

Questions and Answers About Innocence

What are the leading factors that cause innocent people to be convicted and sentenced to death?

The most common factor is mistaken eyewitness testimony. New scientific research shows that eyewitness testimony is far less reliable than once believed, especially when the testimony involves a witness and a defendant of different races. Other leading factors contributing to wrongful convictions include defective or fraudulent science, fabricated testimony or testimony from jailhouse informants, grossly incompetent lawyers, false confessions and police or prosecutorial misconduct.

Are Ruben Cantu, Carlos De Luna, Larry Griffin and Cameron Todd Willingham the only people who have been executed in the U.S. despite evidence of innocence?

Various experts and academicians have identified dozens and dozens of cases through the past century where people with extraordinarily strong cases of innocence were executed. These include more than a dozen such cases since executions were allowed to resume in the U.S. in 1976, following a brief moratorium. Of course, none of these cases were ever proven beyond all possible doubt. What the Cantu, De Luna, Griffin and Willingham cases have in common is that leading investigative journalists uncovered enough evidence to show that these men were demonstrably if not certainly innocent.

Why don't we just use DNA to determine guilt or innocence – wouldn't that be the easiest way to protect the innocent and punish the guilty?

Contrary to public perception, DNA plays a role in fewer than one-fifth of all death penalty cases. Of the 123 people exonerated and freed from death row, according to the Death Penalty Information Center, only 14 had cases that involved DNA analysis.

Some people say the Death Penalty Information Center's list of 123 exonerees has people on it who are guilty while others say the list is missing the names of others whose convictions have been overturned. How do you respond to criticism of this list?

The Death Penalty Information Center uses an objective standard to determine innocence. People are added to the list if (1) they had been convicted and sentenced to death, and subsequently either their conviction was overturned and they were acquitted at a re-trial, or the prosecution dropped all charges, or (2) they were given an absolute pardon by the governor based on new evidence of innocence. Remember how our legal system works: If you or I are accused of a crime but not convicted, we are innocent. The same thing goes for anyone who was wrongly convicted in an unconstitutional trial and whose conviction is subsequently overturned. This includes people who once were on death row.