

DOES A KILLER HAVE RIGHTS?

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Caryl Chessman has become an internationally famous name. (His name is known thruout the world not because he did anything worthwhile and not because he committed murder. (Caryl Chessman is well known because in this civilized world of ours he has sat in death row waiting to be put to death by the state for 12 years. (He is well known because by ~~xxx~~ clever research and manipulation of the law, he has managed to evade the enactment of his senetence by finding in the law reason for delay, reconsideration, reprieve and stay of execution. (Most men have and will continue to die for capital crimes under the same law. Caryl Chessman happens to be more inventive in his manipulations and more stubborn about wanting to live.

There are two comments to be made about his most recent stay of execution. (One is that the right thing was done for the wrong reason. His life was spared most recently not because he was deemed justified under the law and not because the state had any second thoughts about the moral implication of capital punishment, ^{It was} ~~and~~ not because there was

any feeling of mercy for a man who had lived in the shadow of death for 12 years. (His stay of execution resulted rather from quite ~~xxxxxxxx~~ extraneous circumstances. (It seems that our President was about to embark on his South American tour and the State Department felt that the execution of Caryl Chessman would prove embarrassing to the president and might damage the diplomatic effect of his visit to countries ^{where} who felt Caryl Chessman ought to live. (So Caryl Chessman was allowed to live a little longer in death row while the President of the United States spread the gospel of democracy in action.

The other consideration is this: Caryl Chessman surely ^{has become a} is ~~is~~ symbol of our attitude toward crime and punishment and our value of human life. He has managed to stay alive by fereting out small points of law to stay his execution. ~~_____~~ (He pitted his mind against the law, ~~the law was on his~~ ^{And} The law was a reluctant ally at best. And all this takes place in the so-called enlightened 20th century after ~~xx~~ long experience

with killing and killers.

But there is another relationship of the ^{moral connection} law to killers which should be familiar to us and which comes straight out of our own Biblical and Talmudic traditions. (There are many instances of crimes punishable by death in the Bible and Talmud. (But so reluctant were the courts to carry out the sentences that they surrounded the basic laws with such strict rules of evidence and such exacting circumstantial requirements, (that the execution of a death sentence became all but impossible to carry out. (Killer or not, our basic faith is so deeply rooted in its respect for human life as the sacred gift of God that to take human life was all but out of the question. (The evolution of Jewish law ~~xxxxxxx~~ insisted that even a killer has rights. (The Talmud records a common statement from the days when Jews had civil jurisdiction of over their own affairs which states that a Jewish Court (a sanhedrin) which ~~involved and~~ carried out a death penalty once in a hundred years was ^{to be} considered ~~to be~~ bloodthirsty. (Parenthetically, we must note that despite this reluctance to play God and to take human life

either in retaliation for crime or punishment of it, resulted ~~not~~ in no widespread criminality among Jews. (We are not known as a people of killers. Apparently, failure to involve the death penalty did not give licence to killers *or make Jews into murderers* .

Perhaps due in part to the notoriety accorded to Caryl Chessman, perhaps because of the tremendous increase in crime in our country, perhaps because of lynchings and killings in certain sections of our ~~country~~ ^{land}, the whole question of the moral rightness of capital punishment has ^{currently} received ~~some~~ widespread treatment and debate.

At the recent ~~not~~ biennial convention of the UAHC in Miami ~~Florida~~, some 3000 delegates from Reform congregations debated the issue excitedly. (Lawyers, doctors, teachers, rabbis and laymen spoke vigorously on both sides. (But a resolution against capital punishment was passed by an overwhleming majority. It stated in part:

"We believe there is no crime for which the taking of human life by society is justified, and that it is the obligation of society to evolve other methods in dealing with crime.... We believe that the practice of capital punishment serves no practical purpose.... that it is not effective as a deterrent to crime and brutalizes the human spirit."

The resolution, of course, deals with the arguments usually put forth in favor of capital punishment. (On religious and moral grounds men have argued that one who takes another life must pay for that crime with his own life.

(Men have argued that capital punishment prevents further crime.

~~But~~ ~~the line between sober judgement and an emotional need for revenge is thinly drawn.~~ ~~this is not a rational statement.~~ (when Charles Starkweather went on his rampage of killing, there was only one desire on the part of most of us: his life must be forfeited; this animal must not be permitted to live. And we executed him ^{most in anger +} _{revenge}

(At the time I said and repeat now that we punished the wrong man. (C. S. was an animal in his instincts and ^{such in} his morals because he was not permitted to develop into a man. (Many people were ^{who survived his crimes uncathed} guilty: _{his} brutal father and unmotherly mother, his teachers and his ~~fix~~ neighbors, his society and his counselors were all far more guilty than he. (They made him what he was and ^{fail} ~~did not~~ ^{to} exercise the obligation of ^{we have} ~~these~~ who

~~are~~ise to protect the weak and ignorant from themselves. Is there less crime in Nebraska because CS was executed? Would there have been more had he not been? I think not.

