Panel of defense attorneys speaks out on inequities in La. capital punishment

By TIM TALLEY
Advocatestaff writer

A panel of defense attorneys opposed to the death penalty said Tuesday that capital punishment is an ineffective deterrent to violent crime because defendants don't think about the consequences before they act.

Murders have skyrocketed since capital punishment was reinstated in 1976 and the death penalty is more often applied to poor blacks convicted of murdering white victims because of built-in inequities in Louisiana's judicial system, the attorneys said.

"The death penalty allows society to express its outrage over a crime," defense attorney Jim Boren said. "We all know that it's unfair."

The U.S. Supreme Court ruled in 1972 that capital punishment is "cruel and unusual" punishment in many cases and forced Louisiana and other states to change their procedures for deciding which defendants would be executed.

Defense attorney Ralph Brewer predicted that the nation's highest court will eventually bow to public pressure and abolish capital punishment.

"The time is going to come when the pendulum is going to swing even further," Brewer said.

"To oppose the death penalty right now is heresy," defense attorney Michele Fournet said.

But over time, more people will recognize "the big lie that the death penalty has become," she said.

"The death penalty is not about crime. It is about power, it is about politics and it is about money."

-- Michele Fournet
defense attorney

Louisiana ranks fourth in the United States in the number of executions since 1976, according to the Louisiana Coalition to Abolish the Death Penalty.

Through June, a total of 21 defendants have been executed by electrocution or lethal injection in Louisiana. Texas leads all states with 77 executions, according to the anti-death penalty group.

Although proponents of capital punishment claim it is a deterrent to crime, defense attorney Lennie Perez said no one thinks about the punishment he may receive before he commits a violent murder.

First-degree murder is the only crime punishable by death in Louisiana.

"I don't think I've met a person who thought about the consequences before he did it," Perez said. Because of psychological problems or other factors, most people who commit violent murders don't think rationally about the penalty they may receive if they're caught and convicted, he said.

"The idea of deterrence...it's just an excuse to kill a man," Brewer said.

The defense attorneys scoffed at the idea that the death penalty is appropriate punishment for someone convicted of the murder of a child, an elderly person, a law enforcement officer or any of the other situations state law defines as first-degree murder.

Although it is natural to want to kill someone convicted of the senseless death of an innocent person, the legal system provides a buffer between people's more primitive instincts and civilized behavior, Fournet said.

"It's just vengeance," defense attorney Ed Greenlee said.

The issue in first-degree murder trials is rarely whether the defendant is guilty, Boren said. The only issue is what punishment the defendant should receive. First-degree murder in Louisiana is punishable by either death or life in prison.

"Taking a person's life seems pretty obscene," Perez said.

Defense attorney David Price, a member of the public defender's office, said the courts must provide more money to help court-appointed attorneys develop cases for poor defendants facing the death penalty.

"Money does make a difference in the courtroom," Price said. "We don't want to have slipshod representation."

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