

Name \_\_\_\_\_

# Capital Punishment

## Position Analysis

Due Date: \_\_\_\_\_

### Debate Topic:

**Is the Execution of a convicted murder by judicial process justified in the US? Should the death penalty be abolished?**

This paper needs to be *typed using 12 point font, Times Roman Script and 1.5 or double spaced*. You must use three sources minimum and the length of your paper must be at least 2 pages but no more than 5. Your paper should include an introduction paragraph, multiple body paragraphs containing your reasons for your position and a conclusion paragraph

#### Overview

The purpose of this writing assignment is to determine how well you understand what you *read*, how well you *can take a stand*, *support your stand* and *write persuasively* to convince others to think as you do about the specific topic. You will read several articles about a specific topic, which may be controversial, take a position on the topic, and write a persuasive position paper. You will need to support your position with information from *both* sides of the topic using at least one quote from each of the articles.

In this writing assignment, you will think about and take a position either supporting or opposing a specific topic. While you are writing, you will need to use skills and knowledge you have learned in your language arts, social studies, and other classes.

#### 1. Read the source materials

Before taking a position either supporting or opposing the specific topic, it is important that you read all source materials related to the specific topic. As you read the source materials, you may want to underline information, highlight, or write notes on the articles themselves. When you write your paper, you must include information from each source and cite where you got the information. i.e. (Source 2. pg. 1)

2. Prepare to write your paper

Create a “For and Against” or “Pro and Con” graphic organizer to keep track of the key points you would like to use in your paper. Please note that you don’t have to use the graphic organizer if you don’t want to, however it is a good way to keep yourself and thoughts organized.

3. Write your paper

After reading all the source materials and taking notes in your graphic organizer begin to write your paper. Read through your paper to check for mechanical and grammatical errors even after you have done the spell check on your computer.

**Your grade will be based upon the following criteria:**

*Ellington High School Expectations for student learning Rubric (writing/reading effectively)*

- **Position-** Did you take a clear position on the specific topic?
- **Comprehensiveness-** Did you understand what you read and did you use information from all the sources that were provided?
- **Support-** Did you support your position with accurate and relevant information from the source materials?
- **Organization-** Did you organize your ideas in a logical and effective manner so that the audience can understand and follow your thinking?
- **Clarity and Fluency-** Did you express your ideas clearly and fluently using your own words?

**Source 1 will be your textbook PRO CON DEBATE on pg 312 titled:”Should the death penalty be abolished”?**

Source 2

[http://findarticles.com/p/articles/mi\\_m0BUE/is\\_1\\_141/ai\\_n28073123/?tag=content:coll](http://findarticles.com/p/articles/mi_m0BUE/is_1_141/ai_n28073123/?tag=content:coll)

**New York Times Upfront, Sept 1, 2008 by Ralph Blumenthal**

**The death penalty debate: after a seven-month break, executions have resumed in the U.S. and so has the debate over capital punishment itself**

Two days before Christmas in 1988, William Lynd shot his 26-year-old girlfriend, Ginger Moore, in the face during an argument. He shot her a second time as she clung to life, and then a third time, fatally, as she struggled in the trunk of his car. After burying Moore near a farm in southern Georgia, Lynd, then 33, killed another woman who had stopped along the road to help him.

Twenty years later, on May 6, Lynd was put to death by lethal injection for his crimes. It was the first execution in the United States in seven months, and came just three weeks after the Supreme Court ruled that execution by lethal injection--the most common method today--did not violate the Constitution's Eighth Amendment ban on cruel and unusual punishment. (A de facto moratorium on executions had been in effect while the Court considered the case, *Baze v. Rees*, a challenge to Kentucky's use of lethal injection.)

The 7-to-2 decision in *Baze* cleared the way for states and the federal government to resume executions, and as of mid-July, at least 12 men had been executed in seven states.

And now that executions have resumed, so has the long-running debate over capital punishment: Should the government put people to death? Does the death penalty deter future crime? Does it discriminate against minorities? What about the possibility of mistakenly executing innocent people? Why do so few industrialized democracies, aside from the U.S., still have the death penalty? (Eighty-six countries have abolished it, including most of Europe, and many other countries that have it on the books don't actually use it.)

