

Does death penalty serve justice, deter crime?

By TOM LONERGAN

"No law shall be enacted providing for the penalty of death."

— Michigan Constitution, Art. IV, Sec. 16.

"For every execution in the country, eight potential lives would be spared. That's not a bad trade-off."

— L. Brooks Patterson.

Patterson, prosecuting attorney of Oakland County, says the death penalty is needed because "the criminal justice system is a miserable failure. It does not deter crime," he told 100 members of the North Oakland Chamber of Commerce meeting in the Pontiac Silverdome last week. "It does not punish or rehabilitate the offender. It fails to protect the public."

PATTERSON'S OPPONENT in a debate on capital punishment opposes the death penalty under any circumstances.

"Justice demands punishment," said Howard Simon, state director of the American Civil Liberties Union. "What we're debating here is: Does justice demand execution?"

Patterson says it does. He's leading a petition drive to allow judges to levy the death penalty in Michigan as punishment for first-degree murder. He wants to put the issue on the November 1982 general election ballot.

Since the U.S. Supreme Court in 1976 gave states the option to bring back capital punishment, death penalty supporters have rallied. Since 1977, Utah, Florida and Nevada have executed one man each.

In 1846, Michigan was the first Eng-

lish speaking jurisdiction to prohibit capital punishment. Nearly 40 states now have death penalty laws on the books.

"I DON'T SEE barbarians running around in 39 states," Patterson said. "Some crimes are so bad that in some cases, it requires the taking of a criminal's life. That's not L. Brooks Patterson saying that. That's the United States Supreme Court."

But Simon, a former college criminal justice professor, argued that the nation's high court did not sanction capital punishment in the 1976 decision known as Gregg versus Georgia.

He said the court found the evidence "wholly inconclusive" that capital punishment is a deterrent to violent crime. "For a certain category," like hired contract killers, Simon said the court assumed capital punishment "may enter into the (murderer's) decision to act."

But for those who "act in passion," Simon said, the court assumed the death penalty would "have little effect. There's been no subject that's been studied more than this," added Simon.

"WHAT DID Detroit do to cut its homicide rate (from 801 in 1974 to the 400 range last year) in half?" Simon asked.

"Two hundred thousand people moved out, that's what they did,"



Simon

Patterson responded, which brought a roar of laughter from the assembled business people.

Both speakers cited a 1975 University of Chicago study on capital punishment's effect, but they differed on what Prof. Isaac Ehrlich's study concluded.

Simon found the study didn't imply that the death penalty proved a deterrent against crime. The study, said Simon, also said the "rate of murder and other crimes could be reduced by an increase of employment and other opportunities."

Patterson said Simon was only taking sentences of the study "that you think goes with your side."

"On balance," the prosecutor argued, the Ehrlich study said the death penalty does deter.

"Even if I couldn't convince him the deterrent is real, justice demands it



Patterson

Does justice demand execution?

Pontiac Silverdome banquet room, Patterson said. "There's some petitions at the door, by the way."

THE CONSTITUTIONAL change Patterson is pushing would require the Michigan Legislature to enact capital punishment laws to be used not only in first-degree murder convictions but also felony murder. This includes deaths which occur during robbery, burglary, rape, arson, extortion or kidnapping.

A death penalty petition drive in 1978 led by former State Rep. Kirby Holmes, R-Utica, failed to receive enough signatures to put the question on the ballot. Patterson needs a minimum 286,722 signatures to put the issue on the November 1982 ballot.

Simon noted that capital punishment is opposed by Gov. William Milliken; Lt. Gov. James Brickley; Perry Johnson, state Department of Corrections head; and Wayne County Prosecutor William Cahalan.

Earlier this month, Oakland Circuit Judge Farrell Roberts ordered Patterson not to refer to the murder of a 20-year-old Clarkson woman in his campaign for the death penalty. Patterson is prosecuting the case, scheduled to start Feb. 26, against two 19-year-old northern Oakland County men charged with the murder.

Dorati given award

Detroit Symphony Orchestra Music Director Antal Dorati has been selected to receive the first annual Clarion award by the Detroit chapter of the Public Relations Society of America.

Dorati was cited for "his insistence on excellence and outstanding musicianship." "He is 'delighted' with the honor and noted, 'Through the Detroit Symphony Orchestra, Detroit has found yet another way to give its message to the world.'"

community through the barriers." medium of communication including writing, speaking, mass media, art, music, or sculpture.

CONTRACTED WHILE conducting the Royal Philharmonic in London, Maestro Dorati was cited for "his insistence on excellence and outstanding musicianship." "He is 'delighted' with the honor and noted, "Through the Detroit Symphony Orchestra, Detroit has found yet another way to give its message to the world."

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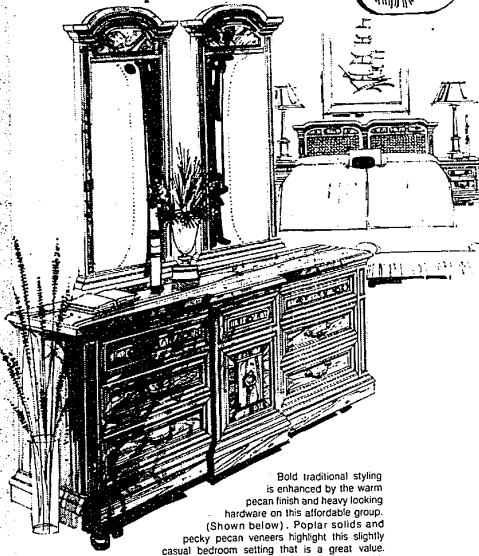
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