Resolution:

“Should the Death Penalty laws in the United States be altered?”

**Pro:**

**In the United States, there are currently 3,170 inmates on Death row. In the last several years, many of them, like Damon Thibodeaux, are completely exonerated of their crimes after years in prison (Blackmon, 1). In the case of Damon Thibodeaux, he endured days of confession and finally, under pressure, confessed to a crime he didn’t convict. It took DNA evidence and 15 years to finally get him out. While it’s difficult to argue whether or not the death penalty is right or wrong, it’s easy to decide whether or not the law should be changed. It is because of the sheer amount of people, with so many potential Damon Thibodeaux’s, that I believe the Death penalty laws in the US should be altered because there are many falsely convicted people on death row, people on death row cost more, and because the laws unfairly affect minority groups.**

Many falsely convicted are on death row. This is not a rarity in the United States, and has been shown to be commonplace throughout the world. Sometimes it’s merely a matter of “wrong place, wrong time” for the convicted. Sometimes, however, it’s a matter of misconduct by the state. As much as we’d love to think so, prosecutors and government workers are people too. They’re people who trust their instincts, sometimes despite evidence in front of them. It’s so common that, in April 2009, the US Supreme court met to decide the fate of Gary Cone, who was convicted and sentenced to death for murder in Tennessee. The Court remanded him to life in prison, with a strange addition to their judgment. They decided that, “…that when a state suppresses evidence that is favorable to the accused and is material to his guilt or punishment, it violates his Fourteenth Amendment right to constitutional due process. (Cone Vs. Bell).” This quote suggests that there was something not quite right in Gary Cone’s trial, and the fact that even one person is the victim of misconduct by the prosecution is unacceptable. The ruling here shows not only that the issue is so important that the Supreme Court must get involved, but also that it’s so common that a ruling has to be made upon it! It shows us that the people prosecuting are humans. No matter what reason the prosecutors had, this ruling shows that Mr. Cone is not unique, and his placement on death row is a symptom of a much larger problem.

**Whether the person is on death row justly or unjustly, people on death row cost more.** States with a death penalty often have a drastically higher cost for inmates. Some, such as Howard Mintz of the San Jose Mercury News, have begun to question this cost of justice. In May of 2012, Mintz ran the numbers. He realized that, in the state of California, “…the combined state and federal legal costs to see the state’s 724 condemned inmates through the nation’s most sluggish death penalty system would likely exceed $700 million.” Proponents of the death penalty often state a reason for its existence is simple: it costs less. The opposite is true. When an inmate is sentenced to death, a system of appeals, both state and federal, are automatically filed. These take years to sort through and cost millions in man-hours. While you can not put a price on justice, as proponents claim, you can look at this huge difference in cost, nearly double, and see that it is a symptom of a very large problem. We could, as a nation, do away with many of these appeals in order to save money. However, is it worth it? Is it truly worth an innocent person’s life to save money on a capital punishment machine? The cost, both in money and in human life, shows that the death penalty laws must be altered.

While the idea of being on death row unfairly is terrifying, and it’s a fact that it costs more to house a death row inmate, a horrible truth can not be ignored. **Capital punishment unfairly affects minority groups.** We live in a nation with a huge variation in population. However, despite such a dramatic variation, our death rows all follow the same model: mostly African-American, mostly poor. Although our legal system is supposed to be color-blind and fair to all, the reality is rarely the case. In an interview with reporter Aprille Muscara, NYU law professor Bryan Stevenson, it is revealed that not only do judges and juries sentence people who can’t afford a good enough attorney to death, but also that “Racial bias against people of colour makes them disfavoured, disadvantaged and vulnerable targets in America's criminal justice system. In many places, people of colour are presumed guilty when arrested and tried.” Stevenson’s interview suggests a capital punishment system that doesn’t need a little tweaking to be all better. It needs a complete overhaul or abolition in order to fit into the ideals of the United States. If a person of color is presumed guilty, it is shown that zealous prosecutors will oblige. Also, this sense of vulnerability illustrates a striking difference between how the legal system and government treats those with wealth, and those without. Stevenson shows that people of colour are pushed into economically poor areas and kept there. Their most readily-available method of escape: death row. This is a system of punishment unfair to our population, taking advantage of a disgusting history of racism in order to satisfy a law which only punishes those unlucky enough to be in that “wrong place, wrong time.” Because the death penalty is so unfair in its treatment of minorities, a complete alteration of the system is needed.

