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When my mother saw the 1995 movie adaptation of Sister Helen Prejean's *Dead Man Walking*, she was comfortable with the execution of the character Matthew Poncelet (played by Sean Penn) once he admitted his guilt.

This was undoubtedly not the reaction that Prejean sought, but it was common enough to lead the New Orleans-based nun down a new path, which she detailed in her 2004 book *The Death of Innocents*

. In that book, she describes the cases of Dobie Gillis Williams and Joseph O'Dell, two men she believed to be innocent who were nonetheless executed.

Prejean has recognized that the tack of *Dead Man Walking* - an absolute moral opposition to capital punishment - might not be an effective way to convince people that the death penalty should be abolished. Instead, she wants people to first see the injustices in the way capital punishment is currently applied - from racism to innocent people being convicted and killed.

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"It's the new wave of discourse," she said in an interview this week prior to lectures at Augustana College on Wednesday, January 23, and Thursday, January 24.

In her first book, Prejean was eloquent and forceful: "If we believe that murder is wrong and not admissible in our society, then it has to be wrong for everyone, not just individuals but governments as well. And I end [lectures] by challenging people to ask themselves whether we can continue to allow the government, subject as it is to every imaginable form of inefficiency and corruption, to have such power to kill. 'It's not a marginal issue,' I say. 'It involves all of us. We're all complicit. Government can only continue killing if we give it the power. It's time to take that power back.'"

But supporters of the death penalty won't make that leap, she now understands. They believe in harsh justice, that killers ought to be killed.

A shift away from the death penalty needs to be gradual.

"In the moral journey ... of the American people, the heart of it is, of course, that we shouldn't kill anyone," she said in our interview. "But it is an added moral question to have a system in which you know not only that you are going to kill the guilty - so maybe in theory you're for that - ... but no one will disagree that innocent people should not be executed. So then ... people say, 'Let's just fix the system.' And then you have to show them how it is unfixable."

That might sound difficult, given that nearly two-thirds of Americans still support the death penalty. But Prejean said that position largely stems from a lack of consideration, and that support for capital punishment is soft.

"Twenty years I've been talking to the American people," she said. "I thought I was going to find people wedded to the death penalty, vengeful. ... I haven't found that. People just don't know about the death penalty, and they don't reflect on it. It's not one of the moral issues that people give a lot of deep reflection to, because it doesn't affect them" directly.

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"Most people are on the fence or deeply ambivalent about this issue," she said. "When you ... show them that an alternative is right there - because most states do have life without parole - they get it. It's not even hard. It's to get them to reflect on it" that's the challenge.

"Impossible to Prove"



In Prejean's view, the problems with the death penalty are legion, but the primary reason it can't be "fixed" by legislators or administrators is that the U.S. Supreme Court has constricted constitutional legal rights to the point that they're meaningless. The Supreme Court has made it difficult if not impossible to raise on appeal critical issues - from ineffective counsel to new evidence.

The court under Chief Justice William Rehnquist eroded "due process, equal justice under law, the right to an attorney, a jury of your peers," she said. "They took each of those constitutional protections and they tightened the criteria of it so that you couldn't access them."

In the 1987 decision for *McCleskey V. Kemp*, "they said that the criteria to decide that racism is at work in the selection of your jury is that the district attorney purposely and intentionally is going after you for this crime because you are black, and it's impossible to prove," Prejean said.

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"They make it impossible to prove racism."

The court in 1984 (*Strickland V. Washington*) made it similarly difficult to prove that a person's defense counsel was ineffective. "They said the criteria for determining ineffectiveness of counsel is that you have to show a one-on-one causality, a direct connection, between the fact that the jury voted for death and ... the ineffectiveness of your lawyer," she said. "And it's impossible to do things like that, because there are so many factors in a death case."

The Supreme Court wields the greatest power when it comes to the death penalty. In 1972, the *Furman V. Georgia* decision suspended capital punishment in the United States. Justice Potter Stewart wrote that the "Eighth and Fourteenth Amendments cannot tolerate the infliction of a sentence of death under legal systems that permit this unique penalty to be so wantonly and so freakishly imposed."

"The Supreme Court at 9 o'clock tomorrow morning could do away with the death penalty," Prejean said. "But they have their way of interpreting the Constitution," and recent courts have shown no inclination against the death penalty. She added that "if they [justices] would look at the practical effects of ... their jurisprudence, they could see those same conditions there [as in 1972]"

In lieu of the Supreme Court abolishing the death penalty, Prejean hopes that citizens will apply pressure to legislators and governors - state by state - to get rid of it.

"I'm despairing of the court making the changes," she said. "So we've got to make it through the people, which will be slow and painstaking, and I don't know how long it will take in the deep South."

"My Response Had Been Far Too Simplistic"

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What's missing from our 20-minute interview is the humanity that's so powerful in the pages of *Dead Man Walking*

. Prejean is articulate and passionate in conversation, but unsourced statistics, the names of Supreme Court decisions, and anecdotes of injustice can come from any death-penalty opponent. In the book, her modesty and her complex personal struggle give weight to her conclusions and her convictions.

The chief strength of *Dead Man Walking* is not its argument against the death penalty but the nun's journey. She is always well-intentioned, but she makes mistakes as a spiritual advisor in the early 1980s to two convicted killers on Louisiana's death row: Patrick Sonnier and Robert Lee Willie.

