

In Cold Blood: Death Penalty

Capital Punishment has been part of the criminal justice system since the earliest of times. The Babylonian Hammurabi Code (ca. 1700 B.C.) decreed death for crimes as minor as the fraudulent sale of beer (Flanders 3). Egyptians could be put to death for disclosing the location of sacred burial sites (Flanders

3). However, in recent times opponents have shown the death penalty to be racist, barbaric, and in violation with the United States Constitution as "...cruel and unusual punishment." In this country, although laws governing the application of the death penalty have undergone many changes since biblical times, the punishment endures, and controversy has never been greater.

A prisoner's death wish cannot grant a right not otherwise possessed. Abolitionists maintain that the state has no right to kill anyone; . The right to reject life imprisonment and choose death should be respected, but it changes nothing for those who oppose the death at the hands of the state.

The death penalty is irrational- a fact that should carry considerable weight with rationalists. As Albert Camus pointed out, " Capital punishment...has always been a religious punishment and is reconcilable with humanism." In other words, society has long since left behind the archaic and barboous" customs" from the cruel "eye for an eye" anti-human caves of religion- another factor that should raise immediate misgivings for freethinkers.

State killings are morally bankrupt. Why do governments kill people to show other people that killing people is wrong? Humanity becomes associated with murderers when it replicate their deeds. Would society allow rape as the penalty for rape or the burning of arsonists' homes as the penalty for arson?

The state should never have the power to murder its subjects. To give the state this power eliminates the individual's most effective shield against tyranny of the majority and is inconsistent with democratic principles.

Family and friends of murder victims are further victimized by state killings. Quite a few leaders in the abolishment movement became involved specially because someone they loved was murdered. Family of victims repeatedly stated they wanted the murderer to die. One of the main reasons- in addition to justice- was they wanted all the publicity to be over. Yet. if it wasn't for the sensationalism surrounding an execution, the media exposure would not have occurred in the first place. Murderers would be quietly and safely put away for life with absolutely no possibility for parole.

The death penalty violates constitutional prohibitions against cruel and unusual punishment. The grotesque killing of Robert

Harris by the state of California on April 21,1992, and similar

reports of witnesses to hangings and lethal injections should leave

doubt that the dying process can be- and often is -grossly inhumane, regardless of method(Flanders 16).

The death penalty is often used for political gain. During his presidential gain, President Clinton rushed home for the Arkansas execution of Rickey Ray Rector, a mentally retarded, indigent black man. Clinton couldn't take the chance of being seen by voters as " soft on crime." Political Analysts believe that when the death penalty becomes an issue in a campaign, the candidate favoring capital punishment almost inevitably will benefit.

Capital punishment discriminates against the poor. Although murderers come from all classes, those on death row are almost without exception poor and were living in poverty at the they were arrested. The majority of death-row inmates were or are represented by court-appointed public defenders- and the state is not obligated to provide an attorney at all for appeals beyond the state level.

The application of capital punishment is racist. About 40 percent of death-row inmates are black, whereas only 8 percent of the population as a whole are black(Flanders 25). In cases with white victims, black defendants were four to six times more likely to receive death sentences than white defendants who had similar criminal histories. Studies show that the chance for a death sentence is up to five to ten times greater in cases with white victims than black victims(Flanders 25). In the criminal justice system, the life of a white person is worth more than the life of a black person.

The mentally retarded are victimized by the death penalty.

Since 1989, when the Supreme Court upheld killing of the mentally retarded, at least four such executions have occurred. According to the Southern Center for Human Rights, at least 10 percent of death row inmates in the United States are mentally retarded(Long 79).

Juveniles are subject to the death penalty. Since state execution of juveniles also became permissible in the decision cited above, at least five people who were juveniles when their crimes were committed have executed(Long 79).

Innocent people can-and have been- executed. With the death penalty errors are irreversible. According to a 1987 study, 23 people who were innocent of the crimes for which they were convicted were executed between 1900 and 1985(Long 79). Until human judgement becomes infallible, this problem alone is reason enough to abolish the death penalty at the hands of the state more dedicated to vengeance than to truth and justice.

Executions do not save money. There are those who cry that we, the taxpayers, shouldn't have to "support" condemned people for an entire lifetime in prison- that we should simply " eliminate" them and save ourselves time and money. The truth is that the cost of state killing is up to three times the cost of lifetime imprisonment(Long 80). Judges and others are reluctant- as they should be- to

shorten the execution process for fear that hasty procedures will lead to the executions of more innocent people.

The death penalty has been imposed most for murders committed during the course of another felony. Aggravating circumstances for murder are defined in the applicable death penalty statute. Circumstances considered for murder include:

- The crime was particularly vile, atrocious, or cruel.
- There were multiple victims.
- The crime occurred during the commission of another felony.
- The victim was a police or correctional officer in the line of duty.
- The offender was previously convicted of a capital offense or violent crime.
- The offender directed an accomplice to commit the murder or committed the murder at the direction of another person.

(Flanders 12)

In the novel, *In Cold Blood* by Truman Capote, the main characters

Dick and Perry were guilty of several of the circumstances that eventually led to their demise:

- The multiple victims included all four of the Clutter family.
- The event occurred during an attempted robbery.
- Both were former inmates and had previous dealings with the law.
- Dick had chosen Perry for his instinct as a "Natural Born Killer".

Further, it seems that both Dick and Perry fell almost directly under the common background of one convicted of death. The death penalty is flawed in many facets. Juries in rural counties are more likely to impose the death penalty than those in urban areas. Dick and Perry were convicted in Garden City, a small to moderate sized town. Both Dick and Perry were unemployed, poor, white criminals whose actions wrecked havoc not only on the remaining Clutter family and relatives, but on the entire town of Holcomb and surrounding areas. This only justifies and reinforces the points stated above that capital punishment is biased, racist, and is harmful not only to the offenders themselves, but to the entire community.

Opposition to the death penalty finally achieved its goal when in 1972 the Supreme Court struck down death penalty laws, finding fault not with the theory, but with the method. However, all was lost when four years later, the decision was once more revised and ruled the death penalty once more legal.

Death row will continue to expand. It is almost certain that the rising level of executions will be widely condemned. The future of capital punishment may finally come down to the question of expense. A single capital trial now costs millions of dollars. The enormous volume of continuing appeals strain both federal and state court systems. Unless workable solutions are found to the practical difficulties involved in the administration of the death penalty. American society

eventually may decide to significantly restrict or even abandon capital punishment.

So 7

Works Cited

Flanders, Stephen A. Capital Punishment. New York, NY: Facts on File, 1991.

Long, Robert Emmet. Criminal Sentencing. New York, NY: H.W. Company, 1995.