

The Logic of the Death Penalty

It is unconstitutional to execute the mentally retarded.

Breath-taking, isn't it; the simple logic of this statement? Just seems to make sense, in a way, doesn't it? Without giving it much thought, even the staunchest death penalty advocate might tend to agree. We get the mental picture of strapping Mickey Rooney ("Charley") to a gurney and pumping poison into his veins while he chatters happily. But then we catch ourselves and remember that *this* mentally retarded person committed a heinous crime. Therefore, he isn't mentally retarded after all!

Welcome to the logic of the death penalty.

Governor Perry embraces this logic well. Look at the statement he made when he vetoed the bill that addressed the execution of the mentally retarded in Texas: "IQ scores are not the sole or dominant indicators [in determining mental retardation] as recognized by Texas law – social adaptation is. [What] that means is that juries look at how an individual has adapted to his or her surroundings, how they've demonstrated their ability to function in society, and that they know right from wrong."

That's death penalty logic at work – mental retardation is not organic or hereditary, it's a training issue. From time to time a guy bags our groceries at the store. He is obviously (at least to me) mentally challenged. He has the look. He speaks like he's mentally retarded. I have seen him walking to his apartment still wearing his apron and tie. He's been bagging our groceries for years now and really seems, again, at least to me, to be just as mentally challenged now as he was when we first met him. But according to death penalty logic, the fact that he has learned to bag groceries (and, therefore, adapt) has caused him to become un-mentally challenged. This guy clearly functions within our society, so he's not mentally retarded. Am I making sense?

Perry continues: "Proponents of this legislation have claimed that six mentally retarded persons have been executed in Texas. That is false. Four of the six they cite never raised mental retardation as an issue at trial. Two of those four never raised the issue of mental retardation even on appeal." The only reason I am not going to belabor the interesting thought of someone who is mentally retarded being held responsible for not raising their mental retardation on appeal is that I want to get to his examples. But suffice it to say, death penalty logic at work.

"Terry Washington, who was executed in 1997, waited until he and the restaurant manager were alone. He cut the telephone lines, tied her up, and stabbed her 87 times. These calculated actions contradict claims of mental retardation. ... Oliver Cruz kidnapped a woman jogger off the street, raped and killed her. *He not only demonstrated adaptive skills*; he scored 15 points higher than what the proponents of this bill consider to be mentally retarded on one IQ test after sentencing. *The case files show that these individuals have demonstrated they can function within society. They showed clear, calculated intent, and knew what they were doing was wrong. These individuals do not fit the profile of the loving, impaired individual with mental retardation.*"

By raping and killing a woman, Oliver Cruz “demonstrated adaptive skills?” By killing people, these guys demonstrated that “they can function within society?” Is there a little voice inside your head telling you that somehow this doesn’t make sense? And what about the “profile of the loving, impaired individual with mental retardation?” Not many of those on death row. In fact, there aren’t many of those in the prison system, period. Death penalty logic tells us that unless you are a “loving, cuddly, harmless, impaired individual with mental retardation,” then you simply are not mentally retarded.

This through-the-looking-glass logic is not confined to the issue of mental retardation. The death penalty is not cheaper than housing a person in the prison system for life. It does not deter crime. Studies show both of these facts to be true. It conflicts with the “right to life.” I have met many staunch “pro-life” advocates who are equally staunch in their support of the death penalty. It keeps us out of step with the rest of the developed world. And it purports to teach our society “thou shalt not kill” through the act of killing.

This level of tolerance to obvious cognitive dissonance is usually reserved for alcoholics trying to justify a bender and to those who (deservedly) find themselves in the criminal justice system. But it is the logic we must employ as long as we continue to carry on the practice of killing our fellow citizens. Get used to it.

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July 31, 2002.