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The USA and Capital Punishment

The USA has long fascinated me, and I have embarked on a series of reflections on culture in the USA, using American film or television as a prompt. This is the seventh article and considers capital punishment. Like many issues in the USA, this matter has often been polarising. The institution of capital punishment has varied from state to state in the USA, with some states removing even during this the last decade, though at the time of writing this article, there are slightly more death penalty states.

I became more aware of capital punishment in the USA during my mid-High School year through news in early 1977 of the execution of Gary Gilmore. The odd and macabre thing about this event was the similarity of the name (Gary Gilmour) with an Australian all-rounder cricketer, and the inappropriate joke that ran throughout Australia about this being an extreme sentence for any bad bowling.

Gary Gilmore was the first person in the USA to be executed in nearly ten years. Since 1968 the Supreme Court had effectively postponed the death penalty while aspects were considered, and its re-introduction or reinvigoration only commenced after the concept of 'cruel and unusual punishment' had been reviewed and clarified so that the manner of execution could be deemed as permissible punishment.

For this article, I will first provide some background information about Australia and the death penalty for reference. The last person executed in Australia was Ronald Ryan in Victoria in 1967. Capital punishment was removed from the statutes in the six states over a considerable period between 1922 (Queensland) and NSW (1985). In 1973, the death penalty was removed at Commonwealth level, and interestingly in 2010 the Commonwealth passed an amendment to the Death Penalty Abolition Act (the *Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act* that prevents any state reintroducing the death penalty, even though this was unlikely to happen.

I thought I should also give my personal view. I decided at an early age (15) that I could not support the death penalty, though over the years and since becoming a Christian, my reasons for this position have varied.

It would take a much longer article to fully articulate, but my main argument is based on my understanding that Australia is not a theocracy and that therefore those who sit in judgement do not have the capacity to enact the death penalty.

In the USA, people of faith have been and are intrinsically linked to opposing capital punishment, and there are people of faith who have been and are ardent supporters. They are more likely not the stereotyped individuals we see on news stories with placards holding forth on vitriol or pious slogans, but people working in the public institutions that confront the reality of the US justice system day in and day out.

Hollywood has made many films with a theme based around capital punishment, and a good number of these have been based on true stories, though often with embellishment. An early and prominent film that evoked considerable discussion, is *I Want To Live* (1958), with Susan Hayward winning the Academy Award for her role as real-life convicted killer Barbara Graham. Some proponents of the death penalty referred to this movie as propaganda for abolition, but it was more a Hollywood story with the traditional twists and turns to captivate an audience. It was marvellously satirised in the almost anti-Hollywood film, *The Player* (1992)

Just Cause (1995)

A great cast, including Sean Connery, produced a somewhat convoluted film. All the usual elements of the contemporary debate are introduced, including the liberal opponent of capital punishment who heads the appeal, only to become used and angry enough to personally want to kill himself; the crooked cop who forced a confession; jailhouse snitching that confounds every otherwise intelligent character; and an end that reveals a most bizarre case of 'cruel and unusual punishment'. Is it too much to give credit to the acting of the alligator?

Dead Man Walking (1995)

Of all the films, this type of 'mostly' true story has been the most highlighted for many years now. Again, an academy award winner; this time for Susan Sarandon. Based on the book by religious sister Helen Prejean C.S.J., this takes the unusual though successful arrangement of creating a hybrid character for the film from the two convicted murderers that Sister Prejean writes about in her role as their spiritual advisor. The film is as much about the death penalty, as the relationship of Prejean to the character played by Sean Penn, and to the wider American religious culture and related issues that surround this complex matter. Life and death issues are clearly at the forefront in this film, and indeed in all death penalty movies, simply because meeting one's maker is a reality with a (usually) fixed arrangement, rather than something a little more remote.

Just Mercy (2019)

Based on the book by the attorney Bryan Stevenson, this film is about the appeal of convicted murderer Walter McMillan, played by Jamie Foxx, with Michael B. Jordan as Stevenson. This film plays out more by the book and there is good reason for this as the basic story tells itself without a need for too much Hollywood embellishment, though as usual with any movie there are changes due to the truncation of time. A new and solid addition to the theme of the innocent man, and it is a good one to end on.

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