



Thursday, Jul 10, 2008

Posted on Thu, Jul. 10, 2008

Viewpoint: Turn to other options for the death penalty

Susan Pyburn and Howard Gillingham

Coinciding with the release of the California Commission on the Fair Administration of Justice report on the death penalty was the release of Paul House, cleared on DNA evidence after 22 years on Tennessee's death row.

There was also the release from duty of two Los Angeles police officers because of an investigation into their probable perjurious evidence that, unknown to the officers, was contradicted by a videotape, resulting in a case dismissal.

The state-ordered report underscores what Paul House knows firsthand, as do more than 100 previously freed men and women from this country's death rows. The inescapable conclusion is that every day in courtrooms around the country (or do we think Los Angeles is unique?) men and women are unfairly convicted with testimony that is perjured or given in good faith but mistaken.

While there are many able lawyers, men and women are represented by other lawyers who have been drunk or asleep during the trial and/or are having intimate relationships with witnesses, wives or girlfriends of the accused. Also, deals with witnesses— too often concealed— are made for shorter sentences. Is it any wonder that California — like Illinois and others before it—has now received a report on the status of the death penalty that states the death penalty is in need of costly repair, with no guarantee that it will work were we to put it up on the hoist and do all that is recommended? Is it not foolhardy, especially in difficult economic times, to spend hundreds of millions of dollars for a system that may not be fixable? Nothing in the report indicates repairs will end perjury, mistaken witnesses, clandestine lawyer-party relationships or other built-in human frailties.

It is not the death penalty law that is broken as much as it is we who are broken. We are broken, as most preachers, priests and nonbelievers would admit, because we are human. And as with most human endeavors, including the ones done with the utmost care, mistakes will be made.

There is a solution to our understandable fury with horrible crimes and those who commit them: life in prison without the possibility of parole— a sentence less costly than the death penalty; a sentence imposed in less time than the death penalty; a sentence that does not clog our trial and supreme courts; and a sentence that takes the drama and spotlight away from those who are not entitled to a great deal of society's valuable time and resources.

One of the dirty little secrets of the death penalty is that a death row inmate is specially handled and guarded on the row. It is ironic that so much is invested in protecting the safety of death row inmates ...when we are planning to kill them.

They, as homicide defendants in general, are some of the best behaved of inmates. Place them in a general prison population, a crowded life with safety always a concern, and they go from semi-celebrity status to just another face in prison blues spending days not huddled with lawyers, psychologists and chaplains but just walking back and forth, "doing time."

Susan Pyburn, a photographer, writer and advocate for the homeless, is the founding member of Death Penalty Focus in San Luis Obispo. Howard Gillingham is a Southern California high school principal and former lawyer and defense expert in death penalty matters.

© 2008 San Luis Obispo Tribune and wire service sources. All Rights Reserved.
<http://www.sanluisobispo.com>