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The Government's Sanitized Murders Continue Despite
The Moral Reprehensiveness and Limpid Senselessness of Such

By

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"Capital Punishment is as Fundamentally Wrong as a Cure for Crime
As Charity is Wrong as a Cure for Poverty"

Henry Ford - American Auto Maker - 1947

On May 8th, 10th, and 12th, 2006 at approximately 2 AM, Richard Tipton, Corley Johnson and James Roane respectively will be executed by the Federal Government at the United States Penitentiary, Terre Haute, Indiana. Intravenous tubes attached to their arms will carry the instrument of death, a toxic fluid designed specifically for the purpose of killing human beings. The witnesses, standing only a few feet away, will behold Tipton, Johnson and Roane, who no longer are defendants, appellants or petitioners, but are human beings strapped to a gurney, seconds away from execution. These sanitized murders will be committed under the guise of justice; pellucid with futility and permeated with glaring inequities, but that will not stop them from happening.

Supposedly, these individuals, as the hundreds before them who have senselessly forfeited their lives in the sorrow filled execution chambers throughout this country were the "worst of the worse" deserving this [just unishment]. This spurious, worst of the worse, claim is quickly debunked or what it actually is through casual scrutiny and that is a façade to

justify these senseless killings. Out of the hundreds of people convicted of murder every year, only a handful are actually subject to the death penalty. Some people may actually be under the illusion that only the most horrid of murderers receive the death penalty, but this deception is realized through an abundance of evidence to the contrary. There is absolutely no "meaningful basis" distinguishing the few cases where the death penalty is imposed from the many more that it is not. No legitimate evidence exist to justify the arbitrary selection of who is to die and who is not based on this fraudulent 'worst of the worse' claim. The only discernible evidence for this arbitrary selection process is a mixture of racism and poverty, with heavy emphasis on race. The visible signs of racism and prejudice is obvious to anyone with reasonable intelligence, with the exception of those who chose to turn a blind eye and deaf ear to it. Denying that it exists does not make it any less real!!!

It should not be surprising that the biases and prejudice that permeate our society would also play a substantial role in determining who will be subject to the death penalty and who will not. The intuitive nature of this affinity is palpable to most people, but as noted above, even intelligent people seek solace through ostracism to these facts. The racism infecting the death penalty has been documented through highly reliable and respected research. The "Bulus Study" showed that, "[b]lacks who kill whites are sentenced to death at least 22 times the rate of blacks who kill blacks and more than 7 times the rate of whites who kill blacks."* Because of the

*McClesk v. Kemp, 481 U.S. 279 (1978)

'nature of racism' permeating the death penalty, reverse discrimination was introduced to disguise the biases and prejudice. The reverse racism remains alive and well today, despite numerous challenges of such in the courts. This malicious effort to disguise the biases and prejudice in the death penalty selection process was like stacking 'dog shit on top of ape 'shit', trying to hide the stench of one form of racism with the repugnant stench of another. Despite the overpowering stench of racism infecting the death penalty there are still those who chose to hold their noses and deny that the stench exists.

One individual who remains obstinate and oblivious to the biases and prejudice of the death penalty is a man of stature, race and position. Someone, who you would imagine would be highly poignant to these issues, but Supreme Court Justice, Clarence Thomas denies the very existence of any biases or prejudice in this country's death penalty scheme. Instead, he finds dubious support for his death penalty dogma through twisted and pitiful reliance on 4,000 year old obscure biblical text and 200 year old antiquated legal philosophy. He shared these views in *Morgan v. Illinois** stating in relevant part:

"[W]hoever has committed murder must die Even if a Civil Society resolved to dissolve itself with consent to all its members, . . . The last murderer lying in the prison ought to be executed before the resolution was carried out. This ought to be done in order that every one may realize the dessert of his deeds. . ." (I Kant, *The Philosophy of Law* 198 (1786). In support of this declaration Justice Thomas cited: "Exodus 21:12 [H]e that smiteth a man so that he dies, shall surely be put to death)."