RE-EXAMINATION

"When people confront a new wave of executions, they'll be questioning not only how people are executed but whether people should be executed," says James R. Acker, a criminal justice professor at the State University at Albany in New York.

This re-examination comes as the number of executions in the U.S. is falling and as the Supreme Court has limited the use of the death penalty in recent years.

Death-penalty advocates welcome the resumption of executions. "The capital murderers set to be executed should be executed post-haste," says William R. Hubbard of Justice for All, a victims-fights group based in Houston. "It's not about killing the inmate. It's about imposing the penalty that 12 of his peers have assessed."

The morality and value of capital punishment have been debated for thousands of years. Many death-penalty supporters interpret the biblical phrase "an eye for an eye, and a tooth for a tooth" to mean that those who commit murder should meet the same fate, as retribution or as a deterrent to other would-be killers. Opponents say killing is wrong no matter who is doing it, including the government.

### 36 STATES

The death penalty is on the books in 36 states and an option in federal cases as well. All but one of those states use lethal injection as their primary method of execution. (Nebraska uses electrocution.) Lethal injection usually involves a combination of three drugs: a sedative, a paralyzing agent, and a drug that stops the heart.

There is general agreement that if the drugs are administered properly, lethal injection produces a humane death. But if the first is administered incorrectly, the second and third chemicals can give rise to suffocation and intense pain. (This is what the plaintiff claimed in Baze, the case the Supreme Court recently decided: that the three-drug combination constituted "cruel and unusual punishment" because it was often improperly administered.)

Critics of the death penalty had hoped that the Court would rule against lethal injection, and in doing so nudge the U.S. toward abolishing capital punishment. Instead of laying the question to rest, the April ruling only muddied the waters. Legal experts--and even the Justices themselves--agreed that the decision would likely lead to more challenges, since the particulars of the Kentucky case meant it could not be used to issue a broader legal ruling.

The death penalty in the United States dates to colonial times, when European settlers brought capital punishment to the New World. Until about 1900, hanging was the most common method of execution, though firing squads were also used. By the 1950s, most states used either electrocution or the gas chamber.

In 1972, the Supreme Court seemed to be on the verge of declaring capital punishment unconstitutional because it said the standards for applying it were so arbitrary and inconsistent. Instead, the Court imposed a moratorium on executions until the states developed ways to ensure it was being reserved for only the worst offenders, and it was reintroduced in 1976. Since then, more than 1,100 people have been put to death, most by lethal injection.

The number of executions in the U.S. peaked at 98 in 1999, and has been steadily falling since. In 2007, 42 people were executed, most of them in Texas and Virginia."We're seeing a huge drop-off," says Stephen B. Bright, president of the Southern Center for Human Rights in Atlanta, which defends death-row inmates. He attributes the decline to the time and expense of imposing death sentences, and the recent wave of D.N.A. exonerations of people on Death Row.

Two states--New York and New Jersey--have recently abolished the death penalty, and the number of countries with capital punishment has dropped to 25 from 40 a decade ago.

At the same time, the Supreme Court has limited the application of the death penalty in a series of decisions in recent years. In 2002, the Court ruled that the Eighth Amendment barred the execution of the mentally ill. In 2005, in *Roper v. Simmons*, it ruled that capital punishment for juveniles was unconstitutional. Christopher Simmons was 17 when he and a friend robbed, bound, and gagged a woman in Missouri, then pushed her into a river where she drowned. The Court said he could not be held to the same standard of accountability as an adult.

In June, the Court struck down a Louisiana law that permitted capital punishment for raping a child, restricting the death penalty to cases of murder or treason.

Outside the courtroom, the death penalty continues to stir passions. After years in which solid majorities of Americans supported capital punishment, a recent Gallup poll showed the nation about equally divided on the question when life without parole is offered as another option.

## CONFLICTING EVIDENCE

For opponents, recent exonerations of death-row inmates, based on D.N.A. and other evidence, have led to charges that the death penalty is too severe--and final--a punishment, given the possibility that innocent people could be executed.

And a study published last year found that blacks are more likely to be sentenced to death than whites who commit similar crimes, supporting the claim that the death penalty is discriminatory.

