

## The Ritual of Executions Michael A. Kroll

As the execution of Donald Beardslee looms, I've been wondering what can be said about the death penalty that hasn't already been said. While it's true that some circumstances change -- for example, the fact that we have a new governor who takes a more nuanced view on matters of criminal justice than his predecessor -- the honest, though depressing, answer to my question is: There is no argument to be made against capital punishment, or for it, that has not already been made thousands of times before.

The death penalty in America is little more than a ritual sacrifice in which various participants -- including me, the crusading abolitionist -- assume their predictable roles.

Those organized for the death penalty will do what is expected of them. The District Attorney will describe the condemned as a poster child for capital punishment, and count the number of judges who have

reviewed the death sentence and upheld it. He (or she) will talk about “finality,” and urge that “justice requires nothing less than death.”

The internet will be filled with casual calls for the condemned’s death by the general public. On a website titled, “Pro-Death Penalty.com,” some rail at the 9<sup>th</sup> Circuit Court of Appeals, as in this recent posting: “They would pardon someone if there was fly poop on the trial transcript.” Others make their point as simply as, “A needle is waiting for him at San Quentin.” Still others urge us to “Think of the victim.” That is the “generic” victim, because except in extraordinarily high-profile cases, most people cannot tell you the name of the victim that they’re asking us to “think of.” (How many know the names, Paula Gedding and Stacey Benjamin? They were Mr. Beardslee’s victims.)

The family of the victim will have their few minutes of fame (and soon be forgotten). They will talk about the “closure” that proponents of the death penalty

falsely promise, and about how long they've waited for this moment.

Those organized against the death penalty will do what is expected of them. They'll send out "Action Alerts" calling on their constituents to write Governor Arnold Schwarzenegger to urge him to grant the condemned clemency. They'll cite the reasons why this defendant's life should be spared. ("Mr. Beardslee's actions were controlled by severe brain damage that has impaired his functioning since birth," the anti death penalty organization, Death Penalty Focus, stresses in its "Urgent Action Alert.")

Churches will call on their parishioners to oppose the execution based on Jesus' teachings. The organization, California People of Faith Working Against the Death Penalty, urges its members to write the Governor to oppose Beardslee's execution. Their model letter begins: "I have great sympathy for the victims of violence, and admiration for those who rise above

humanity's basest instinct for revenge to respond to violence with wisdom and compassion.”

And then, assuming all efforts to stop the execution fail, they will all gather outside the gates of San Quentin for the ritual that takes place in the dead of night. Then the media have their turn to do what they do. On the evening news, the same question will be answered by proponents, opponents, family members of the victim, family members of the condemned. The question is: “How do you feel...?”

Beardslee’s execution, if it goes forward, will be the 11<sup>th</sup> since California resumed capital punishment, so all the factions know the routine: where to stand, what to sing, where to set up the speaker’s platform, where the cameras will be. Everyone has his or her role to play. And then, if the collective homicide is carried out (at one minute past midnight), the various factions will react predictably: the proponents will cheer; the opponents will lower their heads and cry; the media will pack up its klieg lights and cameras; and we will all go

back to our more mundane lives until the next ritual killing is scheduled, when we can once again fill our expected roles.

I have been writing against the death penalty for nearly fifty years (beginning with a letter to the editor when I was in the 7<sup>th</sup> grade). The truly depressing thing about that is that nothing I write today is different from anything I wrote then. The death penalty is still morally flawed, racially biased, reserved for the poor (but grossly expensive to carry out), and subject to human error. We still stand alone among first-world nations to retain this legacy of a less civilized past. And, in a practical sense, the death penalty is utterly unnecessary in the era of Life Without Parole.

And yet, after these years of words and more words, nothing seems to change. Rationality does not persuade. The ritual sacrifices will proceed. As I make my way to my expected spot to mark the last hours of Mr. Beardslee's life, to play my part as one of "the people" in whose name this killing is taking place, I will

be thinking of the poem, “Killers,” written more than 80 years ago by the great American poet Carl Sandburg about an upcoming execution in Chicago: “There are five million people in the state, five million killers for whom I kill/I am the killer who kills today for five million killers who wish a killing.”<sup>1</sup>

---

<sup>1</sup> Donald Beardslee was executed by lethal injection at San Quentin State Prison on Jan. 19, 2005.