

Big Sky Debate



Resolved: A just society ought not use the death penalty as a form of punishment.

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GENERIC**MCVEIGH EXAMPLE**

USE OF MCVEIGH IN DEBATE NARROWS DOWN THE DEBATE TO RETRIBUTION--Leiser '01
 [Burton M.; "Capital Punishment and Retributive Justice;" Free Inquiry; Summer 2001; Gale Group]

Of the four traditional justifications for punishment—reform, deterrence, incapacitation, and retribution—only one seems to be relevant to the McVeigh case and others like it:

Reform is clearly not at issue here. The execution of a mass murderer, or of anyone else, for that matter, is not designed to improve his character or to persuade him to mend his evil ways.

Deterrence is almost as irrelevant as reform in this case. There is ample evidence that critics of the death penalty are generally wrong in supposing that it is ineffective as a deterrent to other potentially violent criminals. Interviews with prisoners on death row prove only that some people are not deterred by the threat of death. No one has ever claimed that any penalty would effectively deter every potential offender. A more meaningful inquiry would explore the relationship, if there is one, between fear of the death penalty and the fact that some people who have been tempted to commit serious crimes did not carry them out. In any event, deterrence alone would not be sufficient to justify McVeigh's execution. Potential mass murderers are not likely to deliberate over McVeigh's execution as they plan further acts of terrorism. Indeed, some terrorists welcome martyrdom. Others believe that, like many before them, they will either get away with their crimes because they will never be caught, or that if they are caught, their colleagues will engage in further acts of terrorism, taking hostages and demanding their release—a threat that has often been acceded to by the political authorities of many nations.

Incapacitation is of course an absolute certainty when executions are carried out. Executed criminals are unable to pursue their criminal careers from beyond the grave. But terrorists and other evil people can be incapacitated with methods short of the death penalty. High security prisons are generally quite effective in preventing even the worst criminals from engaging in further serious mischief. If our purpose is simply to make an evil person harmless, death will certainly do the job, but it seems unnecessary since there are other ways of achieving the same result.

Retribution, then, appears to be the only rational justification for the execution of Timothy McVeigh—assuming, of course, that capital punishment can be justified. Indeed, it is the only reasonable justification for the execution of most criminals against whom the death penalty is invoked. Reform is irrelevant, deterrence is speculative at best, and incapacitation can be achieved with far less controversy.



AFFIRMATIVE:
SOCIETY SHOULD AVOID THE DEATH PENALTY
CRIMINAL JUSTICE/LEGAL SYSTEM SCRUTINY JUSTIFIES AVOIDING THE DEATH PENALTY

COURTS HAVE BEGUN TO TURN ON THE DEATH PENALTY-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

There are other signs of the death penalty's decline. Last month [March 2005] the U.S. Supreme Court, in a 5-4 decision [Roper v. Simmons], ruled that it was unconstitutional to execute juveniles, or those who committed capital murder when they were juveniles.

New York's Court of Appeals, the state's highest court, declared the death penalty statute unconstitutional last year. A bill to reinstitute the death penalty, which was passed by the state Senate last month, is expected to fail a state Assembly committee vote scheduled for Tuesday [the bill was defeated on April 12, 2005].

SUPREME COURT HAS RULED THAT CAPITAL PUNISHMENT UNFAIRLY TARGETS MINORITIES-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

These changes led in June 1972 to the U.S. Supreme Court decision in Furman v. Georgia. The Court ruled that the way in which capital punishment statutes were administered was unconstitutional. After reviewing the statistics from the 1920s through the 1960s, the majority concluded: "The death sentence is disproportionately imposed and carried out on the poor, the Negro, and the members of unpopular groups." The conviction and execution of blacks were particularly disparate when the murder victim was white and especially when a white woman was raped. Justice William J. Brennan observed, "When a country of over 200 million people inflicts an unusually severe punishment no more than 50 times a year, the inference is strong that the punishment is not being regularly and fairly applied." The Court also found that excessive punishments are prohibited and concluded that, since life imprisonment is as effective a deterrent as execution, capital punishment was excessive. Justice Thurgood Marshall added, "I cannot believe that at this stage in our history, the American people would ever knowingly support purposeless vengeance."

