

# Death penalty

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



Death Penalty 1 Death Penalty as a Deterrent Willie Olds GEN 499: General Education Capstone Instr. Heather Miller November 3, 2012 Death Penalty as a Deterrent Persuasion is what makes the world go round. There are many reasons for persuasion as well as many topics that persuasion can be applied. The argument of Capital Punishment (which is currently what is “ awarded” to individuals who have been found guilty of a “ heinous crime. ”) is a mindboggling social, psychological, and ethical topic that has plagued the United States, and the world, for many years. For this to change, the mindset of the United States needs to undergo a fundamental change from awarding the death penalty, to performing the punishment that was sentenced. This paper will discuss the fact that the death penalty, if used in a efficient, practical, [no notes on this page] -1- Death Penalty and asset saving disposition to deter criminal activity, as opposed to being a punishment that causes more detriment to society than the criminals who are sentenced. 1 2 Before persuasion of the necessity of the death penalty can be discussed, it must be established exactly which type of crime deserves an “ award” of capital punishment. “ U. S. 2nd Circuit Court of Appeals defines “ heinous crime” to mean murder, assault, kidnapping, arson, burglary, robbery, rape or other sexual offense. “ Heinous criminal” means a person who has been convicted of a heinous crime or who has been found not responsible for the commission of such a crime by reason of mental disease or defect. ” (ECLIPSE ENTERPRISES v GULOTTA) If an individual decides that doing wrong is the more applicable choice, they are, or at the very least, can be deemed immoral or unethical. If the intention of the deed is good then the deed is in and of itself good, thus ethical. “ Kant

says that these beliefs should be based upon principles, and not a deity. " (Johnson) Keeping this in mind, the intention of the deed, and not the " act" or the " how" persuasion is accomplished, but how the act of persuasion should be deemed ethical. Many companies have decided that they need to act in an ethical manner in order to glean the trust of its consumers, and society, its lawmakers, and law enforces should follow suit. " Ordinarily, highly credible sources are more persuasive than sources who appear less credible. " (Seiter & Gass) Companies know that their appearance to consumers is crucial, whether the intention is to be ethical because it is the right thing to do or because they are trying to appear ethical is a question for the philosophers. Society needs to recognize the importance of such an image. Anti-death penalty advocates main concern is with an individual that is innocent being executed. This is not as much a factor in today's judicial system as it was, say, twenty years ago. The judicial system was originally set up to protect innocent people from having to suffer the tragedies of a horrible crime, to assign guilt, and to ensure the punishment fits the crime.

1. sentenced. Clear and effective introduction. [Heather Miller] -2- Death Penalty 3 After a crime has been committed, a subject is apprehended based on preliminary evidence, then there is an evidence-gathering phase, a trial, and if necessary, a sentencing phase. This entire process is designed to work towards exonerating the innocent, to find the truth, carry out justice, and place blame where it belongs. The judicial system and its' procedures are fluid and open to interpretation, constantly changing with the intelligence of man. While some of those processes may have changed over time, they always were and still are set forth with the intention of protecting the

innocent. Once sentenced to the death penalty, the accused get many chances or opportunities to prove that they are innocent, introduce new evidence, or convince the courts that someone else is the guilty culprit Just the last two decades alone, much less in the last century. “ The Stratton brothers, obviously not helped by the discrediting of Garson, were convicted and hanged on May 23, 1905. Since then, fingerprint evidence has become commonplace in criminal trials and the lack of it is even used by defense attorneys. "(This Week In History) The science behind criminal investigations has not only made great advancements in technology used, but also in how information is gathered, disseminated, and deciphered in hopes of making the abilities of scientists and peace officers to solve crime even greater. These advancements make the ability to determine guilt a more definitive thing. The number of falsely imprisoned individuals is impossible to calculate, but society’s duty to these 200 people and the ones who will follow them–is to free more innocent people while fixing the system to prevent wrongful convictions. We owe these people, and ourselves, no less. (Scheck & Neufeld) The responsibility of the judicial system of today has the same obligation to determine the guilt or innocence of someone accused as they had in the past. These scientific advances play a 1 1. The science behind criminal investigations... Good points relating to the advancements in technology as they relate to the selected issue. [Heather Miller] -3- Death Penalty 4 major role in confirming the guilt or innocence of an individual. Forensic pathologists are defined as individuals who are “ commonly involved in death scene investigations, the performance of forensic autopsies (forensic autopsies have a different focus than that of hospital autopsies

