

Life Costs Less

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I have made dozens of trips to the DMV in Lincoln -- when I am lucky to have gotten a new car, when I need to renew my driver's license, or to accompany one of my daughters as they advance from permits to more permanent licenses. Sometimes, I'm stopping across the way to pick up materials for voter registration, something I've done for many years. I am used to leaving that complex of buildings with a sense of pride and satisfaction that I've taken care of an important civic obligation.

July 2015 was different. I had volunteered to stand and witness to the shortcomings of the death penalty. I would hand out informational flyers and engage in thoughtful dialogue with Nebraska voters who would want to know why our legislature not once but twice voted to repeal the death penalty in Nebraska. Instead, I left the leafleting demoralized and honestly scared by some of my fellow citizens. To be fair, the way my material was headlined left less room than I'd hoped for anybody not already in opposition to the death penalty to begin a conversation. I wanted to talk to people. I was also ready to listen.

My own journey with regard to the death penalty had begun forty years prior, in the late 1970's. Then, high school debate teams had begun arguing the effectiveness and morality of the death penalty. I happened to be dating a debater then and I listened to his well-considered argument and fumed alongside him with the indignation teenagers are especially well-skilled at exhibiting. I knew next to nothing about injustice then, but it seemed clear that the death penalty failed to serve as a deterrent (this was the main argument around which my beau built his opposition to it). I was a kid, growing up in Nebraska, and white. My indignation didn't linger long. I figured that executions and murders for that matter happened somewhere else. Until the fall of 1983 -- I was a newly-minted graduate of UN-L.

Headline: Danny Joe Eberle. Everyone in Bellevue where I grew up knew that name. 13-year-old Eberle was delivering the Omaha World Herald when he was abducted and murdered. It took only three days to find his body riven with stab wounds. It would take months to find his killer. I mostly remember being afraid. That somebody was loose in my very local world who would murder a child, seemed impossible. Heck, my brother, coincidentally also named Danny, had delivered the same paper at that same age not that many years earlier. When it occurred to me that it could have been my own brother, I came face to face with the very personal realization that Eberle had been somebody's brother, son, nephew, classmate, neighbor and on and on. A thread had been pulled from the warp and weave of so many lives. I wanted the murderer to be found and brought to justice.

Between then and now, I somehow failed to notice or had forgotten that another boy, Christopher Walden, vanished a few short months later in Papillion (very near Bellevue). Google reminded me that the killer John Joubert was an airman at Offutt, where so many of my schoolmates parents worked, that he had been an assistant Boy Scout master, and that he had been executed -- electrocution had finished him. Joubert was sentenced in 1984. After 11 years on death row, his attorneys filed an unsuccessful appeal. His execution was carried out 12 years after he was convicted. In the meantime, he worked with authorities to help them better understand the moves and motives of serial killers and even offered to go to crime scenes to offer his insights.

If the Eberle and Walden families are like the majority of families who've lost a loved one to a violent criminal, they suffered those years knowing appeals were possible, even likely. With a punishment as irreversible as death, our judicial system leans in favor of the convicted. Why? Because not once, not twice, not twenty or fifty times, but over a hundred-fifty times, we've executed innocent people in the U.S. As hard as it is to live with the reality that Joubert killed those young boys, imagine if your loved one had been wrongly executed by the state or nation to which you pledge

allegiance. Imagine if that loved one had appealed over and over to no avail and was found innocent only *after* his execution. If your loved happens to be black, the chances of being one of the unlucky dozens wrongly killed rises significantly.

Even if I didn't know that the death penalty prolongs the suffering of surviving family and friends, even if I didn't know that the risk of killing the wrong person is very real and impossible to entirely erase, I would wonder why we would want to spend so many of our much-needed funds enforcing the death penalty. Life costs less, as strange as that may sound. It really does cost taxpayers less to keep a convicted killer incarcerated for life with no chance of parole. Case closed, pending credible evidence that the convicted killer is the wrong person altogether (and if that turns out to be true, I think all would agree it would be money well spent). Death penalty aside, wrongful conviction happens far more often than I realized and is substantially racially skewed. Thanks to the gleanings of the Web, I have learned that the number of wrongfully imprisoned persons restored to their lives after long years spent in jail is just too high -- far higher than the 150 people wrongly executed.

In July 2015, I watched the hired petition gatherers do something I wasn't expecting. When people asked whether the petition signers were gathering signatures to reinstate the death penalty, they said no. I politely said that wasn't so, that our legislature had twice repealed the death penalty and our Governor had decided to provide substantial funds for a petition drive to provide for Nebraskans to reinstate it. The petitioners said I didn't know what I was talking about. I did know. They had vests on and official-looking clipboards. I was just a rank and file, local citizen. It was disheartening to realize that those being approached were more willing to listen to day-glo vested workers hired from outside Nebraska than someone raised here.

What kept me up that night in July, though, was something else. It was the signers who glorified execution, who said they wished they could watch (or help), who said we should bring back a firing squad, who said it would be better if we could hang

them. They were more numerous than I could have imagined. I thought of lynchings then and the dark history-making of the KKK in Omaha in 1919 and the burned body of Will Brown. The mayor of Omaha was almost lynched that night, twice. It was the signers who took my flyer, asked if it contained information about alternatives to the death penalty and then threw it in the trash without reading a word. Watching their faces, their swagger, hearing their derisive laughter, I felt feelings I hadn't felt since 1983 -- that there were people living here in Nebraska who gave no thought at all to killing someone if it satisfied their appetite for killing. I pray our electorate will speak up *and* listen, that they will confront their fears *and* certainties and learn all they can as soon as they can.