On the other hand, roughly a dozen recent studies indicate that executions do save lives by acting as a deterrent. For each inmate put to death, the studies say, 3 to 18 murders are prevented. This research has captured the attention of scholars in law and economics, setting off an intense new debate about one of the central justifications for capital punishment.

At 70 years old, Jack Harry Smith is the oldest inmate on Texas' death row. Thirty years after his death sentence was imposed, his appeals have run out, and he is likely to be executed soon."Death is death," says Smith, a gaunt figure in a wheelchair. "If they stick

a needle in your arm or shoot you in the head, it's cruel and inhuman punishment, taking a human life."

But he adds, "a life sentence is a whole lot worse--it's torture."

Source 3

<http://www.google.com/hostednews/afp/article/ALeqM5hWXKyJMsszHcaebk4PBLXv2p9jpw>

## **Virginia to execute first woman in almost 100 years**

By Lucile Malandain (September 21, 2010)

WASHINGTON — Barring a last-minute reprieve from the US Supreme Court, 41-year-old Teresa Lewis will on Thursday become the first woman to be executed by the state of Virginia in almost 100 years.

Abolitionists paint Lewis as a classic example of why capital punishment is flawed, saying the mother and grandmother has diminished mental faculties and was taken advantage of by smarter accomplices.

But with an IQ hovering at 70 or above, Lewis is considered fit for trial in Virginia and she pleaded guilty to hiring two men to murder her husband and stepson to pocket their 350,000-dollar life insurance policy.

Unless the Supreme Court intervenes, she will die by lethal injection on Thursday, the first woman to be put to death in Virginia since Virginia Christian, a black 17-year-old who died in the electric chair in 1912.

Lewis met Rodney Fuller and Matthew Shallenberger in a Walmart superstore. Soon she began an affair with the 22-year-old Shallenberger and encouraged her 16-year-old daughter to get together with Fuller, who was 19.

Lewis admits she left the door of the family trailer in rural Pittsylvania County open in 2002 so the two young accomplices could enter and shoot her husband and his 25-year-old son, who was in the military.

All three pleaded guilty. The triggermen got life in prison, but Lewis, who was deemed fit to stand trial, was sentenced to death as the mastermind of the killings, or in the words of the judge "the head of this serpent."

His summation is far from the portrayal that Lewis supporters offer -- that of a borderline mentally disabled woman, who struggled with a behavioral dependency disorder and was addicted to prescription drugs.

Regardless, why is she to be executed when she should have been handed life without parole like the two men who actually carried out the murder, they ask.

"The issue in the case is not that Teresa Lewis is a woman and should be treated differently," Richard Dieter, executive director of the Death Penalty information center, told AFP.

"But it would be grossly unfair if the one person among those involved who is probably the least danger to society, who is certainly no more guilty than those who carried out the murders and whose disabilities call out for mercy, is the only person scheduled to die for this crime."

The Supreme Court has ruled against the execution of the mentally impaired under the US Constitution, which prohibits cruel and unusual punishment.

But both the Virginia Supreme Court and a federal appeals court have ruled that Lewis could function normally in society.

Lewis's lawyers argue that new evidence, including her low IQ, has appeared since her trial that should prevent her execution.

The key piece of evidence they want considered is a letter from Shallenberger, who killed himself in jail in 2006, in which he claims full responsibility for the murder plot and suggests he pushed Lewis into it.

"From the moment I met her I knew she was someone who could be easily manipulated," he allegedly wrote. "Killing Julian and Charles Lewis was entirely my idea. I needed money, and Teresa was an easy target."

But Virginia governor Robert McDonnell on Friday denied clemency, saying he could "find no compelling reason to set aside the sentence that was imposed by the Circuit Court."

His statement said Lewis had admitted "heinous" crimes and noted that no doctors had concluded she was mentally disabled under Virginia law, which sets the bar at exactly 70 on the IQ scale.

With three nights to go before she is escorted to the death chamber, Lewis's lawyer James Rocap told AFP she was sad but resigned to her fate.

"She is very disappointed... she wants to live, but she has a remarkable, spiritual peace about her and she has said that whatever happens she would be a winner. She's relying I think very strongly right now on her faith to help her go through this."

If Lewis is executed on Thursday, she will become only the 12th woman to be executed in the United States since the death penalty was reintroduced in 1976. In that time 1,215 people have been executed.

