

Published in the *Los Angeles Times* op-ed section, December 8, 2005

TOOKIE'S FATE IS THE WRONG DEBATE

Capital punishment isn't just wrong: it's un-American

Jay Wachtel

Whether Stanley Tookie Williams lives or dies is not my concern. He chose the gangster life and now stands a good chance of reaping its rewards. Actually, the criminal justice system probably prolonged his existence. Had he not been in prison, Williams would likely be dead, a victim of the power struggles that have consumed many of his gangbanging peers.

Killing him, though, is something else again. If the co-founder of the Crips had met his end on the street, few would have blinked twice. But now that the government proposes to do the deed, the liberal crowd has worked itself into a frenzy. And that's not a bad thing.

Don't get me wrong; I like the idea of punishment. Letting evildoers run amok terrorizes the law-abiding. But now that life without parole is a universal fact, the shooting, electrocution or poisoning of criminals subject to permanent custody has become an exceedingly burdensome artifact.

One must be cold-blooded to be unaffected by the idea of capital punishment. No matter how tidy we try to make the act of killing, dropping the hammer on someone strapped to a gurney is an inherently troubling business. Executions also run counter to the principle that those in government custody should come to no further harm.

We judiciously keep condemned prisoners alive for as long as it takes, create massive paper trails and spend countless sums fighting appeals so that at some point we might win the game and kill them. Along the way, a few savvy inmates manage to achieve a degree of notoriety and public support, causing survivors even more grief.

Speeding up the process is hardly a solution. Advances in DNA technology confirm that innocent people have been convicted, with some condemned to die. According to the Death Penalty Information Center, 122 death row inmates have been freed since 1973. In an imperfect system, in which the accused are often too poor to mount an effective defense, it seems inevitable that innocent people will occasionally be executed.

POLICEISSUES.ORG

Among those who have apparently suffered this miserable fate was Texas inmate Ruben Cantu, who a recent investigation by the Houston Chronicle strongly indicates was wrongfully put to death in August 1993. Once we add the risk of occasionally killing the wrong person to the costs of running death rows, funding endless appeals and putting up with flak from liberals, there better be a good reason to continue what many consider a barbaric practice.

Perhaps the best argument is that only capital punishment can bring the closure that victims and survivors of horrific crimes deserve. Maybe so, but 12 states, the District of Columbia and most of the civilized world have willingly given it up.

With few exceptions, capital punishment seems to be a characteristic of totalitarian and authoritarian regimes, among them such happy places as Cuba, Belarus and Libya. European democracies have outlawed executions, as has most of South America (a few countries make exceptions for war crimes). Even Russia, which during the Soviet era embraced shooting people in the back of the head as the ultimate measure of social control, stopped executions in 1999.

I recently spent a week consulting with police in Ukraine. This is not a place that is soft on crime. Still, Ukraine abolished the death penalty in 1999. One month before Williams became an international celebrity, my hosts wanted to know why the world's leading democracy continued to put people to death. I told them that although a majority of Americans support the death penalty, an increasing number have come to believe that more killing is not the answer.

Now that Williams' future is in the governor's hands, let him base his decision on what's best for California, not for a has-been gangster. And however long Williams lives, let him and his misguided cheering section shut up.