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A different look at the death penalty  
Saint Michael's College (Vermont)  
The MAGAZINE  
<http://www.smcvt.edu/magazine/Campus/feedback.htm>

(11/11/00) There were a number of inaccurate and misleading statements made  
on the death penalty, regarding the event of Senator Leahy's speech on the  
death penalty ("Dying an innocent death?", 11/9/00, Saint Michael's College,  
Vermont)

Senator Patrick Leahy last words at his lecture on the death penalty  
were: "If you are going to support the death penalty, how can you live  
with yourself when innocent people are killed?" More properly, he should have  
said "If you are going to oppose the death penalty, how can you live with  
yourself when innocent people are harmed and murdered by those who have  
murdered before?"

You see, there is no proof of an innocent executed in the US since 1900, yet  
there is overwhelming proof that living murderers do harm and murder again,  
in prison, after escape and after improper release. And If the Senator was  
truly concerned about innocents, then he would have been campaigning against  
parole and probation for years, but he does not. During one 17 month period,  
alone, 13,000 people were murdered and over 12,000 raped, by those the US  
released on such "supervision." So why didn't Leahy ask "If you support  
parole and probation, how can you live with yourself when innocent people are  
raped and murdered by those so released?" I wonder.

Senator Leahy continues: "In America in the last 20 years, for every  
seven people executed, one person sentenced to death was later proved to be  
innocent," Leahy says.

This is totally untrue. The Senator simply accepted uncorroborated  
anti-death penalty claims and turned them into fact. A very poor  
standard, indeed. Even those anti death penalty sources confirm that  
they do not distinguish between the factually and legally innocent. Big  
difference. It appears that they are claiming anywhere from between  
20-40 factually innocent sentenced to death out of the 7000 so  
sentenced, and even those innocent claims have been uncorroborated by  
independent sources.

I don't know of anyone that is not concerned about innocents put at risk  
by the death penalty. However, based on unconfirmed claims by death  
penalty opponents, it appears that the modern death penalty, 1973-today, has

been 99.6% accurate in convicting the factually guilty and all the allegedly factually innocent sentenced to death have been released on appeal, alive.

It is unlikely that there is any other criminal justice sanction, anywhere in the world, that can show such an accurate rate of conviction and a system so well accomplished at releasing the alleged factually innocent. In fact, of all the world's social and governmental institutions, that put innocents at risk of being killed, I am aware of only one, where there is no proof of an innocent killed since 1900 - the US death penalty. That doesn't mean we can't make the death penalty safer. However, based on the realities of innocents put at risk and actually killed, it appears that there are many greater problems within the US criminal justice system that need more immediate attention. Possibly the Senator will be urgently addressing those as well.

Regarding DNA, again, I know of no one opposed to DNA testing in those cases where such is determinative of guilt or innocence. Obviously, such testing will make the death penalty even less likely to execute an innocent.

Regarding minorities and the wealthy, Leahy somehow forgot to mention that, in the post Furman, modern era of the death penalty, that white murderers have been twice as likely to be executed as have black murderers and that they have also been executed 15 months more quickly than their black brethren.

I think everyone would concede that better legal representation should benefit wealthier capital defendants. However, there is no evidence that wealthier capital murderers are less likely to be executed than their poorer ilk, based on each group's commission of capital crimes.

Saint Michel's Professor Hughes' stated that, "studies have shown that the homicide rate actually goes up after someone receives the death penalty." Somehow, the Professor neglects the number of studies that find the opposite of his contention and he also neglects to mention that as the US rate of executions has risen dramatically over the past 10 years that the murder rate has taken a dive. Furthermore, he neglects to mention that murders in the US nearly doubled during the last US moratorium from 1967-1977. Such also contradicts his reliance on the alleged brutalization effect.

I would be more than happy to assist the Professor in his consideration of creating a course in the death penalty at Saint Michael's College. It is still important that students consider both sides of an issue. Isn't it?

Facts and balanced perspectives are very important in all discussion, even more so with such a highly divisive topic as the death penalty.

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