conducted in cases of natural death), review of medical records, interpretation of toxicology and other laboratory studies, certification of sudden and unnatural deaths, and court testimony in criminal and civil law proceedings. "(Kirsti) These scientists use blood samples, hair samples, carpet fibers, DNA, and a host of other pieces of evidence to deduce many things. While a person accused of a crime has every opportunity to prove they are innocent, the science of a crime scene is irrefutable. Since 1905 fingerprints have been the single-most important piece of evidence used to prove that an accused person was guilty. Since then, DNA has now become known as the single most damaging or liberating, but incontrovertible piece of evidence during a trial. Over time, investigative and police procedures have evolved and are designed to show a series of events or movements that lead to the commission of a crime, thus prove beyond the shadow of a doubt of where blame should be placed. When shown in a methodical, precise, and logical order evidence, the evidence enables the judge and or jury to make the most informed decision, and return with the appropriate punishment. The judicial system is different in many countries, for example China is " the world's leading executioner is estimated to kill about as many prisoners in three days as does the U. S., the world's fifth-ranked, in a year. " (Fisher) Iran reports 177 executions 2006, but the 2007 figure is expected to be roughly 250 for offenses such as " drug smuggling, armed robbery, murder, sexual offenses (including consensual 1 1. Since then, DNA has now become... While you've effectively addressed the role of technology and forensics in determining guilt or innocence, tie this information in with your stance on the selected topic. How does the use of technology and/or

forensics play in to the use, or discontinuation, of the death penalty?

[Heather Miller] -4- Death Penalty adultery, homosexuality, and prostitution), blasphemy, and political violence" (Foreign Policy, 2007) " Pakistan boasts 82 executions in 2006 for offenses such as murder, robbery, hijacking, arms trading, drug smuggling and trafficking, rape, child smuggling, blasphemy, and sexual relations between non-married partners" (Foreign Policy, 2007) " The United States had 53 executions in 2006 and 42 executions in 2007. The United States is one of only two developed countries (along with Japan) to still carry out executions. In 2006, the United States replaced Saudi Arabia and moved behind Sudan as the 5 country with the sixth-highest number of executions. Saudi Arabia will rejoin the top six this year, with more than 130 people beheaded already in 2007. " (Foreign Policy, 2007) Death sentences in the United States are generally handed down only for murder, although a number of states include the rape of a child, treason, and other non-murder crimes as capital offenses. " (Foreign Policy, 2007) The evidence shows that in countries where the death penalty is awarded and carried out swiftly, that the people feel justice is served. This idea of justice may not be the same as the United States, but the societal norms and values that define a civilization are what need to be considered. Many would argue that a homosexual relationship is a far cry from the murder or rape of another human being, but the society that defines the terms can reward, punish, or mitigate any sentence they like. Many people would argue that justice is too long coming for many people in the United States. The death penalty in the United States takes entirely too long to be carried out. With the [no notes on this page] -5- Death Penalty level of scientific proof that can be provided the odds of

sentencing an innocent individual to the death penalty are growing slimmer and slimmer with each passing day. But, until this can be completely eliminated, there should be some safeguards in place. Currently, people sentenced to death sit on death row for an unacceptable amount of time and expense. " Death row inmates in the U. S. typically spend over a decade awaiting execution. Some prisoners have been on death row for well over 20 years. During this time, they are generally isolated from other prisoners, excluded from prison educational and employment programs, and sharply restricted in terms of visitation and exercise, spending as much as 23 hours a day alone in their cells. " (DPIC) There are many who argue that this is inhumane, if that be the case, would it not be more humane to carry out the sentence after a much shorter period of time. Is keeping a human being alone in an eight by ten cell twenty three hours a day humane, for five, ten, or twenty years? The families and loved ones of the victims would suffer with no closure for all of these years. Living everyday expecting the murderer or rapist who was convicted to get a last minute reprieve is not justice. If the time spent on death row were limited to two or even three years, this would still allow the convicted to find possible evidence that exonerates them. Another argument against the death penalty is the cost. " Using conservative rough projections, the Commission estimates the annual costs of the present (death penalty) system to be \$137 million per year. " (Alacron) These statistics are staggering. At 137 million per year the safe estimate of the current system is 1, 370, 000, 000 over a ten year period. Multiple that by another ten years and the argument that the death penalty is too costly makes itself, and is an extremely formidable one. Many wonder what could

