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# Grave Injustice: Unearthing Wrongful Executions

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**COLUMN:** BOOK REVIEW: GRAVE INJUSTICE UNEARTHING WRONGFUL EXECUTIONS

By Richard A. Stack Potomac Books (2013)

Reviewed by Mary Kelly Tate

Mary Kelly Tate is the founding director of the Institute for Actual Innocence at the University of Richmond School of Law. She has nearly 20 years of experience in indigent defense and post-conviction work.

**TEXT:**

[\*58]

Richard A. Stack's *Grave Injustice* is a significant contribution to the academic and popular discourse surrounding the death penalty in the United States of America. Stack, a member of the faculty at the School of Communication at American University in Washington, D.C., deftly exposes the crumbling moral, philosophical and legal foundations undergirding the death penalty system.

*Grave Injustice* is a highly readable study for anybody interested in a thoughtful, but critical examination of the death penalty in modern America. Stack reveals capital punishment as a broken, largely symbolic relic at odds with the very essence of a pluralistic democracy. In a boon for both his audience and the cause he so clearly cares about, the book is not burdened with ideological rancor. Stack writes very well. His sensitivity to intellectual nuance and humanistic detail combine to make reading this book a fresh experience in an arena marked by substantial literary, scholarly, and policy analysis.

As for why Stack's book matters, Stack admirably, and without sentimentality, meets the important goal of demonstrating why the necessary existential [\*59] demands of every democracy -- fundamental fairness and pluralistic legitimacy -- will never conform to the underbelly of capital punishment. Even in subtle tension with his own wide-ranging critique, he cautions those aligned against the death penalty that the most fertile opposition to it may, in the end, emanate from pragmatic, not moral or philosophical, arguments. Stack writes, "The death sentence for the death sentence will not be based on its immorality, about which there is ample room for dispute, but on its poor track record containing crime and its overwhelming lack of cost-effectiveness."

In facing the challenging scope of this civil rights topic, Stack divides his book in a sensible, accessible fashion. The first section, "Profiles in Injustice," is dedicated to select cases in which injustice has very likely won the day. He highlights 18 cases of men wrongfully sentenced to death and guides the reader toward a vivid introduction to the policies, procedures and methods by which such miscarriages of justice occurred. Compromised science, faulty eyewitness identification, government wrongdoing, ineffective assistance of counsel, and flagrant politicization are brought to light as recurring contributing causes to the national and global embarrassment of wrongful convictions in

America, causes that have been in the policy and political consciousness for decades. The content of this section also allows Stack to sketch the enormous human cost of these errors.

Following Stack's treatment of the cases in which most likely innocent men were executed, he turns in the second part of his book to "Profiles in Justice." Here he surveys individuals who from biography, plight, passion, or vocation commit their energy to undoing the stain of America's broken death penalty system. This three-part section is a hopeful rejoinder to the grim realities described in the first portion of "Grave Injustice." Helen Prejean (the long-time and famous anti-death penalty advocate), a conservative Illinois lawmaker, the grief-stricken sister of Georgia-executed Troy Davis, and others are showcased as essential leaders in a policy fight that has been pursued for decades with brave tenacity.

In joining Stack on his journey to champion the abolition of the death penalty, the reader, led by Stack's deep knowledge and sensitive storytelling, is rewarded with a broad understanding of the many ways in which the criminal justice system as a whole and the death penalty in particular fail defendants, victims, communities, families, and society. These failures lead to all sorts of civic harm. Stack is successful in deconstructing the tired justifications for the death penalty as mere cover for a system crippled by the ravages of race, poverty, fallibility, and ineffectiveness. Simply put, the death penalty is shown to be a massive policy failure diminishing the legitimacy of the criminal justice system in the world's leading democracy. Stack uses his reportorial skills to distill the complex subject of the American death penalty into a digestible form, yet he never cuts corners with the human dimension. This dimension is always at the center of crime and punishment and, most hauntingly, at the center of the American death penalty and its tragic frailties. True to its subject, Stack has written a very human book worth reading and worth sharing.

**GRAPHIC:**

PHOTO, no caption