

Democracy at Work

A Review of "Voices of the Death Penalty Debate"

New York was the most recent state to reinstate the death penalty when it passed capital punishment legislation in 1995. It is the state with the largest city in the country, one that has certainly experienced crime problems in the past. It is also the state that suffered the worst terrorist attack in U.S. history. Yet New York abandoned the death penalty ten years after adopting it, having concluded that the burdens and risks of capital punishment far outweighed any purported benefits.

How did that transformation occur? Russell Murphy, Professor of Law at Suffolk University Law School in Boston, explores that question in depth in his new book, "Voices of the Death Penalty Debate: A Citizen's Guide to Capital Punishment" (Vandeplas 2010). New York, in true democratic fashion, opened the death penalty debate to its citizens after the state's high court found part of the statute to be unconstitutional. Hearings were held around the state so that experts and concerned individuals could tell state legislators what they thought about the prospect of fixing the broken law and moving toward executions.

The story of those hearings is told through the actual testimony that was presented in five long days of open discussion. The response to the invitation to speak about this issue far exceeded the original plan of two days. What followed was one of the most thorough analyses of capital punishment in our country. Prof. Murphy has put all of this information into a readable and well-organized collection that would be of interest to anyone concerned about the democratic process, the criminal justice system, or the history of the death penalty in the U.S. The book is a case study that would likely be repeated whenever the death penalty is put under the microscope of careful examination.

The voices of those who support the death penalty are represented along with its critics, though there were far more of the latter. This imbalance is not a bias of the author but rather a reflection of who showed up to speak at these historic hearings. In the end, the legislative committees assigned to review New York's law rejected the idea of trying to fix an inherently flawed system. The problems of the death penalty went far beyond any possible re-writing of a statute. They are the reason use of the death penalty is in decline across the country. Other states now have a blueprint to follow.

-Richard C. Dieter, Executive Director, Death Penalty Information Center