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The Death Penalty

Initially, while beginning research with my group at the Special Collections Library about our topic, the death penalty, I thought the answer to the essay question would be simple. Yes, I thought, surely there has been progress. But as I continued to look at our artifacts, and the artifacts of other groups, I began to see more and more that the answer might be more complicated. In my mind, when we define progress (in history or otherwise) we are indicating a societal advance that improves the lives of people. It is not fair to say that we, as a society, have progressed when referring to the treatment of criminals, lawbreakers and ruffians. At its very foundation, the ultimate punishment for criminals has always been death. This was true in Harrington's writing about executioner Franz Schmidt, and it was also true in a fact sheet published in the 1980s discussing the number of inmates executed in Georgia since 1976.¹ The reasoning that death as a punishment is a deterrent for other criminals also spans both the 16th and the 21st century. Therefore, it's inaccurate to say that we have progressed as a society when we are still using death as a criminal punishment.

The word I would use to describe how society has dealt with societal culprits is change, not progress. Change indicates that something has been altered or modified. Unlike progress, it does not indicate whether this is a positive or negative event for its human subjects. Society has changed how criminals are viewed, treated and punished, but maybe not in ways that would indicate improvement in the lives of human beings (i.e., progress). In the following artifacts, I

¹ Southern Center for Human Rights collection, ms3277, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries.

will show that by portraying the treatment of criminals throughout history as having progress is inaccurate, and instead, having been changed is the more appropriate term.

The artifact chosen from the prison conditions group was an article written in September of 1995 by Rhonda Cook titled “County jails deplored, defended.”² The article talks about the contested conditions of prisons in Georgia with the United States Justice Department stating that prison conditions are unbearable and not fit for human habitation, while the local enforcement officers argue that conditions are livable and the Justice Department is incorrect. By showing the discrepancies amongst officials and law enforcement, it becomes clear that issues will not become quickly resolved. The national and local levels of law are clearly not in agreement (at least in the case specified in the article). The subjectivity of the definition of an uninhabitable space creates issues in dealing with conditions and how prisoners are treated. Overcrowding, too, has become a huge issue in how well prisons are kept. The outcome of this situation was to build a new jail; however, one begs the question as to whether that would help at all. Because of the overcrowding issue, creating a new prison will only open the door for more criminals to be imprisoned.

Another article that describes the issues of overcrowding is a newspaper article written by the Atlanta Constitution in 1983,³ and reports about the medical care of inmates in Georgia county jails. Dr. Calvin Brown, the doctor interviewed for the article, makes it clear that medical care is inadequate mainly because staff numbers are lacking. Brown states “A physician in private practice sees maybe 150 patients in a week, working 40 hours. I’m hired for 10 hours a week, and at times I’ve seen 80 prisoners in a two-hour sick call. From time to time, inmates

² American Civil Liberties Union of Georgia Records, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia, 30602-1641.

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with real problems get lost in the shuffle.”⁴ Conditions are less than favorable, as time cannot be given to patients for a correct diagnosis. Like the earlier article written in 1995, this article shows that prisons are very overcrowded and because of this, prison conditions are less than favorable. I point these two articles out to show that prison conditions have changed, but not necessarily in a way that would indicate progress. Prisoners are still held in inhumane conditions, and because of lack of cohesiveness from all levels of law, these conditions do not seem to be improving. The idea that building a new jail will help is also incorrect, as more people are being arrested and held for longer periods of time for minimal crimes (as seen in the documentary *13th*). Unless change is made around mandatory sentencing and how the law is enforced, the problem will continue.

This issue of long prison sentences also carries to those on death row. Those sentenced to capital punishment normally spend many years in prison before being sentenced to death. In an article⁵ collected by the death row group, the discussion of both incorrect and unnecessarily long sentences - especially for men on death row. Isidore Zimmerman, an innocent man who spent 25 years of his life in prison, was beaten by the guards and watched multiple men be put to death. He discusses the mental deterioration he went through in prison and describes his troubles with sleeping because of how scared he was. If the aim is to be more humane in jail practices, surely keeping a man on death row for 25 years in a constant state of panic and stress is not to be considered okay. Conditions have changed. No longer are men slaving with physical labor, but the psychological effects of being kept in prisons for so long can be just as damaging.

