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Politics of Capital Punishment

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On February 26th an inmate at Florida State Prison is scheduled to be executed. A pause is in order, to look at and question the essence of the process.

This odyssey started in November of 2001 with a call from the Chaplain of Florida State Prison. He told me an inmate was scheduled for execution in January. The inmate wanted a Buddhist to visit with him and the chaplain asked if I would do it. I agreed to meet with the inmate.

After 15 months, 50 + visits, over 4,000 miles driven and I don't know how many stays of execution, I am no closer to understanding Capital Punishment than when I started.

I make no pretense of understanding politics or the law. This is nothing more than an attempt to make sense out of a situation that defies logic.

Discussions of capital punishment start with a justification and evolve into a diatribe of one sort or another. I ended-up reverse engineering my investigation to see if the end product is the deterrent value. The last action of the state in an execution is the medical examiner's Death Certificate. The death is reported as homicide by lethal injection.

The state defines a death as a murder "When perpetrated from a premeditated design to effect the death of the person killed or any human being ¹. We can sugar coat the term murder with adjectives such as excusable, justifiable, or even legal, but the operative word is still murder.

It is because of this that we understand and accept that the law is a dynamic force that varies from year to year. What was the law yesterday is not the law today and what is not the law today becomes the law tomorrow. The driving force behind the law appears to be the most vocal constituencies.

The shifting winds of politics and public opinion have led to executions for witchcraft, slave revolts, sodomy, rape, attempted murder, arson, buggery, counterfeiting, kidnapping, etc ². Today executions are justified by aggravating circumstances such as arson, sexual battery, drug trafficking, robbery, burglary, kidnapping, escape, child abuse, abuse of an elderly or disabled, aircraft piracy, bombing, carjacking, etc

The decision to execute appears not to be based on the fact a murder was committed but what were the aggravating circumstances. Hence a simple murder will not lead to an execution. However, murder compounded by arson, sexual battery, etc now qualifies for execution. The deterrent value now appears not on the crime of murder alone but on arson, sexual battery etc. Quite a different proposition than appears in the polemics.

We have executed people by hanging, burning, firing squad, breaking on the wheel, gibbeting, electrocution, lethal gas etc. Today we execute by lethal gas, lethal injections, hanging, firing squad, electrocution etc. Who knows what the politics of death will be tomorrow? One constant is that our justification for state homicide is usually "protection of the public."

The starting point for this threat assessment was not in the imaginations of the legislator but actuarial tables focused on Florida. Homicide is among the top 5 causes of death for Floridians between the ages of 1 to 34 years. Suicides are listed in the top 5 from 15 to 54 years. Accidents, HIV, and cancer are also threaded through the top five for the same period. Chronic liver disease and cirrhosis appear in the top 5 causes for the 45 to 54 age group.

A closer look at the homicide rate reveals some challenging themes. Alcohol related auto accidents kill about 1,000 and injure about 20,000 people a year in Florida³. The state of Florida averaged about 900+ murders a year over the last few decades.

A closer look at the murders in 2001 shows about 200+ “murderers” were sent to prison that year. Out of this three made it to the execution chamber. Does this mean that plus or minus 600 murders did not result in convictions?

The actual numbers may vary depending on who is keeping them, but the trend has been rather constant over the last decade. It does not appear the state has had much success in either identifying the threat or protecting us from murder.

The underlying dynamic of both suicide and homicide is anger: homicide being anger turned outward and suicide being anger turned inward. However, the relationship between suicide and homicide is often clouded by drugs and alcohol.

If we accept the premise that 50%⁴ of criminal activity is drug related, then a far more disturbing picture starts to materialize from the statistics. Alcohol, drugs, and sex are now emerging as prominent pieces on our chessboard.

They share a common function. That is a mechanism to escape reality. A reality hemmed in and exacerbated by flights of fantasy or despair. It is beginning to look as if we need more protection from ourselves than we do from others.

The nexus of alcohol, drugs, sex and anger on our flights of fantasy or despair makes for a passionate and righteous debate. However, the debate stops at the door of the emergency room as they sort out the bloody carnage. The anger, passion and righteousness dissipate in the eternal stillness of the morgue as they sort out the numbers. We go to court seeking closure and restitution when we should be going to a mirror to look at the problem.

All of which brings us back to the execution that is scheduled for February 26th. The inmate stands accused of the rape and killing of a 68-year-old woman in Clearwater. He, as the person executed before him, represents a constituency that is poor and black, one with little voice or influence.

The state hired and paid for both the prosecution and defense. The state has orchestrated the dance through the courts with its laws, rules and regulations. A dance that has gone on for over 25 years.

We may fairly ask some questions: Is he the worst of the killers currently on death row? Will his death make us safer in any way at all? Is he truly being put to death for his alleged crime? Or is he being offered as a sacrifice intended to bring us another false and fleeting moment of security? Are we not the state and by extension guilty of murder?

And the iron maiden cries tears of blood while the kitten licks cream out of the bowl.