

MAY 21, 2001

# TIME

Europe,  
America  
and the

**DEATH  
PENALTY**

Timothy McVeigh, whose execution was postponed because the FBI withheld evidence in his case



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# A MATTER OF LIFE OR DEATH

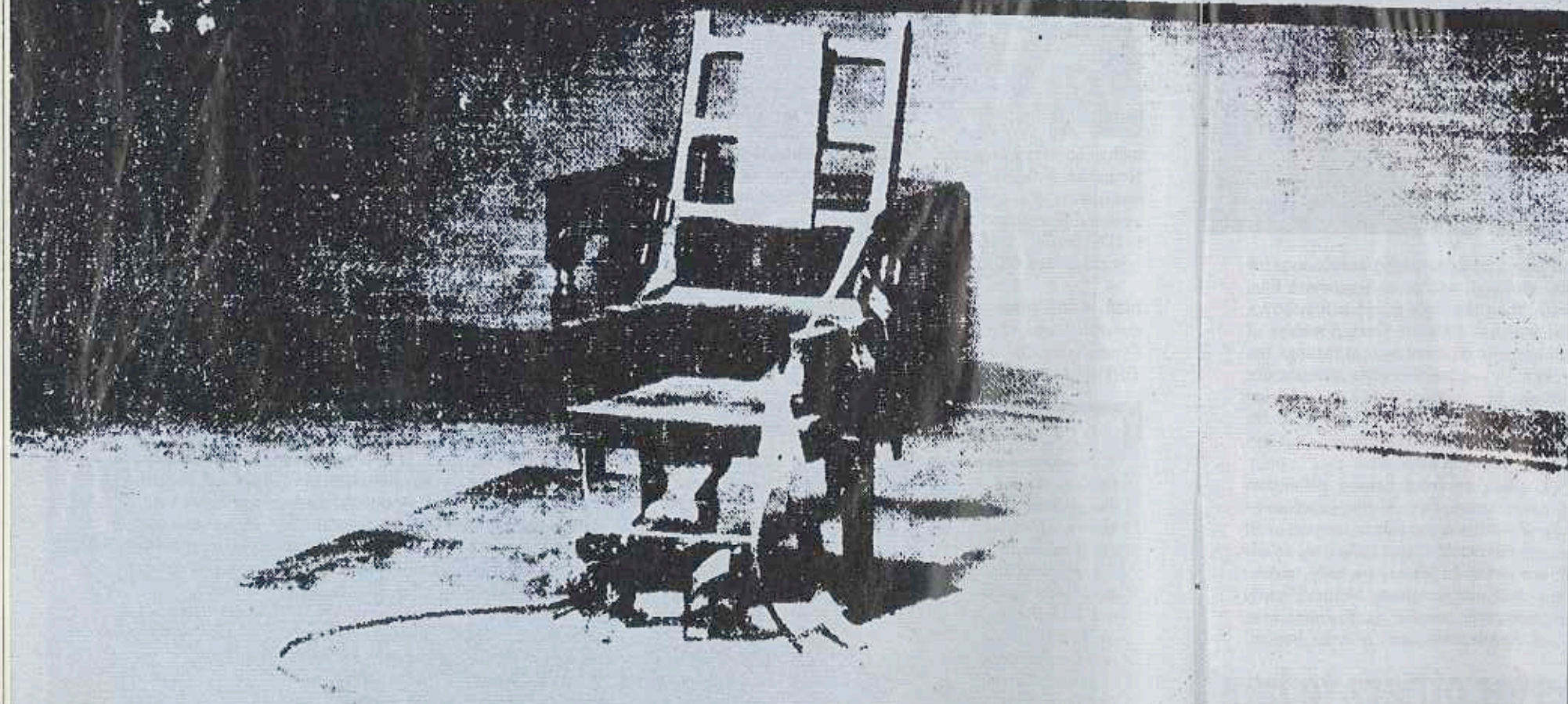
The McVeigh case shows how differently Europe and America view capital punishment

By THOMAS SANCTON PARIS



**ARRESTED** McVeigh after America's worst terrorist act

IF CRITICS OF THE U.S. DEATH PENALTY needed any more ammunition to prove that the system is unjust, flawed and unreliable, they got plenty last Friday. Five days before Timothy McVeigh was scheduled to die for a 1995 bombing that killed 168 people, the U.S. Justice Department postponed his execution until June 11. Reason: the FBI discovered thousands of pages of interview reports and other documents that were, inexplicably, never turned over to McVeigh's lawyers before his trial. While there was no indication that the documents would have changed the outcome—the defendant has confessed to the bombing—his lawyers demanded extra time to examine them and reserved the right to seek a retrial.