⁴ American Civil Liberties Union of Georgia Records, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia, 30602-1641.

⁵ Southern Center for Human Rights collection, ms3277, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries.

As mentioned before, an artifact that was helpful to the class and the research of the death penalty group was multiple fact sheets that discussed the trends of electrocution as a way of killing inmates. The first fact sheet, titled “The People Executed in Georgia Since 1976,” the sheet gives the names of prisoners (and sometimes a short narrative about their death). The second, titled “The National and International Shift Towards More Humane Methods of Execution,” gives a year-by-year breakdown of states changing death penalty legislation in attempts to create a more “humane” way to kill. Most of this legislation involves the changing of methods from electrocution and firing squad to methods like lethal injection. A question arises, however, as lethal injection has been more heavily researched, as to whether lethal injection is a better option than firing squad. Because of the relatively unknown effects of lethal injection on the body and how much pain a prisoner is in as he is undergoing the process, it could be argued that this type of execution is actually less humane than that of firing squad. Either way, because lethal injection is heavily debated because of its unknown effects, it is not accurate to say that the switch from other execution methods to lethal injection is progress.

Grassroots and private organizations have always been involved with the prison system. In order to exemplify this, I chose an article published by *Esquire* in December of 1985. Titled “The Angel of Death Row,”⁶ the article discusses the work of a woman named Scharlette Holdman who worked tirelessly to delay the deaths of prisoners on death row. Located in Florida and serving Floridian inmates throughout the latter half of the 20th and into the 21st century, Holdman found defense lawyers to represent her clients and delay or alleviate the sentencing of prisoners. The article also talks about Holdman’s work trying to repeal the override provision. An override provision, “whereby a judge could ignore the recommendation of the jury, was

⁶ Southern Center for Human Rights collection, ms3277, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries.

intended to make penalties across the state more consistent with one another, and thus work to the advantage of the accused, but it turned out that Florida judges, instead of showing more mercy than juries, frequently showed less.”⁷ By overriding this provision, Holdman hoped that more inmates would get more fair sentencing. Ted Kaczynski (the Unabomber), Dzhokhar Tsarnaev (the Boston Marathon bomber) and the Qaeda operate accused of planning and orchestrating the 9/11 terrorist attacks (named Khalid Shaikh Mohammed) have all been clients of Holdman. This article shows the influence of grassroots organizations on the prison system. Holdman had a large influence on the lives of her clients and how the legal system deals with death row inmates. Holdman’s work, in some ways, shows progress because of her efforts to provide death row inmates with more representation. However, because the death penalty is so heavily debated, some might say that her work in delaying the death of criminals (like those mentioned above) could be more harmful than productive. Therefore, to those falling on the anti-death penalty spectrum her work shows progress, while those supporting the death penalty could say the opposite.

A final artifact that I picked from the death penalty group is an article⁸ written by F.T. MacFeely (an Associated Press Writer) that discusses the sale of t-shirts by a Floridian police department that promotes the use of the electric chair. Created to raise money for the police department's softball team, the shirts were popular and sold out. While the policeman representing the softball team in the article states that the opinions represented on the shirt are not to be associated with the police department, it is difficult not to make that connection. This article is important because it is the pro-death penalty opposite to the anti-death penalty article

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discussing Holdman. It is important to show both of these articles in order to understand the differing opinions of Americans (both at the time and throughout history). By comparing and contrasting these articles it can be understood that because of the breadth of issue of the death penalty and the hostility on both sides of the argument, no true progress can occur because no legislation created will satisfy both sides.

By looking through these artifacts I found it clear that the term progress cannot be applied to many subjects relating to the punishment and imprisonment of criminals. Current prisons are different from their ancestors, however, that does not mean progress has been created. While issues such as prison conditions and death penalty are widely contested, there is no hope for collective progress. Progress is a subjective term; therefore, legislation might change (like methods and prison conditions) and morph into something different to please one side of the argument (for a time) but it is inevitable that this process will continue to circle and never fully resolve.