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Kill the Death Penalty

By Sunil Dutta

Working as a police officer, I have a unique vantage point from which to view the death penalty: It is no less than a vestige of medievalism. I have to live with the fact that at any given moment, to protect someone's life, I might become the judge, jury and executioner. I would lose no sleep if that came about. I have stood over corpses of children and elderly victims, I have seen perpetrators and victims of gang violence and I have investigated sickening murders where an entire family was bound and burned to death. I have met more than my share of cold-blooded murderers, including some in my own family. I have also lost dozens of my family members in religious massacres; one of my uncles was blown to bits by a bomb planted by terrorists.

The pain, suffering, bitterness and the feeling of helplessness leave a never-healing mark on a victim's family. Years after some of my uncles and aunts were murdered, my father still harbors hatred in his heart, thinks of revenge and ruminates over how things could have been different. On the other hand, having a close relative in my own family who killed three elderly people in cold blood has shown me another side of the picture. Instead of a caricature of a "murderer" we can all hate and condemn with ease, I was forced to see the human face on the criminal and the crime. I have also learned that the pain and suffering are not limited to the victim's family. Not only did we feel humiliated and disgraced, my relative's parents lay awake nights wondering what went wrong and whether they could have raised their child differently.

I don't condone what my relatives did, and I don't ask for mercy for them. I have no sympathy for killers, and I support the harshest punishment for homicide. Nevertheless, I firmly oppose the death penalty.

I have heard all the arguments supporting capital punishment and found them wanting. Moral arguments to support capital punishment are inadequate. For example, some people argue that if I kill someone, I give up my right to live. That might be a defensible principle if every murderer was, in fact, sentenced to death; but that's not the case. We play the role of God by judging who will die and who will live, while capital punishment sends out a dangerous message to impressionable minds that violence is a way to resolve problems.

Geography, politics, socioeconomic status of the victim and killer, timing, prosecutorial selection, jury composition, jurisdiction of police investigating the crime and the victim's and killer's gender and skin color usually determine who gets the death sentence. When it comes to the death penalty, there is only one deduction: This punishment is totally arbitrary and therefore should be held unconstitutional. Unfortunately, the politics of expedience guides our Supreme Court and Congress -- and when it comes to capital punishment, we are still mired in the Dark Ages.

Since 1976 there have been more than half a million homicides in the United States, but the number of convicts on death row hovers near 3,300, and we have executed just over a thousand. In simple terms, since 1976, on average, roughly 20,000 people have been killed in America every year and just over thirty executed for murder. Considering that homicide has the highest "solved" rate of all serious crime (62 percent in 2002) and we send barely one out of 100 convicted murderers to death row, one might na^جمیی believe we are sending the worst murderers to death row. That deduction is not only na^جمیی but dangerous. Between 1976 and 2005, 123 people convicted of murder and awaiting execution were exonerated, according to the Death Penalty Information Center. Some were minutes from execution; most had spent more than ten years on death row. How many innocent people have we executed? Herein lies the two-pronged failure of capital punishment: irrational and arbitrary sentencing to death of a small number of murderers, and wrongful conviction and sentencing to death of many innocent people. These reasons should be sufficient to outlaw capital punishment.

I must emphasize that most of the convicts on death row are guilty, and the vast majority of police are honest and do their jobs honorably. But our criminal justice system does have corrupt prosecutors, lying crime-lab analysts, crooked cops and blind judges who have railroaded innocent people onto death row. It is impossible to design a perfect system. The most powerful moral, legal and professional argument against the death penalty is that it leads to execution of the innocent. We brazenly act as if we were God and condemn people to death, ignoring that we are mistake-prone humans. And if a democratic society executes criminals knowing that some may be innocent, aren't we all guilty of murder? I wouldn't want any innocent to be killed on my account.

There is a caveat that must be seriously considered by those of us who oppose the death penalty. We should never concentrate our efforts solely on the manifold problems of the death penalty or, as some do, on the humanity of the killer. It is immoral to ignore the victims' pain. We must pay equal attention to compassionate support for the families and other loved ones of the victims.

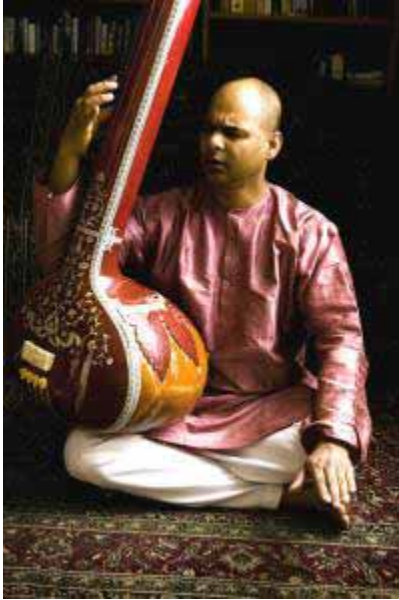
The fight against capital punishment takes on added importance in the era of the Roberts Supreme Court. While there was some revision of the death penalty under previous Courts, the current bench seems intent on overruling precedents that have stood for more than ninety years -- as shown in its decision throwing out the "knock and notice" requirement during warrant searches.