CONSERVATIVE POLITICIANS STARTING TO QUESTION THE DEATH PENALTY-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

Perhaps even more unexpected were the statements from Sens. Santorum and Brownback, who had both voted against measures in the mid-1990s that would have made it easier for death-row inmates to appeal their sentences.

"While I still believe that the death penalty has some value, I have seen that there are serious questions about its use, such as possible wrongful convictions," said Santorum, through a spokeswoman.

"Whereas before I was an unquestioning supporter, now I am inclined to urge more caution," added Santorum, who in 1994 voted against a proposal to replace the death penalty with life imprisonment.

Brownback was even bolder "If we're trying to establish a culture of life, it's difficult to have the state sponsoring executions," he told U.S. News & World Report this month. He also suggested that taxpayer funding for abortions and capital punishment should be eliminated. "My hope is that we form a left-right coalition on life," he said.

Brownback's comment indicates a potential broadening of the conservative "culture of life" agenda, which has been limited primarily to opposition to abortion, same-sex marriage and stem-cell research.



POLICE OFFICIALS HAVE ADVOCATED FOR A MORATORIUM ON THE DEATH PENALTY WHEN LABS ARE PROBLEM UNRELIABLE-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

In Texas, which led the nation with 23 executions last year, Houston Police Chief Harold Hurtt called for a moratorium on executions on cases from his county, Harris County, after the local police crime lab was declared unreliable.

"I think it would be very prudent for us as a criminal justice system to delay further executions until we have had time to review the evidence," Hurtt said last fall. Gov. Rick Perry has rejected Hurtt's call, despite similar appeals from state and local lawmakers.



PUBLIC SCRUTINY JUSTIFIES AVOIDING THE DEATH PENALTY**US CONSERVATIVES BEGINNING TO QUESTION THE DEATH PENALTY-- Badkhen '05**

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

It started when Rick Santorum, a conservative Republican senator from Pennsylvania, announced ... that he was questioning his once unyielding support for the death penalty.

Then Sen. Sam Brownback, an equally conservative Kansas Republican, chimed in, saying capital punishment contradicts the efforts to establish a "culture of life," a phrase that became prominent during the controversy over Terri Schiavo's fate [when family members battled in courts over removing her life support].

Neither lawmaker has suggested that the United States abandon the death penalty altogether—it should still be reserved for the "most horrific and heinous of crimes," Santorum said.

But the apparent change of heart from two of its unequivocal supporters illustrates a broader tendency.

DIVERSE ADVOCATES ARGUE AGAINST THE DEATH PENALTY-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

"One of the really interesting things about the movement against the death penalty is how diverse it is," said Brooke Matschek, a spokeswoman for the Religious Organizing Against the Death Penalty Project, a Philadelphia-based activist organization. "People are starting to understand that it's not a perfect system."

MANY RELIGIOUS GROUPS BEGINNING TO DISAPPROVE OF THE DEATH PENALTY-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

According to a Zogby International poll of 1,000 Catholics in March, just 48 percent supported capital punishment—down from 68 percent in 1994. John Zogby, who heads the polling organization, called the difference "huge."

Among America's evangelical Christians, support has dwindled from 82 percent in 1996 to 59 percent in 2004, according to a survey by the Pew Forum on Religion & Public Life—although influential conservative evangelical groups, such as Colorado-based Focus on the Family, continue to back executions.



DESPITE SUPPORT IN THEORY, AMERICANS ARE STARTING TO QUESTION THE NATURE AND APPLICATION OF THE DEATH PENALTY-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Arguments against the death penalty are easy to make, but is anyone listening? The bad news is that most Americans continue to support capital punishment in theory. The good news is when you start to probe, there is a growing sense of unease and ambivalence.

For example, 80 percent of voters want to abolish or significantly reform the death penalty system. Sixty-nine percent of voters are more worried about executing an innocent person than executing the guilty. And 64 percent of voters—including 50 percent of Republican voters—want to suspend executions until issues of fairness can be resolved.

The fact is that people are beginning to respond to concerns about the system. Across the United States, a healthy and vibrant moratorium movement is gathering steam. Elected bodies in 73 municipalities have passed resolutions in favor of a moratorium.