# PAST PUNISHMENT

Most European countries have abolished the death penalty. A look at its recent history in the region—and some of the last to die

**JUAN PAREDES MANOT**  
Franco ordered the Basque militant put to death in 1975



**Portugal**  
1849\*  
1976

**Spain**  
Firing squad/garrotting  
1975  
1995

Date of last execution  
Executions abolished for all offenses  
Note: \* Last known execution

**Ireland**  
Hanging  
1954  
1990

**U.K.**  
Hanging  
1964  
1998

**Belgium**  
Firing squad  
1950  
1996

**France**  
Gullotine  
1977  
1981



**HAMIDA DJANDOUBI**  
His execution in 1977 was the last in the E.U.

**Netherlands**  
1952  
1982

**West Germany**  
1949  
1949

**Luxembourg**  
Firing squad  
1949  
1979

**Italy**  
Firing squad  
1947  
1994

**Denmark**  
Firing squad  
1950  
1978

**East Germany**  
1974  
1987

**Austria**  
1950  
1968

**Greece**  
Firing squad  
1972  
1993

**Sweden**  
1910  
1972

**Finland**  
Firing squad  
1944  
1972

**IRMA LAPLASSE**  
The Belgian was found guilty of treason during World War II



**JAMES HANRATTY**  
The convicted murderer and rapist went to the gallows in 1962

# CAPITAL CRIMES

Use of the death penalty in the U.S. since its restoration in 1976



That stunning development interrupted a process that had been heading smoothly toward a May 16 execution. It also added a baffling and embarrassing new example to the dozens of instances of judicial error, mendacious testimony, incompetent defense lawyers and sloppy lab work that have demonstrably sent innocent people to their deaths in recent years. Earlier this month, following an Oklahoma City Police Department report on multiple errors by local police chemist Joyce Gilchrist, the Oklahoma State Bureau of Investigation launched an investigation into all the cases—including 23 death sentences—in which she has been involved.

It seemed unlikely that the newfound documents would reverse the verdict on

McVeigh or long delay the execution that he himself has sought to hasten. But the news that law enforcement officials could mess up so spectacularly in such a high-profile case—involving the worst domestic terrorist act in U.S. history and the first federal execution in 38 years—seemed to prove once again that the American justice system was far from infallible. It also added an element of cruelty to the process, leaving McVeigh dangling in the wind and making the victims' families wait still longer for the "closure" that many hoped his execution would bring them.

If McVeigh's day does come, prison guards will lead him at 7:00 a.m. into a chamber at the Terre Haute, Indiana federal prison, strap him to a T-shaped gurney

and insert an intravenous needle into his arm. McVeigh will pronounce some final words, then the chief guard will inform a U.S. Marshal, "We are ready." A dose of sodium pentothal will be sent through the IV line to render McVeigh unconscious and relax his muscles. Then a second drug, pancuronium bromide, will collapse his lungs. Finally, a lethal charge of potassium chloride will stop his heart.

Looking on from behind plate-glass windows, some two dozen witnesses—victims' relatives, journalists, lawyers—will observe the macabre spectacle from an adjoining room. In Oklahoma City, meanwhile, 300 others, mostly victims' family members, will see the death scene over closed-circuit television. And far beyond

# REASONABLE DOUBTS

A handful of troubling U.S. death-row cases have inspired concern among people around the world—but sometimes that wasn't enough



**Mumia Abu-Jamal**  
On Death Row

Perhaps the country's most celebrated death-row inmate, Abu-Jamal was sentenced to die for killing a Philadelphia police officer in 1981. A pistol registered to him and five spent shell casings were found at the scene, but testimony from witnesses who identified other suspects as the killer was never heard at his trial. Abu-Jamal's books and newspaper columns have won him wide public support, but he may soon exhaust his appeals



