

Death Penalty in Massachusetts

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By Erika Agbi

BOSTON – To kill someone because the person has done something wrong is seen as unacceptable by some, and as fair by others. It is now a question of whether Massachusetts legislators will reinstitute the death penalty.

“Absolutely, unequivocally, yes!” That was the response Rep. James R. Miceli, D-Wilmington, gave during recent a telephone interview when asked if he wants Massachusetts to resume using capital punishment. Not only is he for the death penalty, he also petitioned for it to be reinstated in the state with a bill pending in the Joint Committee on the Judiciary.

In a brief telephone conversation on Nov. 6, Miceli did not seem too optimistic. “Everyone is against it,” he said. “Everyone” meaning the rest of the politicians in Massachusetts, and “it” meaning capital punishment.

In a longer interview, Miceli explained that he thinks capital punishment is best for certain crimes. In a distinct Massachusetts accent, he mentioned that people who commit serious

crimes and take lives, for instance the Boston Marathon bombers, should be executed. But there are also other groups of criminals Miceli thinks deserve the same type of punishment. About drug distributors, he said, "I think they should be put to death."

The Democratic representative said he sees no problems with capital punishment, and added that he thinks some criminals have no sense of decency. Miceli said he does not fear there might be a risk of executing innocent people, because DNA tests and a jury also will have to be a part of the decision-making. In Miceli's opinion, people can be sentenced pretty much under certainty.

One of Massachusetts' strong opponents against capital punishment, is Rep. Sheila C. Harrington, R-Groton. In a recent telephone interview, she outlined a number of reasons why she does not want the death penalty to return to Massachusetts. One is that because investigations are not perfect, they leave room for error. Harrington also mentioned that there were cases in the past where people were wrongfully executed. She also emphasized that she is pro-life, and that she thinks the only one to make that decision is God.

In addition, Harrington, who is an attorney, said that using capital punishment does not save society any money, as it is extremely costly. She explained that it becomes an expensive practice because of people's constitutional right to appeal. Harrington also said that death penalty will not deter other people from committing the same crimes.

According to Harrington, opinions about capital punishment among Massachusetts politicians vary, and the subject does not come up very often.

Massachusetts was one of the first states to carry out the death penalty in colonial times, and the first execution in the state was in 1630, according to the Death Penalty Information Center (DPIC). DPIC also reports that Massachusetts has both abolished and reinstated capital punishment a few times in the past. In 1984, the state abolished it again, after the Supreme Judicial Court ruled death penalty as unconstitutional. This is a ruling that still stands.

The United States Constitution's Eight Amendment states that "cruel and unusual punishments" should not be inflicted, but according to Cornell Law School, the Supreme Court of the United States has ruled that capital punishment is not necessarily a violation. Politicians disagree whether such a punishment is ethical or not. Miceli said he has petitioned three times for Massachusetts to reinstitute capital punishment. He said he most likely wants the procedure to be performed via lethal injection, as he sees that as the most humane way of doing it.

In this specific case, the Democrat is for capital punishment, and the Republican is against. Governor Charlie Baker's office was contacted several times, both by telephone and email, in attempts to get his opinion on capital punishment. The attempts were unsuccessful. However, according to an article by MassLives.com, Baker, a Republican, supports death penalty.