

Capital Punishment, should it or should it not be used in today's criminal judging system

While Capital Punishment has been one of the most feared things of our time, it is still being questioned if it is unconstitutional. The Death Penalty is being enforced in more than 100 countries in the world and are usually in used in politically-related cases. Although it has been the case in many countries throughout the world it has been said that the Death Penalty is "cruel and unusual punishment" which is a direct violation to the Bill of Rights. Capital Punishment is a certain copy of the earliest days of slavery, when you had no rights or any different opinion, and like then, executions have no place in our civilized society. The Death Penalty, throughout it's years of existence, has always been against the views of the people, either because of it's brutality or because of it's lack of effectiveness.

The Death Penalty has been opposed by the people since the beginning of it's era, which was around 1976, when the United States Supreme Court declared that the death penalty was not against the Constitution. But if read directly the Eight Amendment of the U.S. Constitution "prohibits cruel and unusual punishments" and not only that but abolitionists also think that Capital Punishment ensures Americans equality for all . The abolitionists also did a poll which ensured that there was "no support for the view that the death penalty provides a more effective deterrent to police homicides than alternative sanctions. Not for a single year was evidence found that police are safer in jurisdictions that provide for capital punishment" The highest homicide rates were also in Death Penalty states with executions: 9.7 homicides per 100,000 people as compared to 5.1 in states without the Death Penalty . It has also been shown that the Death Penalty is racially biased and unfair.

There has been substantial evidence to show that courts have been impulsive, racially biased, and unfair in the way in which they have sentenced some persons to prison but others to death. In 1944 Gunnar Myrdal reported in his book American Dilemma that "the South makes the widest application of the Death Penalty, and Negro criminals come in for much more than their share of the executions" Between the years of 1930 and 1940 the African Americans only made up about 12 percent of the United States' population, but between those times they also made up about 51 percent of the people that were executed. Juries are more likely to impose the death penalty on blacks than on whites accused of the same offense (Administration Office of the Courts). Of the 145 cases studied by the Administration Office of the Courts it was shown that whites would have received the death penalty at a higher rate since they met the criteria for capital punishment more often. Yet, the case studies revealed that this was not the situation. Is the value of a white life worth more than a person of color?

When Capital Punishment is put into a case and the person has been killed there is no way to get back from that if they are later found to have been innocent. If a person is sentenced to life without parole and is later found to be innocent, that person can still be released, but if the person was put to death there is no way of giving life back to someone who's been executed. For example, a man about 5 years ago was set free after he was in jail for 12 years and after he was 72 hours from being executed. In his case, the prosecutors used perjured testimony and suppressed evidence which imprisoned him. The witness that set him free was a sixteen year old who while imprisoned for a separate murder conviction, confessed to killing the officer whom Randall Adams was in jail for killing ("The Case"1). For us to kill those people who have acted outside the boundaries of acceptable human behavior puts us in the same position as they are in-we become

killers. It is also a view that people must take because the people on death row did not get there on their own, their families and communities share the responsibility of making those people who consider committing the brutal acts they committed, so why should they be the individuals to take the punishment ("Talking"2). Executions give society the unmistakable message that human life no longer deserves respect, they are also irrevocable and can be inflicted upon the innocent. Why did the U.S. Supreme Court change their minds about the Death Penalty?

In 1972, the Supreme Court declared that under then existing laws "the imposition and carrying out of the death penalty...constitutes cruel and unusual punishment in violation of the eighth and Fourteenth Amendments" This was found to be "constitutionally unacceptable" But then in 1976, the U.S. Supreme Court ruled that the death penalty is not unconstitutional. "The court ruled that these new statutes contained "objective standards to guide, regularize, and make rationally reviewable the process for imposing the sentence of death" Although some of the law imposing the administration and regulation of capital punishment might be in violation of the constitution. This idea was best quoted by Hugo Adams Budeau:

"Opposition to the Death Penalty does not arise from misplaced sympathy for convicted murderers. On the contrary, murder demonstrates a lack of respect for human life. For this very reason, murder is abhorrent, and any policy of state authorized killings is immoral."

So is our Supreme Court trying to "get rid" of human lives, is this why the government proved the death penalty to not be unconstitutional. Scholars against the death sentence assure that all doctrines of religion, ethics, and morality are clear that "human beings must not harm one another, nor should they do to others what they would not have others do to them" ("Talking" 2). The Death Penalty would be put into a court case based on the appeal and the jurisdiction of the judge?

The only manner in which the Death Penalty may be justified is when those convicted have acted outside the boundaries of acceptable human behavior. But not even then would it have to be necessary to do so, sequential punishments may include life in jail without parole which is not only 6 to 10 times less expensive but also give the accused a chance to make meaningful changes in his/her life, to make contributions to society, to relate to family or to even have a chance to be proven not guilty. Because there is no way to give life back to an innocent bi-standard. States also spend resources that could be spent doing other things that will benefit them more than a death penalty.

States such as Florida have spent an average of \$3.2 million per person since 1972. California spends almost \$100 million per year on capital cases and New York can start looking at something within that range once the death penalty, which was signed into law by Governor Pataki in 1994, takes place. The state has yet to announce how and when executions will be carried out, but the sure thing is that when it does go into effect the cost will come from taxes, which were also supposed to be decreasing as passed by the state legislature. The state of New Jersey has also had the Death Penalty for over 13 years and it's costing tax payer money, but why have the penalty if not one person has yet to be executed. If this was the case would they have thought of the expense? Capital Punishment is uncivilized in theory and inequitable and unfair in practice; so why should we stoop to this level of murder?

The Death Penalty is ultimately cruel, inhuman, and degrading punishment and violates the right to life. Since 1977 the methods used to "exterminate criminals" since 1977, out of the 220 inmates 106 were electrocuted, 103 by lethal injection, 9 by gas chamber, 1 by firing squad, and 1 by hanging. Abolitionists believe that this society cannot mirror the brutality of the crime committed by the convicted person because it is judicial murder. Capital Punishment is a brutal act that does not enhance respect for human life; it cheapens and degrades it. Abolitionists also believe that "the state is a teacher and when it kills, it teaches vengeance

and hatred. If the "barbaric practice of execution has been abolished in most major industrial countries, even in south Africa, so can the United States ("Death"2). "An execution is a dramatic, public spectacle of official, violent homicide that teaches the permissibility of killing people to solve social problems--the worst possible example to set for society" Will society put money into schools, rehabilitation, community services, and jobs, or will it bankrupt itself with more prisons and more victims? The death penalty is no solution to violence.

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