**Johnny Paul Penry**  
On Death Row

Sentenced to die for stabbing a 22-year-old woman to death in 1979, Penry is awaiting an appeal ruling from the U.S. Supreme Court. In March the court heard arguments

from lawyers requesting a new sentencing hearing for Penry, who has an IQ of 60. The lawyers claim that the jury in Penry's trial was not instructed to consider his mental retardation a sufficient reason to decide against a death sentence



**Gary Graham**  
Executed  
June 22, 2000

In 1981, Graham was convicted of murdering a 53-year-old man during a supermarket robbery. The prosecution was almost entirely based on the testimony of a single eyewitness. Graham pleaded guilty to 10 robberies but maintained he was innocent of the murder and said exculpatory evidence was suppressed at the trial. After the U.S. Supreme Court denied his appeal, Graham was put to death by lethal injection



**Betty Lou Beets**  
Executed  
Feb. 24, 2000

She was sentenced to death for the 1983 murder of her fifth husband, whose body was found buried in her backyard. Beets was also indicted, but never tried, for the shooting death of her fourth husband. Years after her trial, she claimed she had been the victim of spousal abuse, but Bush turned down her appeal for a stay of execution. Beets was only the fourth woman put to death in the U.S. since 1976

# DELIVERING DEATH

**ELECTRIC CHAIR**  
In 12 states, prisoners are strapped to a chair and shocked with 500 to 2,000 volts. Malfunctions are not unknown: in 1997 an inmate's head burst into flames



**LETHAL INJECTION**  
In what is now the most common U.S. method of execution (35 states), the inmate is secured to a gurney and injected with chemicals that halt breathing and heartbeat

**GAS CHAMBER**  
Cyanide gas emanates from the floor of the chamber and slowly envelops the prisoner. He goes into cardiac arrest and dies within minutes. Currently used in five states

“The Americans keep handing out clubs for others to beat them with... Europeans are only too happy to criticize.”

deluxe country among the democracies resorts to this kind of barbarity."

Concerning the question of capital punishment, the U.S. and its allies stand on opposite sides of a great divide. All 15 members of the European Union have banned the death penalty, and the organization actively promotes its abolition throughout the world. Brussels has made abolition a precondition to E.U. membership, as has the 41-member Council of Europe, thereby spurring most East and Central European aspirants to do away with capital punishment.

Nor does Europe hesitate to pressure the U.S. on this point. Last year alone, the presidency of the E.U. sent then-Governor George W. Bush eight letters pleading for the pardon of death-row inmates in Texas. The E.U. publicly protests each execution that takes place. Last year, E.U. ambassadors in Washington presented the State Department with a memorandum calling for an end to capital punishment and voicing "concern about the increasing number of persons sentenced to death in the United States." Without naming the U.S. specifically, French President Jacques Chirac called for "universal abolition of the death penalty" in a speech to the U.N. Human Rights Commission in Geneva last March.

International criticism has increasingly focused on President Bush himself, whose record of presiding over 152 executions during his five years as Texas Governor has given him the nickname of "Mr. Death Penalty" among European opponents of capital punishment. Though the death penalty was not an important issue to U.S. voters last November, it dominated European press coverage of the presidential campaign. "Bush makes no apology for his hideous track record," said an editorial in Britain's *Mirror* newspaper, as Texas was preparing to execute mentally retarded Johnny Paul Penry. "And, disturbingly, he has mass support from Americans, dri-



APRIL 1995 The federal building in Oklahoma City after the blast that claimed 168 lives

ven by their out-of-control gun culture and blood lust for retribution." *Le Monde* editor Jean-Marie Colombani wrote: "The death penalty, along with limits on abortion rights and the sale of firearms, is digging a gulf between America and the Old Continent, a gulf of values and misunderstanding that drives them apart. In this domain, President Bush, more than any of his predecessors, incarnates an America that is more and more distant from Europe."

Washington officials are unmoved by such criticism. "The President believes that the death penalty saves lives and serves as a deterrent to crime," says White House spokesman Ari Fleischer. The State

Department offers a more diplomatic but equally firm defense. "We know there is a lot of concern around the world," says an official, "but at this point our nation believes that it is an appropriate punishment for certain crimes if handled under very careful legal procedures. We think that our system stands up to scrutiny because it is constantly under its own scrutiny." Another official notes simply that "it is the will of the people." End of story.