Two governors, Republican George Ryan in Illinois and Democrat Parris Glendening in Maryland, have each declared a moratorium. Some 14 states have debated moratorium legislation; in New Hampshire, the legislature passed a bill abolishing the death penalty, only to see it vetoed by the governor.

PUBLIC SUPPORT FOR THE DEATH PENALTY IS DWINDLING-- Badkhen '05

[Anna; "Pendulum Begins Swing Away from Death Penalty;" The San Francisco Chronicle; 10 April 2005; Gale Group]

"We've come to a new era in this issue," said Richard Dieter, head of the Death Penalty Information Center, a nonprofit group in Washington critical of the death penalty. "There is a sense that there are problems with the death penalty, that there's a need for reform."

With an increasing number of convictions reversed by DNA evidence, receding murder rates and the huge financial costs of putting people to death, public support for capital punishment dropped to 50 percent last year [2004] from 80 percent in 1994, according to a Gallup poll.

The numbers of executions and death sentences have almost halved in the past five years, according to figures supplied by the Death Penalty Information Center. Last year, 59 death row inmates were executed, down from 98 in 1999; December was the first month in a decade that passed without an execution.

PEOPLE ARE BEGINNING TO PULL THEIR SUPPORT FROM THE DEATH PENALTY-- The Progressive '01

["Stop the Killing Machine;" The Progressive; August 2001; Gale Group]

Anyone who pays attention to the death penalty can feel it. A sea change is under way. Support for the death penalty has fallen to its lowest point in years. It now [in 2001] stands at 63 percent, down from 77 percent [in 1996], according to the latest available poll. However, that drops to 46 percent when life in prison is offered as an option. [In] September [2000], a bipartisan study showed that 64 percent would favor a moratorium on further executions until "issues of fairness can be resolved."

But the numbers tell only so much. The cultural shift on the death penalty is going on in kitchens and neighborhoods and factories and offices and press rooms across the country, where people are talking about it as they have not since 1976, the year the Supreme Court lifted its ban on executions. Many are looking at capital punishment with newfound horror and sudden doubts.



CONSERVATIVES ARE STARTING TO QUESTION THE DEATH PENALTY-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

Pat Robertson, the rightwing Christian conservative and former Presidential candidate, has called for a federal moratorium on the death penalty. Robertson's reason? He says that capital punishment is discriminatory, unfairly affecting minorities and those who are too poor to pay for good lawyers.

George Will, the conservative columnist for Newsweek and the Washington Post, warns that "careless or corrupt administration of capital punishment" appears to be "intolerably common."

Even President George W. Bush seems to have had second—or first—thoughts on the subject. On June 11 [2001], Bush said, "We should never execute anybody who is mentally retarded." As numerous papers reported, the statement led to some confusion about what Bush really believed. As governor of Texas, he opposed bills that would have stopped executions of mentally retarded people, and at least a few of the 152 people whose deaths he oversaw had very low IQs.



CULTURAL OF VIOLENCE JUSTIFIES AVOIDING THE DEATH PENALTY**THE LOGICAL EXTENSION OF CAPITAL PUNISHMENT IS GOVERNMENT-ORDERED KILLING WITHOUT TRIAL-- Dutta '02**

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

At least the members of death row in the United States had the opportunity to go to trial. To see the logical extension of this willingness to kill in the name of the state we need only look to Israel, which in [2002] has begun an even more brazen and barbaric application of capital punishment: the selective assassination by the Israeli government of those suspected of being involved in terrorist activities. It is a disgrace that a government can indulge in such a sinister practice. Even in the United States, an argument to execute hard-core gang members in the inner-city because that would prevent them from killing others would jolt the conscience of the most callused hard-on-crime person. The pre-emptive executions of "suspected" terrorists by the Israeli government are based on similarly fallacious reasoning. What about proving someone's guilt before meting out the ultimate punishment? Not only do such executions backfire and lead to more violence against the Israeli people, they result in a complete loss of moral authority for the state; we should take heed from this example of the inherent immorality of the state playing God.

