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California's life-and-death politics

By Patt Morrison

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HERE'S CALIFORNIA, a state so blue they could name a Crayon after it – Left Coast Azure. And yet, next month, the Big Blue Golden State plans to put a man to death.

California, your red is showing.

It's true that Republicans here can't prosper without pledging to be as eco-green as a can of baby peas, but most Democrats – even that metric standard of liberalism, Barbara Boxer – can't advocate emptying death row and still hold on to office.

Most of the other big blue states don't have a death penalty, or don't use it. Massachusetts, still a little freaked over those witch trials, hasn't put anyone to death since 1947. New York, first to use the electric chair, hasn't sent anyone to the hot seat since the Beatles were just some British band.

It's the old slave states and cowboy states – the South and the West – that still kill in the name of the law, by noose and by needle, by voltage, by gas and by gun. Out in the Wild Blue West of California, the pol who defies that has risked term-limiting himself out of a job.

Pat Brown, Democratic governor, let 35 condemned men die and spared 17 others. But he never got his political groove back after staying the execution of sex bandit Caryl Chessman at the behest of his son, the future governor, Jerry Brown. Chessman, who had killed no one, went to the gas chamber anyway because neither the Legislature nor the state Supreme Court would back a death-penalty moratorium or clemency.

Brown soon earned himself the nickname "tower of jelly." He got booed at the 1960 Winter Olympics in Squaw Valley and at what was then Candlestick Park in his own hometown. And in 1966, he got beaten to a jelly by Ronald Reagan.

Rose Bird, appointed as the state's chief justice by Jerry Brown, tried to red light every death penalty case that came before her. She got recalled for her trouble. Her head, with its bouncing Shirley Temple curls, has been waved around on a pike ever since as a warning to uppity jurists.

And California was the burial ground for presidential candidate Mike Dukakis, all because of the death

penalty. At UCLA in 1988, debating George H.W. Bush, he inflicted capital punishment on himself. Reporter Bernard Shaw asked Dukakis if he'd favor the death penalty for someone who raped and murdered his wife.

"No, I don't, Bernard," Dukakis said, and driveled off into some sterile technocratic response.

The right answer was: "Bernie, I'd like to track down the creep myself and strangle him with his own testicles, but that's why we're a nation of laws and not of men

CALIFORNIA HAS the most populous death row in the nation, but not the busiest. Since 1992, only 11 men have been executed – mostly plain-wrap killers whose deaths have raised neither eyebrows nor much sympathy.

Pete Wilson's first dead-man-walking was Robert Alton Harris, a white man who slaughtered two boys, then coolly and memorably ate their fast-food burgers. Gray Davis' first was a Thai man who stabbed and strangled a clerk and the owner of a store where he had worked. Arnold Schwarzenegger's was a white drug dealer with three killings to his name.

Next up, after 24 years on death row, is Stanley Williams – "Tookie" Williams – a black man, co-founder of the Crips, as bad as they come, but a changed man by some accounts. He's the author of books and a website warning kids away from the low life. In 2001, some Swiss legislators nominated him for a Nobel Peace Prize. Putting him to death on Dec. 13 will reinvigorate the protests that black men get raw deals – that being a changed man in prison changes nothing.

The governor will come down from his China-trip buzz next week, back to a state that just told him what he could do with his special election. What he decides about Tookie Williams could lay the path for the rest of his governorship.

His easiest course is to let Williams die. That would placate the state's broad law-and-order voting base. Williams' Crips are a nationwide franchise in social poison; can a few books really atone for that? The votes Schwarzenegger could lose over it probably wouldn't be his anyway.

Or he could do the heaviest lifting in his muscleman-actor-governor career by picking up a pen and signing a piece of paper converting death to life in prison.

Last January, he threw into reverse nearly 30 years of state penal policy when he added "rehabilitation" to the prison system's name and mission. "The purpose of corrections," Schwarzenegger has said more than once, "should be to correct."

He's said he could spare a life, if the right case presented itself.

He could do it this time because no one questions his toughness – he has already executed one man. He could do it to show his faith in the rehabilitation standard he set forth.

And he could do it because the death penalty is inefficient, inconsistent, unfair, backward, time-consuming and absurdly expensive – all those things that America and especially California, red or blue, are not supposed to be.

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