UC SANTA BARBARA

THE Current

January 21, 2003
Bill Schlotter

JUDGE, ATTORNEY TO ARGUE DEATH PENALTY IN UCSB DEBATE

For most of its history, the American judicial system has prescribed death as the ultimate punishment for society's most heinous crimes.

But Americans have never been unanimously comfortable with capital punishment. Its legality, morality, and effectiveness in deterring crime have long been argued, as has the innate fairness of the judicial system itself. In a show of the ambivalence Americans feel about the death penalty, the Supreme Court declared it unconstitutional in 1972 only to reverse the decision in 1976.

Activist attorney Gerry Spence and U.S. Court of Appeals Judge Alex Kozinski will argue the issues surrounding capital punishment in "Executing Justice? A Debate on America and the Death Penalty" Monday, Jan. 27 from 7 to 9 p.m. in Corwin Pavilion on the campus of the University of California, Santa Barbara.

Stuart Banner, a professor of law at the UCLA Law School, will moderate.

The debate is free and open to the public and is part of "Executing Justice: America and the Death Penalty," a series of lectures, films and classes offered winter and spring quarters, 2003 at UCSB. The series is supported by a Critical Issues in America grant and coordinated by UCSB's Interdisciplinary Humanities Center. (See www.ihc.ucsb.edu/justice/ for a complete schedule of events.)

The debate is most timely in light of former Illinois governor George Ryan's recent decision to take all 167 inmates off his state's death row, pardoning four and commuting the sentences of the others from death to life in prison. Ryan said his decision was based on his belief that the criminal justice system is plagued by an unacceptably high number of wrongful convictions. Unable to know with certainty which prisoners were guilty and which might be innocent, Ryan decided to give all the benefit of the doubt. "If I am going to err," he said, "I am going to err on the side of life."

It also comes at a time of conflicting indicators of the American mood regarding the death penalty. While polls show reduced support for capital punishment, alarm about increasing homicide rates and cries for retribution for acts of terrorism would seem to advocate maintaining the hard line that has resulted in more than 400 executions since 1997.

Spence, celebrated for his defenses of Ruby Ridge defendant Randy Weaver and Philippine first lady Imelda Marcos, his work on the Karen Silkwood case, and for his claim to have never lost a criminal trial, is a longtime opponent of capital punishment. He is the author of 12 books and founder of The Trial Lawyers College.

Kozinski, an outspoken proponent of capital punishment, was appointed to the U.S. Court of Appeals for the Ninth Circuit in 1985 and has served there ever since.

He has written and spoken extensively about the death penalty as well as about commercial speech.

Banner, who has written articles and books with Kozinski -- and once served as his law clerk -- is author of the just-published "The Death Penalty: an American History."

The Executing Justice series concludes with an academic conference April 24-26 that includes a keynote speech by Rubin "Hurricane" Carter, former boxing star who spent more than 20 years in prison on a wrongful triple murder conviction.

Related Links

'Executing Justice' Web Site

About UC Santa Barbara

The University of California, Santa Barbara is a leading research institution that also provides a comprehensive liberal arts learning experience. Our academic community of faculty, students, and staff is characterized by a culture of interdisciplinary collaboration that is responsive to the needs of our multicultural and global society. All of this takes place within a living and learning environment like no other, as we draw inspiration from the beauty and resources of our extraordinary location at the edge of the Pacific Ocean.