

Death penalty in the united states essay examples

[Law](#), [Capital Punishment](#)



The death penalty in the United States has long been a controversial issue - the idea of putting someone to death for their crimes is thought, by some, to be an antiquated idea that went out with the stocks. However, there is still significant public support for the measure as a deterrent. When considering the prison costs and the flaws inherent in the justice system, it becomes somewhat clearer that the death penalty is not a cost-effective or ethical measure. Given the non-unanimous level of support for the death penalty, as well as the possibility of executing innocent citizens who have been wrongfully convicted, the death penalty should be abolished in the American justice system, replacing these sentences with sentences of life without parole.

Capital punishment was formerly a common punishment in countries around the world in centuries past - crimes like treason and theft were also subject to the death penalty (Banner, 2003). However, these punishments were abolished after the eighteenth century saw scholars and writers resisting the social implications of the death penalty (Guernsey, 2009). There are a substantial number of states that have no death penalty statutes, and even fewer of them actually use these statutes; the vast majority of states in America have not performed executions since 1976, the year when the death penalty was reinstated as law. This is also reflected in the number of countries that have already abolished the death penalty; there are 139 countries who have eliminated the death penalty as a means of punishment, only five countries conducting the wide majority of public executions (China, Iran, Iraq, Saudi Arabia, and the United States) (Newport, 2010). With this in mind, it would serve the United States no worse to be the 140th country to

abolish the death penalty, as the other countries have seen no significant rise in crime as a result of having no capital punishment. By its association with other 'retentionist' states that also use the death penalty, the United States can potentially damage its public image by indirectly associating itself with countries that are subjectively derided for their lack of human rights (Garland et al., p. 14). If for no other reason than a political one, the United States should abolish the death penalty in order to further distance itself from an appearance of conservatism and barbarism.

In recent years, the public support for the death penalty has remained fairly consistent, but there is sufficient uncertainty about its application to the level where it is not feasible to continue it as a program. As it stands today, 64% of people will support the death penalty as a form of punishment if the person has been convicted of a murder; this still leaves 36% of the population who are opposed to capital punishment in any form (Newport, 2010). Other polls (ones which include life without parole as an option) place the public support for the death penalty at approximately 50%, the other half supporting the 'life without parole' alternative. (AmnestyUSA, 2011).

This lowering of public approval is reflected in actual sentences, since 2000, there has been a significant dropoff in the number of death sentences that are meted out each year; in fact, they have dropped to the lowest levels ever seen since the death penalty was reinstated in 1976. The number of actual executions is smaller as well, dropping to nearly 50 convicts killed each year (AmnestyUSA, 2011). Given the diminished capacity and usage of the death

penalty, there is even more reason to abolish it, since it is not used often enough to be feasible as a practice.

The ethical debate on capital punishment is made even more complicated when considering the statistics involved with executing potentially innocent convicts. Death row inmates since 1973 have been released on a regular basis on account of wrongful convictions that were determined after the fact. Over 130 people have experienced release from death row because of new evidence proving their innocence; significant examples include Ray Krone in 2002, who was released after a decade of imprisonment because of new DNA evidence that proved his innocence (AmnestyUSA, 2011).

There are quite a few factors that can bring about a wrongful conviction that may lead to a sentencing of death. Poor legal representation can rob a defendant of a proper defense; misconduct by the prosecutors and police can also work against an innocent man to indicate his guilt. Inaccurate eyewitness accounts can perjury can establish lies and halftruths as irrefutable evidence. Public pressure to close cases can often force convictions as well, as well as withholding of evidence from a court case that can prove the person's innocence (AmnestyUSA, 2011). With these factors in mind, there are many things that can happen to create significant doubt as to a person's guilt in a criminal case, making the finality of a death sentence flawed and impractical - there is simply too much of a chance that the person did not commit the crime.

Often, racial discrimination is a factor when deciding who gets the death penalty in criminal cases. Of all death row inmates, 41% are African

American, despite the fact that they make up approximately 12% of the population of the country. Black defendants and white defendants having the same ratio of death penalty convictions would result in far fewer African-American death sentences (Baldus et al., 1990). This speaks to a culture of discrimination that calls for harsher sentences levied against African American criminals than whites; what's more, despite the fact that nearly half of homicide victims in America are African American, cases where black defendants killed white victims have overwhelmingly led to the death penalty, 77% of death row inmates being executed for killing white. Studies have indicated that, more than anything else, the biggest determiner for a death sentence is what race the victim was (AmnestyUSA, 2011).

Because of a culture of casual discrimination that still occurs in the justice system today, certain trends treating African-Americans more harshly than whites become evident when studied. Being African-American has led to a statistically higher rate of sentences to death row, especially in cases where they would have been given a lighter sentence had they been white. With this in mind, it is clear that the justice system is far from perfect, and factors independent of the actual facts of the crime can play into whether or not the convict is sent to death row. As a result, the death penalty cannot be relied upon as a viable method to deter crime, as crime is not the sole factor in deciding whether or not to administer a death sentence.

