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Stop murder sanctioned by the state

By [David Lane](#)

Mar. 18, 2001 - In sentencing Donta Page to life in prison without possibility of parole last week, three judges in Denver recognized a fundamental truth, one that society as a whole must learn: The essential core of humanity that resides in each of us - including the Donta Pages among us - must be respected, for to kill another human being as a punishment for a crime is to deny the intrinsic value of that humanity in all of us.

In a nutshell, contrary to the brayings of demagogic politicians like Sens. Ken Chlouber and former Senate President Ray Powers, we cannot afford to further cheapen the already undervalued human life in our society. The death penalty makes killing an acceptable part of our American culture. In a society that strives to teach schoolchildren that violence is never an acceptable solution to their problems and that peaceful, non-violent solutions can and should be sought, we hypocritically turn to state-sponsored killing to solve our most serious problems.

As Justice Brandeis said in 1928, "Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

Our society is steeped in governmentally sponsored violence. When a human being is executed by our government, the lesson learned by the citizenry is that death and killing are an acceptable part of our cultural arsenal. It is time, however, for us to wake up. The issue is not which circle of eternal hell-fire these killers deserve. The issue is what do we as an allegedly civilized people deserve from our government? If we have any hope of breaking out of the "death's head" mentality gripping this violent culture, it will begin with the government leading us in that direction. The death penalty is the most blatantly violent symbol of our societal sickness. It is an antiquated remnant from a barbaric age. Only when our government leads by peaceful, non-

- [Bob Grant](#) argues the other side of the death penalty debate

violent example will we begin the process of becoming a less bloodthirsty, more civilized society. Simply put: Killing people cannot be, should not be and is not an acceptable solution to society's problems. We deserve better than that.

Bud Welch, who lost a daughter in the Oklahoma City bombing, has recognized this truth. After the Page verdict, he spoke eloquently on the front steps of our state Capitol and stated that the execution of Timothy McVeigh will be nothing but a staged political event, for politicians and by politicians. It will not help the grieving process for the families and, indeed, it will simply expand the circle of grief into the McVeigh family.

Bud Welch has suffered almost beyond human endurance. Where does he find it within himself to feel genuine compassion for the father and sister of McVeigh? Why is it that we as a society validate the grief of the victim's families by killing a killer, yet completely ignore the pain suffered by other, equally innocent people who suffer every bit as much when their son, brother or father on death row is strapped down and killed?

Several years ago, I witnessed the pain of a 7-year-old girl as her daddy was about to be executed. While her father, by his crime, had made her yet another victim of the murder he had committed, we as a society had the ability to stop that little girl's pain, which was as real as the pain suffered by the family of her father's victim. Yet we chose to ignore her pain, and killed her father.

Presumably, the ultimate penalty serves a purpose for the benefit of society. Having represented hundreds of killers over 20 years as a defense attorney, it is my observation that deterrence is not a factor. Killers don't think about getting caught, much less punished. In any event, it cannot be seriously argued that one would be less deterred by a sentence of life without possibility of parole than by the death penalty.

The racial discrimination that frequently infects the death penalty is reflected in an abysmal Supreme Court opinion several years ago. The court accepted as true that, in Georgia, if an African-American kills a white, he is more than four times as likely to receive a death penalty than with any other racial combination. The court shrugged its shoulders at this fact and basically said that it was close enough for government work.

It is no coincidence that of the estimated 450 people executed for rape in U.S. history, almost 430 were black men convicted of raping white women.

In Colorado in the late 1980s, a prosecutor was slapped on the wrist for referring to a Hispanic capital defendant as a "chileeating bastard."

Small wonder that the conservative American Bar Association has called for a nationwide moratorium on the death penalty unless and until it can be fairly applied.

Ninety innocent people have been freed from death rows around the nation since 1977, and more than 500 people who had been serving life sentences for crimes they did not commit have been released from prisons. Illinois has instituted a moratorium on the death penalty, having released more people subsequently proven innocent than it has executed. At least 23 innocent people have been executed in the United States in the 20th century.

The United States is seen internationally as a large-scale violator of human rights. We permit the execution of juveniles, the mentally retarded and the mentally ill. The only country in the world that has refused to sign the International Convention on the Rights of the Child is the United States, because it would prohibit us from killing kids.

Donta Page got life without parole not because he was a kinder, gentler rapist-killer who is more deserving of compassion than anyone else. He got life because his lawyers, Jim Castle and Randy Canney, were fabulous advocates who made three judges understand the spark of humanity within Page. When we finally realize that the same spark resides in every death row inmate; that when we kill anyone we are demeaning the value of human life generally; that non-violent solutions to societal problems must be sought; only then will we begin the process of achieving a peaceful and humane culture. The proponents of state-sanctioned murder in our legislature, appealing to the basest bloodlust in society, must be ignored and the death penalty must cease to exist as a legitimate punishment in a so-called civilized society.

Denver defense attorney David Lane is a longtime opponent of the death penalty. In addition to handling death penalty cases in Colorado, he has assisted death row inmates in Texas with their appeals as a member of Colorado Lawyers for Justice in Texas.

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