

VIEWPOINT/LETTERS

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A Christmas Wish

Put an end to a death penalty that is fundamentally unjust.

BY CHRIS MEARS

I'm writing this Christmas wish on the eve of Tookie Williams' life or death. By the time these words reach print, Williams' fate will have been decided by the governor, and Williams will either be serving out a life sentence without the possibility of parole, or he will have been put to death by lethal injection. A government-sponsored death, which is to say a death ordered by you and me as surely as if we plunged the heart-stopping chemicals into his veins.

Polling reveals that America's long-standing support of the death penalty is softening. This erosion of support parallels a growing understanding of one of the injustices in the death penalty's application: We have put innocent men to death. Barely a week goes by that some lifer or death row inmate somewhere in the country isn't released upon the discovery, usually through DNA evidence, that he was wrongly convicted. The question that no one wants to answer squarely is this: How many innocent men were put to death before DNA evidence was available to clear them? And the question that remains is this: How many more innocent men will we execute before we decide that the death penalty is simply incompatible with a society that claims to exalt justice above all else?

The hanging, lethal injecting, gassing and electrocuting of innocent men is hardly the beginning and end of the death penalty's injustice. Because the death penalty, like our society in general, is far from color blind. Indeed, the data tells us that the death penalty is a deeply ingrained component of American racism in its institutional form. Simply put, the death penalty wears a black face. Thirty-four percent of defendants executed since 1976 were black, while African-Americans represent just 13% of the general population. And then there's this: Of those Americans executed for killing a person of a different race, 95% of those defendants were black, and only 5% were white. What's more, our prosecutors almost always seek the death penalty when a black man kills a white person, yet we almost never seek the death penalty when a white man has killed a black person.

The death penalty also has an economic complexion. Those put to death, on balance, are the product of poverty, turning to lives of crime, at least in part, because of the myriad forces of economic injustice that serve to exclude and marginalize such people from mainstream values and conduct. So, too, poverty claims a disproportionate number of African-American men, yielding the stark reality that a large percentage of crimes are committed by black men who thereby inhabit our prisons in relatively large numbers. Once in the grip of the criminal justice system, poor defendants accused of capital crimes are unable to hire first-rate legal talent to save them from the executioner's hand, while those with the wealth to hire legal eagles often go free. Our legal system, like our society at large, advantages the rich and punishes the poor, contributing to the economic, as well as the racial, complexion of the death penalty. If you are black and poor, our society and our legal system impose a kind of double jeopardy likely not contemplated by the framers.

The death penalty is also a kind of virtual reality for Americans. We pay others to do our killing, out of sight and out of mind. Executions, American style, are neither seen, nor heard, nor felt by the society that imposes the punishment. If we were required to view those same killings that so many condone, the death penalty would disappear overnight. Few of us have the stomach to witness the extinction of life in our prisons' charnel houses. No, executions are for us remote, antiseptic, and impersonal, which is as it must be if they are to continue. Because death in our killing chambers is an event, when witnessed that cannot be forgotten. It produces the racking spasms of bodies fighting for life, electrical arcs and flames that leap from eyes and ears. Desperate animal sounds issue forth from the shackled and the strapped, and there is a panicked quickening of breath that accompanies the terror of certain death. Yet we inhale nary a whiff of the stench that accompanies such death as flesh and hair sizzles, as bowels and bladders let loose. We witness not a single heart stilled in the breasts of those that we kill.

If we did, if such deaths were required viewing for all Americans, the death penalty would be a thing of the past. Because virtually none of us could abide it. It is not who we are as human beings, as God-loving people or as Americans who claim justice as our calling.

My Christmas wish is this that when it comes to the death penalty, we simply be who we truly are, nothing more and nothing less. Because there is almost no one among us who would ever take another life, unless it was absolutely necessary to defend ourselves, or our families, or our friends. We should not permit others to do those things that we would not do ourselves. It is not who we are. Merry Christmas.

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