The United States is among the countries that execute the most people each year, along with China, Iran, and Saudi Arabia.

Source 4

<http://deathpenalty.procon.org/view.resource.php?resourceID=002000>

## Should the death penalty be allowed? Top 10 Pros and Cons


The **PRO** and **CON** statements below give a five minute introduction to the death penalty debate.

(Read more information about our one star ★ to five star ★★★★★ Theoretical Credibility System)





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| <ol style="list-style-type: none"> <li>1. <a href="#">Morality</a></li> <li>2. <a href="#">Constitutionality</a></li> <li>3. <a href="#">Deterrence</a></li> <li>4. <a href="#">Retribution</a></li> <li>5. <a href="#">Irrevocable Mistakes</a></li> </ol> | <ol style="list-style-type: none"> <li>6. <a href="#">Cost of Death vs. Life in Prison</a></li> <li>7. <a href="#">Race</a></li> <li>8. <a href="#">Income Level</a></li> <li>9. <a href="#">Attorney Quality</a></li> <li>10. <a href="#">Physicians at Execution</a></li> </ol> |
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<b>PRO</b> Death Penalty	<b>CON</b> Death Penalty
<b>1. <a href="#">Morality</a></b>	
<p><b>PRO:</b> "The crimes of rape, torture, treason, kidnapping, murder, larceny, and perjury pivot on a moral code that escapes apodictic [indisputably true] proof by expert testimony or otherwise. But communities would plunge into anarchy if they could not act on moral assumptions less certain than that the sun will rise in the east and set in the west. Abolitionists may contend that the death penalty is inherently immoral because governments should never take human life, no matter what the provocation. But that is an article of faith, not of fact. The death penalty honors human dignity by treating the defendant as a free moral actor able to control his own destiny for good or for ill; it does not treat him as an animal with no moral sense."</p> <p style="text-align: right;"><a href="#">Bruce Fein, JD</a> ★★★★★ Constitutional Lawyer and General Counsel to the Center for Law and Accountability "Individual Rights and Responsibility - The Death Penalty, But Sparingly," <a href="http://www.aba.org">www.aba.org</a> June 17, 2008</p>	<p><b>CON:</b> "Ultimately, the moral question surrounding capital punishment in America has less to do with whether those convicted of violent crime deserve to die than with whether state and federal governments deserve to kill those whom it has imprisoned. The legacy of racial apartheid, racial bias, and ethnic discrimination is unavoidably evident in the administration of capital punishment in America. Death sentences are imposed in a criminal justice system that treats you better if you are rich and guilty than if you are poor and innocent. This is an immoral condition that makes rejecting the death penalty on moral grounds not only defensible but necessary for those who refuse to accept unequal or unjust administration of punishment."</p> <p style="text-align: right;"><a href="#">Bryan Stevenson, JD</a> ★★★★★ Professor of Law at New York University School of Law "Close to Death: Reflections on Race and Capital Punishment in America," from <i>Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case</i> 2004</p>
<b>2. <a href="#">Constitutionality</a></b>	

**PRO:** "Simply because an execution method may result in pain, either by accident or as an inescapable consequence of death, does not establish the sort of 'objectively intolerable risk of harm' [quoting the opinion of the Court from *Farmer v. Brennan*, 511 U. S. 825, 842, 846 (1994)] that qualifies as cruel and unusual... Kentucky has adopted a method of execution believed to be the most humane available, one it shares with 35 other States... Kentucky's decision to adhere to its protocol cannot be viewed as probative of the wanton infliction of pain under the Eighth Amendment... Throughout our history, whenever a method of execution has been challenged in this Court as cruel and unusual, the Court has rejected the challenge. Our society has nonetheless steadily moved to more humane methods of carrying out capital punishment."




