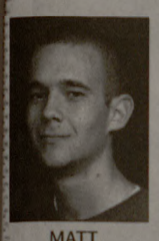
Dealing death sentences

Sentencing in capital cases must be in the hands of juries, not judges



MATT RIGNEY

Last year, the Supreme Court found in a 7-2 decision that state judges cannot hand down death sentences to state criminals. The high court, however, did not determine whether this standard should be enforced retroactively, that is whether or not death row inmates sentenced by only judges should receive new sentences from a jury. On Sept. 2, the Ninth Circuit Court of Appeals ruled that the standard should. Because of this, more than 100 people will rightfully receive a new sentencing trial where juries will determine their fate.

The Sixth Amendment to the U.S. Constitution guarantees every U.S. citizen a "speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed." This clause applies to all criminal prosecutions, and the Ninth District appropriately applied this to the theory that the sentencing phase of the trial is part of the determination of guilt or innocence.

Warren Summerlin, the man at the center of the Ninth Circuit case, was sentenced to death by a judge for the 1981 sexual assault and murder of a debt collector, according to The San Francisco Chronicle. The judge in Summerlin's case was later disbarred because of an addiction to marijuana. This is why the fate of a person cannot be left to a single person.

While a drug-addicted judge is an extreme example of why one person should not be held responsible for another's life, there are more viable reasons.

Judges see hundreds of cases each year. Each of these murder cases has its own grizzly details, and after hundreds or even thousands of cases a judge sees in the course of his time on the bench, he may become desensitized to these acts of violence or the fact that the accused person has his own life. This could lead to a rubber-stamp type ruling in which the judge relies too much on precedent.

A jury that is one-of-a-kind will be more affected by the details of a case and the possibility that they might end someone's life. If a person deserves to die for a violent act, the jury will recognize that need.

Some bloodthirsty death penalty advocates argue that juries are more lax on criminals and would be less likely to hand down a death sentence. This may be true, but surely it would be better to under-assign death sentences than kill unnecessarily.

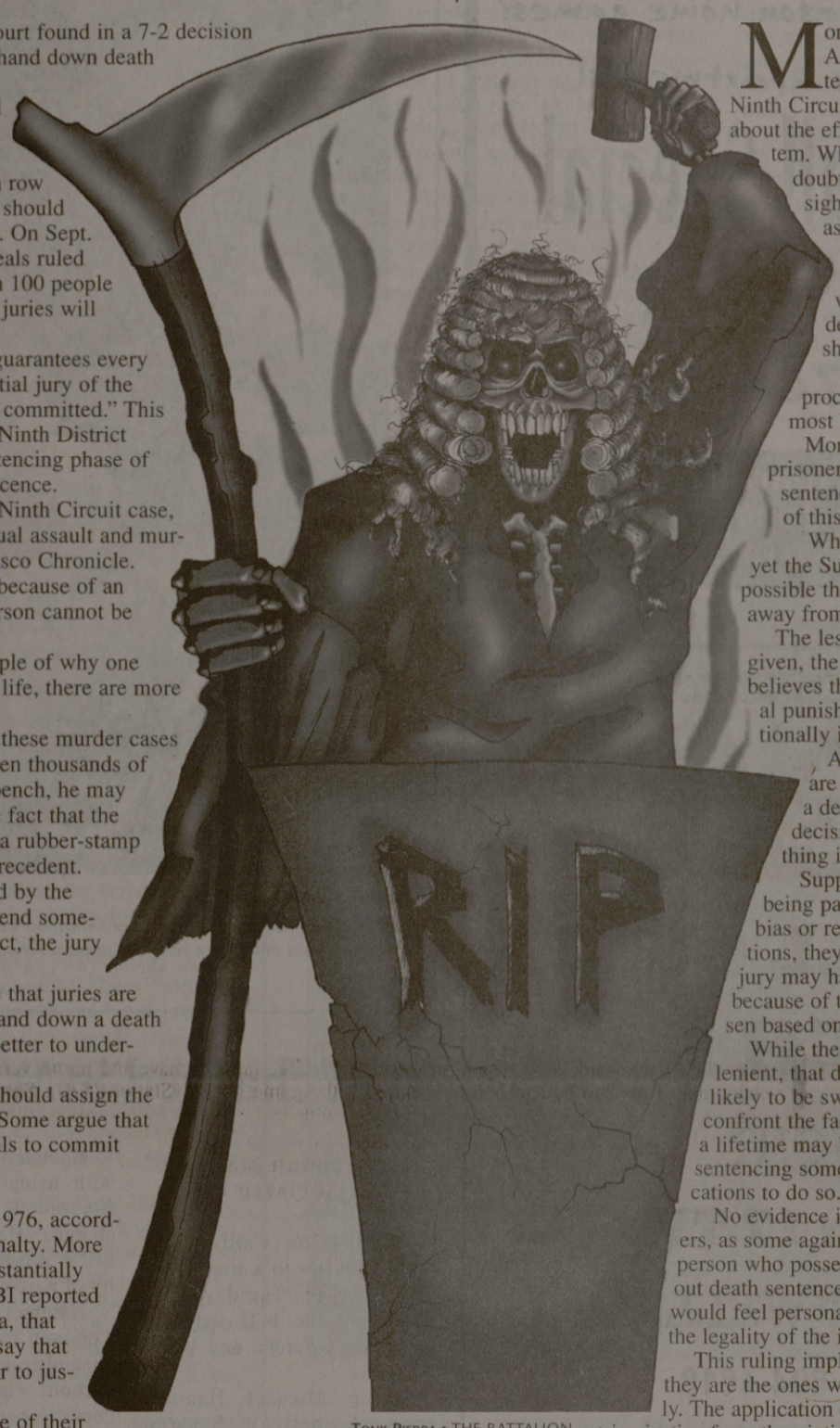
Not everyone might agree that the least amount of death sentences possible, however. Some argue that a death sentence is a deterrent for would-be criminals to commit violent crimes.