In the event that citing the potential innocence of death row inmates is not sufficient to deter judges from administering death sentences, the economic effect of capital punishment could also be investigated. Death row inmates

cost taxpayers a significant amount of money, moreso than reflected in the number of actual sentences and executions. In order to bring forth a death penalty trial, many states spend a lot more than they would if they were to try a similar case, without putting forth the possibility of execution. In Kansas, it costs 70% more to put forth a death penalty case than if they would a non-death penalty case, costing about \$1. 26 million for each case on average. On the other hand, the cost of merely incarcerating a prisoner for life without parole instead of trying for a death penalty in Kansas is about \$740, 000 on average, nearly half the cost of a death row sentence (AmnestyUSA, 2011). The appeals system is so extensive for death penalty cases, and allowed to go on for so long, that it continues to sap substantially more money from all parties involved, from the state to the defendants and prosecution. The sheer amount of money spent to get an execution is staggering - given the significantly lower cost inherent to a sentence of life imprisonment, it is most certainly a more viable option for criminals who must be punished for heinous crimes.

The costs go up substantially when factoring in the money funneled into the trials for these death penalty cases, despite the fact they are already costly post-conviction. " Capital punishment in America is characterized by extensive judicial review," which means that substantial work and time is allotted to making sure the sentence was arrived at fairly (Garland et al., p. 15). The two phases for cases where a prosecutor wishes to administer a death sentence include conviction and sentencing; due to the harsh nature of the crime, extra time is allotted for selection of a fair jury, and to carry out special motions. This can often go right back to the taxpayer; if a trial seeks

a death sentence and does not get it, all of the money that went into the capital pretrial and trial proceedings will be billed to the taxpayer. When factoring in the cost of a life imprisonment or retrial, the bill to the average citizen increases substantially (AmnestyUSA, 2011). Given the outdated and ineffective nature of the death penalty, it should be removed as an option through abolition. This would prevent ambitious prosecutors from spending substantial time and taxpayer money on calls for a death sentence that may not even be administered.

The costs of seeking a death sentence are also reflected in the diminished resources that state budgets can administer to their law enforcement departments. With the money that goes into failed death sentence trials being freed up by its abolition, millions of dollars could be used to increase the law enforcement budget of a state, increasing the resources for crime control measures. Victims' services could improve, drug treatment programs would benefit from greater budgets, and mental health treatment could be used along with them to create a system of rehabilitation and healing that might mitigate the factors that often lead to violent crimes (poverty, addiction, mental health issues). Given the fact that crime prevention is among one of the highest priorities for state budgets, the freed up money would almost certainly go to this department more than others, as well as other needed services, like public health and transportation. By abolishing the death penalty, the money saved could be put to more productive use within the state, thus increasing the quality of life of the citizens as a whole (AmnestyUSA, 2011).

There are those who believe that the death penalty is a necessary deterrent against violent crimes occurring to others in the future. In cases of murder, it is thought by many that the threat of death itself is thought to prevent people from performing that particular crime. According to Judge Paul Cassell, “ The death penalty’s incapacitative benefit comes from preventing the individual murderers who are apprehended and executed from killing again” (2008, p. 17). The death penalty provides general deterrence, which involves the logical restraining of a much bigger portion of the population who could potentially murder. What’s more, specific deterrence occurs when individual murderers are executed in order to prevent them from killing again. With these things in mind, the death penalty provides an incentive for people to stop from murdering, as it a permanent and severe form of punishment.

Many people who oppose the death penalty do so from a moral standpoint; in their eyes, they feel that it is inhumane to take away the life of another person, even though they may or may not have done so to another. It is in strict violation of the dignity of the human being involved, and as such it should not be performed no matter the circumstance – “ In Brennan’s formulation, ‘a punishment is ‘ cruel and unusual,’ therefore, if it does not comport with human dignity’” (Garland et al., p. 100).

As previously mentioned, there is also a significant question whether or not those who are being punished are actually guilty of the crimes they committed. The doubt is so severe that states such as New Mexico have banned the death penalty, on the grounds that “ if the state is going to

undertake this awesome responsibility, the system to impose this ultimate penalty must be perfect and can never be wrong" (AFP, 2009). The imperfections of the justice system have to be repaired in order to consider the death penalty a just punishment that is only meted out to those who are truly guilty of these crimes.

In conclusion, there are a number of reasons why the death penalty is an ineffective and outdated means of punishment. It has been shown that the justice system is ineffective at catching and convicting guilty parties to a crime, to the degree where there is too much risk of convicting innocent men to make capital punishment an option. The costs and time incurred in attempting to get a death sentence are far too astronomical, and can take away needed resources from state and law enforcement budgets. The racial and discriminatory components implicit in the justice system can discriminate against minorities to the level where uncertainty as to their guilt can be called into question, further increasing the uncertainty of executing the actual guilty party. What's more, public opinion and international law are at the level where capital punishment could be abolished at the federal level without a significant level of backlash. With these things in mind, it is a sensible move to abolish the death penalty, saving both money and lives in the long run.

Works Cited

AFP. " New Mexico governor bans death penalty." AFP. Web. August 12, 2011.

.

Baldus, DC, Woodworth, G., & Pulaski, C. A. Equal justice and the death penalty: legal

and empirical analysis. UPNE, 1990. Print.

Banner, S. The death penalty: an American history. Boston: Harvard University Press, 2003.

Print.

Cassell, P. " In Defense of the Death Penalty." Journal of the Institute for the Advancement of Criminal Justice, vol. 2, pp. 14-28. 2008. Print.

Amnesty International. " U. S. Death Penalty Facts" Amnesty International USA. Web.

August 10 2011. .

Garland, D., Meranze, M., & McGowen, R. America's death penalty: between past and

present. New York: New York University Press, 2010. Print

Guernsey, J. B. Death penalty: fair solution or moral failure? Twenty-First Century

Books, 2009. Print.

Newport, F. " In U. S., 64% Support Death Penalty in Cases of Murder."

Gallup. Web.

Nov. 8, 2010. .