[Baze v. Rees](#) (529 KB)   
*US Supreme Court, in a decision written by Chief Justice John G. Roberts*  
 Apr. 16, 2008

**CON:** "Death is... an unusually severe punishment, unusual in its pain, in its finality, and in its enormity... The fatal constitutional infirmity in the punishment of death is that it treats 'members of the human race as nonhumans, as objects to be toyed with and discarded. [It is] thus inconsistent with the fundamental premise of the Clause that even the vilest criminal remains a human being possessed of common human dignity.' [quoting himself from *Furman v. Georgia*, 408 U.S. 238, 257 (1972)] As such it is a penalty that 'subjects the individual to a fate forbidden by the principle of civilized treatment guaranteed by the [Clause].' [quoting C.J. Warren from *Trop v. Dulles*, 356 U.S. 86, 101 (1958)] I therefore would hold, on that ground alone, that death is today a cruel and unusual punishment prohibited by the Clause... I would set aside the death sentences imposed... as violative of the Eighth and Fourteenth Amendments."


[William J. Brennan, JD](#)     
*Justice of the US Supreme Court*  
 Dissenting opinion in [Gregg v. Georgia](#) (347 KB)   
 July 2, 1976

### 3. [Deterrence](#)

**PRO:** "Common sense, lately bolstered by statistics, tells us that the death penalty will deter murder... People fear nothing more than death. Therefore, nothing will deter a criminal more than the fear of death... life in prison is less feared. Murderers clearly prefer it to execution -- otherwise, they would not try to be sentenced to life in prison instead of death... Therefore, a life sentence must be less deterrent than a death sentence. And we must execute murderers as long as it is merely possible that their execution protects citizens from future murder."

[Ernest Van Den Haag, PhD](#)     
*Late Professor of Jurisprudence at Fordham University*  
 "For the Death Penalty," *New York Times*  
 Oct. 17, 1983

**CON:** "[T]here is no credible evidence that the death penalty deters crime more effectively than long terms of imprisonment. States that have death penalty laws do not have lower crime rates or murder rates than states without such laws. And states that have abolished capital punishment show no significant changes in either crime or murder rates. The death penalty has no deterrent effect. Claims that each execution deters a certain number of murders have been thoroughly discredited by social science research."

[American Civil Liberties Union \(ACLU\)](#)   
 "The Death Penalty: Questions and Answers,"  
 ACLU.org  
 Apr. 9, 2007

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**4. [Retribution](#)**

**PRO:** "Society is justly ordered when each person receives what is due to him. Crime disturbs this just order, for the criminal takes from people their lives, peace, liberties, and worldly goods in order to give himself undeserved benefits. Deserved punishment protects society morally by restoring this just order, making the wrongdoer pay a price equivalent to the harm he has done. This is retribution, not to be confused with revenge, which is guided by a different motive. In retribution the spur is the virtue of indignation, which answers injury with injury for public good... Retribution is the primary purpose of just punishment as such... [R]ehabilitation, protection, and deterrence have a lesser status in punishment than retribution."

[J. Budziszewski, PhD](#) ★★ ★  
*Professor of Government and Philosophy at the University of Texas at Austin*  
*"Capital Punishment: The Case for Justice,"*  
*OrthodoxyToday.org*  
*Aug./Sep. 2004*

**CON:** "Retribution is just another word for revenge, and the desire for revenge is one of the lowest human emotions — perhaps sometimes understandable, but not really a rational response to a critical situation. To kill the person who has killed someone close to you is simply to continue the cycle of violence which ultimately destroys the avenger as well as the offender. That this execution somehow give 'closure' to a tragedy is a myth. Expressing one's violence simply reinforces the desire to express it. Just as expressing anger simply makes us more angry. It does not drain away. It contaminates the otherwise good will which any human being needs to progress in love and understanding."

[Raymond A. Schroth, SJ](#) ★★ ★  
*Jesuit Priest and Community Professor of the Humanities at St. Peter's College*  
*Email to ProCon.org*  
*Sep. 5, 2008*

**5. [Irrevocable Mistakes](#)**

**PRO:** "...No system of justice can produce results which are 100% certain all the time. Mistakes will be made in any system which relies upon human testimony for proof. We should be vigilant to uncover and avoid such mistakes. Our system of justice rightfully demands a higher standard for death penalty cases. However, the risk of making a mistake with the extraordinary due process applied in death penalty cases is very small, and there is no credible evidence to show that any innocent persons have been executed at least since the death penalty was reactivated in 1976... The inevitability of a mistake should not serve as grounds to eliminate the death penalty any more than the risk of having a fatal wreck should make automobiles illegal..."

