

burbankleader.com/news/opinion/tn-pas-0904-intheory,0,4686714.story

Burbank Leader, In Theory Q & A: Should California abolish its death penalty?

September 2, 2011

A California legislator has attempted to advance a bill to once again abolish the state's death penalty, banned in 1972 and reenacted in 1977. In the proposed measure, withdrawn Aug. 25 because its sponsor said it lacked sufficient votes to advance out of committee, Sen. Loni Hancock (D-Berkeley) claimed that the death penalty costs the state \$184 million a year to keep more than 700 people on Death Row. Only 13 criminals have been executed since 1992; each execution costs about \$300 million. An average prisoner spends 25 years on Death Row before being put to death.

“The death penalty is not the swift and certain punishment that experts tell us most effectively deters crime,” Hancock told a state legislative panel considering the bill, SB490. If SB490 had passed, the option to replace the death penalty with life without parole would have been placed on a ballot for voters to decide upon.

Assemblyman Curt Hagman (R-Chino Hills) opposed the measure, saying the state should instead reform the system to “speed up the process.” Other opponents of SB40 said that getting rid of the death penalty would remove a deterrent.

But even Donald Heller, the author of the 1978 law that expanded the list of crimes eligible for the death penalty, has had a change of heart. “When I wrote [the bill], I believed in capital punishment,” he told the L.A. Times. “But the thing I regret most that I cannot change — except by what I do now — was drafting the death penalty initiative.”

Should California abolish its death penalty?

Answer:

I was sorry to read about the withdrawal of SB 490 because I believe that the death penalty is wrong and definitely should be abolished.

There are many practical reasons for getting rid of the death penalty in our state. It is fiscally irresponsible, costing the state taxpayers far more than sentences of life in prison without parole for those convicted. It has also been shown that in states where the death penalty does not exist, the crime rate for capital offenses is statistically lower than in states where it does. In addition, there is the documented possibility of executing an innocent person when the plaintiff has inadequate legal counsel, when scientific analysis of evidence such as DNA has not been used, and when racial and/or cultural bias is a part of the process — all things that are true in far too many cases.

However, my reason for opposing the death penalty is not just based on practical considerations. It is rooted my religious perspective as a Unitarian Universalist who believes that every person has inherent worth and dignity and deserves justice, equity and compassion. I certainly believe that society should be protected from dangerous people and that penalties must be levied, but killing a person who has committed murder does not bring the victim back, nor does it give family or friends a sense of closure. And there have even been cases where a convicted felon has turned his or her life around while in prison.

As the Chinese sage Confucius has been quoted as saying, “Before you embark on a journey of revenge, dig two graves.” I hope there will come a day in the not too distant future when the death penalty in California and our nation will be abolished and we can be freed from our penchant for legal revenge.

Rev. Dr. Betty Stapleford

Unitarian Universalist Church of the Verdugo Hills, La Crescenta, CA

Yes, indeed. If it is wrong to kill, how then is it legal for the state to commit murder in the name of justice? Think about it: We tell everybody that it is wrong to kill somebody. And then we (the state) say, in effect, “To show you, murderer, how wrong it is to kill somebody, on such-and-such a day at such-and-such a time, we are going to kill you.”

What kind of logic is that? We all decry premeditated murder — and yet when we plan an execution, that's exactly what we do: commit premeditated murder.

Now, aren't there miserable excuses for human beings out there who don't deserve to be allowed to live? Possibly so, but is it up to us to end their lives? I think not. St. Paul says, quoting Deuteronomy, “Vengeance is mine, I will repay', says the Lord.” (Romans 12: 19)

Also, what if we make a mistake and execute the wrong person? We are all human beings and we make mistakes — but how do you right a wrong such as killing the wrong person?

And there is another issue: revenge. We call it justice when we execute a murderer, but I believe what we're really doing is taking revenge.

Angry and grieving loved ones who have lost a member of their family are amazed when the person they want to see pay for the awful thing that was done to their loved one is finally put to death and they're as angry and as sad as before. They expect closure, but there is none until — guess what? — they try to start forgiving the awful person who killed their loved one.

Forgiving is not easy and it's not quick, and it may not even bring closure. But practicing forgiveness gives us a chance at closure, whereas waiting for the day when we get to throw the switch that ends the life of the criminal does not.

Should every convicted murderer go free? Of course not. Society needs to be protected, and life in prison without the possibility of parole is a much better choice, I believe, than putting the guilty to death. And it would be one helluva lot cheaper.

The Rev. Skip Lindeman
La Cañada Congregational Church
La Cañada

Just over a year ago, I sat in a courtroom in Los Angeles filling out a 99-question questionnaire in a capital murder case with special circumstances — two individuals brutally murdered in their home. I was one of about 450 people summoned as potential jurors.