THE DEATH PENALTY IS A FORM OF VIOLENCE-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

For me, even in the post-September 11 world, America's death penalty continues to be just another form of violence in an already too-violent society. The problems with the death penalty—the conviction of the innocent, racial discrimination in its application, and the abysmal quality of representation most death-row inmates received at their trials—are legion and have certainly not changed since September 11, and no past or future terrorist attack will affect those realities. Elected officials such as Illinois Governor George Ryan had compelling reasons before September 11 to call for a moratorium on executions, and none of those reasons has gone away. Indeed, so long as the death penalty exists, there will be men like Anthony Porter, one of many death-row inmates recently exonerated in Illinois alone, who are sent to death row in error.

USING THE DEATH PENALTY GIVES THE MESSAGE THAT VIOLENCE IS AN ACCEPTABLE ANSWER TO PROBLEMS-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

What makes no sense to me is for a government that already has a criminal in custody to use violence—that is, the death penalty—to try to reduce violence. Using capital punishment only sends the misguided message to members of society that killing already-incarcerated criminals can somehow solve the problem of violence in American life. Statistics and history, in fact, show that just the opposite is true; when the death penalty is used, it tends to brutalize society, not make our lives any safer. While American death-penalty laws may give some a false sense of security, only incarcerating offenders and taking steps to prevent violence will make us safer in the end. Timothy McVeigh's execution did not put a stop to acts of terrorism on American soil, just as death-penalty laws do not stop homicides in Dallas or Houston and did not deter suicidal fanatics from hijacking commercial airliners and killing thousands of innocent people in a single day.



ALLOWING CAPITAL PUNISHMENT PUSHES VIOLENCE INTO OUR CULTURE-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

So we need to approach the problem of capital punishment not as a legal matter determining the rights and duties of the parties but as if we were treating a disease—the disease of violence. The past one hundred years have comprised the most violent century in human history. That violence is reflected in our television programs, movies, video games, literature, political attitudes, militaristic paranoia, the alarming abuse toward children, pervasive domestic violence, hostility toward the genuinely poor and helpless, the persistence of racism and intolerance, the way we treat petty juvenile offenders, and the mistreatment of prisoners. When we impose severe and excessive punishment, when we seek an eye for an eye, a tooth for a tooth, a life for a life, when we seek revenge on lawbreakers by some clumsy arithmetic we call justice, we become violent law abiders. We become what we say we abhor—more like criminals—more violent people. And the contagion spreads.

THE DEATH PENALTY IS A FORM OF VIOLENCE-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

In the wake of terrorist attacks, workplace shootings, carjackings, or gun violence ... effective measures can and should be taken to curtail violence. More sophisticated computer systems to track offenders, beefed-up security at public places, and better regulation of firearms are all steps that we can take to make the United States a safer place in which to live and work. Although lethal injections have largely sanitized executions, it cannot be doubted that the death penalty is a form of violence. Whether carried out by firing squad, hanging, electrocution, the gas chamber, or lethal injection, the result is the same: the killing of human life.

VIOLENCE DOESN'T JUSTIFY MORE VIOLENCE-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

The amount of violence in American society, whether on the streets or as seen on prime-time television, is astonishing. We see hijacked planes piloted into the World Trade Center and bursting into flames; we see murder scenes with yellow police tape on the evening news; and family-friendly television programming often seems to be a rare commodity. The media, acting under the guarantees of the First Amendment, must be allowed to report and expose acts of violence. However, the sheer amount of violence we face does not mean that we should inject even more violence into our lives by using the death penalty. Indeed, everyone from parents to our nation's lawmakers must play a role in shaping a better, more nonviolent future for our children.

THE DEATH PENALTY SENDS THE WRONG MESSAGE TO THE NATION'S YOUTH-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

When our country's governors or judges sign death warrants for people already confined in prison, they send the wrong message to our nation's youth. Do we really want some of our most educated members of society, who should be role models of the highest order, telling our children that killing locked-up criminals is the way to solve problems? We certainly do not hold up executioners as role models for our children, yet when executions occur aren't all members of our society in some way responsible for what those executioners are doing? It is, after all, our own laws that allow executions to happen within our borders. If anything, the death penalty only perpetuates the mistaken notion that state-sanctioned executions can somehow curtail violent crime in the United States. Just as the NAACP [National Association for the Advancement of Colored People] successfully crusaded against lynching in the last century, it is time for all of us in this century to work to do away with state-sponsored executions.