be done with the estimated savings of over one billion dollars (if prisoners on death row were limited to two years). [no notes on this page] -6- Death Penalty Simply put, when an individual decides to step outside of the norms, values, and laws a society sets forth and deliberately violates the rights of other individuals a punishment is required. When said criminal deviance is particularly heinous (defined by society) then a more formidable punishment should be awarded (keeping in mind murder is a crime, the death penalty is an award for committing a crime). When the justice system crosses every “ T” and dots every “ I” the corrections system should not fail it by spending one billion dollars to keep these convicted 7 criminals alive for decades. Once the sentence is levied, a swift, fleet and headstrong comportment of justice should be first on the list, not just for the victims and the bereaved, but for all of the taxpayers whose money is wasted on keeping a person alive when they have already been found guilty and sentenced to the death penalty. These criminals, who have been convicted of heinous crimes, have forfeited their rights as a functioning member of society. They have cost the tax payers thousands of dollars for just their trial, should the tax payers be burdened with more financial crisis in order to give a convicted criminal more chances? The simple answer should be no. A punishment should be for the criminal, not the society which deems criminal behavior abhorrent. There are many other programs that could benefit from thus seemingly fraudulent waste and abuse of monies. The sad state of education programs in the United States could certainly use some financial help. The escalating state of medical bills of the elderly is in dire need of financial boost. It is criminal the way that many veterans are treated, or not treated (depending on one’s



point of view) monies from a refurbished death penalty program can be used in many other places. If the threat of death were an imminent thing, criminals just might think twice about committing crimes. The mindset of the United States, as well as its citizens needs to undergo a [no notes on this page] -7- Death Penalty fundamental change from “ awarding” the death penalty, to “ punishing” those found guilty. Currently not feared, the death penalty is not seen as a deterrent, but, if used swiftly, more efficiently, and more practically, not only would innocent lives be saved from the horrors committed against them, but a deterrent to criminal activity would present itself. If the death penalty were considered a “ punishment” instead of an “ award”, then carried out expeditiously, criminals will have no choice but to discern the death penalty as a serious deterrent rather than a mere prison sentence. 8 Reference Pages Alacron., A., L, <http://www.deathpenaltyinfo.org/time-death-row>, 2011 Death Penalty Information Center (DPIC), <http://www.deathpenaltyinfo.org/time-death-row> Fisher, M., Sep 22 2011 <http://www.theatlantic.com/international/archive/2011/09/capitalpunishment-in-china/245520/> [http://dying.about.com/od/glossary/g/forensic\\_path.htm](http://dying.about.com/od/glossary/g/forensic_path.htm) [http://www.foreignpolicy.com/articles/2007/12/16/the\\_list\\_the\\_worlds\\_top\\_executioners](http://www.foreignpolicy.com/articles/2007/12/16/the_list_the_worlds_top_executioners), 2007 Johnson, R. The Stanford Encyclopedia of Philosophy (Summer 2010 Edition), <http://plato.stanford.edu/archives/sum2010/entries/kant-moral/>. Kraut, R., " Aristotle's Ethics", The Stanford Encyclopedia of Philosophy (Spring 2012 [no notes on this page] -8- Death Penalty Edition), <http://plato.stanford.edu/archives/spr2012/entries/aristotle-ethics/> Kirsti, D., A., [www.history.com/this-day-in-history/fingerprint-evidence-is-used-to-solve-](http://www.history.com/this-day-in-history/fingerprint-evidence-is-used-to-solve-)

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