(In Tim Robbins' movie, the convicts' stories were merged. Prejean believes that film is the best way to get her message to a wide audience, and she said that a screen version of *The Death of Innocents* is in the works.)

She writes about her horror at the men's crimes: "This Robert Willie, who is he? I recoil at the thought of him. How dare he calmly read law books and concoct arguments in his defense? He should fall on his knees, weeping, begging forgiveness from these parents. He should spend every moment of his life repenting his heinous deed. But, judging from my first visit, he seems to be in a world of his own, oblivious to the pain he has caused others. Remorse presupposes enough self-forgetfulness to feel the pain of others. Can Robert Willie do that?"

And then she deftly argues that his apparent lack of remorse might be exacerbated by the death penalty itself: "I ... wonder whether his death sentence makes his own repentance even more difficult. *Someone is trying to kill him*, and this must rivet his energies on his own survival, not the pain of others."

She questions her own goodness, and on several occasions in *Dead Man Walking* calls herself naïve: "I keep thinking of the gifts of my own upbringing, which I once took for granted: I can read any book I choose and comprehend it. I can write a complete sentence and punctuate it correctly. If I need help, I can call on judges, attorneys, educators, ministers. I wonder what I would be like if I had grown up without such protections and supports. What cracks would have

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turned up in my character? What makes me think that I wouldn't have been pregnant at 17? How law-abiding would I be?"

And she finds fault with herself beyond the hypothetical; her most grievous error was her failure to also offer support to the families of Sonnier's victims.

"I feel I am still right to oppose capital punishment, but I had not thought seriously enough about what murder means to victims' families and to society," she wrote. "I had not considered how difficult the issue of capital punishment is. My response had been far too simplistic."

The revelation that led to *The Death of Innocents* was similar. A straightforward moral objection to capital punishment, she realized, was less effective than spotlighting the faults of the current system, and *then* leading people to the central moral issue.

But in *Dead Man Walking*, her epiphany was personal rather than political.

"I had to reach out to murder victims' families," she said in our interview. "What they need after a terrible murder is somebody reaching out to them and accompanying them and helping them. The big thing I learned about murder victims' families is that people tend to stay away from them ... and they're left in isolation."

She also found that her fight against the death penalty meant that she often couldn't effectively provide support for victims' families herself, because of a perceived conflict of interest. But she did help create Survive, a group for families of crime victims.

"I'm Not Going to Let Them Kill Me"

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Prejean is resolute that the death penalty does little to soothe victims' families or provide them closure. Lloyd LeBlanc, the father of one of Sonnier's victims, "realized that the anger and the bitterness was going to kill him," Prejean said. "The way he put it was, 'They killed my boy, but I'm not going to let them kill me.'"

That kind of open-heartedness in the face of intense personal tragedy, Prejean said, gives her hope: "I get to experience these fantastic human beings, who are the real heroes in this story - because I'm just the storyteller - and point the way for all of us."

She's underselling herself, though. Her direct conversations with politicians and criminal-justice administrators are encouraging in the sense that these people admit their reservations about capital punishment. Yet they're discouraging because that honest introspection rarely leads to action.

Prejean recounted one such exchange in the book, with a Louisiana prison administrator:

"'You don't seem to believe that the death penalty is morally right, but here you are lining up the witnesses, designing the protocol. Do you experience any conflict of conscience between your personal religious beliefs and what your job calls you to do? If Jesus Christ lived on earth today, would he supervise this process?'

"Predictably, he explains that he doesn't make the law; he's only following the law and, in fact,

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doing his best to make the 'process' as 'humane' as possible. ...

"There it is again, I can't help but notice - the severance of personal values from public duty - just like Governor Edwin Edwards, who felt moral repugnance for the death penalty but who nevertheless allowed it to be carried out. ...

"I ask him whether it isn't ethically dangerous to submerge personal convictions so that they have no bearing on one's work. What, I ask, if the law which a government uses to legitimize killing is itself morally wrong, as in Nazi Germany? Aren't there, I argue, some rights fundamental to human beings - such as the right not to be tortured or killed - that everyone, including governments, must respect?"

There is a resignation there, and Prejean herself felt powerless to effect change: "It all seems so intractable," she wrote. "I tell myself that I had simply better accept the fact that the death penalty is here to stay in our society, at least for a while, and there is nothing I can do about it."

That didn't last, though, as she recognized the limitations of providing spiritual guidance to the condemned. *Dead Man Walking* can be boiled to down to one elegant call to activism that still seems to drive Prejean: "Being kind in an unjust system is not enough."

Sister Helen Prejean will present Dead Man Walking: The Journey Continues at 7 p.m. on Wednesday, January 23, in Augustana College's Wallenberg Hall (3520 Seventh Avenue in Rock Island). She will also give a Community Convocation address at 10:30 a.m. on Thursday, January 24, in Centennial Hall (3703 Seventh Avenue). Both events are free and open to the public.

The Death Penalty in Illinois and Iowa

In 2000, Illinois Governor George Ryan instituted a moratorium on executions, and in January 2003, he commuted the death sentences of everybody on the state's death row, claiming that the capital-punishment system in Illinois was "arbitrary, capricious, and therefore immoral."

Legislative reforms of the death penalty followed, and Governor Rod Blagojevich has indicated that if the reforms prove effective, he will consider allowing executions to resume in Illinois.

The Iowa legislature abolished the death penalty in Iowa in 1965, and numerous efforts to reinstate it have failed.