

CAPITAL PUNISHMENT

After centuries of nearly universal implementation, the death penalty remains a deeply debated political issue. While one execution takes place, other murders occur, and the question still stands: Will the death penalty safeguard society and deter murder, or will it not? The death penalty cannot be considered a proper economical and moral means of punishment to deter those who might commit capital offenses, or can it?

In the past, capital punishment horrified people, which deterred them from committing crime. In England, the country from which the United States adopted the death penalty, the death penalty was imposed for a rather large number of offenses in an effort to discourage people from committing crimes. Methods of inflicting the death penalty have ranged "From stoning in biblical times, crucifixion under the Romans, beheading in France, to those used in the United States today: hanging, electrocution, gas chamber, firing squad, and lethal injection" (Bedau 124). There were drastic penalties for such serious crimes as homicide. Execution was a suitable punishment for those times. Today, though, the law is not as strict. This leads potential criminals not to fear the death penalty because government today uses more "humane" methods of execution, rather than the brutal punishment that history portrayed.

People who oppose the death penalty say that "there is no evidence that the murder rate fluctuates according to the frequency with which the death penalty is used" (Masur 153). It is more likely that the convict would be paroled instead of being executed because of the present practice of allowing unlimited appeals. Convicted criminals are not exposed to cruel punishment, but rather given a long waiting period. If the criminal is put to death, it is usually done as mercifully as possible.

One problem with the death penalty, presently, is that crime is not decreasing, but rather increasing. If capital punishment is supposed to deter crimes such as murder, it is not serving its purpose. Even philosophers, such as Beccaria, Voltaire, and Bentham of the Enlightenment Period, argued that "the death penalty was needlessly cruel, overrated as a deterrent, and occasionally imposed in fatal error" (Fogelson 89).

Another problem with the death penalty is the enormous amount of money being spent on implementation. It costs taxpayers millions of dollars more to execute a criminal than to lock him up for life. The number of prisoners on death row has been steadily increasing and will soon meet all time highs. This fact brings up the question of economic feasibility of the implementation, as well as the question of whether the death penalty is actually an effective deterrent to crime.

Currently, Texas leads the nation in both death row population and in the number of executions. Texas has 351 condemned men and 4 women awaiting sentence, and has had 46 executions since 1977. These prisoners spent an average of eight years on death row and cost Texans an average of 2.3 million dollars per case ("Execution" B8). The legal process a condemned prisoner goes through is very lengthy and costly.

A person is only given the death penalty for certain crimes in Texas. A death sentence is handed down if a person is convicted of the murder of a police officer or fireman, murder during certain felonies, murder for pay or reward, multiple murders, or murder during prison escape. Once a criminal has been sentenced, he or she can appeal the decision.

In addition to the courts appeals, the cost of an average of \$180,000 per case, the \$150,000 prison cost also escalates the economic burden to the state. This cost does not include the \$21,000 execution cost or the \$19,500 needed for extra security (Van den Haag 123). To have a death row prisoner means that the state must provide police, fire, and public safety protection. They also require special housing units, extra guards, food, and around-the-clock security (Van den Haag 123).

To cut down costs, several alternatives to the death penalty have been discussed by public officials. One alternative is to sentence criminals to life imprisonment without possibility of parole instead of execution. Although this plan would save millions of dollars, it would create problems in the prison system. The end result would be killing each other and killing prison guards without the threat of serious consequences ("Execution" B8).

In the following interview with the U.S. Attorney, Demetrius Bevins' aide, some interesting responses were made:

Q: What do you think about the death penalty?

A: Depending on the circumstances of the crime, on some criminals it should be enforced. On others, they should just get life in prison.

Q: What do you think is the best method of execution?

A: I think the best method is lethal injection. It is the most humane, and in my opinion, the least expensive. It involves much less preparation than the electric chair, and it is safer and cleaner.

Q: Do you have any suggestions for alternative solutions to the death penalty?

A: Yes. Life in prison with absolutely no possibility of parole.

The following is an interview with local attorney Chuck Hardy.

Q: What do you think about the death penalty?

A: I think it serves its purpose. I think it cuts down on crime, and from my experience with the prisoners I have met, most if not all are scared of the lethal injection method used here in Texas.

Q: What is the best method of execution?

A: The electric chair. It is scarier than lethal injection because one must first go through intense pain. With the lethal injection, one just goes to sleep and never wakes up.

Q: Do you have any suggestions for alternative solutions to the death penalty.

A: Doing hard time in a maximum security prison and never seeing the light of day.

In legal history there is a tendency "to leave cruel executions behind and to 'humanize' capital punishment by the pursuit of technical perfection" (Bockle 43). The death penalty is a form of torture trying to be justified with advanced technology. How does this form of torture differ from the torture that takes place in "Iran, Iraq, Ethiopia, South America, Guatemala, Bangladesh, Afganistan, and even Israel?" (Bockle 4). The techniques in those countries would certainly be

considered to go against human morality, but the end result is the same, a man dies. In this country, the debate goes on as to whether or not the death penalty is in fact going against human morality regardless of how "humanly" it is done.

Some people turn to the Bible to determine what is right, but the Bible can be interpreted as arguing either way. The Old Testament can be interpreted as arguing for the death penalty. This interpretation is formulated from the passage in which God sentences Cain to walk the Earth without food or human contact. Cain killed his brother Able, and therefore was punished by banishment. This type of punishment would be impossible to impose on an individual at this day and age. Those for the death penalty justify the use of capital punishment as a necessary for the preservation of the society of the twentieth century.

The same Old Testament can be interpreted as against the death penalty. The quotation, "Vengeance said the Lord, is mine, and if anyone kills Cain, it shall be taken on him sevenfold," is most accurately interpreted as anti-death penalty (Berns 11). This statement steers society into allowing God to take care of the sinful individual in His own manner. Cain was banished and considered an outcast just as the prisoner is an outcast from society.

Many questions have been raised as to the effectiveness of the death penalty, and whether it should still be used today. Everywhere in the United States the death penalty has been under fire. The awareness of the people and arguments made by lawmakers have led to an anti-death penalty sentiment in the United States. Arguments in favor of the death penalty, such as "the punishment fitting the crime" and the effectiveness of capital punishment as a deterrent against crime, are made. These ideas are the basis for pro-death penalty views among the population and court systems of America.

Important legal arguments against the death penalty are usually made from what is stated in the Constitution. Many people believe that the death penalty is unlawful because it violates the cruel and unusual punishment clauses under the eighth and fourteenth amendments to the Constitution (Punishment 82). Another argument that the abolitionist group make is that the death penalty violates the discriminatory clause of the Constitution. Of all executions that took place in the United States between 1930 and 1966, over half of those who died were black (Punishment 2).

The controversy over capital punishment began in the eighteenth century and continues today. Throughout the world innocent people are executed in several inhumane forms which the United States should not follow. Today there exists a raging debate on whether the death penalty is economically, morally, and legally justifiable, or still just cruel and inhumane.

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