But if they bothered to read their own diplomatic cables, let alone the European press, officials in Washington would know that this issue is doing serious damage to America's image and influence abroad.



MAY 2001 Chairs, each with a victim's name, stand in quiet memorial at the site; the clock always says 9:01, the minute before the explosion

Writing in the *Washington Post* last February, former U.S. Ambassador to France Felix Rohatyn issued a dire warning on this point. "[America's] moral leadership is under challenge," he wrote, "because of two issues: the death penalty and violence in our society. During my nearly four years in France, no single issue evoked as much passion and as much protest as executions in the United States ... It would be worth having a dialogue on these difficult subjects with our Atlantic allies—not by diplomats but by jurists and parliamentarians and chiefs of police."

The most impassioned protests that Rohatyn alluded to concerned cases in which

prisoners appeared to have been condemned on racial grounds, or after unfair trials at which they were badly defended. A number of such cases have generated ad hoc support groups, multilingual websites, fundraising campaigns, and letters or phone calls to U.S. officials by European leaders (also by Pope John Paul II) pleading for clemency. In the case of Odell Barnes, a 31-year-old black man convicted of the rape and murder of his girlfriend, a French support group financed a counter-investigation that turned up serious doubts about his guilt. After Barnes was executed in March 2000, French Education Minister Jack Lang—who had flown to Texas to meet with

the prisoner—charged the U.S. with "assassination." Lang wondered "how Bush can pretend to run for President after committing such a crime."

Timothy McVeigh, however, makes a far less appealing poster boy for the anti-death-penalty campaign. A ne'er-do-well Gulf War veteran fascinated with guns and fanatically opposed to the U.S. government, McVeigh blew up a federal building in Oklahoma City on April 19, 1995 with a fertilizer truck bomb. The blast killed 168 people, including 19 children, and injured 500. McVeigh, 33, who casually referred to the dead kids as "collateral damage," has admitted responsibility for the deed, ex-

LETTERS TO ACTIVIST JAN ARRIENS: FROM RICHARD ROSSI

**“Yes, it is true that my time on this earth is starting to run short. I guess we all lose track of that as we develop relationships.”**

Thanks for your letter of 28 Oct. Yes, it is true that my time on this earth is starting to run short. I guess we all lose track of that as we develop relationships over the years. The good relationships take time to develop, and then we are saying goodbye. We will fight as hard as we can. I am pleased you found

chapter one to be done well and interesting. I did not want to go into my life, but an author owes it to his reader to give appropriate background. The book is not about me like so many D/R books are. It discusses the issues of the D/P and D/R. It is unique. I had the manuscript sent to Northeastern University Press, but no word has come

back. I have heard from the French publisher, and they have accepted the book. It is being translated into French at the moment. They will begin to find an American publisher as soon as I sign the contract. With my time running out, I guess this is my best option. — Nov. 7, 2000, Arizona. On death row since 1983

Thanks for your letter of 28 Oct. this earth is starting to run short of that as we develop relationships take time to develop, and then we are saying goodbye. We will fight as hard as we can. I am pleased you found interesting. I did not realize an author owes it to his re-

...AND FROM SAM JOHNSON

**“My spirits needed a little boost and you have put me right back on top again ... you MAKES ME FEEL BETTER.”**

Hurricane Georges [was] a day late, but you are "right on time!" I got you today in your letter and this lovely card and, as I said, you are "right on time!" My spirits needed a little boost and you have put me right back on top again! (smile) How are you feeling, "youngster?" Ha-Ha-Ha. I FEELS GREAT!! Yesterday



morning I woke up and did 100 push ups, just to see if I still "had it!" It took till yesterday evening for me to finish but, even so, I've still "Got it!" HA-HA. I feel Good, Bro, and hearing from you MAKES ME FEEL BETTER! Nothing yet from the court or from Clive but I'm hopeful.

