

- On the 17th of February, 1967, three Filipinos were electrocuted in the national prison in Montinlupa for the crime of murder they committed some years ago. The President of the Philippines had refused to commute the penalty to life imprisonment.

## CAPITAL PUNISHMENT

In the final hours of the eight-year administration of Governor Edmund G. Brown of California, a dramatic and provocative issue that has seemed to haunt his career flared up again — the death penalty. On December 28, 1966, Brown commuted the death sentences of four of the sixty-four men being held in California on Death Row. This is the longest roster of men marked to die in any state and, as far as we can learn, in any civilized country. What invests the list with special poignancy is the fact that these condemned men have been accumulated over recent years — stacked up, as it were — in an anteroom to the gas chamber while California has gone four years without an execution.

Now a new governor is in office who supports capital punishment. Ronald Reagan

has said: "We have to reorient our thinking about our soft attitude toward crime . . . I believe in capital punishment. . . . While all of us are disturbed by it, I believe it is a deterrent."

Reagan's position is at odds with current trends in America's system of justice. In most states the death penalty, which has been abandoned in many democratic countries of Europe, has been abolished or is under attack. There are now thirteen "abolitionist" states. The first was Michigan, back in 1847, and Senator Philip A. Hart from that state has proposed a Federal abolition bill. Although in the nation as a whole more than 350 men are under sentence of death and awaiting execution, only one had been executed in 1966 up to December 1, according to the U.S. Bureau of Prisons' records.

In 1965, seven were executed; in 1964, fifteen; in 1963, twenty-one; in 1962, forty-seven.

It is strange that capital punishment has not inspired any great debate while it has been steadily falling into disuse. True, opinion has shifted. In 1953, the Gallup Poll found Americans sixty-eight per cent in favor of capital punishment, but last year only forty-two per cent still favored it. The trial courts seem to ignore the trend, for the sentence continues to be imposed, even where the final step is not carried out. However, a gradual decline in the imposition of capital punishment is also evident. In 1961, 136 were sentenced to die. Last year the total was only sixty-seven.

What accounts for the change is not gubernatorial intervention but judicial decision. Recent Supreme Court decisions have stressed the rights of persons accused of crime, allowing a great many to win new trials. It is not some esoteric game of law-making or opinion-making that has jammed the gears in the old system of a "a life for a life" to which this country was accustomed

until the past few years. The change has clearly arisen from the persuasion that the death penalty no longer has a necessary or even a tolerable role in the modern concept of justice. Its value as a deterrent is simply no longer credible. While district attorneys and police dispute the point, criminologists insist that fear of death does not deter men from crime any more than it used to deter pickpockets from working the crowds at public hangings in the days when pickpockets themselves paid for the crime on the gallows.

On March 1, 1960, Brown made a statement in a special session of the legislature that put the matter clearly in focus: "The naked, simple fact is that the death penalty has been a gross failure. Beyond its horror and incivility it has neither protected the innocent nor deterred the wicked. The recurrent spectacle of publicly sanctioned killing has cheapened human life and dignity without the redeeming grace which comes from justice meted out swiftly, evenly, humanely." Brown said that the penalty is "too random, too irregular, too unpredicta-

ble and too tardy to be defended as an effective warning to wrong-doers."

It would be dismaying if California, which has set the pace for modern penology in America for the past generation, should now revert to vengeance and retribution in its system of justice.

What they are saying in San Quentin these days is that the public would never tolerate sixty executions, but one or two may have to take place before the penalty becomes an object of passionate controversy. — *The Reporter*, Jan. 1967.

### BOOKS

"Books are the instruments for perpetuating the body of knowledge painfully and slowly accumulated through the ages of man. They are also the means of preserving and sustaining the solid foundations of culture and learning. They provide the record of man's progress and the point of departure for steps into the future. Through them the cultural resources of mankind become the birthright of the generations to come." — *By Carl R. Woodward, President of the University of Rhode Island.*