A number of questions asked were on our personal views of the death penalty. I readily admit that I struggled with those questions. This was the first time I had to address such questions in an actual situation with a real defendant sitting in the courtroom.

In listening to attorneys providing a brief overview of the case, it became quite evident that the focus of the case would be on the penalty phase of the trial.

When the prosecutor asked me specifically if I could vote for the death penalty if the requirements of the law were otherwise met, I struggled to answer the question, which frustrated both the prosecutor and me. The

logical answer would be yes; but could I really condemn someone to death?

Despite my inability to clearly answer the written or spoken questions, I was initially seated in the jury box. But I was later dismissed, so I never had to finally answer the question.

This week's In Theory question is a related, but easier, question for me to answer. Given the current state of the law, the costs involved, and the ineffective deterrent to murder that capital punishment likely represents, capital punishment should be withdrawn as a penalty in California. Is it possible to craft a revised law that could solve these shortcomings? It is possible, but not likely, especially in California.

The official position of the LDS Church on this matter is that "the question of whether and in what circumstances the state should impose capital punishment [is] a matter to be decided solely by the prescribed processes of civil law." This does not mean that individual members should remain neutral, or on the sidelines, on this issue. Rather, members, in their individual capacities and own volition, should vote their conscience.

Rick Callister
Church of Jesus Christ of Latter-day Saints
La Canada

Should California abolish its death penalty? I can honestly say that I do not feel qualified to answer this, as I see the pros and cons of abolishing it and sentencing a criminal to life in prison without parole. I am a Christian, and with that comes a high value that is placed on human life. The fact that Christ forgives, the hope that the prisoner will find Christ, and understanding that extended time alive may increase those chances. Of course, this could only be considered if there is a life sentence without parole, because the rest of society has the right to be protected from crime.

Then I consider the Old and New Testaments and the punishments meted out to those who killed, sinned, etc. I can see the significance of adhering to the death penalty — but personally perceive more the worth that needs to be placed on human beings. The clause I would place here is that there would positively be no chance for parole. Society as a whole needs more protection than someone who has committed the type of crime that would bring cause to even consider the death penalty.

The Rev. Kimberlie Zakarian
Kimberlie Zakarian Therapy, Inc.
Montrose

Personally, I'd vote to abolish the death penalty. Admittedly, I make that statement from the safety of a sheltered life, in which neither I, nor anyone I love, has been the victim of a violent crime, or lived on the front lines of daily confrontation with evil — leaving me free to discuss the matter theoretically. I know that I might feel or vote differently if it were my loved one murdered, or if my work put me in a room, breathing the same air, with evil people.

In the comfort of such sheltered musing, I'm persuaded by the anti-death-penalty arguments of higher expense for death row inmates and their extended legal proceedings, poor evidence of deterrence of crime, and protracted emotional agony for the families of victims, who are called upon by the mandatory appeals process continually to relive the crime and reopen their wounds.

But most of all, I'm persuaded by my own, admittedly simplistic, moral revulsion: I don't think I could be

the one to push the plunger, or whatever the modern version is of swinging the executioner's ax. Even if I came around to supporting the death penalty in theory, I couldn't do the act myself — which means I'd be sending in someone else to sin for me, which according to my conscience is still sin.

The Bible's famous "thou shalt not kill" (Exodus 20:13 / Deuteronomy 5:17) is now more often translated as, "thou shalt not murder," a more precise rendering of the Hebrew's literal, "thou shalt not killingly kill" — thou shalt not kill for the sake of killing, might be the best way to put it.

I recognize it as ambiguous ground, but for me, execution stands alongside murder as killing for the sake of killing. At least, I couldn't do it myself with a clear conscience; which means I shouldn't expect someone else to do it for me, nor hide in the comfort of distance while voting to allow it to be done. I don't begin to judge those who feel or think otherwise, but that's where the line in the sand is for me.

The Rev. Amy Pringle
St. George's Episcopal Church
La Cañada Flintridge

Conceptually, I support the Biblical idea of capital punishment for premeditated, intentional murder. In theory, the death penalty can serve as a deterrent and it is truly the only equivalent punishment for committing this irreversible crime. Nevertheless, I have very deep reservations regarding how the death penalty is implemented in today's judicial system.

The Bible requires us to maintain honesty and integrity in our court systems, and to ensure that a sentence as serious as execution is ordered only when there is complete certainty of guilt, and only as a last resort. Unfortunately, the reality in our courts today falls far short of that ideal form of justice. It is common knowledge that an accused person's sentence is often more dependent on the skill of his or her lawyer than the actual facts of the case or the veracity of the witnesses.

