

Beacon Hill Byline by Mary Rogeness

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### **No death penalty for Massachusetts**

The newspapers from Boston to California and television news from Springfield to the national networks have covered the breaking story of the Massachusetts legislature's work on a death penalty statute. Here is my view of the events that culminated last Thursday in the defeat of the bill.

Two weeks ago I started to receive phone calls as the issue of the death penalty came closer to facing the legislature. People were asking me to vote for it or against it according to their philosophical position. In a preliminary vote, a bill to reinstate capital punishment in Massachusetts passed by the narrow margin of 81-79.

After that vote, my phone continued to ring, and one particularly angry caller left a message indicating that I had misled voters by supporting the issue. Since I have publicly supported capital punishment, I was surprised at his outrage. I returned the phone call and assured him that my position has been well known for years. His response surprised me. It was one thing, he said, to vote for the punishment when it would fail. It was inexcusable to vote for it when it might pass. That seemed to me like an irresponsible approach to legislation, but is the approach that finally determined the fate of the death penalty in the House of Representatives.

On Thursday, the day the bill on the death penalty came to the legislature for final passage, the chamber was filled with rumors that some supporters had changed their minds. Different names were mentioned, but the various members all affirmed their earlier stand. A procedural vote then indicated that only one member had shifted his position. The unlikely representative was John Slattery, a man who had only one week earlier debated passionately in favor of enactment.

With every number present for the vote, his changed position yielded a tie vote of 80-80. Tie votes do not prevail so the proposal is defeated for the rest of this legislative session.

The death penalty is not a vote that anyone takes lightly. In my time in the legislature I have watched several colleagues become supporters after specific crimes. One became a supporter after a vicious Springfield murder. Another changed after his town's police chief was shot and killed. The most recent shifts came after 10-year old Jeffrey Curley was murdered.

After that murder the entire Curley family initiated a drive to pass the bill this fall as a memorial to their child. Opponents wanted to wait for a less emotional charged time, and now the bill must wait until 1999.

It continues to be my position that the death penalty should be part of our body of law. It should be used sparingly, but it should be available to punish the most vicious murderers for their crimes. The legislators I mention above will remember the reason for changing their position. Other crimes will similarly affect different legislators in the years ahead. And Massachusetts will join with New York, California and the other 36 states that allow the ultimate sanction for first degree murder.