Therefore, because of false convictions, a huge economic burden, and the racial bias of the system, the laws on capital punishment must be revised.

Remaining pro reasons – US among a drastic minority; prison systems poorly managed; Death penalty states have HIGHER capital crimes; “revenge” is not justice; all murders are heinous, the idea of deciding what is “most evil” is subjective; deterrent methods flawed.

**Con:**

The death penalty laws in the US should not be altered because it deters crime, it serves as a social catharsis, and it exists to punish only crimes so severe that there is no alternative.

**The death penalty works as a deterrent**. The idea of the threat of death deterring capital murder seems logical, but has come under fire recently as being wrong. However, the state of Illinois has seen this idea of deterrent at work. In 2000, Illinois ended all executions, and death row inmates were placed on life. According to a study by professors at the University of Houston, “The Illinois moratorium on executions in 2000 led to 150 additional homicides over four years following…(Tanner, 2012)”. This sudden rise in homicide suggests a clear cause and effect: when the death penalty is no longer an option, it becomes easier to kill. While the state of Illinois ended executions with good intentions, the reality of these statistics shows us the real result. If capital punishment no longer exists, the rates of murder rise, simply because the cost becomes too high. While anyone can brush away a slight rise to randomness, this sudden spike of 150 with such speed can only be explained away by the simple fact that the death penalty is a deterrent to crime.

While the death penalty deters crime, it also helps us as a country. **The death penalty works as social catharsis.** The idea of catharsis is that it makes us feel and function better knowing that breaking the law has consequences. This ties into the idea of crime deterrence: when we lay in our beds at night, we can say that not only are we safe, but that if something should happen, we will not die in vain. This idea of catharsis is seen in the case of Brian Nichols, a serial criminal who went on a killing spree in an Atlanta, GA courthouse. He was tried and convicted, eventually being sentenced to life in prison in 2005. The fact that the death penalty was rejected by juries shocked the nation, with the Atlanta Journal’s Jim Wooten noting, “He's an evil man, dangerous to every correctional officer he encounters for the remainder of his life. He sets the standard for application of the death penalty.” Wooten suggests that we, as a society, believe in true evil. There are some acts which are so disgusting to us that we are unable to feel safe so long as it exists, no matter where it is. Wooten’s feelings echo lawmakers and citizens alike. Wooten shows us, through Nichols’ crimes, that we can not function with the idea that this person will never get what he gave to others. Being executed for a horrible crime helps us as a people survive: the function of the death penalty is social catharsis, and it works well.

Stronger than the idea of a deterrence or making us feel better is a basic fact. **Some crimes are so severe that there is no alternative.** The reasoning for this catharsis, faced with men like Brian Nichols, is that we can’t understand these actions. We don’t understand how these crimes could happen, and therefore we can’t comprehend any other suitable punishment. The death penalty exists when no other punishment could possible fit the crime. As Wooten says, “If Brian Nichols didn't get death, then no run-of-the-mill mass murder deserves it, lest that constitute unequal justice.” This statement suggests a huge lack of understanding: how can a man like Brian Nichols do what he did? How can we understand it? If the punishment must fit the crime, what do we do with a crime so horrible we can’t even begin to imagine it? As much as some of us may like or dislike the death penalty, it does exist in the United States. Wooten does not give us his preference, but he does, with this quote, show a complete disgust and confusion over the fact that a man like Nichols could exist. Equal justice, according to US law, means that Nichols should have been executed. While we can attach a number of years for many crimes, what number can we attach to a series of horrific murders? Brian Nichols’ crime shows us that some crimes are so severe that no amount of prison is suitable.

Therefore, because of its use as a deterrent, catharsis, and use a just punishment for heinous crime, capital punishment laws should not be altered.

Remaining con reasons – faster death penalty shows better deterrent; claims of minority bias are off – more than 50% white; ideas of prosecutor/jury bias are rare

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NAME (FIRST/LAST)

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TEACHER

DATE

CAPITAL PUNISHMENT:

JUSTICE OR MISCARRIAGE?

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ENGLISH 10

WESTRUM

08 APRIL, 2012