

Lauren Heist

Capital Punishment: An Example for Criminals

- 1 A child looks around to see if anyone is watching him. When he's sure that the kitchen is empty, he opens up the cookie jar and smuggles a cookie up to his room. When his mother confronts him about the missing cookie, she tells him taking cookies is not very nice and says if he does it again he will be in trouble. A little while later the child sees the cookie jar again. Not seeing anyone around, he again takes a cookie. The mother tells him taking cookies is wrong again but does not punish him. Soon the child learns that because he hasn't gotten in trouble, taking cookies must not be that bad. Because the mother did not follow through on her threat, the child begins to take advantage of the mother, and the child gets away with whatever he wants.
- 2 That is what has happened to our police force today. Criminals do not take the law seriously. They do not fear the government. Criminals are taking advantage of us, and they are getting away with murder, literally.
- 3 The bottom line is people need to respect the law. Without laws, we would live in anarchy. But too many people feel that they are above the law and it does not apply to them. Because people feel alienated from the bureaucrats who make the laws, they simply choose to ignore the laws.
- 4 If we want to live in a peaceful society, we must enforce the laws, and that includes using the death penalty. Every criminal who commits a first-degree murder should receive the death penalty. The problem with the way the death penalty is used now is not that it is used too often, but rather that it is not used enough.
- 5 How many muggers actually think, "Man, I hope I don't get the death penalty," before they decide to hold a gun to the head of a person getting money out of an ATM machine? I can assure you that is not a thought that often crosses their minds. The death penalty is only used in extreme cases for infamous psychopaths and serial killers. The average run-of-the-mill killer can get out of jail in no time flat. If the death penalty were employed more frequently, killers might actually take it into consideration before shooting someone.
- 6 The most common argument against the death penalty is that it is hypocritical. Critics ask, how can we claim that murder is wrong and then kill the killer? What most critics do not understand is that governments do not live by the same rules that individual people live by. Governments have powers that people do not have because people concede power to the government.
- 7 For example, governments have the power to confiscate houses by eminent domain if they are in the way of a road that is going to be built. An individual citizen

cannot arbitrarily destroy a house or confiscate property, but governments can do these things because people entrust the government to act in the best interest of the majority of its citizens. The government has the right to use the death penalty because it has a responsibility to keep order in the society.

The other argument that people use to oppose the death penalty is that there is always a chance that an innocent person could be executed because the justice system is not perfect. Yes, it is true that the justice system is not entirely foolproof. Nothing is entirely foolproof. The founding fathers tried to ensure that the justice system would be fair by requiring all murder cases to be decided by a jury. People must have faith that their own peers will make fair, logical decisions. In addition, just as critics of the death penalty fear that innocent people might be executed, there is also the possibility that criminals will be set free and will endanger other innocent people.

Claiming insanity is no excuse for sparing someone from the death penalty. A murderer is a murderer, no matter who commits it or what mental state they claim to be in at the time. Milwaukee's Jeffrey Dahmer, who killed multiple victims and even admitted to practicing cannibalism, was not sentenced to the death penalty. Instead, he was sentenced to life imprisonment and was killed by a fellow inmate. Why was Dahmer not given the death penalty? Because he was determined to be insane. Susan Smith, the mother who drowned her two young sons in a car, also received life imprisonment instead of the death penalty because she pleaded temporary insanity. People who are clearly guilty of murder should be made examples. If Jeffrey Dahmer and Susan Smith do not receive the death penalty, why would any person ever have to fear the death penalty?

Finally, the death penalty should be used more often than it is today because it is economical. Keeping someone in a jail cell for years requires that taxpayers pay for that criminal's food and shelter for the rest of the criminal's life, while he takes up a space that could be used by another criminal. Every day, guilty criminals leave the courthouse and head back out onto the street because the prisons and jails are overcrowded. Meanwhile, other criminals sit on death row, eating up the taxpayers' money and not contributing anything to society.

If we want to take this country back from the mobsters and the drug lords and put the power back in the people and the police, we need to use the death penalty. Using the death penalty will not only be economical for all taxpayers, but it will also deter future criminals from killing, which will make us all safer.

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Alex Shalom
Abolish the Death Penalty

1 When a convicted murderer's head burst into flames in Florida's electric chair a few weeks ago, reactions varied. The state's Attorney General boasted that, due to problems with the lethal contraption, murderers should be particularly wary if they commit their crimes in Florida because they will suffer greatly before their lives are terminated by the state. Others reacted with disgust and concluded that the United States should abolish the death penalty. The latter is the appropriate response.

2 The U.S. would hardly be breaking ground by abolishing the death penalty. None of the nations of Western Europe practice capital punishment, nor do most of our Latin American neighbors. The reasons for the abolition of the death penalty are many; there are reasons why capital punishment is inherently unjust and there are also reasons why the death penalty, as practiced in the United States, is especially so. I will briefly address both of these categories of reasons. First, however, it will be useful to examine the problems with common justifications for state-sponsored killing.

3 Death penalty proponents generally extend support for capital punishment from both moral and practical perspectives. The pragmatic capital punishment advocates contend that the death penalty deters murder and that it costs less than keeping murderers incarcerated. The appropriate question, however, should not be whether or not the death penalty deters murder; surely it does. Rather, we should ask whether the death penalty deters murder better than life imprisonment, for no death penalty opponent advocates letting murderers walk free on the street.

