

The Big Lie

by Greg Westfall

"[I]n the big lie, there is always a certain force of credibility; because the broad masses of a nation are always more easily corrupted in the deeper strata of their emotional nature than consciously or voluntarily; and thus in the primitive simplicity of their minds they more readily fall victims to the big lie than the small lie, since they themselves often tell small lies in little matters but would be ashamed to resort to large-scale falsehoods. It would never come into their heads to fabricate colossal untruths, and they would not believe that others could have the impudence to distort the truth so infamously. Even though the facts which prove this to be so may be brought clearly to their minds, they will still doubt and waver and will continue to think that there may be some other explanation."

Adolf Hitler, *Mein Kampf*, vol. 1, ch. X.

The death penalty is a lie. It is a dirty little secret. Like racism, it is an ugly addiction that we keep hidden from the light, only to bring out when we are in the company of others who share it. And like all "big lies," those who espouse it have to prop it up with a web of little lies. These little lies are quite familiar:

Capital punishment deters other would-be murderers. Lie. This fantasy has been disproven time and time again.

Capital punishment is cheaper than life in prison. Lie.

Capital punishment has unparalleled appellate safeguards. Lie. Between automatic direct appeals to the Court of Criminal Appeals, byzantine rules of procedural default and a truncated, expedited writ process, capital cases actually have fewer possibilities for appellate review than non-capital felony cases.

We have never executed an innocent person. Lie.

Capital punishment is not about vengeance. Lie.

For too long the leaders of our State (executive, legislative and judicial) have been far more concerned with protecting the ability to swiftly impose the death penalty than with ensuring that it is carried out correctly. When allegations of possible innocence are raised, these leaders trot out the facts of the condemned's crimes. They point to the many layers of appellate review the condemned has enjoyed as well as the

sanctity of the death verdict handed down by that wise and fully-informed trial jury. This has always been good enough.

Recently, though, we have begun to see some desperate measures by those who cling tenaciously to the big lie. For instance, Rick Perry guts the Texas Forensic Science Commission just as it is poised to hear evidence casting doubt on the science in the Cameron Todd Willingham case. Now, John Bradley, Perry's newly hand-picked leader of the Commission, has told the rest of the members to destroy all their existing emails.

But as Perry and the others who worship at the foot of the death chamber become more and more audacious, people are beginning to notice. Some are even asking questions. Good.

This is a debate that needs to happen. To this end, the January/February issue of the *Voice for the Defense* will be dedicated to the death penalty.

In the mean time, have a fantastic holiday season, take some time off if you can, and let your families know you love them.