

Should We or Shouldn't We Support the Death Penalty?

The death penalty dates all the way back to the 18th Century B.C. where the Code of King Hammurabi of Babylon codified it for twenty-five different crimes (Reggio par. 1). Surprisingly, murder was not among the twenty five crimes(Reggio par. 1). The first death sentence historically recorded occurred in 16th Century BC Egypt where someone was accused of magic and ordered to take his own life (Reggio par. 1). During this period non-nobility was usually killed with an ax (Reggio par. 1). Many more people over the centuries adopted the death penalty as a punishment for their wrong-doing. The death penalty was different for nobility, freemen and slaves. The crimes included anywhere from insulting songs to disturbances at night. Death was extremely cruel back then and it definitely wasn't quick and easy like it is said to be now. Death included crucifixion, drowning at sea, burial alive, beating to death, and impalement (Reggio par.4). As you could imagine, not everyone accepted this punishment. Finally, in 1846, Michigan became the first state to abolish the death penalty (Reggio par.15). The death penalty had some excruciating pain inflicting methods when it first was created. Electrocution wasn't one of the original methods. It began when Thomas Edison was experimenting with alternating current electrical systems and showing how dangerous they were by using it on animals (Reggio par.17). Today, the death penalty still is one of the hottest topics because people always have different opinions on the subject. People for the death penalty argue about the deterrence and retribution, the unlikelihood of executing someone innocent, and the constitutionality. On the other hand, people against the death penalty talk about the margin of error, the unconstitutionality, and the costs. Both sides could bring up

very valid points which brings me to my next question: Should we or shouldn't we support the death penalty?

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The first point of people who are for the death penalty is about the deterrence and retribution of it. Basically, we try to deter murder by coming up with the death penalty. Retribution says that deserved punishment protects society. People fear nothing more than death, and the thought behind the death penalty is to deter people away from committing a crime. As seen by people, life in prison is a little less feared ("Top 10" "Deterrence"). Regarding retribution, don't mix it up with revenge. Revenge has a totally different motive ("Top 10" "Retribution"). The professor of Management Science at Pepperdine University, Michael Summers, writes that his research showed that each execution correlated with about 74 fewer murders in the following year ("Top 10" "Deterrence"). The death penalty truly is causing fewer murders because it is showing that we mean business and we are not afraid to penalize criminals for their actions. It may be just pure luck that this information happened, but he researched for another 26 years and his research did end up backing his findings up ("Top 10" "Deterrence"). Retribution states that the criminal deserves a punishment equivalent to the crime he committed. If we just ignore the crime by putting someone in prison for a couple years, it won't stop people from doing it. According to the professor at University of Notre Dame, Charles E. Rice, anger is satisfied when retribution is executed because our civil society requires justice ("Top 10" "Retribution"). Thus, as Michael Summers and Charles Rice note, people who are for the death penalty could bring up the points of deterrence and retribution.

In addition to deterrence and retribution, another argument raised by people who are for the death penalty is the unlikelihood of executing someone innocent. People on the other side of the spectrum argue that people end up becoming innocent after further evidence is presented after

execution. They stated that 114 people in 25 states have been released of the death row with evidence of their innocence (Sharp 'Innocents Released from Death Row'). These claims began in 1993, when a study, released by United States Representative Don Edwards, found that 48 innocents had been released from death row since 1973. Rep. Edwards concluded that under the law, there is no distinction between definitively innocent and those found innocent after a trial (Sharp 'Innocents Released from Death Row'). Rep Edwards used an anti-death penalty group to conduct this study making it biased. Opponents try to make the word innocent have multiple meanings to help their cause to bring up statistics favoring them. This allows more people to be persuaded by the findings to get them on their side. There is a distinctive difference between those legally innocent and those actually innocent. There is the "I had no connection to the murder case" and "I did it but I got off on legal errors." The word "innocence" is used to increase the amount of people found innocent to support their stand on the death penalty. The innocence standards get lower each time people change the definition to get the numbers up. People who are charged with a crime and sentenced to the death penalty should pay for what they have done. Since the number of innocent people sentenced and killed are very few, the death penalty should remain. As you can see, Dudley Sharp argued that it is very unlikely that someone is found innocent after the person went through the death penalty.

