

To many Americans today, the country is a hostage-but not from overseas terrorism as one might expect to think. No today, we live in fear from our own children; and these are the same young people who we are entrusting the future of this great country with. According to the Department of Justice report released in November, thirty-eight percent of those arrested for weapons offenses in 1995 were under the age of eighteen (Curriden 66). In the same report, the Bureau of Justice Statistics stated that in 1995 3 out of every 100 eighteen-year-olds was arrested for weapons offenses. A rate three times higher than for males twenty-five to twenty-nine and five times higher than for males thirty to thirty-four (66). Just weeks later the FBI released a report indicating that arrests for youths under eighteen increased by seven percent in 1996 (66). In light of these disturbing statistics, it may not be surprising that the general public is starting to believe its children are getting meaner and more violent. The media, politicians and the American public want something done, and they want it done now. Right now we are beginning to realize that if the situation looks bleak now, it could deteriorate even more in the future. The U.S. Census projects that the juvenile population, reported to be 27.1 million in 1994, will rise to 33.8 million by the year 2004 (67).

At the heart of this controversy: the juvenile justice system. For the past several years the system has been under attack by every one from state legislatures to parent groups. Our solution to the rising juvenile crime problem- to get tougher. According to a recent USA Today/CNN/Gallup Poll, 60 percent of Americans believe that a teenager convicted of murder should get the death penalty (ollson48). In response to this "get tough" mood, more and more states are passing legislation to try youths as adults for more types of crime at younger ages. Colorado for example has a brand new type of tough love for their juvenile threats to society, this new "love", so it is termed consists of lowering the age so that juveniles as young as fourteen can be sentenced as adults (Hetter 38). This recently instated law, I feel should be Federal law as opposed to state law. The kids these days have no direction, no ambition, and no feelings. As John Firman of the International Association of Chiefs of Police says, "Police officers are encountering more kids with no hope, no fear, no rules, and no life expectancy; the only solution is imprisonment or death; it'll set an example to the rest" (Edmonds 11). Juveniles should receive capital punishment, they should be imprisoned with adults so that maybe, just maybe we can get to the ones that still have a

chance and make a difference for them as well as us.

1995, in San Antonio, Texas, Victoria Dalton a thirteen girl, is convicted of smothering two small children left in care. When interrogated and asked why and how could she do such a thing, her reply was, "they just wouldn't shut up!". Apparently Victoria suffers from migraine headaches, and the two children had pushed her pass her limit. Later during her arrangement, Victoria stated to the judge that she was only thirteen and wondered why she couldn't go home yet(11).

Fifteen hundred miles away, in Portland, Oregon. Brandon Roses, ten, is found guilty of murdering his five-year-old sister because he claimed that she was annoying him. Later investigators found out that Brandon's father had told him that killing his sister was "OK", because he was too young to be put in jail. Another investigation is currently under way(11).

In Austin, Texas, two young men Efrain Perez and Raul Villareal were both seventeen in June of 1993. As part of Villareal's gang initiation, the boys spent the evening in a open field drinking and fighting among themselves. However shortly before midnight two girls one sixteen and the other fourteen took a short cut through this same open field. The gang members raped and killed the two girls. Perez, Villarreal, and the three nineteen-year-olds await death by lethal injection. The sixth killer, only fifteen years old, is now serving a forty year sentence in prison. Prosecutor Kelly Siegler said Villareal had shown no remorse: "He does not deserve . . . to live among us"(11).

Begun in 1889; the first juvenile court was established in Cook County, Ill., some as well as myself would claim that the juvenile justice system has become weak in its old age (Hetter 39). The first known execution of a juvenile on these shores was in 1642: Thomas Graunger, sixteen, of Plymouth Colony, Mass., was hanged for bestiality. The youngest: George Stinney, executed in South Carolina in 1944 at the age of fourteen. He was so small they had trouble fitting him into the electric chair. Records show that since that first execution, about 350 people have been executed for crimes they committed as juveniles (40).

A 1988 Supreme Court opinion set the current age limits for execution. Ruling on the Oklahoma case of a fifteen-year-old murderer, the high court declared the death penalty unconstitutional for anyone younger than the age of Sixteen when the crime was committed. "Such a young person is not capable of acting with the degree of culpability that can justify the ultimate penalty," the courts said. Presently, states cannot set their minimum age lower

than sixteen, but can set it higher. Twelve states allow the death penalty at 18, Four states at 17, twenty one states at 16, and thirteen states have no death penalty (Olsson 49).

Overall the mass of public opinion falls somewhere in the middle. While a strong majority of Americans favor the death penalty for juvenile convicted murderers (77 percent, according to a 1995 CNN/USA TODAY/Gallup Poll), people want capital punishment to be effectively and fairly dispensed, and ultimately to reduce future violent crime. In short, they want it to work(49).

The most basic justification for capital punishment is what is known as the incapacitation argument: The only way to make sure that murderers don't murder again is to kill them. But with tougher sentencing laws, some death penalty opponents say, the incapacitation argument doesn't carry the weight it once did. Many states now impose life imprisonment with no possibility of parole on the violent offenders. Still, some argue that a life sentence isn't enough. David Pierce of the Washington Legal Foundation says, "The death penalty incapacitates in a way no other form of imprisonment can; also, inmates do commit crimes behind bars against guards and each other, and they do escape from time to time" (Edmonds 11). As it stands now, almost all juvenile murderers are imprisoned rather than put to death. Even doubling or tripling the number of juvenile executions (the all-time U.S. high was 199 in 1935) would not change the fact that in America the death penalty is chiefly a symbolic threat that is carried out in only a very small percentage of cases (Hetter 44). (The 56 people executed in 1995 represented about 2 percent of the entire death row population.) Efforts to greatly increase the number of executions, such as enacting laws requiring mandatory death sentences for certain crimes, have unfortunately been ruled unconstitutional by the supreme court (44).