Bro, I didn't "see" Clive but spoke with him on the phone. Don I did "see" and I haven't seen hide nor hair of him since. (smile) I guess he wanted you to write or fax him just to "stay in touch." I didn't know he owed you a letter! (smile) — Oct. 2, 1998, Mississippi. On death row 1982-1992, taken off to serve life, died March 2001, aged 58

Hi, My Bro! (smile) HURRICANE GEORGES is late but you still make me feel you today in your letter and, as I've said, my spirits needed a little boost and you have put me right back on top again! How are you feeling, "youngster?" Ha-Ha-Ha. I FEELS GREAT!! Yesterday

## Lethal Champions

87 countries retain the death penalty for ordinary crimes. Here are the top five to carry out executions in 2000



**CHINA**  
**1,000+**

Death is by lethal injection or a bullet to the head. In many cases immediately after sentencing. Mass executions are common.



**IRAQ**  
**N/A**

Of hundreds of executions reported, many do not involve due process. Main methods: shooting and beheading.



**SAUDI ARABIA**  
**123**

Executions are carried out for crimes including murder, rape and drug smuggling. The most common method is beheading.



**U.S.**  
**85**

Main methods are lethal injection and electric chair. Less common are gas, shooting and hanging. Forty of the 85 were executed in Texas.



**IRAN**  
**75**

Murder, drug trafficking and armed robbery convictions often carry a death penalty. Methods include hanging and stoning.

PHOTOS: B. V. G. / AP; GORENIS; RES. FEATURES; CANADA; CHINA; POSTER/STYLERS; SOURCE: AMNESTY INTERNATIONAL

pressed no remorse and ended the appeals process in order to ensure his execution. If ever a prisoner deserved to die, say death penalty-supporters, surely it is he.

Yet many abolitionists see McVeigh's execution as an important turning point for their crusade. Says Michel Taube, president of the French organization Together Against the Death Penalty: "This is the first federal execution in 38 years, which constitutes a juridical step backward for the U.S. McVeigh is a paradoxical figure—the worst domestic terrorist America has ever known, and at the same time an ordinary American, a child of the divorce generation, of the gun culture. This says a lot about American society, its justice and its violence." As for McVeigh's evident guilt and the reprehensible nature of his crime, Taube says that misses the point. "The problem of the death penalty is not just the innocent people who are condemned. We say it is wrong to execute the guilty."

Indeed, many anti-death-penalty activists argue that the lack of extenuating circumstances in McVeigh's case strips the issue down to its essential point: the nature of capital punishment itself. "We see this case as an opportunity to show that we oppose the death penalty in all circumstances," says Piers Bannister of Amnesty International, which will hold a vigil outside the Terre Haute prison on the day of McVeigh's execution. "It's not about him. It's about eradicating a cruel, irrevocable and outdated punishment."

While European advocacy groups, political officials and the media are touting the McVeigh execution as an argument against the U.S. death penalty, there are no signs of a mass mobilization of public opinion. One reason is the lack of sympathy McVeigh engenders. Beyond that, though, European public opinion is in fact divided on the death penalty. In Britain, where the last legal vestiges of capital punishment were removed only in 1998, support for the penalty remains around 60%. A 1996 Dutch poll

showed 52% in favor. In Italy and France, support runs over 40%.

According to Philippe Méchet, director general of France's Sofres polling firm, Bush and the U.S. still enjoy a fairly positive image in France, despite majority disapproval of capital punishment. "There is a big difference between the European élites and general public," he observes. "The élites, as reflected in the media, make a big issue of this, but public opinion does not feel as strongly about it."

For better or worse, the extraordinary media circus surrounding McVeigh's execution is sure to strengthen those feelings. At least 1,600 print and electronic journalists will be reporting from within the grounds of the Indiana prison. Eight U.S. networks will be broadcasting live from the Hoosier state. Outside the prison walls, souvenir hawkers will be selling everything from coffee mugs to T-shirts with pictures of syringes and the words "Hoosier Hospitality."

No images of the execution will be publicly broadcast, but a media pool of 10 journalists will witness and describe the scene. Cameras will record protest rallies, press conferences and, of course, tearful interviews with victims' relatives. McVeigh wanted the event broadcast nationally, and a U.S. Internet firm sought permission to post the images on its pay-per-view website. Authorities denied both requests, although they haven't entirely eliminated sensationalism from the witness chamber: novelist Gore Vidal, who is writing a piece for *Vanity Fair*, will attend as McVeigh's personal guest.