While the aforementioned points of deterrence and retribution and the unlikelihood of someone being innocent are major points to this side of the issue, the most argued argument posited by death penalty proponents concerns constitutionality. Just because an execution method may be painful, either by accident or as an inescapable consequence of death, does not establish the sort of 'objectively intolerable risk of harm' that qualifies as cruel and unusual ("Top 10" 'Amendment VIII'). An anesthesiologist and former Texas State Senator, Kyle Janek, said the current argument against

executions to hinge on the supposition that the second and 3rd drugs in this regimen would be cruel to someone who could feel them. Yet for that argument to be valid in any way, you must ignore the 1st drug in the process, sodium pentothal, that renders the inmate to be completely unconscious, has been used for decades to induce anesthesia in surgical patients and is given in doses far exceeding what is needed to keep the inmate from being aware or feeling anything ("Top 10" 'Amendment VIII').

Anybody who says that the death penalty is cruel and unusual must not have fully did their research to back them up. Everyday people are coming up with more humane methods of carrying out capital punishment. Therefore, as Kyle Janek and many others illustrated, proponents of the death penalty argue that the death penalty is constitutional.

While the aforementioned points innocence, constitutional, and deterrence and retribution are major points to this side of the issue, the most common argument posited by death-penalty proponents concerns margin of error. Sometimes the doctor or official who executes the convict doesn't exactly push the needle in the right spot. Some people say the death penalty is quick and easy. Not everyone is perfect in this world and the executor can't always hit the exact spot every time. Also, there have been quite a few people who have been proven innocent after they have been executed. Since 1900, in this country, there have been on the average more than four cases each year in which an innocent person was convicted of murder (Bedau 'Capital Punishment is Irreversible'). The number of people found innocent shortly after execution hasn't been going down either. A perfect example of this would be from the court case of Carlos DeLuna. He was executed in Texas in 1989 for a murder that it was common knowledge had been committed by another man. DeLuna's story demonstrates so many of the factors that can go wrong in a capital case: faulty eyewitness identification, prosecutorial misconduct, police misconduct, a botched crime scene, destroyed DNA evidence, a poor person represented by

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ineffective by an ineffective inexperienced defense attorney overmatched by a professional prosecutor, and insufficient oversight from the bench (Bedau 'Capital Punishment is Irreversible'). In its case against DeLuna, the State presented no blood or DNA evidence, no crime scene fingerprints, and no proof of hair or fibers from the victim having been found on the defendant. He was convicted largely based on eyewitness testimony made from the back of a police car in a dimly lit lot near the crime scene. Meanwhile, a violent criminal named Carlos Hernandez, a man who not only shared DeLuna's name, but also looked like him, repeatedly talking about how he had committed the murder and gotten away with it (Bedau 'Capital Punishment is Irreversible'). Thus, as the Carlos DeLuna case explained, opponents of the death penalty argue that there is a huge margin of error.

In addition to the margin of error, another argument raised by opponents involves how it is unconstitutional. The death penalty violates the constitutional guarantee of equal protection. It is applied randomly and only to people of color, people who are poor and uneducated, and concentrated into certain areas of the country. In the United States, the primary justification for imposing the death penalty is retribution, in which the perpetrator receives adequate punishment for the crime committed against the victim. The Eighth Amendment to the U.S. Constitution prohibits the use of cruel and unusual or excessive punishment, and protects the wrongdoer from receiving a punishment that is comparable to the suffering inflicted on the victim, in effect negating the possibility of retribution (Stevens par.2). Emotional impact, biased jurors, and discriminatory application of death penalty cases work to create a real risk of wrongful convictions. Therefore, a penalty more severe than imprisonment without the possibility of parole violates the Constitution. There have been three societal purposes for death as sanction, incapacitation, deterrence, and retribution (Stevens par.4). All three of these have brought up many questions. Our decisions long ago relied on proper procedure to be in place so it wouldn't

jeopardize the status of the case. This would be other known as the discriminatory application of the death penalty (Stevens par.5). Since when is killing someone for killing someone else okay in this world? The person executing the prisoner is doing the same wrong as what the prisoner did. Just because it is illegal doesn't mean the executor is exempt. The executor is murdering someone just like the prisoner, and it doesn't matter the situation. Murdering someone is always the same, it is never okay. It truly is cruel and unusual punishment which violates the Eighth Amendment of our Constitution. Therefore, as John Paul Stevens illustrated in his article, opponents of the death penalty argue that it is in violation of our Eighth Amendment.