This is not true.

Canada abolished the death penalty on July 14, 1976, according to the Canadian Coalition Against the Death Penalty. More than 20 years later, the Canadian murder rate is substantially lower than that of the United States. In 2001, the FBI reported 5.5 U.S. murders per 100,000 inhabitants. In Canada, that same statistic is only 1.78 per 100,000 citizens. To say that execution deters murder is denying the truth in order to justify undue killing.

These convicted criminals are not completely free of their sentences. They will receive another sentencing trial in which juries will decide their ultimate fate. This is how the founding fathers intended the U.S. Justice System to work.

Matt Rigney is a junior journalism major.



TONY PIEDRA • THE BATTALION

Judges are better qualified to decide if a death sentence should be given

SARA FOLEY

More than 100 prisoners scheduled to die in Arizona, Idaho and Montana had their sentences revoked after a Sept. 2 decision by the Ninth Circuit Court of Appeals that stirs up questions about the effectiveness of the American judicial system. While the overturning of the sentence doubtlessly causes the convicted to breathe a sigh of relief, it leaves the American public asking more questions.

The decision stems from the 2002 Supreme Court case Ring v. Arizona, which mandates that juries — instead of judges — deliver death sentences. But the court failed to specify if the mandate should be applied to all prior cases.

Those 100-plus prisoners affected by the ruling will get new proceedings, unless the decision is reversed in an appeal that will most likely be filed, according to The New York Times.

More disconcerting than the wording of the ruling, or if these prisoners should receive life in prison or the death penalty they were sentenced to, is the possible effect, the motivations and problems of this decision.

What lead to the changes is blatant bias toward soft punishment, yet the Supreme Court willingly and blindly backs it, ignoring the possible threats of violence. This policy swings the judicial system away from real responsibility and accountability.

The less likely severe punishment such as the death penalty is given, the more likely a person is to commit a crime if he or she believes there will be no consequences. With a reduced threat of actual punishment, the threat of more high degree crimes will proportionally increase.

According to The New York Times, legal experts say jurors are more likely to be lenient, with only one in 12 willing to give a death sentence. If the reasoning behind the Supreme Court's decision is solely to become lax on convicted criminals, something is wrong.

Supporters of this law have claimed judges have the potential of being partial, choosing to impose certain rulings based on their own bias or reelection concerns. While judges may have personal convictions, they are no different than the 12 sets of personal convictions a jury may have. Furthermore, juries can be easily manipulated simply because of the fact that they are handpicked by the attorneys, often chosen based on their socioeconomic status and background.

While the evidence supports the concept that juries will be more lenient, that doesn't make the judges coldhearted killers. Judges are less likely to be swayed by powerful legal rhetoric and emotional pleas and can confront the facts head-on. Jurors who encounter this situation only once in a lifetime may be more likely to feel personal attachment and guilt toward sentencing someone to death and choose not to while ignoring legal implications to do so.