Some activists are hoping that the World Cup-style coverage will finally focus American attention on the issue of capital punishment. "The McVeigh execution is an important step in raising the level of media coverage of the death-penalty," says French abolitionist Michel Taube. "It can open the debate, stimulate donations to anti death-penalty groups, push more U.S. states to declare moratoriums and get the local American



**ADS AND ATTITUDE** Oliviero Toscani's "We, on Death Row" campaign for Benetton featured actual condemned prisoners. It caused boycotts and contract terminations



**MASKED RAWL** On the day George W. Bush was Inaugurated President, protesters in Paris railed against America's use of the death penalty

media talking about these questions."

Others are not so optimistic. "U.S. fascination with the McVeigh execution will promote the idea that American society is less humane and advanced than Europe," says Guillaume Parmentier, director of the Center for American Studies in Paris. "Bush's enthusiastic support for executions is bad for transatlantic relations. It gives the impression that we're drifting apart. It promotes the view, spread by the U.S. media, that the U.S. is a very violent society."

Indeed, much European commentary on the event has used it to present unflattering portraits of America. Writing in Britain's *Independent* newspaper, columnist Natasha Walter argued that Americans should be true to their natures by publicly broadcasting the execution. "People [would watch] out of pure voyeurism ... laughing, drinking beer, cheering. Then the United States would be revealed in its true colors—not as the decent, humane society that it likes to sell itself as, but as the barbaric country that it is, a country that kills and kills again, in the face of all international condemnation." More soberly, Gilles Delafon, foreign affairs columnist for France's *Journal du Dimanche* and author of a book on American gun violence,

worries that the death penalty feeds Europe's latent anti-Americanism. "The Americans keep handing out clubs for others to beat them with—capital punishment, the refusal to ratify Kyoto, rejection of the International Criminal Court. The Europeans are only too happy to have reasons to criticize the U.S. because it allows them to say that their society is more civilized and enlightened. That not only encourages the anti-American, antiglobalization forces, but it also causes dismay and distrust among those who are not anti-American."

The Bush Administration may dismiss Europe's concerns as hypocritical, misguided or irrelevant. But in a world in which democratic values and human rights are increasingly becoming factors in international relations—largely under U.S. influence—there could be a price to pay for diplomatic isolation on the issue of capital punishment. Earlier this month, the U.S. was voted off the U.N. Human Rights Commission for the first time since its formation in 1947. There were several explanations, ranging from opposition by human rights offenders tired of U.S. criticism to a defection by certain European allies. But many Europeans believe that America's persistent use of the death penalty was a factor.

There could be other rude awakenings in the future. Some death-penalty opponents, citing an international "right of interference," are calling for a campaign to pressure the U.S. by all available means—diplomatic, legal, economic—to re-examine its use of capital punishment. It is unclear whether such pressure can sway American public opinion or vote-conscious politicians. But with Bush's arrival in the White House, and the resumption of federal executions, the issue is reaching critical mass. It will come up time and again—at the U.N., in U.S.-European Union dealings, in international forums like the First World Congress Against the Death Penalty that will gather in Strasbourg next month, headed by the Presidents of the E.U., the Council of Europe and major human rights organizations. The U.S. is sure to be their main whipping boy.

Until now, the U.S. has been deaf to foreign criticism, and domestic debate on the subject has been limited. But if the execution of a deluded psychopath like Timothy McVeigh can prompt a rethinking of this crucial issue, then, paradoxically, he may not have died in vain. —With reporting by James Graff and Gareth Harding/Brussels, Barry Hillenbrand/Washington, Christine Whitehouse/London and Regine Wosnitza/Berlin

**“We think our system stands up to scrutiny because it is constantly under its own scrutiny.”**

Robert Badinter

## Death Be Not Proud

Capital punishment is a blight on America's image in the world

**B**ELONG TO A GENERATION OF EUROPEANS FOR WHOM THE United States embodies democracy, progress and liberty. I went there as a student after the war. I have never forgotten the warmth and friendship that the American people showed me. In a word, I belong to that vanishing species: the Americanophile.