THE DEATH PENALTY VALIDATES SENSELESS VIOLENCE-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

If America is to have a safer society, we must stop seeing the death penalty as a "crime-fighting" tool, which it clearly is not. Instead, we must start seeing capital punishment for what it is: just another form of violence in our society. Thus, as we grapple with the thorny issues of how to bring heavily armed terrorists in Afghanistan to justice, America's domestic political agenda cannot be allowed to stand still. The abolition of America's death penalty is, in fact, one way already within our grasp to reduce violence. Instead of putting needles into criminals who are brain-damaged, mentally retarded, or who do not share our value for human life, our crime-fighting efforts should focus on real solutions such as tougher gun-control laws, stiffer penalties for violent offenders, better child-protection laws, and combating truancy to keep kids in school and out of gangs.

In the final analysis, the death penalty does nothing more than validate the use of senseless violence, which is not a wise or sensible thing to do in the first place. As Martin Luther King, Jr., warned: "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy." America's death penalty, inflicted after murders have already been committed, only creates more violence and represents yet another roadblock that we must dismantle if we are ever to realize King's dream of a nonviolent society based on the principles of equality and respect for human life.

CAPITAL PUNISHMENT INCREASES THE CULTURE OF VIOLENCE IN A COUNTRY-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

Many who seek to eliminate the culture of violence in society assert that capital punishment actually exacerbates the level and intensity of violence in the community. They observe that the state is backwardly killing people in order to teach others not to kill. They search for ways to heal the effects of crime upon society, the victim, and the offender. Restorative justice seeks to eliminate violence from the community and heal the harm done to the extent possible.

Violence is a highly contagious social disease that causes emotional, psychological, and physical damage and turns a peaceful person into a hostile one. The essence of violence is hatred, anger, rage, and desire for revenge caused by an act of wrongful violence internalized by the victim. When one allows oneself to be filled with these emotions in response to a violent attack, it allows the attacker to do more than just cause physical injuries. The attacker then does emotional and psychological damage as well. She or he has destroyed the victim's sense of inner tranquility and stability—a destruction that remains long after the physical injuries have healed. When anger, rage, hatred, and vengeance fill that space, the victim is turned from a peaceful to a violent person. This violence is the self-inflicted destruction of one's inner peace.



PUBLIC EXECUTIONS WERE ELIMINATED BECAUSE THEY CAUSED A GENERAL STATE OF DISORDER-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

That executions are brutalizing to American society was actually clear at least more than a century ago. Indeed, in the 1830s, American states began moving executions out of public squares because of ... the general disorder that often prevailed at them. This trend started in northeastern states and then gradually spread to all parts of the country. Midday executions on the public commons were, over the next hundred years, gradually replaced by after-dark executions that, by the late 1930s, universally took place behind prison walls. State laws specifically limited attendance at executions to a few official witnesses, and county sheriffs and prison wardens regularly barred children and women from attending them. In the twentieth century, new laws were passed throughout the country forbidding television cameras from filming these events.

Because civic leaders saw public executions as corrupting morals, many states even passed laws in the nineteenth century forbidding newspapers from printing any details of executions. Public executions, it was recognized, often drew pick-pockets and drunken spectators, and state legislators concluded that if executions were creating unintended consequences, so too were newspaper accounts of hangings. Thus, in many locales such as Arkansas, Minnesota, New York, and Virginia, only the bare fact that a criminal was executed could be printed or published. Any reporter who violated one of these laws and described an execution in print could be criminally prosecuted and jailed.

VIOLENCE BEGETS VIOLENCE-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

And violence begets more violence. It is a contagion spreading hatred, anger, rage, and desire for revenge to others out of empathy for the victim. Moreover, a violent victim may seek revenge against the original perpetrator and can be tempted to take out that anger on family members and friends when emotional triggers enflame the violent condition. Violent people don't have ample social skills to resolve differences peacefully and thus the contagion spreads. Each time a person commits a violent act with the intent to injure or kill, the attacker not only causes physical, emotional, and psychological injury to the victim but becomes a more violent person as well. Every act of violence makes the perpetrator more violent—whether the person is someone assaulting an innocent shopkeeper, acting in self-defense, performing a state execution, or soldiering in war. The contagious nature of violence infects the morally righteous police officer as well as the brutal lawbreaker. In his study of young murderers, Cornell University human development professor James Garbarino observes:

Epidemics tend to start among the most vulnerable segments of the population and then work their way outwards, like ripples in a pond. These vulnerable populations don't cause the epidemic. Rather, their disadvantaged position makes them a good host for the infection.... The same epidemic model describes what is happening with boys who kill.

