

NOTE: What follows is based upon, documented and explained in a separate accompanying the previous article posted on this site: *The Death Penalty's "Finely Tuned Depravity Calibrators."* To encourage widespread understanding of this issue, it will also be posted elsewhere.

THE HOMICIDE SURVIVORS' FAIRNESS-for-VICTIMS MANIFESTO

by

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WHEREAS, the American people's deeply ingrained sense of fair play has been preyed upon *unfairly* by the supporters and saviors of the most depraved individuals ever to befoul the planet;

WHEREAS, murderer advocates cynically have made countless specious hypocritical claims that capital punishment is "unfair" to duly convicted murderers;

WHEREAS, said advocates have demonstrated complete disdain for truth;

WHEREAS, said advocates have demonstrated utter contempt for victims of the worst brutality;

WHEREAS, further, said advocates (including judges and justices) have:

(a) expressed and acted with utter disdain for surviving loved ones of murder victims,

(b) refused to recognize that these survivors of homicide victims are also victims in their own right, having excruciatingly suffered both from their original loss and advocates' ruthless unfair abuse of the so-called "justice system," compelled to endure agony unimaginable to most lacking that experience, and

(c) callously inflicted, upon victimized survivors, decades of unjustified and mean-spirited additional suffering and outright torture;

WHEREAS, dominant elites have repeatedly glorified and feted convicted murderers who do not even deny their guilt, while vilifying the victims and victimized survivors of these murderers;

WHEREAS, the media, capital punishment opponents and the legal system have worked hand-in-hand to disregard fairness to victims in order to advance the cause of duly and fairly convicted and sentenced murderers;

WHEREAS, justices of the United States Supreme Court have made a mockery of the legal system by abusing their power and disregarding the Constitution in order to protect duly convicted and indisputably guilty murderers;

WHEREAS, specious claims of unfairness to convicted murderers have unfairly caused and continue to cause preventable new violence, including gruesome rapes and murders, posing an ongoing threat to public safety, unfairly and avoidably resulting in new innocent victims;

WHEREAS, a huge and unbridgeable gulf of values and interests exists between convicted barbaric murderers and their advocates, on the one hand, and victims, their traumatized loved ones and their advocates, on the other hand;

WHEREAS, murderers' advocates consider victims and their advocates who seek justice to be "pathological," "bloodthirsty," "depraved" and "morally obtuse," while the objects of this scorn reciprocate, viewing murderers' advocates as defenders and facilitators of the worst barbaric evil;

WHEREAS, murder victims and their survivors, who are also victims, have been largely ignored, scorned and passive for decades;

WHEREAS, once and for all, the considered view of fairness held by victims, sharply contrary to that of supercilious elites, deserves attention and respect;

NOW, THEREFORE,

On behalf of murder victims, their suffering victimized survivors and all who care about them and all who care about justice, it is long overdue and appropriate to proclaim and issue this

FAIRNESS-for-VICTIMS MANIFESTO

1. It is not fair to say that "the merciless deserve mercy" – in other words, that they should be given treatment far superior to that which they accorded their victims.

2. It is not unfair and should be expected that "those who do terrible things deserve to have terrible things happen to them."

3. The notion of fairness, strictly confined to comparing barbarians to one another, is itself profoundly unfair and insulting to the memory of those unfairly and randomly chosen by the very same barbarians to be robbed of their innocent lives.

a. Intentional selection of an innocent person to be mercilessly robbed of his or her life is the ultimate act of unfairness. Therefore, it would be fair and just to put murderers and would-be murderers on notice that *ANYONE WHO COMMITS THE ULTIMATE INJUSTICE SHOULD BE DEEMED TO HAVE*

SURRENDERED ANY LEGITIMATE RIGHT TO OBJECT TO SENTENCING OR ANY OTHER TREATMENT AS "UNFAIR"; and true fairness requires the courts to be unreceptive to claimants with "dirty hands."

b. Fairness requires the disinfectant of public exposure, removal and/or replacement of judges and justices who reject the venerable commonsense dirty hands doctrine.

4. It is obscenely unfair when U.S. Supreme Court justices say that the lawful execution of a duly and fairly convicted murderer, who has received the benefit of elaborate and lengthy procedural safeguards, is "obviously no less shocking" than the unlawful barbaric murder(s) he committed – committed without affording his victim(s) trials, appeals and decades of protracted litigation.

a. Victims and their advocates strongly believe in the presumption of innocence of the accused, consider legitimate protections against wrongful convictions to be very fair and expect no less.

b. By contrast, it is outrageously unfair to permit and even encourage resort to every possible legal artifice to help those already justly and fairly convicted delay and avoid proper – or any – punishment.