As the other points margin of error and unconstitutional are major points to opponents of the death penalty, the most argued argument concerns the cost. The death penalty can be very expensive because of all the materials needed and also the professionals to carry out the procedure. Nationally, about 3,200 people are on state and federal death rows (Delcour par.13). Now with the amount of people on death row you could only imagine how much many it takes to execute all of them. The average cost, from arrest to execution, for a single death penalty case ranges from \$1 million to \$3 million (Delcour par.13). Those costs are for small to middle sized states, so just imagine big states like California. California has the nation's largest and costliest death row with roughly 714 inmates (Delcour par.14). An even more shocking number is how much they have spent since the death penalty was reinstated in just California. They have conducted more than 2000 trials and executed 13 people (Delcour par.14). Over 33 years, it cost the state nearly 4.6 billion dollars so about 308 million per execution (Delcour Par.14). The 4.6 billion dollars broke down into pretrial/trial costs, \$1.94 billion; automatic appeals and state habeas corpus petitions, \$0.925 billion; federal habeas petitions, \$0.775 billion; costs of incarceration, \$1 billion (Delcour par.16). The state is bouncing back and forth of

financial collapse so spending so much money on an execution should be down on the standards list. All of this money could be put into so many other important things such as law enforcement, city needs, shelters, medicine, etc. A reason for the death penalty being so expensive is how long the case can take. Cases go through three phases. The first phase state trial court (two trials, one to determine guilt, the other for sentence), state Supreme Court, and possible appeals to the U.S. Supreme Court ("Top 10" par.4). The second phase consists of the state habeas corpus, post-conviction process, and appeals ("Top 10" par.4). Finally, the third phase federal habeas corpus, which includes appeals to the U.S. Circuit Court of Appeals and to the U.S. Supreme Court ("Top 10" par.4). They want to make sure they are putting the right person away even though some are found innocent after execution has occurred. The costs are mostly from prosecuting and defense attorneys, interpreters, expert witnesses, court reporters, psychiatrists, secretaries, and jury consultants ("Top 10" par.3). As you can see, Julie Delcour's studies showed that opponents of the death penalty argue about the costs the most.

Proponents may have their strengths in their points, unlikelihood of executing someone innocent, constitutional, and deterrence and retribution, but they definitely have their weaknesses too. Their point of deterrence and retribution could really go either way and could work for both sides. I feel as if their point of the unlikelihood of someone being found innocent is very easily argued with factual information. There are many statistics out there to show that there are many people to be found innocent after execution because of new findings. Their side was much harder to pick out points to argue because the statistics were a little hard to find and that the points could be backed up by biased writers. As you can see, people who are for the death penalty have weaknesses in their argument along with strengths.

Opponents of the death penalty do have their points which include margin of error, the unconstitutionality, and costs which make it a strong argument. All three of our points could be backed

up by multiple sources of statistics and factual information. I believe our strongest point was the cost because of the crazy numbers of how much the death penalty costs. You simply can't lie about it being expensive, the numbers don't lie. Our margin of error point was our other easier one because you could go off into so many different directions with information. you could talk about how the procedures are done incorrectly or how racist and unfair the death penalty is. In conclusion, our points definitely had their strengths and it outweighed our weaknesses.

Either way, both sides of the death penalty have their solid arguments and people would get a fair decision on which side to be on after reading this. The proponents' best argument is the constitutionality because of the information used to back it up. The Constitution is used to back it up and in my eyes it is a very valid source that will never change. The best point for opponents of the death penalty is the costs because the statistics are in our favor. It is way too expensive to having people on the death row for years when that money could be used to help grow our country. A perfect compromise would be to limit cases put on death row and implement a qualification requirement for defense lawyers to make sure bad lawyers don't bring in a bogus case. I also believe there should be much more importance in the early times in the cycle. Another compromise could be having a life sentence without parole and eliminate some of their privileges. Also, instead of killing convicted murders, we use medical science to put them in an induced coma for the rest of their lives. We would respect the human life by not killing them. If they are found not guilty, then we could wake them up from the coma. Thus, proponents and opponents of the death penalty both have their strengths, but there could be easy compromises made to reduce this hot topic.

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