

THE U.S. STARTS KILLING ITS OWN AGAIN

Murder and capital punishment are not opposites that cancel one another, but similars that breed their kind.

--George Bernard Shaw

We brazenly act as if we were God and condemn people to death, ignoring that we are mistaken prone humans.

--Sargeant Sunil Dutta, LAPD

Indeed, it seems to me that the more Christian a country is, the less likely it is to regard the death penalty as immoral. Abolition has taken its firmest hold in post-Christian Europe and has least support in the church-going United States. I attribute that to the fact that for the believing Christian, death is no big deal.

--Antonin Scalia, U. S. Supreme Court Justice

On April 16, 2008, the Supreme Court ruled that lethal injection--specifically Kentucky's three-drug cocktail--was not cruel and unusual punishment. This means that, with premeditation but no malice aforethought, 36 states can now start killing their own again. On May 7 Georgia executed William Earl Lynd by lethal injection.

The good justices apparently did not know that these same drugs are illegal for animal euthanasia. One of the saddest ironies of 19th Century English justice is the fact that several alert members of Parliament discovered that they could use laws against the inhumane treatment of animals to outlaw child labor.

On October 10, 2007 the European Union and the United Nations declared a "World Day Against the Death Penalty," celebrating the 137 countries that no longer execute their own citizens. In 2007 the U.S. joined Saudi Arabia, Iran, China, and Pakistan in taking the lives of 1,252 of their compatriots, 88 percent of the executions in the world that year.

In earlier decisions the Supreme Court ruled that support for the death penalty should reflect the "conscience of the community," and that its own rulings on this matter should match "evolving standards of decency."

In December of 2007 New Jersey's elected representatives voted to join 13 other abolitionist states. The majority agreed with a state commission's conclusion that the death penalty "is inconsistent with evolving standards of decency."

Polls of New Jersey's residents gave conflicting advice: 53 percent still supported executions, but 52 percent said that they would favor life without parole instead. This is now the sentence for the eight prisoners who once were on New Jersey's death row.

New Jerseyans are part of a national trend towards life without parole. For the first time in history a 2006 Gallup poll found that the life sentence was favored over death by 48 to 47

percent. This is a major shift considering that in 1997 that percentage was 61 to 29 against permanent incarceration.

Cost was also a big consideration for the legislators of the Garden State. Each ordinary prisoner cost \$40,121 annually, while those waiting for execution cost \$72,602 per year. These figures of course do not include the cost of appeals, which amounted to \$250 million since 1985.

A study done by the *Los Angeles Times* estimated that the cost of California's two executions was \$500 million. Recent polls demonstrated that 75 percent believed that higher standards of proof are necessary to prevent killing the wrong person, so that would make financing appeals even more expensive.

Since 1973 over 120 people have been released from death row because they were found innocent. For non-capital charges DNA evidence has cleared another 200 people since 1989. These figures have had wide news coverage, and they have led to a dramatic shift in public opinion.

A 2007 study done by the Death Penalty Information Center (DPIC at www.deathpenaltyinfo.org/CoC.pdf) reported that 62 percent had a change of heart because of these findings of innocence. A full 60 percent had "lessened support" for or "increased opposition" to state executions.

The DPIC study reported that only 39 percent had confidence that only the guilty will be put to death. This poll also found that a staggering 87 percent believe that the U.S. has already executed an innocent person. There is very strong evidence that at least four people--one in Missouri and three in Texas--have already died for crimes they did not commit.

I personally worry about the 37 percent who have not changed their views after the reports of innocence, and the 31 percent who would stick to their guns even if the innocent have been executed. Are some Americans actually prepared to sacrifice basic justice and morality for a stubborn belief? The view that those who kill deserve death is a respectable ethical view, but there is no morality in saying that it's OK to kill innocent persons. It is simply perverse to argue that regular executions of just anyone would at least deter crime.

The DPIC study registered a new low of 38 percent for those who believe that the death penalty deters crime. The most compelling argument is to compare Northeastern states, where 4 have been executed since 1976, to the Southern states, where 901 have received capital punishment. The murder rate for the former is 4.5 per 100,000 while the rate for the latter is 6.8 per 100,000.

Yet another telling result of the 2007 poll was the 69 percent who believe that reforms will not fix the problems with death penalty. The only alternative of course is stop state governments from killing their own citizens. To my mind the DPIC and other polls demonstrate that the Supreme Court's criteria—the "conscience of the community" and "evolving standards of decency"—have been met for the abolition of capital punishment.

Major newspapers that previously supported executions, such as the *Dallas Morning Herald* and the *Chicago Tribune*, now stand against the death penalty. The editors of the former

state: "We do not believe that any legal system devised by inherently flawed human beings can determine with moral certainty the guilt of every defendant convicted of murder."

Those who are thinking "Isn't this the columnist who supports Roe v. Wade?" may have forgotten that our legal, moral, and religious traditions have held that the abortion of the early fetus is not murder. Read www.home.roadrunner.com/~nickgier/abortion.htm.

Therefore, protecting the right of women to choose is a sign of membership in the club of civilized nations, but state sanctioned murder of criminals happens only in countries such as Libya, Cuba, Iraq, North Korea, Sudan, Somalia, and the United States of America.

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