One of the most magnificent statements I have ever read as a finely written factual documentation of the case against capital punishment appeared as an article in the Jan. issue of the Amer. Bar. Assn. On ~~xxxx~~ trial was a 40 yr. old Negro names Wash Hones. (Armed with an axe and a shotgun he broke into his father-in-laws home, shot and killed his father in law and his mother in law and clubbed his estranged wife to death. (His attorney, Joe Henry, Jr. ~~successfully & brilliantly~~ argued for his client to prevent his execution. From Bible days to the present, he demonstrated the ~~brutality and~~ ineffectiveness of capital punishment. Listen to what he says about punishment itself.: p.5

"It is generally accepted that there are 3 essential ingredients of all punishment. All must be present and if any one is missing the punishment is defective.
First: the punishment of the offender.
Second. the rehabilitation of the offender & his restoration to useful & productive citizenship.
Third: the protection of society by deterring others from the commission of like offences.

"Now we may dispose summarily of the first two. Because I will readily admit that death by electrocution definitely fulfills the essential ingredient of punishment... But we must also concede that when the penalty of death is imposed rehabilitation and restoration are impossible. Thus it is... one of the essentials of punishment is missing."

When The author then addressed himself, as have so many, to the question ~~as to~~ whether the death penalty serves as a warning to others? Does it keep them from committing similar crimes? *He finds as all investigators have shown* ~~In a magnificent record of incidents from earlier times,~~ *that* the evidence points in the opposite direction: the more brutal the methods of execution and the more frequently invoked: the more murder and crime in the society which permits such punishment.

~~...with the title and showing that even before the death penalty was first introduced, found that the death penalty was not a deterrent of punishment and that the history of man's ill-considered and unwise action, the author, along with others who are students of the subject, find no evidence to show that capital punishment deters a criminal in the slightest.~~ *There simply is*

And just last week, the State of California in its State ~~in~~ Senate Judiciary Committee listened to arguments pro and con on the same issue:.

As reliably reported; law enforcement officers predominated among witnesses for retention of the death penalty.

The Governor of the State, Edmund G. Brown who had granted a 60 day reprieve to Caryl Chessman ~~xxxxxx~~ knew that unless the death penalty were outlawed by his legislature, Chessman will die on May 2.

Speaking in his support: Clinton P. Duffy testified. Mr. Duffy spent 22 yrs as a San Quentin official--11 $\frac{1}{2}$ as warden.

He officiated at or was a party to at least 150 executions. This was his statement:

"There are 712 men in California prisons serving life sentences for murder. They did not make Death Row yet their crimes were worse in many cases than those of some men in Death Row. I've asked every man in the Row during my years at San Quentin whether he thought of the death penalty before committing his crime and

"I have yet to hear the first man say he had."

"He told too of a case where new evidence in support of a condemned man arrived moments after the trap door had been sprung.

Still the bill to outlaw the death penalty

~~was defeated as was a similar bill in N.Y. by a~~
narrow margin of 6 votes

(What is this strange irrationality to which we so easily yield? We know better. Not one in a thousand who support capital punishment would himself execute it. Few will sit on juries where such a verdict might be reached. But we go on hanging, gassing and electrocuting criminals.

(To be sure we have equally baffling ambivalence in other areas. (We slaughter millions on our highways and go right on building more and bigger cars. (We know there are harmful substances in smoke, in food preservatives, in drinks. (But we go on using them. We know that our world's atmosphere is being contaminated with radiation but we go on with so called "testing". (We know so much about human behavior and yet we ~~behave~~ ^{act} as if we knew only retaliation and revenge. ^{& as if we knew} ~~nothing~~ .

No adult could put it more directly than a little girl in a Religious School in another Temple:

Since only God can give life, should not he be the only one to take it? (But this doesn't mean that man is not responsible for the murders and ~~xxx~~ crimes of society. (We can try to prevent instead of punishing Until we do we have not advanced very far in human relationships. We are still living in the Middle Ages of Crime and Punishment."

Comes to mind " Out of the mouths of babes and sucklings hast thou founded strength O lord. " Surely there is more wisdom in this child's view~~xx~~ than that of our older generation who cry for blood-- when it is a better life we seek. *Given.*

= If brutality & crime, hatred & violence, murder & theft are to be wiped away from our city or anywhere else it will be done by building schools & correctional institutions, by studying human behavior & acting in accordance with what we learn. ~~not by~~ It will be done not by degrading human life but elevating it. Not in getting rid of human life but slow & sure ~~removal~~ *restoration of human values*