That is why I am writing this article. I don't believe that Americans fully understand how their use of the death penalty has profoundly degraded the country's image in the eyes of other democratic nations. Today, all the Western democracies have abolished the death penalty. Almost all of Europe has banished it. Can one seriously believe that, if it constituted an effective instrument for fighting murderous crimes, the leaders of Europe's great states would not have reinstated it long ago? Every study done in the abolitionist countries has reached the same conclusion: the death penalty has never been a deterrent to crime. In the U.S. itself, the murder rate is higher in Texas than it is in the 12 states that have dropped the death penalty.

Today, 88% of all known executions in the world are carried out by four countries: China, Iran, Saudi Arabia and the U.S. What, apart from the death penalty, does the U.S. have in common with those countries? Useless as an instrument to fight crime, capital punishment brings with it all the evils of Western society: racism, social injustice, economic and cultural inequality. These traits are not unique to America, but they take on a particular intensity when viewed in light of the death penalty.

Capital punishment is infected by racism. African-Americans and Hispanics are the most at risk. Are they condemned to death more often than whites because their crimes are more atrocious or because they are black or Hispanic? This question alone should suffice in a democratic society to rule out the death penalty, as it has in South Africa.

The death penalty is not only racist but inequalitarian. Most prisoners on death row come from the poorest classes, those excluded from American society. They're criminals, we are told. Without a doubt. But has the society that puts them to death really given them the same chance as those more fortunate? Moreover, capital punishment strikes mainly those who don't have the money to hire competent, motivated and well-paid lawyers. Financial inequality before the law can lead to the worst possible consequences. Do

Americans know that during a period of almost 20 years after the U.S. reinstated the death penalty, the overall rate of prejudicial error in the capital punishment system was 68%? Worse still, many innocent people have been condemned to death. Some have been saved in extremis, but how many others have been executed without anyone asking for a reconsideration of the trial? If a crime that goes unpunished is a challenge to society, the execution of an innocent person is the worst act that any community of free men can commit. It is the complete negation of justice. What kind of justice is it that, in order to avenge victims, becomes criminal itself by executing innocent people?

What about the barbaric practice, in the 21st century, of executing the feeble-minded and mentally defective, or the men and women whose crimes were committed when they were minors? What kind of society is it that treats adolescents as adults when it comes to sentencing them to death? Is this society ignorant of the fact that every adolescent is a human being in progress; that for every young murderer, part of the responsibility lies with the parents, the associates, the brief life he has lived so far—all of which means he cannot be considered guilty in the same way as an adult?

It is true that the suffering of the victims calls for both justice and punishment. But to make the execution of the criminal a bloody retribution for the victim's pain is a return to the darkest practices of the past. Other forms of punishment exist. The criminal's death does not bring the victim back. It merely adds one death to another, and adds society's injustices to the horror of the crime.

When France abolished the death penalty in 1981 and I gave the guillotine to a museum, there were 35 abolitionist nations in the world. Today, there are 108, de facto and de jure, among the 189 that belong to the U.N. Therefore, I ask my American friends: Where is your place in the world, you who aspire to assume its leadership, not just militarily and technologically, but also morally and culturally? Among the democrats who have banned the death penalty? Or alongside totalitarian China and fanatical Iran?

*Robert Badinter, a French Senator and former Justice Minister, was the prime mover behind his country's decision to abolish the death penalty in 1981.*



Studies show that execution is not a deterrent

Antony J. Blinken

## Listen to the People

Capital punishment is more popular in Europe than its politicians admit

**P**RESIDENT BUSH'S DECISION TO DECLARE DEAD THE Kyoto Climate Change Protocol produced at least one unintended result: the environment trumped the death penalty as Exhibit A in the European indictment of American values and policies. Alas, the publicity surrounding this week's planned execution of Timothy McVeigh—including the fact that upward of 75% of Americans want to see him put to death—is likely to return capital punishment to the top of Europe's complaint. In American support for the death penalty, some Europeans see compelling evidence that our societies are growing apart. There is just one problem with this analysis: it is wrong. If anything, American and European views on the death penalty are converging.