No evidence is available that would indicate judges are merciless murderers, as some against capital punishment will portray them. It is doubtful that a person who possesses the character to become a judge would turn and pass out death sentences out of boredom or as a routine. If anything, the judges would feel personal accountability toward the cases they cover but can manage the legality of the issues at the same time.

This ruling implies that judges are unqualified to sentence, when in reality they are the ones who have seen all levels of crime and could punish accordingly. The application of this ruling encourages light punishment of criminals and strips justice from the victims. While the thought of 100 people receiving a second chance seems optimistic and promising, it is actually an insult to the judges and victims as well as a mockery of the judicial system.

Sara Foley is a junior journalism major.

MAIL CALL

Texas A&M students representative of U.S.

In response to Eric Ambroso's Sept. 15 article:

I feel that it would have been better served the article to have shown a baseline of the American population as a whole, when compared to the universities' enrollments. Instead of the University of Oklahoma pie chart, one showing that the United States is 75.1 percent white, 12.3 percent black, 12.5 percent Hispanic and 3.6 percent Asian, as shown by the 2000 Census, would have been more informative.

I understand there is some overlap concerning the percentages, but some Hispanics claim white or black and Hispanic, so they count under two categories. Regardless, I think it would show that A&M is somewhat more representative of the United States than the article would imply, this data would also show that the University of Texas is already under-representative of whites compared to the national percentages and yet still desires to be more diverse.

If policymakers would put aside PC words like "diverse" and honestly say, "we need to attract more black students" that would be fine, but minus the under-representation of this one group, it would seem that our campuses are already as diverse as our great nation.

Randy Doolittle
Class of 2005

Scientific proof of a creator not necessary

In response to Midhat Farooqi's Sept. 15 column:

Mr. Farooqi uses the argument that for something to exist it must be discussed in the scientific literature. He infers that since there is no proof or real evidence of "The Creator" in the literature one cannot exist. The basis for his opinion is that for a theory to be viable it must be discussed and scientists must use it, like they do evolution, to devise experiments and interpret the data they collect.

Please re-check the literature. If "Special Relativity" was not discussed before 1905, does that mean it does not exist? If quarks and quasars are not discussed before 1920, do they not exist? How about DNA before 1930?

Mr. Farooqi need look no further than the all time bestseller to find proof of The Creator. Direct observations described in those writings have been discussed for thousands of years. That is proof enough for me. Present that theory in the Texas classrooms.

Paul Pausky
Class of 1978

Criticisms of evolutionary theory valid

Mr. Farooqi referred to the popularly-cited peppered moths experiment, conducted in a polluted forest near Birmingham, England. Although there are many reasons to dispute this experiment entirely, the fact that the photographs were staged by scientist Bernard Kettlewell is one of the main factors. This particular problem is not simply that the moths were pinned to the lichened tree-trunk. The entire experiment was based on the theory that since the moths supposedly rested frequently on the darkened trunks of the trees, the conspicuously white moths were eaten, thus increasing the population of the dark moths, and voila! Natural selection in action.

However, it was eventually discovered that the moths do not normally rest on the trunks of trees; instead, they are found "'beneath small, more or less horizontal branches, probably high up in the canopies, and the species probably only exceptionally rests on tree trunks.'" Why this affects the experiment to a great degree is explained in an article published in "The Scientist" by Dr. Jonathan Wells, a professor at the University of California-Berkeley.

Francesca Cunningham
Class of 2005

Evolution supported by scientific data

Evolution is the glue that holds together the diverse concepts of biology. Evolution has been demonstrated in bacteria and viruses time and time again. Antibiotic-resistant bacteria illustrate the main concepts of evolution, selection and mutation. An antibiotic gives bacteria resistant to it a selective advantage over others, leading to many resistant bacteria, and a useless drug. All organisms undergo random mutation. Most in higher organisms go unnoticed, because of more extensive DNA with advanced repair mechanisms. Microbes do not have these, and their mutation can be demonstrated in real time.

Evolution has also been demonstrated in higher organisms. The emergence of new gene variations — mutation — and change in their proportions — selection — have been observed in many animals, including humans. Very dramatic changes have been observed in fish and amphibians in controlled experiments.

Indirect evidence compliments this direct evidence. For example, DNA sequencing, like fossils, allows scientists to form evolutionary trees.

Evolution has been demonstrated and tested in a variety of settings, and is so far the most plausible theory to explain the biological diversity on Earth. Other theories, including Intelligent Design and Creationism, have not stood up to the same scrutiny, and are therefore not scientific, i.e. they have no place in a science classroom.

Nick Anthis
Class of 2005