### NSDA Disclaimer Regarding Policy Debate Resources for 2020-2021

As our communities protest anti-Black violence and racism, discussions of policing and the criminal justice system can be sensitive and personal for our students. While researching and writing arguments on this topic, it is important to be cognizant of how our lived experiences shape our perceptions and to be aware that our experience of the systems that exist within society will not always match those around us. Promoting a safe, equitable experience for all students is at the core of this activity. As you evaluate this topic, be mindful of avoiding arguments that are rooted in bias or that seek to marginalize others. Our hope is that our topic resources can help us amplify student voices, encourage courageous conversations, and create advocates for institutional changes. [Here is a link](https://www.tolerance.org/moment/racism-and-police-violence) to some resources on teaching race, racism, and police violence that may provide useful context during your research.

#### Plan: The United States federal government should rule that capital punishment in all cases and life without parole in all cases except for individuals convicted of murder in the first degree are unconstitutional on the grounds of due process and equal protection as they are violations of human dignity.

#### Reserving Life without Parole for individuals convicted of murder is key to ensuring justice is served but is also key to the mental health of and restitution for families of victims.

ACLU of Northern California, 9-25-2013, "The Truth About Life Without Parole: Condemned to Die in Prison," No Publication, <https://www.aclunc.org/article/truth-about-life-without-parole-condemned-die-prison>

Because death is different and mistakes cannot be corrected, a death sentence results in years of mandatory appeals that often result in reversal. In a sample of 350 death sentences, 118, or nearly one-third, were reversed in part or in whole. Further, nearly 60 percent of the cases in this sample were still in various stages of appeals as of 2002. For each of the last three executions in California, more than 25 years had been spent in appeals before the executions finally occurred. The current average for appeals is 17 years—and getting longer every day. Unlike death penalty cases, however, LWOP sentences receive no special consideration on appeal, which limits the possibility they will be reduced or reversed. A person sentenced to die in prison receives only one automatic appeal, not several, and is not provided any court-appointed attorneys after this appeal is complete, usually within two years of the initial sentence. California has the largest death row in the country with more than 660 prisoners. But more than four times as many prisoners have died of other causes while awaiting execution than have actually been executed. In contrast, when prisoners are sentenced to prison until death, they begin serving their sentence immediately. LWOP allows victims’ survivors to move on, rather than keeping them trapped in decades of court hearings and waiting for an execution to occur. For these reason, the [survivors of murder victims](http://www.californiacrimevictims.org/) often feel that the death penalty system only prolongs their pain and does not provide the resolution they need, while the finality of LWOP sentences allows them to move on, knowing justice is being served.

#### A former California judge affirms that LWOP is crucial to help give families of victims a sense of reconciliation to move on, turns their dignity claim

Donald McCartin, former California Superior Court judge, 3-25-2011, "Second Thoughts of a Hanging Judge," Los Angeles Times, <https://www.latimes.com/opinion/la-xpm-2011-mar-25-la-oe-mccartin-death-penalty-20110325-story.html>

In 1978, the first time Jerry Brown was governor of California, he appointed me to a judgeship in the Superior Court of Orange County. It was a gutsy move on his part, a liberal Democrat naming a right-wing Republican to the bench. I served there until 1993, after which I sat on assignment on death cases throughout California. During that time, I presided over 10 murder cases in which I sentenced the convicted men to die. As a result, I became known as “the hanging judge of Orange County,” an appellation that, I will confess, I accepted with some pride. The 10 were deemed guilty of horrifying crimes by their peers, and in the jurors’ view as well as mine they deserved to die at the hands of the state. However, as of today, not one of them has been executed (though one died in prison of natural causes). I am deeply angered by the fact that our system of laws has become so complex and convoluted that it makes mockery of decisions I once believed promised resolution for the family members of victims. That said, I have followed the development of legal thinking and understand why our nation’s Supreme Court, in holding that “death is different,” has required that special care be taken to safeguard the rights of those sentenced to death. Such wisdom protects our society from returning to the barbarism of the past. And though I find it discomfiting and to a significant degree embarrassing that appellate courts have found fault with some of my statements, acts or decisions, I can live with the fact that their findings arise out of an attempt to ensure that the process has been scrupulously fair before such a sentence is carried out. I can live with it and, apparently, so can the men I condemned. The first one, Rodney James Alcala, whom I sentenced to die more than 30 years ago for kidnapping and killing 12-year-old Robin Samsoe, was, just last year, again sentenced to death for killing Samsoe and four other young women who, it has subsequently been determined, were his victims around the same time. I need not go into the permutations of Alcala’s legal journey. Behind bars since 1979, he has not harmed, nor can he harm, any other young women. But harm has been done, and that’s what infuriates me. Robin Samsoe’s mother has been revictimized time and time again as the state of California spent millions upon millions of dollars in unsuccessful attempts to finally resolve the case against her daughter’s murderer. Had I known then what I know now, I would have given Alcala and the others the alternative sentence of life in prison without the possibility of parole. Had I done that, Robin’s mother, Marianne, would have been spared the pain of 30 appeals and writs and retrial. She could have dealt then and there with the fact that her daughter’s killer would be shut away, never again to see a day of freedom, and gone on to put her life together. And the people of California would have not have had to pay many millions of tax dollars in this meaningless and ultimately fruitless pursuit of death. It makes me angry to have been made a player in a system so inefficient, so ineffective, so expensive and so emotionally costly. I watch today as Gov. Brown wrestles with the massive debt that is suffocating our state and hear him say he doesn’t want to “play games.” But I cringe when I learn that not playing games amounts to cuts to kindergarten, cuts to universities, cuts to people with special needs — and I hear no mention of the simple cut that would save hundreds of millions of dollars, countless man-hours, unimaginable court time and years of emotional torture for victim’s family members waiting for that magical sense of “closure” they’ve been falsely promised with death sentences that will never be carried out. There is actually, I’ve come to realize, no such thing as “closure” when a loved one is taken. What family members must find is reconciliation with the reality of their loss, and that can begin the minute the perpetrator is sent to a prison ~~he~~ [they] will never leave. But to ask them to endure the years of being dragged through the courts in pursuit of the ultimate punishment is a cruel lie.