**CON:** "...Since the reinstatement of the modern death penalty, 87 people have been freed from death row because they were later proven innocent. That is a demonstrated error rate of 1 innocent person for every 7 persons executed. When the consequences are life and death, we need to demand the same standard for our system of justice as we would for our airlines... It is a central pillar of our criminal justice system that it is better that many guilty people go free than that one innocent should suffer... Let us reflect to ensure that we are being just. Let us pause to be certain we do not kill a single innocent person. This is really not too much to ask for a civilized society."

[Russ Feingold, JD](#) ★★ ★  
*US Senator (D-WI)*

<p><a href="#">Steven D. Stewart, JD</a> ★★☆☆  <i>Prosecuting Attorney for Clark County Indiana  Message on the Clark County Prosecutor  website accessed  Aug. 6, 2008</i></p>	<p><i>introducing the "National Death Penalty  Moratorium Act of 2000"  April 26, 2000</i></p>
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**6. [Cost of Death vs. Life in Prison](#)**

<p><b>PRO:</b> "Many opponents present, as fact, that the cost of the death penalty is so expensive (at least \$2 million per case?), that we must choose life without parole ('LWOP') at a cost of \$1 million for 50 years. Predictably, these pronouncements may be entirely false. JFA [Justice for All] estimates that LWOP cases will cost \$1.2 million-\$3.6 million more than equivalent death penalty cases. There is no question that the up front costs of the death penalty are significantly higher than for equivalent LWOP cases. There also appears to be no question that, over time, equivalent LWOP cases are much more expensive... than death penalty cases. Opponents ludicrously claim that the death penalty costs, over time, 3-10 times more than LWOP."</p> <p style="text-align: right;"><a href="#">Dudley Sharp</a> ★  <i>Director of Death Penalty Resources at Justice  for All  "Death Penalty and Sentencing Information,"  Justice for All website  Oct. 1, 1997</i></p>	<p><b>CON:</b> "In the course of my work, I believe I have reviewed every state and federal study of the costs of the death penalty in the past 25 years. One element is common to all of these studies: They all concluded that the cost of the death penalty amounts to a net expense to the state and the taxpayers. Or to put it differently, the death penalty is clearly more expensive than a system handling similar cases with a lesser punishment. [It] combines the costliest parts of both punishments: lengthy and complicated death penalty trials, followed by incarceration for life... Everything that is needed for an ordinary trial is needed for a death penalty case, only more so:</p> <ul style="list-style-type: none"> <li>• More pre-trial time...</li> <li>• More experts...</li> <li>• Twice as many attorneys...</li> <li>• Two trials instead of one will be conducted: one for guilt and one for punishment.</li> <li>• And then will come a series of appeals during which the inmates are held in the high security of death row."</li> </ul> <p style="text-align: right;"><a href="#">Richard C. Dieter, MS, JD</a> ★★☆☆  <i>Executive Director of the Death Penalty  Information Center  Testimony to the Judiciary Committee of the  Colorado State House of Representatives  regarding "House Bill 1094 - Costs of the  Death Penalty and Related Issues"  Feb. 7, 2007</i></p>
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**7. [Race](#)**

**PRO:** "[T]he fact that blacks and Hispanics are charged with capital crimes out of proportion to their numbers in the general population may simply mean that blacks and Hispanics commit capital crimes out of proportion to their numbers. Capital criminals don't look like America... No one is surprised to find more men than women in this class. Nor is it a shock to find that this group contains more twenty-year-olds than septuagenarians. And if — as the left tirelessly maintains — poverty breeds crime, and if — as it tiresomely maintains — the poor are disproportionately minority, then it must follow — as the left entirely denies — that minorities will be 'overrepresented' among criminals."

[Roger Clegg, JD](#) ★★☆☆

*General Counsel at the Center for Equal Opportunity*

*"The Color of Death: Does the Death Penalty Discriminate?," National Review Online  
June 11, 2001*

**CON:** "Despite the fact that African Americans make up only 13 percent of the nation's population, almost 50 percent of those currently on the federal death row are African American. And even though only three people have been executed under the federal death penalty in the modern era, two of them have been racial minorities. Furthermore, all six of the next scheduled executions are African Americans. The U.S. Department of Justice's own figures reveal that between 2001 and 2006, 48 percent of defendants in federal cases in which the death penalty was sought were African Americans... the biggest argument against the death penalty is that it is handed out in a biased, racially disparate manner."