5. It is grossly and insultingly unfair to value the lives of barbaric murderers as highly as, or more than, the lives of law-abiding and innocent victim(s), including the inevitable *additional* unsuspecting victims of spared convicted recidivist murderers.

a. It is unfair to call for "humanized" treatment of convicted murderers as dignified unique individuals whose total lives must be considered, while at the same time trying to denigrate and dehumanize their victims to the status of "faceless strangers."

6. It is not fair to grant a convicted murderer one intentional homicide "on the house."

7. In a representative democracy established and ostensibly governed by a *written* Constitution, it is not fair for arrogant unrepresentative officeholders, especially justices of the U. S. Supreme Court, to abuse the power entrusted to them by that very Constitution.

SPECIFICALLY:

a. It is not fair for a bare majority of any five justices to repeatedly impose their personal passion, to protect convicted murderers, upon the great majority of law-abiding people who do not share that version of morality.

b. There being absolutely nothing in the Constitution limiting who may be executed or the crimes warranting execution, it was and is unfair for any five justices to invent and impose the concept of limited "death eligibility," in order to "narrowly constrain" capital punishment.

(1) It is unfair for any five justices to declare that, if a large enough number of miscreants commit a certain act of barbarity, they must all be spared execution lest too many be executed, which would offend the sensibilities of these justices.

(2) It is unfair and hypocritical to abuse authority and the Constitution in order to make capital punishment rare, and then turn around and assert that capital punishment must be abolished because it is unfairly rare.

c. In pursuit of "narrowly constrained death eligibility," it was and is not fair that the same justices "demanded" both that, first, sentences be based on a criminal's "individualized" characteristics but, second, that sentences be determined by factors having absolutely nothing to do with the criminal or his crime(s) – factors including unrelated other crimes and other criminals.

d. It was not fair when justices, who repeatedly defied and disregarded nearly two hundred years of precedents to advance the cause of protecting murderers, bitterly whined about ignoring precedent when their own four-year-old precedent-disregarding-precedent was reversed in a rare victory for victims.

e. It is not fair when the same justices (a) declare that juries voting to spare convicted murderers must be "respected" as the "conscience of the community"; and yet, (b) completely disrespect juries that impose death sentences, as these justices seize for themselves a power not granted by the Constitution: to impose on everyone else their "own independent judgment" as to what punishment is "acceptable" (i.e., spare the savage).

(1) It is an unfair and deeply offensive slur upon the competence of the American people and their right to representative self-government to effectively proclaim that they cannot be trusted to determine proper criminal penalties without the supervision of a self-appointed punishment-acceptability review board consisting of any five justices.

(2) It is unfair and doubly insulting to overrule juries by substituting, for their considered judgment, the biases of anti-death penalty justices and psychiatrists.

(3) In this regard, it is unfair and insulting to the intelligence for justices to dictate that someone must not be executed by asserting, in a judicial fiat, that he is retarded, despite contrary jury findings based on his having carefully planned his crime, including murder to avoid being identified by his victim.

f. In order to save the worst and least representative teenagers, it is an unfair affront to millions upon millions of decent teenagers for five mere mortals to declare, falsely, the existence of a “national consensus” that, by the age of nearly 18 (and younger), these teenagers are incapable of fully understanding that wanton brutal murder is wrong, unlawful and deserves the harshest punishment.

g. It is grossly unfair when, first, justices unconstitutionally create a “byzantine” legal quagmire to save the most brutal murderers, causing victims’ loved ones to endure decades of excruciating agony, repeatedly and needlessly forced by these justices to relive their worst nightmares; and then, second, the same justices seek to spare their favorite murderers on the ground that all the delay was inhumane to *them* rather than to the gratuitously victimized loved ones.

h. It is not fair to grant barbaric criminals a bogus “constitutional right,” as a reward for the most extreme depravity, to commit further savagery (including rapes and murders) without any punishment whatsoever and free from even having to fear punishment.

9. It is equally unfair when elected officials, including governors and legislators, acting contrary to the clear wishes and interests of the very voters who elected them, also reward the most extreme depravity by repealing the death penalty to provide complete security from punishment for recidivist rapes and murders.

10. The gross unfairness of providing aid and comfort to recidivist barbarians is compounded enormously by the fact that some who commit non-violent, even innocuous, crimes that many would not even consider to be crimes, receive harsh sentences precisely because they have committed no prior crimes.

11. It is unfair to permit murderer advocates, including high court judges and justices, to get away with engaging in reckless high stakes gambling -- not with their own well-protected lives or the lives of those dear to them, but with the lives of law-abiding human beings they don’t know and don’t care about.

a. It is horribly unfair that, while this may be gambling in individual cases, when all cases are considered, reckless gambling turns into absolute certainty that guarantees the loss of innocent lives in order to protect the lives of convicted murderers.