**Morgan v. Illinois*, 504 U.S. 719 (2005)

This precarious reasoning by a man of Justice Thomas stature and race is not only sad but demonstrates his hardhearted position for the death penalty, that he uses to determine issues of the death penalty in cases presented to him by the court. Based on this untenable and unbelievable reasoning by a member of our country's highest court to justify the most severe punishment there is. It is not hard to imagine how many other members of society finds support for the death penalty through similar twisted logic and reasoning.

At another time and place, over two centuries ago the purpose of the death penalty was put into context. In *The King's Court v Smith*, the court held in consideration with executing a morons or mentally deficient individuals that:

"[T]hat marginal satisfaction of blood lust and vengeance secured through the execution of a cognizable moron is far out weighed by the need of mercy and higher justice."

The King's Court identified the quintessential purpose behind the ignoble and cowardly executions of it's citizens, that being amongst other things, "[t]o satisfy societies [blood lust] and [vengeance]." Put into perspective, that court held, as our highest court did through a similar conclusion two hundred years later,* that "executing morons only served marginal satisfaction of blood lust and vengeance", in comparison with killing someone who has their full faculties about them. In this context, the death penalty of today serves no different purpose than what The King's

*99 Eng. Rep. 339 (K.B. 1782) *Id. 342

Atkins v. Virginia, 535 U.S. 304 (2002)

Court proclaims in Smith; to satisfy societies blood lust. The difference is that The King's Court had the backbone to identify the purpose the death penalty served two hundred years ago, in contrast with this country that continues to hide behind a cowardly façade of dubious and twisted reasoning for the sanitized murders committed under the guise of justice.

For a minute let's forget about the biases and prejudice that permeate our society and that of the death penalty as well. Even absent those valid considerations, the most sophisticated death penalty scheme cannot eliminate human error from condemning and executing the innocent. Because it is so morally reprehensible to think that an innocent person may be executed, we deceive ourselves into believing that the checks and balances in our judicial system will prevent such an atrocity. The evidence, although, does not support this deceptive thinking, particularly in light of the huge number of death row prisoners who's convictions have been overturned based on DNA evidence, eye witnesses recanting their own testimony, withholding of exculpatory evidence by the prosecution, use of fabricated evidence by law enforcement, including trumped up jail house informant testimony and based on a literal array of other factors tainting the conversations of so many waiting to die. Justice Thomas and others would have us believe that executing the innocent is acceptable under the death penalty scheme, as long as they received all of the processes due them under the law. What a sad proclamation for anyone, let alone a Supreme Court Justice. This type of death penalty dogma was reflected in 1900 by Charles Dickens in his book, 'Bleak House', where Dickens wrote, "[I]t is better to hang some feller than no feller." Another legal epigram with substance here is, "[T]here is no

man so good, who, were he to submit all his thoughts to the law, would not deserve hanging ten times over in his lifetime."* Based on the vast number of individuals sentenced to death that have been exonerated after spending many, many years on death row, definitively distills any illusions anyone may have had that innocent people have not been executed and will not continue to be executed as long as the death penalty in this country exists.

Recently the state of California executed a 76 year old man who suffered from numerous crippling infirmities including blindness and dementia.* He had to be taken to the execution chamber by way of a wheel chair. It is awful hard to imagine what legitimate reason served society by... this unconscionable killing of a 76 year old blind man!!! I will tell you exactly what purpose this unthinkable killing of that old man served... ~~NONE~~. ~~WHATSOEVER~~...that is beyond providing further senseless killings for societies insatiable appetite for blood lust and vengeance. This country has already murdered, in it's execution chambers, over 1,000 men and woman since reinstatement of the death penalty. Tipton, Johnson and Roane will be added to this number without purpose served beyond that reality identified by The King's Court. How many more sanitized murders must be carried out in this country's sorrow filled execution chambers until society readily recognizes the vivid futility of these murders and says "Enough is enough!" Enough would have been enough well over a 1,000 sanitized murders ago!!!

*Michael Eyquem Demontaigne - Philosopher - Essayist - 1592

*Allen v. Ornoski, U.S. Supreme Court, 05-865 (05A646).