Sep-1989

Guest Opinion: The Death Penalty and Mass Murder

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Recommended Citation
Available at: http://vc.bridgew.edu/br_rev/vol7/iss1/5
The Death Penalty and Mass Murder

By Jack Levin

I had to think long and hard about the death penalty before finally taking an abolitionist stance. Whether or not I agree with the public reaction, I do understand why Ted Bundy’s recent execution by the State of Florida was seen by many around the country as a cause for celebration. After all, the world lost one of its most despicable killers.

Almost 80 percent of Americans favor the death penalty; and it’s not hard to understand the reason why. People are fed up with violent crime. They believe that it is out of control and they want to do something about it. Many idolize Bernard Goetz, the so-called “subway vigilante” because he refused to just sit back and be victimized. You can see the same appeal in Charles Bronson’s Death Wish films and in Rambo and Rocky.

Politicians have done just about everything possible to scare us to death. In the last presidential campaign, for example, I saw the furloughed rapist Willy Horton so often in political commercials that I began to think that Willy was the candidate for office.

We all know that the crime rate is unacceptably high; but we may not be having the unprecedented epidemic that tabloid TV programs claim. Believe it or not, the rate of violent crime was substantially higher in 1980 than it is today. Yet, in their nationally televised debates, candidates Ronald Reagan and Jimmy Carter never even mentioned crime. In 1980, they were apparently too busy discussing the real campaign issues of the day.

I cringe every time I read in the newspaper that mass killer Charles Manson is eligible for parole, because I know what people will think: “The criminal justice system is soft on murderers. Down with the criminal justice system and up with capital punishment.” Actually, Charles Manson had received the death penalty. But, in 1972, the Supreme Court of the United States struck down capital punishment because it was being applied in an uneven, capricious manner. At that point, any murderer on death row was instead given the next most severe sentence possible under state law. In California, that sentence was life with parole eligibility. As a result, Charles Manson was then eligible for parole after serving only seven years.

When someone asks whether or not I support the death penalty, I often respond, “It all depends on the alternative.” If the alternative in response to a brutal, hideous murder is life imprisonment with parole eligibility, then I am indeed in favor of the death penalty. If, however, the alternative is a life sentence without the possibility of ever being paroled, then capital punishment becomes unnecessary for the protection of society and I am therefore against it.

A series of rulings by the Supreme Court in 1976 paved the way for states to restore the death penalty, but only when applied under strict guidelines. In some states (e.g., California), those convicted of murder continue to become eligible for parole after serving several years behind bars; but, if the court adds the “special circumstances provision,” the only possible sentences are either death or life imprisonment without parole eligibility. (In Massachusetts, first degree murderers are not eligible for parole).

Thirty-eight states now have special circumstances statutes for heinous crimes such as multiple murder or murder with rape. Under such conditions, the death penalty is unnecessary as a means for protecting society from vicious killers, because we can instead lock them up and throw away the key. If Charles Manson had committed his hideous crimes in 1989, he would, in all probability, never have received a parole-able sentence, not even in California.

Of course, the ability of the death penalty to protect us from or deter violent criminals has little, if anything, to do with its widespread appeal. Abolition of the death penalty is usually followed by a reduction in the homicide rate. Even more ironically, the murder rate actually rises for a period of time after a killer has been executed. Would-be murderers apparently identify more with the state executioner than they do with the condemned inmate.

The primary motive for the death penalty is the thirst for retribution or revenge — “an eye for an eye; a life for a life.” Florida certainly did get a measure of revenge by executing serial killer Ted Bundy in the electric chair. The residents of Florida then threw a party. For most Americans, the opportunity to get even with a serial killer is reason enough to apply the death penalty. But for those few who instead believe that capital punishment can be justified only to the extent that it protects society’s members, then execution by the state is nothing less than cruel and unnecessary punishment. In a civilized society, our best defense against “wild animals” is to lock them in cages so they can’t get the rest of us.