4 Levels of deterrence are difficult to measure, but there are some ways to do so. If one examines the states of Michigan and Illinois—two states with very similar population, land, and demographic make-ups—one discovers something very interesting. Michigan has not executed anyone since it became a state over 150 years ago, while Illinois has actively used the death penalty over the last 20 years. If the death penalty were, in fact, a better deterrent than life imprisonment, then Illinois should have a lower murder rate than Michigan. In reality, Michigan has a lower murder rate than its southwestern neighbor.

5 Though it is ridiculous to put a price on human life, some people argue that because prisons are too costly, murderers should be executed. This is a simplistic answer. While the actual cost of a lethal injection is clearly cheaper than the cost of a lengthy imprisonment, because death is the ultimate punishment, those facing the

death penalty are always entitled to many legal appeals. Oftentimes, because those on death row are predominantly indigent, the state is forced to pay for both sides of the appeals process. When the cost of appeals is factored into the equation, it becomes evident that capital punishment is not a cost-effective solution.

All facts and figures aside, many people still attempt to justify the continued practice of capital punishment, arguing both that the punishment should fit the crime—that is, “an eye for an eye”—and that the families of the victims deserve the peace of mind of having the murderer killed. Coretta Scott King, who lost both a husband and a mother-in-law to assassination, offers an answer to both of these statements: “I stand firmly and unequivocally opposed to the death penalty for those convicted of capital offenses. An evil deed is not redeemed by an evil deed of retaliation. Justice is never advanced by the taking of a human life. Morality is never upheld by legalized murder.”

In the United States, no crimes other than murder are met with punishments that *imitate* the crime; they are answered with punishments that *fit* the crime. The government does not burn the homes of arsonists, nor does it rape rapists. That simply would not make for a just penal system.

There is no reason, moral or practical, to support the death penalty; there are, however, several reasons why it should be abolished. Perhaps the best reason is that no system of justice is infallible. As long as a state practices capital punishment, there is always the possibility that an innocent person will be executed. A 1987 study published by the Stanford Law Review showed that, despite our elaborate appeals system, at least 23 innocent people have been executed in the United States in this century.

Colonial Massachusetts is possibly best known for the numerous executions of the innocent during the Salem Witch Trials. The judge in many of those cases, Judge Suel, eventually realized the error of his ways. He made a public statement saying that it was wrong to execute the people that he had sentenced to death. I hope no more judges are forced to come to the dreadful conclusion that they are responsible for the murder of an innocent person.

Even when the question of innocence does not loom over a judge's head, there are still factors that make the death penalty inequitable and cruelly administered. The death penalty is a racist institution that disproportionately kills the poor. African Americans receive the death penalty somewhat more often than whites. However, the real injustice of capital punishment is that blacks who kill whites are more likely to receive the death penalty than whites who kill blacks. A study presented in front of the

Supreme Court showed that murderers whose victims are white are 139 percent more likely to receive the death penalty than if their victim was black. Though it is clearly not the case that the life of a white person is more valuable than that of a black person, this is what our current system of capital punishment is saying.

11 Murderers who are unable to afford to pay for their own defense are far more likely to be executed than those who can afford a lawyer. In Texas, 75 percent of convicted murderers who had court-appointed attorneys received the death penalty, while only 33 percent of those with private attorneys were killed. According to former Supreme Court Justice Thurgood Marshall, "the burden of capital punishment falls upon the poor, the ignorant, and the underprivileged members of society." This is simply unfair, particularly when lives are at stake.

12 While the United States does not stand alone in the international community in continuing to practice capital punishment, the other countries that practice it are far from world leaders in the area of human rights. Only five countries execute criminals who committed their crimes while under the age of 18: Yemen, Saudi Arabia, Iran, Pakistan, and the United States. Strange bedfellows, indeed. Much of the rest of the world has realized the inhumanity of capital punishment and abolished it. How many more people will die at the hands of the state before the United States follows suit?

FOR WRITING OR DISCUSSION

MyWritingLab

1. What is the thesis of each student's paper? Where does Heist state the thesis most clearly? Shalom? What is the nature of the appeals in each essay?
2. How does each student writer treat the issue of the economics of the death penalty? In what ways do the presentations on the issue deal with opposing points of view? Where else do the writers treat opposing points of view?
3. What is the essential point in the presentation by the Death Penalty Information Center? Do you find the statistics hopeful or dismaying? Explain your response.
4. The death penalty is no laughing matter—yet cartoonist Mankoff has used grim humor to provide a powerful statement of his position. How does the caption of the cartoon define the artist's argument and his thesis, so to speak?
5. What is the setting of the cartoon, and why is it important? Who is the speaker?

6. How does Mankoff in few words summarize one of the major objections held by those opposing the death penalty? And how does humor contribute to the success of the argument?
7. Identify some other government practice—the taxation system, adoption laws, job protection, wildlife protection, or affirmative action, to name just a few of many possibilities—and, after limiting your topic, write a well-reasoned argument, pro or con, that takes a firm position on the issue.

HAVING YOUR SAY

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