S., to the NEWS
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CAPITAL PUNISHMENT

Probably the most important decision the U.S. Supreme Court will hand down during 1976 will be its determination of the constitution ality of capital punishment. The Supreme Court recently agreed to hear the appeals of six criminals who have been convicted of first degree murder and sentenced to die.

They involve the criminal laws of five states, but the ruling is expected to determine if any state can validly impose the death penalty. It could have a far-reaching and permanent effect on whether we win or lose the battle to restore law and order to our country.

Four years ago, the U.S. Supreme Court muddled up the capital punishment question with what is widely considered to be the most confusing and ambiguous ruling in history, as well as one of the half dozen decisions most offensive to the majority of Americans. That five-to-four decision spared 630 criminals then under sentence of death. Each of the nine Justices wrote a separate opinion.

Five Justices disapproved capital punishment, but for different reasons. Two of them called the death penalty unconstitutional because it has been arbitrarily and rarely imposed.

In other words, because so few have been executed, they wanted to make it unconstitutional to execute any criminals at all. The four dissenting Justices took the position that the decision to re tain or abolish capital punishment should be left to the states.

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Chief Justice Burger's opinion attempted to give state legis latures some guidelines for how they could reenact capital punish ment laws which the Supreme Court would approve, such as by narrowly defining the crimes for which the death penalty is to be imposed, and by providing standards for judges and juries to follow.

Since then 34 states have passed such laws, plus a federal law imposing the death penalty for air piracy. This expression of the will of the people representatives in a big majority of states shows that the American people do not buy the spurious argument that the death penalty is "cruel and unusual punishment."

When U.S. District Judge Samuel Conti sentenced Sara Jane Moore to life in prison for attempted assassination of President Ford, the Judge said: "I am certain of one thing. I know you wouldn't be standing here today if we had a capital punishment law. If you thought when you pulled that trigger you would be subject to capital punishment, you wouldn't have ulled it."

Judge Conti pointed out that there was less kidnapping and less violence in the years when capital punishment was used than there is now. Crime statistics corroborate the judge's opinion. Violent crime has risen dramatically since the last execution took place in 1967.

It is to be hoped that, in their new look at the question this year, the Supreme Court Justices will come out of their ivory tower and face the realities of the hundreds of cold-blooded and sadistic murders that have been committed since the Supreme Court suspended capital punishment four years ago.

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