



# MADISON OP-ED SERIES

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## Capital Punishment: Time is Money

*By Peter Doherty*

Though it seems likely a special session of the Florida Legislature will be held to decide which method of capital punishment ought to be used in our state, we do not need a special session if that is its only purpose. More legislative debate on this topic would be a waste of time because the question of Florida's use of the electric chair is already before the U. S. Supreme Court. The Court's ruling will be made sometime before adjournment next June. If it's decided that electrocution is unconstitutional, Florida has a mechanism in place to switch to lethal injection.

So why is there a rush for a special session? Attorney General Bob Butterworth knows well that while the question is before the U.S. Supreme Court there will be no executions in Florida. Will holding a \$40,000 a day special session to focus on the appropriate method of execution likely speed the process? No, it will not. It will, however, produce a lot of good election year-eve theater.

Like most Floridians, though I wish fervently it was not needed, I support capital punishment. And there is absolutely no chance Florida lawmakers will vote

to abolish it. However, I care less about the method of execution than I do its timeliness. Quite frankly, this is the issue I believe the Florida legislature should address. Although I agree with Senator Ron Silver who said that he believes the electric chair is a more potent deterrent of criminal activity than lethal injection, I also agree with Senator Skip Campbell who said regardless of the method "dead is dead."

The debate over electrocution vs. lethal injection in Florida has spanned two decades, with the legislature passing a provision to substitute injection for electrocution if the latter is ruled out by the Supreme Court. So what more needs to be done on this score? Nothing. Note also that during the same two decades, we have done precious little to look for rational and responsible ways to speed up the process. From time to time, the legislature has addressed the issue, but no resolution was ever reached although a close approach was made during the administration of Governor Bob Graham. At that time, some innovative solutions to the problem of delay were put forth but none was adopted.

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*"Will holding a \$40,000 a day special session to focus on the appropriate method of execution likely speed the process?"*

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*'I am not arguing for capital punishment to be carried out in undue haste. What I want is elimination of undue delay.'*

Perhaps it is time to revisit the work done back then because it is absolutely unacceptable for a convicted killer to spend a decade or more in an appeals court mostly paid for by the taxpayers before paying the price society requires. Case in point; Ted Bundy, a notorious past-deathrow resident, spent ten years filing appeals before his time ran out, and it is arguable that he might have kept at it longer had not the governor been in political trouble and anxious for something to boost his stock.

I am not arguing for capital punishment to be carried out in undue haste. What I want is elimination of undue delay. There simply has to be a more efficient way to administer capital punishment than the present method. Other states that have the death penalty seem to have a more effective system. Why? Maybe in Florida there is a problem with reluctant judges. Maybe there is a problem with our system of appeals. Maybe there is some systemic issue we do not even know about. Whatever the problem, instead of holding a costly special session, Florida legislators and the Governor should undertake a real effort to reform the entire process.

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