As President Clinton's senior adviser for European affairs, listening to denunciations of the death penalty was a regular feature of my job. I was on the receiving end of letter-writing campaigns, diplomatic demarches and questions from journalists about this or that capital case. Towns in Italy and France deployed delegations to the U.S. to lobby members of Congress and state governors for pardons. In the run-up to the November U.S. election, French Education Minister Jack Lang branded George W. Bush a "serial assassin" for presiding over dozens of executions in Texas.

In my meetings with Europeans, I would point out that some 100 other countries at least nominally permit executions, including large democracies like India and Japan. International law allows the death penalty. The U.S. Supreme Court has held it constitutional. The 38 U.S. states that have adopted it did so through a democratic process. These arguments failed to sway my European interlocutors. The death penalty, they argued, has no place in a civilized society.

But if you peel away the layers of emotion and rhetoric, some surprising facts emerge. As it happens, I do not support the death penalty—and neither do nearly 40% of Americans, up from about 25% just four years ago. Lack of support jumps to 50% when surveys pose life imprisonment without the possibility of parole as the alternative. Last year, Illinois declared a moratorium on applying the death penalty. Since then, municipalities across the country have passed resolutions calling on their states to follow suit. Even in Texas, support for capital punishment has dropped to its lowest level in three decades—68%, down from 86% in 1994. Notes Andrew

Kohut, director of the Pew Research Center for the People and the Press: "Rising opposition to the death penalty has been one of the few liberal social trends in recent years."

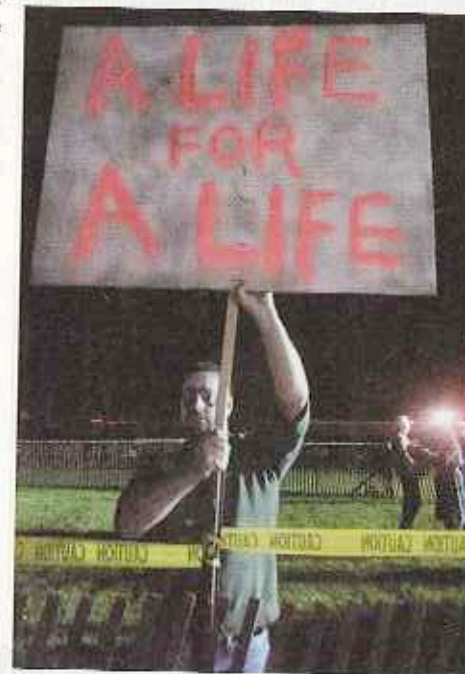
This shift is the product of highly publicized reversals in capital cases—many after the application of sophisticated DNA technology—and evidence that the death penalty is applied disproportionately to minorities. Nearly two-thirds of Americans favor a temporary halt to executions while steps are taken to ensure that the system works fairly. Declining enthusiasm for the death penalty also reflects the sharp drop in violent crime in America, now at a 23-year low. Far from embracing the death penalty, Americans are debating it.

Across the Atlantic, it turns out that Europeans support capital punishment in numbers similar to Americans. Since France abolished the death penalty in 1981, support for its reinstatement has hovered around 50%. In Italy, where capital punishment was prohibited by the post-World War II constitution, an equal percentage favor its revival. In Britain, between two-thirds and three-quarters of the populace support capital punishment. Farther east, 60% of Central Europeans back the death penalty. Their voice will be ignored because the European Union requires aspiring members to prohibit capital punishment. Significant majorities in France, Germany and Britain say that, in any event, the death penalty is an internal mat-

ter—their governments should not exert pressure on the U.S. to abolish it.

The death penalty does not reflect a divide between the European and American peoples. It may reveal differences between our political cultures. "Europeans crave executions almost as much as their American counterparts," writes Joshua Micah Marshall, an editor of the *American Prospect* magazine. "It's just that their politicians don't listen to them. In other words, if these countries' political cultures are morally superior to America's, it is because they are less democratic." That may strike some as an unfair indictment of Europe's political class. But so is using the death penalty to impeach American society—and to decry a values gap between the U.S. and Europe that does not in fact exist. ■

*Antony J. Blinken, a senior fellow at the Center for Strategic and International Studies, served on the National Security Council staff at the White House from 1991 to 2001.*



A concise death penalty defense in Delaware