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Opinion

SOUNDING OFF: Death penalty shouldn't be killed

By Geoff West

Columnist Judge James Gray has, for two weeks, used his allotment of ink on these pages — more than 2,900 words — to tell us why the death penalty should be abandoned.

In his first installment, ("Facing facts on the death penalty," March 15), he lists for us what he perceives to be five justifications for the implementation of the death penalty. They are: appropriate punishment for the offender of such a serious crime; rightful societal vengeance; reducing to zero the chances that the offender will return to society; deterrence against future violations by *other offenders and closure for the families of the victims*. He then *explains why none of these are worthy considerations for the death penalty*.

Within his first essay Judge Gray told us that, "California has had only 15 executions since the death penalty was reinstated in 1978." He went on to say, "But as of this time there are more than 660 convicted offenders on death row. Thirty of those offenders have been there for more than 25 years, 119 for more than 20 years, and 408 longer than 10 years."

Yikes!

I impatiently waited for another week to read his promised sequel ("More thoughts on death penalty," March 22) and busied myself reading the online comments posted on his first article, the majority of which were posted by one person — a guy who identified himself as "dudleysharp."

Last weekend, the second installment presented us with even more doom and gloom on the subject. Delving into the financial side of the death penalty, Judge Gray told us that it costs the taxpayers "at least seven times the amount of money to have a death penalty trial" and all its attendant proceedings and filings than it would cost to "try, convict, conduct the appeals for and actually keep the offenders in prison for the rest of their lives!"

Yikes, again!

The judge provides us with a couple of examples of convicted criminals who are on death row, still appealing their convictions after more than 20 years, to bolster his point.

He concludes, paraphrasing him, that our society would be much better off financially and emotionally if we abandoned the death penalty and replaced it with a sentence of life in prison without the possibility of parole (LWOP).

Following the publication of Gray's second installment there were more online comments, most of which were, again, posted by dudleysharp. So, I looked this guy up. Dudley Sharp is perhaps the most outspoken proponent of the death penalty in this country, although until

just a few years ago he was a very outspoken critic. Then he "saw the light." He has written at length on the issue and has been interviewed extensively in the media. In his lengthy online comments he rejects each of Judge Gray's points with verifiable facts. I don't know if Sharp is an expert on this subject, but a lot of people apparently think he is.

So, where does this leave us, the potential victims of crimes for which the death penalty presently is the ultimate punishment? For my part, I read and re-read Judge Gray's epistles and Sharp's retorts to be sure I understood their positions. Then I did more research until my head hurt. Here's my view: The death penalty as it's presently administered in this state is a failed program. It is completely unreasonable for the appeals process to take two decades and longer before there is a final resolution. As the judge said in his summation, "the system we have today is neither swift nor sure."

That being said, I firmly believe that there are crimes being committed against the residents of our state that are so heinous that the death penalty — if actually enforced — is the only appropriate punishment. And, because the death penalty is not being enforced, there is no real deterrent to others who might commit similar offenses. The result is that our prisons are filled to overflowing with law-breakers of all types, including those receiving the death sentence. They have become festering incubators for the most vicious gangs, where members learn "their trade" inside and return to prey on the populace as accomplished thugs and villains.

The system needs to be fixed, pronto.

Some feel that, in those few cases where the death penalty is finally administered, simply allowing the criminal to receive an injection and just go to sleep is not sufficient punishment. I'm one of them. We show too much compassion for the criminal and too little for the victims and their families. I suggest we take a line from the movie "Pulp Fiction" and "go all medieval" on those convicted of the most terrible crimes. Drawing and quartering — perhaps as a pay-per-view event — seems about right to me.

I understand Judge Gray's viewpoint, which is based on more than two decades on the bench. I suspect it is a result of cumulative frustration watching a flawed system fail. I'm left with a lingering question, though. Would he feel the same way if one of those he holds dear — a child, spouse, parent or sibling, for example — was the victim of one of those monsters on death row?

I think he might reconsider his position under those circumstances and join those of us who feel there is, indeed, a need for an enforced death penalty in our society.

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