[National Association for the Advancement of Colored People \(NAACP\)](#) ★

*"NAACP Remains Steadfast in Ending Death Penalty & Fighting Injustice in America's Justice System," NAACP website  
June 28, 2007*

**8. [Income Level](#)**

**PRO:** "The next urban legend is that of the threadbare but plucky public defender fighting against all odds against a team of sleek, heavily-funded prosecutors with limitless

**CON:** "Who pays the ultimate penalty for crimes? The poor. Who gets the death penalty? The poor. After all the rhetoric that goes on in legislative assemblies, in the end,

resources. The reality in the 21st century is startlingly different... the past few decades have seen the establishment of public defender systems that in many cases rival some of the best lawyers retained privately... Many giant silk-stocking law firms in large cities across America not only provide pro-bono counsel in capital cases, but also offer partnerships to lawyers whose sole job is to promote indigent capital defense."

[Joshua Marquis, JD](#) ★★☆☆  
*District Attorney of Clatsop County, Oregon*  
*"The Myth of Innocence," Journal of Criminal Law and Criminology*  
*Mar. 31, 2005*

when the net is cast out, it is the poor who are selected to die in this country. And why do poor people get the death penalty? It has everything to do with the kind of defense they get. Money gets you good defense. That's why you'll never see an O.J. Simpson on death row. As the saying goes: 'Capital punishment means them without the capital get the punishment.'"

[Helen Prejean, MA](#) ★  
*Anti-death penalty activist and author of Dead Man Walking*  
*"Would Jesus Pull the Switch?," Salt of the Earth*  
*1997*

### 9. [Attorney Quality](#)

**PRO:** "Defense attorneys... routinely file all manner of motions and objections to protect their clients from conviction. Attorneys know their trial tactics will be thoroughly scrutinized on appeal, so every effort is made to avoid error, ensuring yet another level of protection for the defendant. They [death penalty opponents]... have painted a picture of incompetent defense lawyers, sleeping throughout the trial, or innocent men being executed. Their accusations receive wide media coverage, resulting in a near-daily onslaught on the death penalty. Yet, through all the hysteria, jurors continue to perform their responsibilities and return death sentences."

[California District Attorneys Association \(CDA\)](#) ★  
*"Prosecutors' Perspective on California's Death Penalty," www.cdaa.org*  
*Mar. 2003*

**CON:** "[A] shocking two out of three death penalty convictions have been overturned on appeal because of police and prosecutorial misconduct, as well as serious errors by incompetent court-appointed defense attorneys with little experience in trying capital cases. How can we contend that we provide equal justice under the law when we do not provide adequate representation to the poor in cases where a life hangs in the balance? We, the Congress, must bear our share of responsibility for this deplorable situation. In short, while others, like Governor Ryan in Illinois, have recognized the flaws in the death penalty, the Congress still just doesn't get it. This system is broken."

[John Conyers, Jr., JD](#) ★★☆☆  
*US Congressman (D-MI)*  
*Hearing for the Innocence Protection Act of 2000 before the Subcommittee on Crime of the Committee on the Judiciary of the House of Representatives*

June 20, 2000

### 10. [Physicians at Executions](#)

**PRO:** "Accepting capital punishment in principle means accepting it in practice, whether by the hand of a physician or anyone else... If one finds the practice too brutal, one must either reject it in principle or seek to mitigate its brutality. If one chooses the latter option, then the participation of physicians seems more humane than delegating the deed to prison wardens, for by condoning the participation of untrained people who could inflict needless suffering that we physicians might have prevented, we are just as responsible as if we had inflicted the suffering ourselves. The AMA [American Medical Association] position should be changed either to permit physician participation or to advocate the abolition of capital punishment. The hypocritical attitude of 'My hands are clean — let the spectacle proceed' only leads to needless human suffering."

