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Death penalty deserves its own death

A state examination of the death penalty has concluded what many observers have noticed for years: The state's death penalty system is so broken that it is ineffective.

The death penalty in California is executed so rarely that death sentences in effect become life sentences. The California Commission on the Fair Administration of Justice has concluded that the state ought to abolish the death penalty and save hundreds of millions of dollars a year.

The point is not whether the death penalty is just or unjust punishment. It simply isn't working. If the death penalty isn't executed, it can't be a deterrent, which is the principal argument to support capital punishment. Nor does it fulfill the wishes of the court or the people.

We are reluctant to align ourselves with those who would abolish the death penalty, because there are crimes and situations so offensive to humanity that the person forfeits their existence as a human being.

However, it is instructive to point out that the United States is the largest developed nation in the world that retains the death penalty.

Only Singapore and Japan have retained the death penalty for capital crimes. The United States shares use of capital punishment with countries such as China, North Korea, Iran, Saudi Arabia, Pakistan and Iraq, nations whose low regard for human rights we regularly condemn.

Other countries, such as Brazil and Argentina, use the death penalty only sparingly, such as for treason in time of war.

About 70 percent of people in the United States support the death penalty, but that is about the same rate as in countries where the death penalty has been abandoned, as Canada.

The argument isn't whether the death penalty is deserved or just; it comes down to its being practical, as in California.

California sentences more convicts to death row every year, but has not executed anyone since 2005. California's death row holds a total of 673 inmates, and 79 of them are still awaiting their court-appointed attorney for their automatic appeal. The state has executed 13 convicts since 1978 when the death penalty was reinstated.

It sounds effective and tough for the state to seek the death penalty for serious crimes, but this is what happens after an inmate is sentenced to be executed: There is an automatic appeal process with the California Supreme Court that takes years just for the initial stages. Now it could take years for a convict to get an attorney. Convicts can continue to appeal and draw out the process for many years. Even if they drop the appeal, a third party can take it up, or the law makes appeal mandatory.

Consequently, condemned convicts are in effect given life sentences.

The huge backlog in death-penalty cases has been created because the death penalty applies to so

many crimes. Virtually any first-degree murder is automatically subject to a death penalty.

Most people are going to agree that somebody who murders a police officer or tortures a child ought to be put to death. But if you told them that the convict will never actually be executed, they would probably agree that the sentence is wrong because it doesn't administer the justice intended.

The problem ends up affecting all Californians in the expense of resources for a system that does not do what it is intended.

Hundreds of millions of dollars are spent on the legal procedures and court time devoted to death penalty appeals. Taxpayers are paying the bills of attorneys who are working on behalf of convicts condemned to death by the representatives of those taxpayers.

In the end, on the rare occasion when a convict is executed, the resulting protests and backlash often make the criminal out to be the victim. Other than the immediate kin of the condemned's victims, few others derive any satisfaction from this administration of justice.

The California Commission on the Fair Administration of Justice is only pointing out the obvious: This system is broken and needs to be replaced. The challenge now is for California voters to do the courageous thing and approve a system of justice that at least can be administered and go beyond the death penalty.
