



A New Generation of Prosecutors is Saying No to the Death Penalty

By Liz Komar and Miriam Krinsky

As two former prosecutors, we've both wrestled with the death penalty. One of us reluctantly agreed to serve on the "death committee" created by the U.S. Attorney to review the most serious federal crimes, and struggled with each one of those decisions until it no longer felt comfortable to be in that role. For the other, opposition to the death penalty guided her choice to only serve as a prosecutor in a state without it, far removed from her family home in North Carolina.

Now, as we work with a [new generation](#) of elected prosecutors, we are seeing more and more of these bold leaders align around a common understanding: The death penalty is racist, inhumane, and a stain on American democracy.

We both became prosecutors out of a deep desire to do justice and make our communities safer – and we've concluded that the death penalty is incompatible with both. [Research](#) has shown time and time again that the death penalty simply does not reduce crime. Even more concerning, the application of the death penalty is racially-biased, and high rates of reversal for death penalty convictions highlight that it is deeply arbitrary. At its core, the death penalty is inconsistent with the values we purport to be committed to as a nation.

Beyond the moral arguments are the fiscal ones. Death at the hands of the state costs far more than life imprisonment, and every dollar we spend on vengeance is a dollar we can't spend on making our communities healthier. Sadly, our appetite for death as a nation has been stronger than our desire for better schools, alleviating poverty, and preventing harm. The death penalty furthers none of its stated aims and our irrational dedication to it in America reveals the disheartening truth at the heart of capital punishment: We kill because we hate, not because we seek justice.

The death penalty is a vestige of slavery. In the words of the [Equal Justice Initiative](#), it is a "[direct descendant of lynching](#)." From the end of Reconstruction to the beginning of the Civil Rights era, [4,400 Black men, women, and children](#) were murdered for perceived or entirely fictitious crimes against the [white social order](#). In many states, these lynchings only declined when white supremacists were given a [legal replacement](#): accelerated trials by all-white juries handing down the death penalty.

At times, [prosecutors promised the death penalty](#) for Black defendants as mobs of angry whites massed in the courtroom, threatening a lynching. In these moments, the state became the apparatus for racial terrorism. As Seth Kotch, a scholar of the death penalty, explains, capital punishment arose in North Carolina "as a demand for an institutional space to harm and kill Black people." And the death penalty met that demand: From

1910, when the state-run death penalty was created in North Carolina, until the 1970s, [80 percent of the people the state executed were Black](#).

Even after the U.S. death penalty statutes were rewritten in the 1970s, the racism inherent in the system continued. Prosecutors continued to be almost entirely white, as well as deeply invested in protecting the status quo. Crimes against white victims remained far more likely to be tried capitally than those with victims of color. And in North Carolina, a state where less than 30 percent of the population is non-white, [55 percent of people sentenced to death since the 1970s](#) have been people of color. Today, the race of a crime victim often remains the strongest predictor of whether the accused will receive the death penalty.

Capital punishment foments injustice throughout our legal system, even beyond death row. The death penalty is invoked as a hammer in interrogation rooms and plea bargain negotiations. *Do what we want, or we'll prosecute you for the death penalty*: a death threat that has persuaded too many innocent people to plead guilty, just to avoid a capital trial. It is not an accident that the majority of innocent people who have been released from death row are Black.

The death penalty has been an instrument of systemic oppression and injustice in America, and it's time we treat it as such. We're proud to work with dozens of elected prosecutors who have [pledged to personally never seek the death penalty](#), but that's not enough. As our nation embarks on a national reckoning with racism and our history of racial violence, ending the death penalty must be part of our transformation.

After the Holocaust, Germany abandoned the death penalty and enshrined protecting human dignity as a core value of its justice system. Italy abolished the death penalty to reckon with the horrors of fascism. Abolition of the death penalty was part of how these nations said "never again" to atrocity and oppression — and it must be for us too.

We have so far to go in our pursuit of justice as a nation. And as former prosecutors we know that justice must be more than a system of punishment and incarceration. Real justice requires accountability, repair, and healing. And achieving these objectives will demand far more than tinkering around the edges of the criminal legal system.

In this historic moment where thousands have taken to the streets to demand change, one thing is clear: If we truly wish to seek justice, we must first stop seeking death.

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