[Bruce E. Ellerin, MD, JD](#) ★★ ★

*Doctor of Oncology Radiation at Sierra  
Providence Health Network  
Response letter to the New England Journal of  
Medicine regarding an article titled "When Law  
and Ethics Collide — Why Physicians  
Participate in Executions," by Atul Gawande,  
MD  
July 6, 2006*

**CON:** "The American Medical Association's policy is clear and unambiguous... requiring physicians to participate in executions violates their oath to protect lives and erodes public confidence in the medical profession. A physician is a member of a profession dedicated to preserving life... The use of a physician's clinical skill and judgment for purposes other than promoting an individual's health and welfare undermines a basic ethical foundation of medicine — first, do no harm. The guidelines in the AMA Code of Medical Ethics address physician participation in executions involving lethal injection. The ethical opinion explicitly prohibits selecting injection sites for executions by lethal injection, starting intravenous lines, prescribing, administering, or supervising the use of lethal drugs, monitoring vital signs, on site or remotely, and declaring death."

[American Medical Association \(AMA\)](#) ★

*"AMA: Physician Participation in Lethal  
Injection Violates Medical Ethics," press  
release from the AMA website  
July 17, 2006*

## Capital Punishment

Capital punishment is the death penalty given by the government of a country, to people who have committed hideous crimes like homicide, rape, etc. Capital punishment has been a way of punishing people since ages. Although there are some countries that have abolished death penalty from their law, there are still many which still practice the act of killing a person for crime. Capital punishment is prevalent in the US, Asian and Middle Eastern countries. Some of the ways of executing criminals are hanging, shooting, electrocution and giving lethal injections.

People have different opinions on the issue of capital punishment given to a convict. While some think that **death penalty** is necessary for those who have committed a terrible crime, there are others who consider it as an immoral act that goes against the values of humanity.

## Pros of Capital Punishment

- A person who has committed a crime like killing or raping another person should be given death penalty, which is as severe punishment as the act. It is said that when a criminal is given a capital punishment, it dissuades others in the society from committing such serious crimes. They would refrain from such crimes due to fear of losing their lives. This would definitely help in reducing crime rate in society.
- If a criminal is jailed, he may again commit the same crime after being released from prison. Giving him capital punishment would make sure that the society is safe from being attacked by criminals. It seems to be an appropriate punishment for **serial killers** and for those who continue to commit crimes even after serving imprisonment.
- Some believe that instead of announcing life imprisonment for the convicts, where they would have to live a futile life behind closed bars, it is better to kill them. It is said that imprisoning someone is more expensive than executing him. Rather than spending on a person who may again commit terrifying crime, it is better to put him to death.
- Capital punishment is equated as revenge for pain and suffering that the criminal inflicted on the victim. Some people strongly believe that a person who has taken the life of another person does not have a right to live. Sentencing such a criminal can give relief to the family members of the victim that their loved one has obtained justice.
- It is also important for the safety of fellow prison inmates and guards, as people who commit horrifying crimes like murder are believed to have a violent personality and may, in future, attack someone during imprisonment. These reasons emphasize the importance of capital punishment for the betterment of human society. However, there is another section of people who believe that it is an immoral and unethical act of violence.

## Cons of Capital Punishment

- If we execute a person, what is the difference between us and the criminal who has committed the horrifying crime of killing another individual.
- Capital punishment is not always just and appropriate. Usually, it has been seen that poor people have to succumb to death penalty as they cannot afford good lawyers to defend their stance. There are very rare cases of rich people being pronounced capital punishment. Also, an individual from minority communities are more likely to be given death penalty.
- Every human being is entitled to receive a second chance in life. Putting a convict behind bars is always a logical option than killing him, as there is a chance that he may improve. People who have served life sentences are reported to have bettered their earlier ways of living and have made worthwhile contribution to the society.
- There is also a chance that an individual is innocent and is wrongly charged for a crime he has never committed. There have been cases where individuals were released after being given death sentence, because they were proved innocent. There are also cases where a person's innocence was proved after he was put to [death](#). Hence, it is best to avoid executing a person.
- It is reported that there is no relation between capital punishment and crime rate i.e giving death penalty does not decrease crime rate in the society. Crimes are prevalent in countries where capital punishment exists and also where it has been abolished.

The question whether capital punishment is a moral or an immoral act in a cultured society, does not have a definite answer. Whether to give capital punishment to a criminal or not, may depend on his previous criminal records and the seriousness of the crime he has committed. But, do we really have the right to take the life of our fellow human beings?