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The Orange Grove: Death penalty expensive, immoral

Billions spent on practice notwithstanding, it's unjust and depraved

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The California Commission on the Fair Administration of Justice has issued the first exhaustive review of our state's death penalty system since the penalty was reinstated 30 years ago. While the commission drops the dime on the mind-numbing cost of administering the death penalty, it barely hints at the moral and ethical depravity of the practice.

The commission reports that California taxpayers spend nearly \$140 million each year enforcing the death penalty. Death-penalty trials are far more expensive than other murder trials, and the cost of incarcerating a single death-row inmate is nearly \$200,000 per year. Thus, Californians will spend \$4 billion to process those currently on death row, although most of them will never see the inside of the execution chamber. A majority of them will die of natural causes before they complete their nearly two decades of death row appeals.

The economics of the death penalty should be the least of our objections. Rather, it is the racial and socioeconomic face of the death penalty that raises the greatest cause for concern – a reality that the commission's report all but ignores. Fully 34 percent of those executed in America since 1974 have been black, while African Americans represent 13 percent of the general population. In Orange County, where African Americans comprise less than 2 percent of the population, 12 percent of those defendants sentenced to death have been black.

What's more, 95 percent of the defendants sentenced to death in interracial murders have been black, while 5 percent were white. This enormous disparity is partially explained by the fact that prosecutors almost always seek the death penalty when a black man kills a white person, yet seldom seek death when a white man murders a black man.

The death penalty also wears a poor face. Those put to death are, in the main, products of poverty, having been caught in the grip of a legal system that rewards the rich and punishes the poor. Poor defendants accused of capital crimes are unable to hire first-rate legal representation to save them from the executioner's hand. Indeed, the commission report concludes that California fails to provide adequate legal representation to poor defendants facing the death penalty. This fact not only ensures that the poor are more likely to receive a death sentence than those with the money to secure competent legal counsel, but also guarantees that some indigent defendants will be convicted of crimes they did not commit.

And then there's this: If executions were required viewing for Americans, the death penalty would disappear overnight. Because the reality of death in our killing chambers is up front and personal, even the comparatively sanitized death induced by lethal injection. Such death assaults the senses and the psyche of those who see it, never to be forgotten. It spasms and it strains against shackles and straps as life leaves the body. It smells as bladders and bowels let loose.

Death by electrocution produces a far more theatrical death, visceral and raw, death with sizzle, as it were, accompanied as it sometimes is by arcs and flames leaping from the eyes and ears of the inmate. Electric death burns, and the smell of burning flesh and hair is singed into the memories of those who ever inhale its pungent bouquet. An otherwise good and just people would never support such a practice – if only they ever saw or smelled it.

America stands alone among the world's democracies as a purveyor of the death penalty. In doing so, we continue our membership in an exclusive club, being one of six countries in the world that account for 90 percent of all state-sponsored executions. The other five are China,

Pakistan, the Sudan, Iraq and Iran. Yet, when it comes to capital punishment, America stands in lock step with nations that publicly stone adulterous women to death in the town square or hack the convicted to death with machetes. And we wonder why so many in the world community consider us hypocrites.

The death penalty as practiced in California, and in the United States generally, is an instrument of injustice, culling out as we do the black and the poor in disproportionately high numbers for the executioner's embrace. It is killing that we abide only because it is out-of-sight and out-of-mind, never entering our consciences because it never enters our consciousness.

Americans must finally stop averting their gaze from this shameful practice and then insist, through the veil of tears that will surely come from bearing such witness, that we will no longer tolerate such treatment of another human being.

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