

OUR VIEW

Crime of punishment

Death penalty a moral outlier in modern world

Gov. Tom Wolf's tenure — and, with it, his pause on executions — is waning, leaving Pennsylvania open to a revival of executions in 2023, similar to the one launched by the federal government in the twilight of Donald Trump's presidency.

Nationwide, capital punishment is losing ground. Since 2019, Virginia, Colorado, and New Hampshire have abolished it. For many reasons, Pennsylvania should join them.

Aside from the question of morality, the debate over capital punishment is effectively over. Facts have refuted every policy argument supporting capital punishment. Wolf, rightly, called it “ineffective, unjust, and expensive.”

Since 1976, Pennsylvania has sentenced more than 400 prisoners to death. Only three, however, were executed. Others were re-sentenced to life-without-parole, had convictions overturned, or died on death row. Ten death row prisoners were exonerated — more than three times as many as were executed.

Even so, Pennsylvania's death penalty statute cost taxpayers an estimated \$800 million in trial, pre-trial, and post-sentence legal expenses — more than \$250 million for each execution. Capital cases are up to 12 times as expensive as non-capital cases, a bi-partisan death penalty task force reported in 2018.

No credible evidence shows capital punishment deters crime. The only remotely relevant fact — death penalty states have higher rates of violence than non-death penalty states — suggests the opposite.

Worst of all, capital punishment carries the chilling possibility of executing the innocent. Since 1973, more than 180 U.S. prisoners who had been sentenced to death have been exonerated, the Death Penalty Information Center reports. Racial disparities on Pennsylvania's death row are among the nation's worst.

“Taxpayers are spending hundreds of millions of dollars on a system that does nothing for Pennsylvanians,” Kathleen Lucas, executive director of Pennsylvanians for Alternatives to the Death Penalty, told a Herald editor. “We've exonerated 10 men after sentencing them to death. What are we going to say when we kill an innocent person — ‘oops.’”

The state could use money it saved by abolishing the death penalty to fund direct services to crime victims.

The moral question

Capital punishment applies to first-degree

murder — typically, the most brutal cases. The avalanche of facts refuting the death penalty doesn't address an underlying moral question: Are some crimes so egregious they, on principle, call for an execution?

A bi-partisan report, released in 2018, found systemic flaws in Pennsylvania's death penalty statute but avoided the moral question. Victims like Sylvester and Vicki Schieber, however, could not.

In 1998, a serial rapist murdered the Schiebers' 23-year-old daughter, Shannon, a doctoral student at the Wharton School of the University of Pennsylvania.

Despite their devastation and grief, the Schiebers courageously, and successfully, opposed efforts in 2002 to impose the death penalty for Shannon's killer. Philadelphia District Attorney Lynne Abraham eventually struck a deal for a mandatory life sentence.

“We told them we weren't going to be a party to a killing,” Sylvester Schieber, now 75, told a Herald editor. “Nothing would bring back our daughter.”

Schieber also said a death penalty conviction would have taken decades to wind through a protracted appeals process, forcing he and his wife to repeatedly relive the details of their daughter's death.

Ethics and law evolve

At the core of the debate on morality is a broader question: What kind of society do we want to become? Executing someone who no longer threatens the community is a state-sponsored killing, carried out in the name of the people.

A thirst for retribution and vengeance — an eye for an eye — has driven the death penalty for nearly 4,000 years, starting with Babylon's Code of Hammurabi in 1750 BC. The ancient code of 282 laws also prescribed removing tongues, breasts, eyes, or ears for certain crimes. These macabre penalties fell within the prevailing values of ancient Babylon.

Since then, ethics, political philosophy, and laws have evolved considerably.

Today, society can't assume a proportional response to a heinous crime, a punishment of moral symmetry, achieves a greater good. In truth, such an act only degrades the actor: The government and people who, in its name, commit it.

If Wolf seeks a legacy, pushing legislators to abolish Pennsylvania's death penalty statute, as Gov. Ralph Northam did in Virginia, would make a promising one.

Capital punishment has made the United States a moral outlier. Pennsylvania should join 23 other states in relegating it to the ash heap of history.



Sylvester and Vicki Schieber remain staunchly opposed to the death penalty, even after the murder of their 23-year-old daughter.