The second issue that I feel to be relevant, is the issue of deterrence. The deterrence argument is one of the most frequently involved justifications of the death penalty. The act of death deters future capital crimes far more effectively than does the prospect of imprisonment, even for a life sentence. A 1994 Gallup Poll revealed 61 percent of Americans believed the death penalty deters murder, and 33 percent said deterrence was their main reason for supporting the death penalty. Experts have been studying the deterrent value of capital punishment for decades, and a few have claimed to have come up with some scientific data. In 1975, economists Isaac Ehrlich, using a complex statistical analysis of executions and murder rates, concluded the death penalty does deter homicide; to be precise, each execution

prevented eight murders a year. More recently, University of North Carolina economist Stephen Layson released an updated statistical analysis that he says supports the deterrence argument. His data confirms that only followed through executions will deter capitol crimes; Layson makes a distinction between the threat of execution and the actual event; implying that we have a surplus appeals (Curriden 70). If we are going to see results from this action we must follow through as much as possible; after all a threat is just a threat but a promise is a promise.

The third issue that plays a big role in this capitol issue, is the issue of expense. Some American citizens don't care for the deterrent value, some favor the death penalty over life imprisonment because they are loath to spend tax dollars on a killer's room and board for life. But when the costs are added up, the death penalty turns out to be more expensive than life imprisonment, primarily because lawyers cost a hell of a lot more than prison guards. A 1993 Duke University study of capital cases in North Carolina concluded that the state spent \$2.16 million per execution (including juveniles). In Florida, where 34 people have been executed since 1976 second only to the 100 inmates executed in Texas), the cost of each execution has been estimated at \$3.2 million, or nearly six times the cost of life imprisonment (71). But a provision in the new Anti-terrorism measure approved just a few weeks ago-limits the number of appeals allowed by death row inmates. With this new law being put into affect, the cost per execution will drop down enough to be out-weighed by the costs of keeping an convicted juvenile or adult murderer in prison for life. The incapacitation, the level of deterrence and the number of American tax dollars that we spend on this issue are the deciding factors. If we as a nation are going to stop a rapidly growing problem (juvenile crime), we are going to have to shy away from morality, and the concept of a value of a life. Since those taking the lives of others don't have morals and don't value their own life as well as anybody else's.

The first argument presented to me against the juvenile death penalty, was the alternative of prevention and intervention programs. More specifically, programs designed to modify those young adults who have already murdered, or who have already attempted to murder (these programs also apply to juveniles involved in drugs, gangs, theft and so on). The only problem with these kind of programs is that they don't work; for one they don't place a strong enough emphasis on what they are doing or have already done is wrong. Second the cost of these programs is outrageous; to just get one of these programs

off the ground and running would cost close to 46 million dollars. For example, the State of Colorado just spent 42 million dollars on a new juvenile boot camp and a hybrid Youth Offender Program (YOS) (Hetter 45). Director of the Criminal Justice Legal Foundation, Kent Scheidegger states, "there are approximately 42 juvenile prevention and intervention programs across the nation none of which can guarantee that these kids are no longer a threat to society . . . furthermore, if we are to stop whats already out of control, we are going to have to fight fire with fire (i.e. death penalty)" (45).

The second and most interesting argument against the juvenile death penalty, was the mention of God. Religious fanatics if you will, are protesting that we are discriminating against Americas youth by attempting to kill them at such a young age. I think ex-reverend Arnold L. Stienberg said it best when he said, "God kills indiscriminately . . . and so shall we" (44). Being a firm believer in God myself, I can somewhat relate to what theses extremists are saying. That a life is precious; and that if we are going legally take a life then we are just as bad those who are taking it illegally. However, what I think these people are not taking into account is fact that what if its you that loses a loved one by some punk kid who could care whether or not you live or die. Most of these juvenile executions are pushed all the way to the electric chair not by the courts, but by the families directly involved (Ollson 55).

Many cons of the juvenile death penalty believe it is an injustice whether its a deterrent or not. And here is where the controversy comes in; the fact whether its a deterrent or not is the issue. If we can't set an example to rest, then in all honesty, whats the point in teaching a lesson to that one individual. California Attorney General Dan Lungren says, "The question ought to be whether the death penalty is appropriate, not whether it is injustice; in some cases its the only appropriate measure" (Curriden 72). If the death penalty is to become a common practice, those who make that final decision are going to have ignore the media and the general publics whining and start making decisions based on fact and merit; not on others opinion.

Capitol Punishment , like abortion or gun control, is an emotional issue that often crowds out rational debate. Truckloads of evidence purporting to "prove" the death penalty either works or doesn't work have been dumped into the public debate, which is not where it belongs. The Supreme Court Judges are the only ones qualified to make the decision to

whether or not a younger or older man should be put to death. Of course other issues such as whether or not there is enough money in the federal budget to allow for execution, are still issues that are to be evaluated by the Supreme Court Judges. Furthermore, Juvenile justice clearly stands at a crossroad for many. Particularly, conservative politicians tend to point to escalating crime rates and argue that punishment deters crime (which I think it does) whether or not they actually believe this or not is another issue. Bottom line, I believe a tougher stance will translate into fewer violent, crimeprone juveniles on the streets. At the same time other juveniles will think twice before committing more crimes.