Furthermore, because of the Biblical emphasis on the significance of life, the reliance on circumstantial evidence cannot be acceptable in capital punishment cases. Our judicial system relies heavily on this indirect method of proof and often will assign guilt based on evidence that is not completely sound. There have been a significant number of Death Row cases which have been reversed and the supposedly guilty parties released once incontrovertible proof of their innocence surfaced, often as a result of DNA testing.

I cannot in good conscience support the death penalty in the form in which it currently is practiced. I feel that those convicted of murder should be given the harshest possible punishment short of execution, and must be incarcerated for life with no possibility for parole.

Rabbi Simcha Backman
Chabad Jewish Center
Glendale

Yes, I support abolishing capital punishment by the state of California. I am unconditionally opposed to the death penalty in any circumstances.

Even if we could do the impossible and assure that the death penalty was enforced absolutely fairly and carried out humanely, it would still be wrong. Even if it cost nothing to administer, it would be wrong. The human costs are incalculable. It diminishes us all.

Despite our efforts throughout our history to “tinker with the machinery of death,” as Supreme Court Justice Harry Blackmun called attempts to remove the inherent injustice of capital punishment, it is blatantly unjust in application and we have certainly executed many innocent people. The call to “speed up the process” is disgusting to me.

Aside from it being morally repugnant, there is considerable evidence that it does not deter crime. The U.S. states with the death penalty continue to have higher murder rates than states without. The Freakonomics economists (“exploring the hidden side of everything”) cite data showing that criminals who report that their fear of capital punishment stops them from killing are being irrational, because of the death penalty's capricious and unlikely application — unless you are black, poor and live in the south.

The U.S. stands almost completely alone among the rest of the developed world in our number of executions. Being on the list of the 22% of the world's countries with capital punishment in law and in practice, along with North Korea and Iran, is not a point of pride to me. Only one European country (Belarus), and three in addition to the U.S. in the Americas (Cuba, St. Kitts, and Nevis), are there with us.

I understand the urge for revenge that I believe death penalty supporters are responding to. I can picture being capable of carrying out the death penalty with my bare hands upon anyone who took one of my daughters from me or even hurt her badly.

But it is the job of the state to enforce laws restraining our baser impulses. This is the minimum threshold for being a civilized society; how can we claim to be civilized if our government puts people to death in cold blood in our name?

Roberta Medford
Atheist
Montrose

Yes. I am persuaded by so many arguments that the answer is yes. The comparative cost argument is persuasive. It skirts the moral questions of life and death and just deals with the ethics of how our tax dollars are spent, but it nonetheless illuminates an unintended, undesirable byproduct of being all-the-way tough on crime. Here's a rock-and-a-hard-place for folks who believe in both promoting the death penalty and reining in government spending.

I am further persuaded by the lack of deterrence on crime. Why would we as a society put ourselves in such a morally questionable position when the death penalty does not meet the intended goal?

I am even more persuaded by the growing evidence that we share the guilt of putting innocent people to death, and that the death penalty is applied in an unfair and unjust way that seems to value the lives of white perpetrators and white victims more than the lives of African American and Latino persons.

And in the final analysis, the most persuasive argument is a theological one. Along with my United Methodist brothers and sisters, I believe that the death penalty denies the power of Christ to redeem, restore and transform all human beings. All human life is sacred and created by God, and we therefore must see all human life as significant and valuable. When governments implement the death penalty, then the life of the convicted person is devalued and all possibility of change in that person's life ends. Thank you to legislators and advocates who persist in challenging all of us to continue to face these tough and ultimate questions.

The Rev. Paige Eaves
Crescenta Valley United Methodist Church, Montrose

Yes, the death penalty should be abolished in California. Every part of the United States that can, should follow the example of the European Union and other countries that have ended the use of the death penalty as government policy. The death penalty is not effective as a deterrent, it costs far more than regular imprisonment and undermines the cultural and moral instruction for people not to kill other people.

The majority of countries in the world have abolished the death penalty or eliminated its use. It is clear to most people who compare the crime and violence statistics for states and countries, based on use of the death penalty, that there is no deterrent effect. This is one reason the practice should be ended.

To execute one prisoner in California costs about \$300 million. The state should use that money in better ways to deter crime and rehabilitate prisoners. This is another reason to end the use of the death penalty in California.

Finally, governments and organizations that support the use of the death penalty are sending a mixed message to the community. The state will kill people in order to persuade people that no one should kill people.

For all these reasons, the time has come to make the best decision for California by ending the death penalty.

Steven Gibson
South Pasadena Atheist Meetup
Altadena

Copyright © 2011, Pasadena Sun