Contributed

In the Shadow of Death

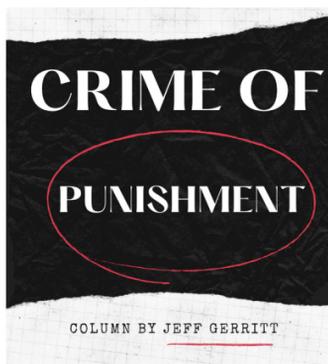
Murder victims challenge us to do better

Two days after a serial rapist murdered his 23-year-old daughter, a doctoral student in Philadelphia, Sylvester Schieber attended Saturday night mass with his wife, Vicki, at their home parish in Maryland.

Practically paralyzed by grief and a bottomless void that will never completely close, Schieber, now 75, began to recite the Lord's Prayer. It's a prayer the lifelong Catholic had said thousands of times. But that night, as he reached the words “forgive us our trespasses, as we forgive those who trespass against,” he was struck dumb.

“Suddenly that prayer had meaning I had never fully grasped before,” Schieber told me.

In an abstract way, the Schiebers had always opposed the death penalty. In what many might see as an irony, however, the death of their daughter, Shannon, transformed vague, anti-death penalty notions into deep-seated convictions that fueled action and advocacy.



Catholics who supported the death penalty.

Shannon's brutal death surely tested the couple's new commitment, almost to the breaking point.

Keeping the faith

On May 7, 1998, Shannon was up late, studying for an exam at the University of Pennsylvania's Wharton School. She planned to meet her brother, Sean, for lunch the next day, and then head to Maryland to be with her parents on Mother's Day. At about 2 a.m., she decided to draw a bath to relax.

That's when her killer, 29-year-old Air Force airman Troy Graves, Aka the Center City rapist, swung onto her second-floor patio and pried open the screen. He grabbed Shannon, sexually assaulted and strangled her, possibly to keep police officers from hearing her screams. By all accounts, Shannon put up one hell of a fight, thumping her attacker with everything she had.

Could the two Philadelphia police officers, responding to the initial 911 call, have saved Shannon, if they had broken into her apartment? We'll probably never know.

Despite Shannon's brutal murder, the Schiebers believed their Catholic faith, unequivocally, demanded forgiveness, and that anger and hate only destroyed the vessel that contained them. During our conversation, Vicki Schieber recalled the biblical story of Jesus halting an execution by asking any man without sin to cast the first stone.

The couple had another reason for avoiding the death penalty. Typically, an execution is carried out — if at all — 15 or 20 years after the conviction. Having to wait on the post-conviction appeals, reliving the crime again and again, as the process wore on, would have unhinged them.

“This way, we were done in five months, instead of sitting and stewing about it, year after year,”



23-year-old Shannon Schieber died at the hands of a serial rapist in 1998.

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“The last thing Shannon would have wanted is for us to have our lives consumed by this.”

— Sylvester Schieber, father of murder victim

Sylvester Schieber said. “The last thing Shannon would have wanted is for us to have our lives consumed by this.”

Four years after Shannon's murder, in 2002, Graves was arrested in Colorado, where he had assaulted several other women. The Schiebers publicly opposed the death penalty, which bugged the police and Philadelphia District Attorney Lynne Abraham. Abraham eventually struck a plea deal for a mandatory life sentence. Graves received another life sentence in Fort Collins, Colo., for attacking seven women there.

“He isn't living a pleasant life,” Schieber said. Later, Vicki Schieber had an emotional telephone conversation with Graves' mother. She also exchanged letters with Graves in a maximum-security prison in which he expressed remorse, she said.

Over the last two decades, the Schiebers have spoken to scores of grassroots advocacy groups, met with legislators nationwide, testified before legislative committees, and written opinion pieces for newspapers and magazines.

Vicki Schieber, 77, served on a governor-appointed death penalty commission in Maryland and a death penalty task force, commissioned by Pennsylvania's General Assembly.

In 2011, she was named “Abolitionist of the Year” by the National Coalition to Abolish the Death Penalty.

Challenging us to do better

A month after Shannon Schieber was murdered, three white supremacists in Jasper, Texas, murdered James Byrd Jr. by dragging him three miles behind a pickup truck.

Despite this horrific hate crime, Byrd's children and wife opposed the death penalty for the killers. “You can't fight murder with murder,” Ross Byrd said.

Despite Byrd's opposition, two of his father's killers, Lawrence Russell Brewer and John William King, were executed in Huntsville, Texas.

Faith played a big role in the Schiebers' and Byrds' path to forgiveness, but other victims came to the same conclusions without it.

Megan Smith, 41, a Pennsylvania native and

See **SHADOW**, page A-6



James Byrd was murdered by three white supremacists in Jasper, Texas, on June 7, 1998.

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