



PRISON TRANSPARENCY PROJECT REPORT:

The Impact of the Anti-terrorism and Effective Death Penalty Act (AEDPA) of 1996

Prepared by:

Prison Transparency Project

Founder:

Dr. Angela Cotellessa Meyers

September 2024

<https://prisontransparency.com>

THE IMPACT OF THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY ACT (AEDPA) OF 1996

The Misleading Title and Purpose

- **Historical Context:** The Anti-Terrorism and Effective Death Penalty Act (AEDPA) was passed in 1996 in the wake of high-profile terrorist incidents, including the Oklahoma City bombing. Despite its title, the Act had very little to do with terrorism or the death penalty. Instead, its most significant impact has been on the ability of inmates to challenge their convictions and sentences through the writ of habeas corpus process.

- **Misleading Focus:** The title of the AEDPA suggests a focus on combating terrorism and streamlining death penalty cases. However, the Act's most significant impact has been on the ability of state and federal prisoners to file habeas corpus petitions, severely restricting their access to this critical legal remedy.

Erosion of Habeas Corpus Rights

- **Gutting Habeas Corpus:** The AEDPA imposed numerous restrictions on habeas corpus petitions, which are often the last resort for inmates seeking to challenge wrongful convictions or unconstitutional imprisonment. The Act placed strict time limits on when these petitions can be filed and limited the grounds on which they can be granted.

- **Prohibiting the Correction of Wrongs:** Under the AEDPA, courts are often prohibited from correcting wrongs unless "extraordinary circumstances" are present. This has made it exceedingly difficult for many inmates to have their cases reconsidered, even when new evidence of innocence or constitutional violations emerges.

The Unreasonable Burden on Inmates

- **365-Day Deadline:** One of the most onerous provisions of the AEDPA is the requirement that inmates learn the law and file a habeas corpus petition within 365 days of their conviction becoming final. This places an unreasonable burden on incarcerated individuals, many of whom lack legal knowledge or resources.

The Unreasonable Burden on Inmates

- **Restoring Justice:** Repealing the AEDPA would restore inmates' ability to seek redress through habeas corpus petitions. This would help correct wrongful convictions and ensure that constitutional rights are upheld.

- **Aligning with Modern Values:** The AEDPA, much like the Prison Litigation Reform Act, is a relic of a tough-on-crime era that no longer aligns with modern values of justice and fairness. Repealing this Act is a necessary step in creating a more just and humane legal system.

This report is part of a series produced by the Prison Transparency Project, aimed at uncovering and

addressing issues within the prison system. For additional reports and recommendations, please visit our website at <https://prisontransparency.com>.