(1) It is the ultimate in arbitrary unfairness to knowingly and randomly sacrifice the lives of decent, law-abiding people in order to save the lives of convicted murderers.

b. It is painful enough to lose loved ones to murders, which are the ultimate in unfairness. But it is despicably unfair and unbearably excruciating to realize that one has avoidably lost a parent or child tortured, raped and murdered by a barbarian previously convicted of murder yet unfairly – yes, unfairly! – given a “second chance” to do again what he had already demonstrated his capacity to do. Depending on one’s value compass, one might consider this the supreme immoral and obscene arbitrary injustice.

12. It is unfair to both require and yet restrict submission of “aggravating” factors as a prerequisite for death sentences.

a. It is especially unfair and cruel to pit the loved ones of murder victims against one another by labeling some intentional murders sufficiently “aggravating” to warrant capital punishment while others are implicitly too “ordinary” to earn that penalty.

b. It is unfair to bar evidence of harm caused when that disadvantages a criminal but not when it helps him lessen or avoid punishment.

c. As a matter of decency and justice for victims, it is fair to consider *ONLY ONE AGGRAVATING FACTOR*: the intentional destruction or robbery of an innocent person’s life or the knowing enabling of such destruction/robbery.

13. For the purpose of sentencing, it is inappropriate and unfair to place primary focus upon the individual criminal rather than his crime.

a. There being nothing in the Constitution calling for consideration of each convicted murderer as a “unique human being” with “human dignity,” it is exceedingly unfair to prohibit elected representatives from declaring certain crimes to be so barbaric as to merit capital punishment without considering anything about the depraved perpetrator – other than that he is the depraved perpetrator.

b. It is insulting and unfair to debase the dignity of a tortured victim by saying it is no greater than the dignity of the savage slaughterer.

14. It is unfair that victims of the worst crimes (including traumatized loved ones) have been scorned and abused for decades.

a. It is unfair that they have been unjustifiably and unconstitutionally tortured by judges and justices.

b. It is unfair, to the point of being revoltingly disgusting, that the largely anti-capital punishment media devotes so much attention to sympathetically portrayed brutal murderers and so little attention to the excruciating agony they inflicted both upon the victims they slaughtered and upon the surviving loved ones also victimized by both the original loss and by a legal system dominated by fanatics disdainful of victims.

15. It is unfair to demand perfection to save the lives of convicted murderers while showing a cavalier lack of concern for imperfections that inevitably result in additional yet avoidable murders of innocent people.

16. Specifically, it is unfair to demand perfect convictions.

17. It is unfair to demand perfect sentencing characterized by mandating conflicting standards that are impossible to meet simultaneously: (a) focus upon the individual criminal to divert attention from his crime, to guarantee that different criminals will be sentenced differently; and (b) contend that only similar sentences for similar crimes can be deemed fair – which itself is nothing but a grossly unfair demand that no convict should ever receive a higher sentence for a criminal act than received by any other convict anywhere.

18. It would be unfair ever to accept the clear implication of fanatics that all punishment for all violent crimes should be abolished because not every violent criminal and criminal act is punished.

19. It is unfairly duplicitous for murderer advocates to toy with both the public and suffering homicide survivors by playing multiple versions of three card monte:

(a) They oppose mandatory sentencing ostensibly because fairness requires that every murderer should be considered as an individual; and, then, with straight faces, they object to different sentences for similar crimes ostensibly because that, too, is unfair.

(b) They deceitfully propose life-without-parole as a viable substitute for capital punishment; and, when that is adopted, they instantly seek abolition of life-without-parole.

(c) They do everything possible to drag out cases for decades and thus make seeking the death penalty unnecessarily costly; and then argue that it should be abolished because it is too costly.

(d) They profess concern for “humane” executions without giving a second thought to the inhumane extended pain, torture and terror inflicted upon innocent victims by convicted merciless murderers – and that *again* will be inflicted by some of those spared.

(1) Using blatant intimidation, they do all they can to *prevent* executions from being as swift and painless as possible, for the very purpose of seeking abolition of executions on the ground that their murderers may suffer (even if far less than victims).

(a) Specifically, they pressure drug manufacturers not to sell the best drugs to prisons and pressure physicians not to participate; and then they seek to reward their idols for the pressure they exerted.

20. It is fair to observe that **GENUINE FAIRNESS AND LEGITIMATE OBJECTIONS DO NOT REQUIRE PERVASIVE DISHONESTY AND CHICANERY.**

21. It is unfair for murderer advocates to slander (“base instincts”; “bloodthirsty”; “pathological”) those who seek protection of society from further depraved barbarity and justice for their loved ones.

(a) Therefore, finally, it will be highly appropriate and most fair for victimized homicide survivors both to wear that venomous defamation as a badge of honor and to respond with the best antidote: **THE TRUTH!**