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## **Public & Private; The High Cost of Death**

By ANNA QUINDLEN

In the summer of 1963 Eddie Lee Mays was executed for the murder of a woman during a robbery at the Friendly Tavern in Harlem. The robbery netted \$275 and, in a small way, gave Eddie Mays a place in history. When he was buckled into the electric chair at Sing Sing, he became the last person executed by the State of New York. Until now.

Until now, for in January New York will have, for the first time in many years, both legislators inclined to restore the death penalty and a Governor determined to sign the bill. In this they would join a coterie of politicians in 37 states who have answered what they believe is the blood lust of a terrified and angry electorate with the ultimate illusory sop to violent crime.

Interviews with death row inmates indicate that few, if any, gave even a passing thought to execution at the time they committed their crimes; like teen-agers having sex, they believed that they would not have to pay the price. Murder rates in states that have death penalty statutes are no lower than those in states that do not. Texas, which has executed more people than any other state, nevertheless had four cities on the roster of those with the highest homicide rates last year.

Black men are disproportionately represented on death row, while almost all capital cases involve white victims. When Peewee Gaskins was executed in South Carolina several years ago for the contract murder of a fellow prison inmate, it was notable largely because it was the first time in nearly half a century that a white American was put to death for killing a black one.

According to the Death Penalty Information Center, since 1970 48 people have been released from death row because of evidence of their innocence.

So the death penalty is a racist and arbitrary system of punishment that is no deterrent to crime and may lead to the execution of innocent people. All those are arguments that political leaders have heard, and dismissed. But the argument more difficult to ignore is this: We can't afford it.

Because of the lengthy legal process of motions, hearings and appeals, the death penalty is extraordinarily expensive. Florida spent almost \$60 million during a 15-year period in which only 18 executions took place, an average of more than \$3 million a head. A death penalty prosecution in Texas costs an average of \$2 million, about three times the cost of sending someone to prison in

a high-security facility for 40 years.

That's why the criminal justice section of the New York State Bar Association concluded several years ago that the death penalty should not be reinstated. The report spelled out "the enormous cost associated with such a measure, and the serious negative impact on the delivery of prosecution and defense services to the communities throughout the state that will result."

The question, I suppose, is how much vengeance is worth. Reading of the case of the young Brooklyn woman who was strangled by a former boyfriend in a hotel room, it's easy to conclude that payback is priceless. Gerald Ardito insisted that he had compressed Marie Daniele's neck for a full two minutes only to heighten her pleasure during a sex act. Incredibly, he was convicted of manslaughter, not murder. Perhaps any parent can understand the impulse to rip him limb from limb.

The limb-from-limb rationale is why many elected officials embrace the death penalty, pandering to a Colosseum approach to the wrenching problems of crime and punishment, arguing that appeals take too long -- as though due process were not democracy's middle name. But they misapprehend what their constituency really wants. While the most simplistic sort of poll questions show majority support for the death penalty, that support erodes in some surveys to less than 50 percent when there is the option available of life without parole.

The New York State Legislature has refused to pass a life-without-parole provision. But before its members rally round the electric chair once again, they should look at the cost. Not only the cost of being the kind of people whose response to killing is more killing, but the enormous cost in time and money of instituting the death penalty. Like cellulite creams or hair-loss tonics, capital punishment is one of those panaceas that isn't. Only it costs a whole lot more.