

# Capital punishment



Capital punishment An eye for an eye, a tooth for a tooth, this has been the golden rule in ancient times. A life for a life was the easy verdict for crimes of the worst kind. When a member of the community is killed, the murderer is hanged at the town plaza after a quick trial where the accused tries miserably to make his defense heard amidst the crowd chanting, “ Hang him, hang him.” The penalty of death is then carried out before a cheering crowd. Justice has been served. But this was before civilization knew about this thing called criminal justice system within a democratic government. Today, we have laws that define crimes and their penalties as well as the procedure for ascertaining the guilt or innocence of the accused. No less than the Fifth Amendment guarantees that, “ No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury...nor be deprived of life, liberty, or property, without due process of law. In this view, I submit that capital punishment should be abolished. Death as a penalty for a crime has no place in a country that prides itself as the bastion of democracy and the grand protector of life and liberty throughout the world. Killing a person is not just a crime. It is wrong. It does not matter if the killer is a deranged individual or a government intoxicated in its immense power to take the life of another person. Capital punishment is killing. And killing a person will never be synonymous with justice. The most compelling reason for the abolition of capital punishment is the fact that it creates an irreparable damage in case the convicted person sentenced with capital punishment is truly innocent. There is no perfect criminal justice system. Somehow, an innocent person is wrongfully charged with a crime and worst of all, wrongfully sentenced to suffer capital punishment. Now, what if the evidence he has been waiting for that would

exonerate him from the crime surfaces a few hours after he was put to death by the government? Pronouncing his innocence would not bring him back to life. This arbitrary imposition of the death penalty is a very dangerous weapon in the hands of the government that is sworn to protect the people. The proponents of death penalty like Van den Haag also admit that indeed, capital punishment is sometimes imposed arbitrarily and yet he argues that it does not affect their conviction that most of those executed are truly guilty of a crime that may only be rectified if he paid it with his own life. Those who want death penalty in the US justice system also argue their position based on the preventive functions of criminal law. Having death penalty in the line up of punishments for crime is an effective crime-deterrent measure. People with criminal minds will think twice before executing their criminal plans. This line of reasoning does not find a place in a democratic government. Congress does not create laws merely for prevention purposes. And the courts simply apply the letter of the law. There is therefore the continuing danger that a case will come which fits squarely with the law's requirements for the imposition of death penalty. Upon findings of guilt, the courts have no option but to impose the capital punishment. Capital punishment must be abolished not to spare the guilty but to save the life of an innocent.