Horrifically, this is a social disorder that can turn innocent people against each other.



NEED FOR RESTORATIVE JUSTICE JUSTIFIES AVOIDING THE DEATH PENALTY**MUST ALLOW RESTORATIVE JUSTICE FOR VIOLENT OFFENDERS-- Grant '04**

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

In order to foster a less violent society, the treatment of the offender should be as humane and non-violent as forcible incarceration can allow. Rehabilitation of the offender ought to be a necessary condition of parole. Life imprisonment without the possibility of parole ought to be the alternative to capital punishment.

Restorative justice seeks to eliminate the culture of violence in U.S. society and replace it with a culture of caring. It's a matter of attitude. We must not allow our hearts to be filled with hatred, anger, rage, and the desire for revenge. It's hard to put aside such feelings when a child or loved one is murdered, especially if the killing is particularly brutal or cruel. This is why violence is so hard to subdue. Look at the difficulties in restoring peace in countries like Northern Ireland, Israel, Bosnia, and India and Pakistan which have engaged in civil wars. Similarly, if we don't find a way to break the cycle of violence we will never be able to end the culture of violence that infects the United States.

Restorative justice doesn't ask that we "turn the other cheek." Restorative justice doesn't seek mercy or forgiveness for those who, by the calculus of duties and rights, deserve to die. Rather, it asks us to protect ourselves from the disease of violence by not killing the despised one. Someone must go first to stop the cycle of violence; the obvious candidate is the state. The words of John Donne from his poem "No Man Is an Island" seem particularly appropriate when we execute a condemned prisoner: "Ask not for whom the bell tolls; it tolls for thee!"

DEATH PENALTY PROVIDES NO CLOSURE FOR CRIME VICTIMS-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

This is common. "More often than not, families of murder victims do not experience the relief they expected to feel at the execution, says Lula Redmond, a Florida therapist who works with such families," U.S. News & World Report said in a June 1997 article. "'Taking a life doesn't fill that void, but it's generally not until after the execution [that the families] realize this,'" Redmond said.

Helen Prejean—the author of *Dead Man Walking*, which was turned into a movie starring Susan Sarandon and Sean Penn—stresses how illusory the relief is. She tells of a father who insisted on seeing the execution of the man who murdered his daughter. Once it was over, he said: "The S.O.B. died too quick. I hope he burns in hell." Prejean notes, "He could have watched him die a thousand, thousand times," and that still would not have healed his loss.

FOCUS ON THE DEATH PENALTY AS PUNISHMENT DISTRACTS FROM THE VICTIM-- Dutta '02

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

Instead of using the death penalty to express society's rage at wanton murder, we would be better off forcing remorseless and callous criminals to confront their depravity and make them realize how much pain they cause to others. It would be even more useful to turn our energies away from revenge on the perpetrators of crime and concentrate them instead on community support for the victims, who are often neglected as the criminal justice system focuses on retribution. Those of us who oppose the death penalty should never concentrate our efforts solely on the manifold problems of the death penalty or, as some do, on the humanity of the killer. We must pay equal attention to compassionate support for the families and other loved ones of the victims. We must feel the loss, agony, and anger of the survivors, and build social and institutional support for them. It is as immoral to ignore the pain of the victims as it is to support capital punishment.



RESTORATIVE JUSTICE IS THE ANSWER TO VIOLENCE CRIME-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

On the day of McVeigh's execution, a pastor at a memorial service for some of the victims' families asked, "Is there another way we can respond to this violence without doing violence ourselves?" Restorative justice doesn't promote anger, hatred, rage, or revenge by society or by the victim but offers a nonviolent response to the violence done. The focus of restorative justice isn't the punishment of the offender; it is the separation of the violent person from peaceful society for the protection of law-abiding citizens. With a peaceful attitude and conscious decision to choose a nonviolent and nonvengeful response, the cycle of violence can be broken and the contagion stopped. It is all a matter of attitude and the realization that violence should be countered in a mature and rational manner in order to protect society without doing damage to its citizens.



