

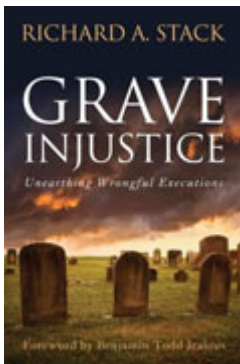
Books reveal human cost of capital punishment

Colman McCarthy | Oct. 12, 2013

Could the death penalty be dying? Have we had enough of the five methods of state-sanctioned killing: hanging, shooting, gassing, drugging and electrocuting? Are we finally agreeing with Harry Blackmun, who, before retiring from the Supreme Court in 1994, said that the death penalty should be unconstitutional in all cases?

If the careful and broad research offered by Richard A. Stack, Susannah Sheffer and Joseph B. Ingle is given the wide audience that it surely merits, the answer would be yes. A tailwind of politics, morality and limited prosecutorial budgets is already pushing much of the country in that direction, if the recent abolition of capital punishment in six states (New York, New Jersey, New Mexico, Illinois, Connecticut and Maryland) means anything. Internationally, more than two-thirds of the world's governments don't execute.

When France stopped in the 1980s, one of its two guillotines went to the French museum. The spare was put up for auction, the highest bidder being a Texas millionaire who wanted it for his game room.



GRAVE INJUSTICE: UNEARTHING WRONGFUL EXECUTIONS

By Richard A. Stack

Published by Potomac Books, \$29.95

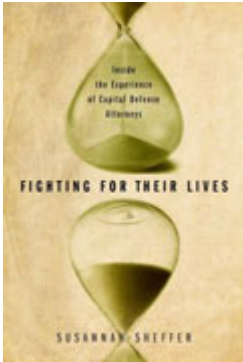
Stack, a seasoned lawyer, a longtime professor in the School of Communication at American University and author of the earlier work *Dead Wrong: Violence, Vengeance and the Victims of Capital Punishment*, takes readers into the lives of 18 inmates who were executed despite persistent doubts about their guilt and consistent evidence to prove innocence.

Even if that were not the case, it would be still be plausible to believe that out of the 1,320 executions since 1976, at least a certain percentage were wrongfully or maliciously convicted. One percent? Two percent? Three percent? Can we be so certain that when it comes to capital punishment, states have been absolutely correct and wholly infallible, when bungling, incompetence and corruption are common in all other exercises of governmental power?

If anything, the 18 cases profiled here seem like a low number when put up against the 140 people who have been freed from death row, their exonerations based on everything from DNA to prosecutorial deceptions. The

execution of the innocent (whether they were certainly or mostly likely innocent) gives substance to Stack's argument that "because human beings make mistakes, capital punishment results in deadly errors."

The enduring value of *Grave Injustice* is enhanced by the inclusion of six death penalty abolitionists, those Stack hails as "people I admire and who inspire me." The list, as he admits, is arbitrary. If another half-dozen could have been profiled, I'd suggest Vicki Schieber, Kerry Kennedy, Joseph Giarratano, Richard Dieter, and Charles and Pauline Sullivan, all tireless in their mission to end death chamber violence.



FIGHTING FOR THEIR LIVES: INSIDE THE EXPERIENCE OF CAPITAL DEFENSE

ATTORNEYS

By Susannah Sheffer

Published by Vanderbilt University Press, \$27.95

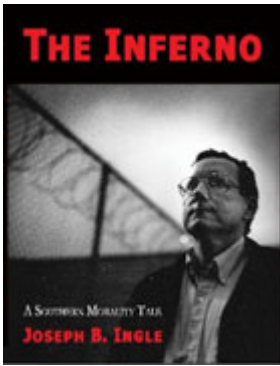
And one more: Sheffer. What drew her to research and write *Fighting for Their Lives* was curiosity. Having worked for 15 years in the field of death penalty abolition, including directing Murder Victims' Families for Human Rights, she had questions about that small band of defense lawyers involved in capital cases (specifically post-conviction lawyers).

What draws them to this lonely, high-stakes kind of practice? What are their emotions as the end draws near for their clients, whom they come to know as human beings, not stereotyped monsters? How do they carry on, defying the odds and the state?

Unlike pre-conviction trial lawyers, who are often court-appointed and who may lack the energy, interest or knowledge to serve their clients well, those who work for the condemned are fully aware that, as Sheffer writes, "overturning a death sentence is much harder than preventing it from being handed down in the first place."

Between January and November 2010, she interviewed 20 appeals lawyers, 14 men and six women who averaged 19 years in the field. Some did save lives, either through exonerations or commutations. Some vent rage at courts, prosecutors and governors who rabidly oil the gears of legal killing. Many suffer inner turmoil in their last visits with clients, followed by severe grief reactions after witnessing executions.

"Capital defenders are lawyers," Sheffer writes, "but their work quickly becomes much more than the law. It slams them right up against some of the rawest aspects of human experience, forcing them to rise to occasions for which no one could have prepared them."



THE INFERNO: A SOUTHERN MORALITY TALE

By Joseph B. Ingle

Published by Westview, \$17.50

Ingle, a United Church of Christ minister whose pastoral work has brought him into death rows throughout the South, describes in *Inferno* the "collateral damage [the death penalty] inflicted on people like me who drew near it." Throughout his ministry, he has suffered severe bouts of melancholia.

In prose that is often lyrical while also being scrupulously fact-based, Ingle recounts his 17-year close friendship with Tennessee death row inmate Philip Workman, sentenced to death for killing a Memphis policeman in August 1981 during a robbery gone wrong.

Ingle ably details the contradictions, cover-ups and deceits that led to Workman's capital conviction, one he labels "an utter and complete fabrication." Others, including Workman's appeal lawyers (the kind found in Sheffer's books) shared that belief. Workman could well have been one of the wrongly and maliciously sentenced in Stack's pages.

Ingle recalls that in "seminary I had taken a course on death and dying. Although it had been valuable, nothing in that course prepared me for working with someone who was being officially murdered, which is a completely different dynamic. There is nothing natural about the process. Death is a natural process, a winding down of the body, but killing is coerced and unnatural."

Ingle continues, "Rather than a gradual depletion or sudden heart attack, state killing is a tormenting process, both mentally and physically. The healthy person is informed how he will be killed and when he will be killed, and then several dry runs occur (five in Philip's case) when the process is stopped by the courts or governor, only to be resumed again. In a phrase, state killing is simply civilized torture."

Combined, the works of Stack, Sheffer and Ingle, each unique, are major contributions to the growing literature on capital punishment.

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