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The death penalty: Always unjust.

Saddam Hussein has been sentenced to death. The man was a walking violation of human rights, who was no friend of death penalty abolitionists. Consequently, why should death penalty abolitionists -- including myself -- care whether he is executed? Because the message of death penalty abolition is clear: The death penalty must be abolished, without exception. The ACLU's website includes some of my key reasons for opposing the death penalty. We should not engage in special exceptions to death penalty abolition, such as a Saddam Hussein exception. All that does is lead the way to more exceptions to the death penalty, and more insensitivity to the injustice of the death penalty. What is the worst thing that will happen if Saddam Hussein is not executed? Overall, nothing worse than if he were executed. Moreover, by not being executed, he will die a slow and uneventful death; he will be more forgotten in this way than if he were executed. My opposition to the death penalty is hardly radical. By now, a broad base of mainstream institutions and individuals oppose the death penalty, including the European Union, the Catholic Church, Amnesty International, and the list goes on. While I have not had a sufficient opportunity to reach a full opinion about how fair or unfair was Saddam Hussein's trial (although I know of allegations of such unfairness as undue Iraqi government pressure on the judges, and the killing of several of the defense lawyers), it was a trial without a jury, and he apparently had no right to choose a jury trial. I think that any trial -- particularly a capital trial -- is unfair without the right of the defendant to opt for a jury trial. George W. Bush is already hailing Saddam Hussein's death sentence. Mr. Bush has never been a friend of death penalty opponents, and is a gross impediment to abolishing the death penalty in the United States. On the other side of the political aisle, I was saddened to learn that influential Democrat Tom Lantos also agreed with the death sentence against Saddam Hussein. I plan to check the latest passed and signed United States legislation on enemy combatants to see whether it permits executions without juries, which I understand was the situation before the latest enemy combatant legislation was passed. As DNA studies, alone, have shown over the years, even juries repeatedly sentence innocent defendants to death. The death penalty must be abolished everywhere, and must be abolished now. Jon Katz

Posted by Jon Katz in Criminal Defense at 02:00