**Execution saves innocents...**

By Jeff Jacoby, 9/28/2003

GOVERNOR Mitt Romney has charged a blue-ribbon commission with drafting a death penalty law for Massachusetts that can be applied with 100 percent infallibility. The commission will not be able to do so -- no legal instrument can be 100 percent infallible -- but I don't blame the governor for wanting it to try.

In recent years, anti-death penalty propagandists have succeeded in stoking the fear that capital punishment is being carelessly meted out. But it's a bogus accusation: Of the 875 prisoners executed in the United States in modern times, not one has been retroactively proved innocent. Widely trumpeted claims meant to illustrate the system's sloppiness -- that more than 100 innocent men have been freed from Death Row, for example, or that death penalty cases have a 68 percent error rate -- fall apart under scrutiny. In fact, so exacting is the due process in these cases that the death penalty in America is probably the most accurately administered criminal sanction in the world.

The propaganda has taken its toll, however. Romney knows that many people who would otherwise support capital punishment now hesitate for fear it may lead to an awful miscarriage of justice. Hence his call for "a standard of proof that is incontrovertible" -- an uncompromising benchmark endorsed by members of the new panel. "In this work," says co-chairman Frederick Bieber, a geneticist at Boston's Brigham and Women's Hospital, "there is no room for error."

That is a worthy goal, but it cannot be an absolute criterion. No worthwhile human endeavor is utterly foolproof. Dr. Bieber's hospital would have to shut down its operating rooms if surgeons had to guarantee their infallibility. Even at hospitals as renowned as the Brigham, patients sometimes die on the operating table because of blunders or inadvertence. Is that an argument for abolishing surgery? Should air travel be banned because innocent passengers may lose their lives in crashes? Should the pharmaceutical industry be shut down because the wrong drug or dosage, mistakenly taken or prescribed, can kill?

To make the perfect the enemy of the good is irrational and counterproductive. The benefits of surgery, air travel, and prescription drugs are enormous -- far too valuable to give up even though we know that people will die because of the fallibility of doctors and pilots and people who handle medicine. The same is true of capital punishment: The benefits of a legal system in which judges and juries have the option of sentencing the cruelest or coldest murderers to death far outweigh the potential risk of executing an innocent person. And there is this added reassurance: The risk of an erroneous execution is infinitesimal, and getting smaller all the time.

And the benefits? First and foremost, the death penalty makes it possible for justice to be done to those who commit the worst of all crimes. The execution of a murderer sends a powerful moral message: that the innocent life he took was so precious, and the crime he committed so horrific, that he forfeits his own right to remain alive.

When a vicious killer is sent to the electric chair or strapped onto a gurney for a lethal injection, society is condemning his crime with a seriousness and intensity that no other punishment achieves. By contrast, a society that sentences killers to nothing worse than prison -- no matter how depraved the killing or how innocent the victim -- is a society that doesn't *really* think murder is so terrible.

But there is more to executions than justice for the dead. There is also protection for the living.

Though Romney didn't say so when he introduced his new commission, the real threat to innocent life is not the availability of the death penalty, but the absence of one. For every time a murderer is executed, innocent lives are saved.

The foes of capital punishment have denied for years that putting murderers to death has a deterrent effect on other potential killers. That has always flown in the face of common sense and history -- after all, wherever murder is made punishable by death, murder rates generally decline. But it also flies in the face of a lengthening shelf of research that confirms the death penalty's deterrent effect.

A recent study at the University of Colorado, for instance, finds "a statistically significant relationship between executions, pardons, and homicide. Specifically, each additional execution reduces homicides by five to six." A paper by three Emory University economists concludes: "Our results suggest that capital punishment has a strong deterrent effect. . . . In particular, each execution results, on average, in 18 fewer murders -- with a margin of error of plus or minus 10."

Comparable results have been reached by scholars at the University of Houston, SUNY Buffalo, Clemson, and the Federal Communications Commission. All these studies have been published within the past three years. And all of them underscore an inescapable bottom line: The execution of murderers protects innocent life.

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# Case against death penalty is overwhelming

February 07, 2011|By Sheila M. Murphy – Chicago Tribune

The Illinois House and Senate voted nearly a month ago to abolish the death penalty. All that is needed is Gov. Pat Quinn's signature.

When the governor signs this bill into law he will free millions of dollars each year.

The death penalty costs taxpayers a lot. We have spent $54 million on the capital litigation fund alone in order to pay the cost of capital trials. In the 1978 Ford Heights case for wrongfully convicting the innocent (only one of many such cases), the public paid $36 million in settlement.

The families and friends of the victims will be freed from years of making court appearances as the death sentence is appealed. And, best of all, we all will be spared the horror of finding out that an innocent person has been executed while the guilty person remains free.

Twenty innocent men were wrongfully condemned to death in Illinois. Some because of mistaken identity, others because of prosecutorial misconduct, such as hiding evidence favorable to the defendant. Worse yet, some were wrongfully condemned to death by torture at the hands of a rogue police officer and his co-conspirators, who tortured African-Americans until they confessed to crimes they did not commit.

In the Markham courthouse where I sat as presiding judge, I was told that before I arrived, a judge who sentenced a defendant to death was given a "3-peat party" by Cook County state's attorneys, in honor of the judge sentencing his third defendant to death.

Let us now step into the light. Due to great lawyers and investigators, courageous judges and journalism students with intelligence and pluck, 20 men on death row, wrongfully convicted, have been set free.

Freedom also came due to vigilant reporters from the Chicago press who exposed wrongful convictions before the executions occurred.

Illinois has led the nation in death row transparency.

Since the moratorium, no one in Illinois has been executed. But as long as the death penalty is the law, it could occur again.

I was one judge who had the greatest privilege any judge could have. An absolutely innocent person with no prior record was sentenced to death on the words of just one witness. The witness had pleaded guilty to perjury. Prosecutors did not allow the jury to know that promises of getting her children back were made to her. Verneal Jimerson was sentenced to death in 1978. The real killers and rapists were not brought to justice until Northwestern University journalism students obtained their confessions.

To see an innocent man, shackled before me, to see his chains removed, to see the tears in his eyes that matched the tears in my heart, both of us thinking "what if," and then to dismiss his indictment, this is a chance few judges have had in the state of Illinois, or any state.

Gov. Quinn, this is your chance. At your inauguration, photos of men and women who died in the service of our country were shown. You never forgot any of them. You came in your car all over Illinois to their funerals. You had a separate reception for their parents because of your great heart.

Now, Gov. Quinn, you have the opportunity to save Illinois taxpayers millions that will go to other purposes. Be assured that Illinois has no citizens who are willing to see the criminal justice system execute an innocent person. But even the U.S. Supreme Court said that executing the innocent is "inevitable," shouldn't Illinois justice be above that?

You can put your signature on the bill and make abolition of the death penalty the law in Illinois.

You can do it for every man and woman who died in action in the service of his or her country in Afghanistan and Iraq. Do it in their name. They did not die in vain.

Sign the bill.

Do it for the people.