An effective alternative to the death penalty already exists. Life in prison without parole is moral, practical and far less expensive than the complicated and flawed process that leads to the death chamber. With life imprisonment, the murderer is removed from society and forgotten, so that attention can be turned to the victim's family and their needs. The time has come to join the rest of civilized nations and abolish capital punishment.

Sunil Dutta, a sergeant in the Los Angeles Police Department, is working on a memoir, From Punjab to South Central Los Angeles. Copyright 2007 The Nation

Sunil Dutta
The renaissance cop
By CHRISTINE PELISEK

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(Photo by Kevin Scanlon)

Dutta is bristling with contradictions: He holds three degrees in plant biology that go unused. To satisfy his intellect after toiling for years as an obscure ticket writer, internal-affairs officer and statistical expert he now fires off controversial opinions for *The Nation* magazine, translates classical Indian poetry and is reviving an ancient Indian-music movement. If Duttas life seems unlikely for a cop, consider that his brother is an international criminal and his father-in-law is the esteemed American poet and *Iron John* author Robert Bly.

Although the LAPD now includes former lawyers, corporate managers, teachers and even a one-time Continental Airlines pilot, Dutta is the only erstwhile plant biologist.

He is different [from] a lot of people because he has a doctorate and comes from a whole different background, says Lieutenant John Pasquariello. A scientist is a bit unusual. Hes the first one Ive met.

Duttas is an unusual story. At the age of 11, while studying poetry with his grandfather in Jaipur, he saw his older brother, Kaushal, drawn into a criminal life as spellbinding as a Tom Clancy thriller. Kaushal started off as a petty thief, graduating to international fugitive after he stole \$80,000 from the state of Rajasthan's royal family.

While Dutta was sending political editorials to local newspapers, Kaushal was fleeing to Pakistan, where, according to Dutta, his brother joined up with Sikh terrorists. Kaushal then fled to Canada, assumed the identity of a dead Khalistani terrorist, got caught and was

eventually deported.

Dutta, then a college student, recalls how his brother was unable to convince Indian police that he was not the dead terrorist whose name he had assumed. He says Indian police beat his brother so badly that he confessed to killing 25 people. Finally, an Indian cop investigating Kaushal for his original crime pilfering \$80,000 realized he was not the noted terrorist. Recalls Dutta, sarcastically, They found out he had no connection to anything. That is how well torture works.

Today, his brother is on the lam, having been released by an Indian judge to attend a fellowship program.

Dutta left India in the mid-80s after he fell in love with an American girl and followed her to New York. My first memory is of stepping inside a supermarket and gazing at numerous brands of yogurts, he says. But despite the choices for consumers, he never imagined that the richest country in the world would actually have poor and homeless.

The brainy Dutta became a scientist, fulfilling his dream of helping poor Indian farmers through research. He studied plant hormones and disease, earning his Ph.D. in plant biology. His doctoral research focused on improving seed germination in crops.

But, after a few years as a plant biologist, he became disillusioned, quitting because most of our research benefits big business, he says. Most farmers in most poor countries never benefit because their farm size is too small. .??. These farmers dont benefit from anything we do in the laboratories.

After a brief stint teaching high school students and working with kids on probation, Dutta decided to become a cop. Partly, he says, to pay back society for his brothers transgressions. I dont know if you understand this concept of shame in a traditional way, he says, but it is a devastating force.

Even so, his parents were deeply disappointed in his decision. Police have a very low reputation in India, says Dutta.

In 1997, he completed his academy training and joined the LAPD. He used his new job as an opportunity to apply scientific methods to observe police culture and study human nature.

The only thing I knew about was the Rodney King clips, he says. Initially, I was terrified and I had a hard time relating. But [police work] was so interesting. It was like being in a movie .??. I have been an observer ever since.

Dutta started off as a rookie patrolling Van Nuys, yet somehow also managed to produce a CD and start a nonprofit organization dedicated to promoting Dhrupad, the oldest form of North Indian classical music.

Later, in the West Valley Division, he dealt with traffic accidents and domestic violence calls. After a stint as a sergeant, he joined Internal Affairs. All the while with some help from his father-in-law, Bly he translated books by the Indian poet Ghalib.

The op-ed columns hes authored have drawn varying degrees of praise and scorn from superiors and colleagues. In 2005, he attacked the response to the controversial death of 13-year-old Devin Brown, who was killed by police after a car chase. Officers are not the racist, trigger-happy, brutal, heavy-handed monsters as portrayed in the media, he wrote in the *L.A. Daily News*. Officers reflect the society they are part of. All of us are the problem.

In a February article in *The Nation*, Dutta criticized the death penalty as a vestige of medievalism. Hes critical of the criminal-justice system, writing that it is sometimes affected by corrupt prosecutors, lying crime-lab analysts, crooked cops and blind judges who have railroaded innocent people onto death row.

Still, he has managed to find a place at the LAPD. In 2006, somebody at Parker Center noticed his scientific talents. Dutta now supervises the Research and Planning Divisions Special Projects Unit, testing the latest equipment, products and software. Recently, he tested alternatives to the metal restraints used to control the mentally ill.

Its been 10 years since Dutta became a cop, and 20 since he last saw his brother.

Asked if he has repaid society for his brother, he replies, I dont know if that could ever be done.