Scutari (D-Union) said as he urged colleagues to support the measure.

The bill (S709) goes to the Assembly, which approved a death penalty study commission that did not include a moratorium two years ago. That measure was vetoed by then-Gov. James E. McGreevey, who said capital punishment had been "continuously studied in painstaking detail."

Acting Gov. Richard Codey supports a study and endorsed a moratorium more than a year ago. Codey, who is also Senate president, voted for the bill yesterday.

Celeste Fitzgerald, director of New Jerseyans for Alternatives to the Death Penalty, said the moratorium's prospects of passage in the Assembly are "very good." She said that since 1982, when capital punishment was reinstated after a decade-long hiatus, the state has learned it is "so much more complicated" than imprisoning someone for life.

That was evident in the contrast between yesterday's debate and the one 23 years earlier. Then, a majority of lawmakers were convinced that death was an appropriate and workable punishment for the state's worst murderers.

"I made a mistake then," said Sen. Raymond Lesniak (D-Union), who voted for the death penalty in 1982. Yesterday, he said it should be abolished to prevent any more wrongful executions.

"There's no doubt that in this country we have murdered innocent people," Lesniak said.

Even Sen. Gerald Cardinale (R-Bergen), the only senator to speak against the bill, conceded the death penalty "is not working the way we envisioned it."

But Cardinale said the moratorium "sends a message that we are somehow getting soft on crime." He also said the list of issues that the 13-member commission must study is so slanted that "I'm compelled to think it is a direction to this commission to recommend abolition of the death penalty."

"This bill is not to abolish the death penalty," Sen. Robert Singer (R-Ocean) replied. "The system is broke; let's look to fix it."

Sen. Robert Martin (R-Morris) cited one study showing the death penalty has cost New Jersey \$253 million and others finding that blacks who murder whites are more likely to be condemned to die than those who murder blacks.

"There's something fundamentally wrong with that," Martin said. "At the very least, we need a study commission to figure out what is going on with that death penalty."

The 13-member commission would include lawmakers, prosecutors, a public defender, a representative of the New Jersey State Bar Association and relatives of murder victims. It would be required to study whether capital punishment is "discriminatory in any way" and "consistent with evolving standards of decency." It also would study its cost and whether it deters crime.

The commission would have until Nov. 15 of next year to report, but the moratorium would remain in place for another 60 days.

The New Jersey Catholic Conference, which represents the state's Catholic bishops, endorsed the bill. It said "our society is sufficiently developed to protect itself and to redress the injustice caused by the criminal without resorting to the use of the death penalty."

Ocean County Prosecutor Thomas Kelaher recently wrote Codey to say a death penalty that is never used has become "a cruel hoax on the families of the victims and the citizens of this state." Kelaher recommended abolishing capital punishment in favor of life imprisonment without parole.

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