CULTURE OF LIFE JUSTIFIES AVOIDING THE DEATH PENALTY**APPRECIATION OF LIFE ENCOURAGES THOSE BELIEVERS TO DEFEND IT-- D'Arienzo '00**

[Camille; President of the Brooklyn Regional Community of the Sisters of Mercy of the Americas; "Stop This in Memory of Me;" U.S. Catholic; June 2000; Gale Group]

Appreciation of the sacredness of all life rightfully encourages believers to protect and defend it. While wanting to do the right thing, outrage and fear influence people's sense of justice, as much as do longings for forgiveness and redemption.

With each plea from the pope and other spiritual leaders, the church invites us to take another look at our convictions in view of the instruction Jesus gave to his disciples at the first Eucharist: "Do this in remembrance of me." In every circumstance of our lives we cry out for grace and mercy when we ask: "What ought we to do in remembrance of Jesus?"



MISAPPLICATION OR INCONSISTENT APPLICATION JUSTIFIES AVOIDING THE DEATH PENALTY

DEATH PENALTY IS RESERVES FOR MINORITIES, THE MENTALLY ILL OR THOSE TOO POOR TO HIRE A GOOD ATTORNEY-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Americans who support the death penalty think it should be reserved for the worst of the worst. The reality of capital punishment, however, shows that it is reserved for racial minorities, people who are retarded or mentally ill, and those who cannot afford to hire a good attorney. It is also all too often reserved for people who are factually innocent of the crime for which they were convicted and sentenced to be executed.

Doubt that the death penalty is racist? Consider this: 55 percent of the inmates who make up America's death row population are people of color (43 percent of death row inmates are black). Two of every three juvenile offenders on death row are people of color, as are a majority of retarded inmates.

Furthermore, the race of the victim plays a role in who ends up on death row. Nationwide, just half of murder victims are white, yet four out of every five people executed in the United States have died for killing white people.

NO CONCLUSIVE REPORTS EXISTS ON MINORITIES AND THE FEDERAL DEATH PENALTY; MUST STUDY FURTHER BEFORE EXECUTIONS ARE ALLOWED TO CONTINUE-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

Janet Reno had expressed doubts about the fairness of the federal death penalty during her tenure as U.S. Attorney General. [In] September [2001], she said she was disturbed by a Department of Justice report that mentioned the large numbers of minorities on federal death row. She ordered an investigation "to determine if bias does, in fact, play any role in the federal death penalty system."

On June 6, [2001], however, current Attorney General John Ashcroft brushed aside Reno's concerns with a new report claiming the federal death penalty is applied fairly, though he acknowledged that a more systematic study was necessary.

Ashcroft's haste to execute before the lengthier study was done is inexcusable. And his own report is shoddy. It fails to grasp the basic question of whether minorities are more likely to be charged with federal capital offenses than whites are. "The Ashcroft report purports to study this issue without looking at the much larger universe of cases in which federal charges could have been filed but were not.... For all we know, there were so many white defendants with cases just as suitable for federal capital prosecution as the minority defendants who were charged, or more so," wrote Samuel R. Gross in an op-ed for the Progressive Media Project. Gross is a professor of law at the University of Michigan and co-author of *Death and Discrimination: Racial Disparities in Capital Sentencing*. He criticized Ashcroft's assertion that the racial imbalance occurred because federal courts target crimes associated with drugs and that "organized drug trafficking is largely carried out by gangs whose membership is drawn from minority groups." Gross said, "This explanation has a depressingly familiar ring" of racial profiling about it.



US BUNGLES HIGH PROFILE DEATH PENALTY CASES IN DUE PROCESS; LESSER KNOWN CASES COULD BE WORSE-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

It is becoming increasingly evident that those who are leery of the death penalty have reason for skepticism. The last-minute news that the Federal Bureau of Investigation had withheld thousands of pages of documents from Timothy McVeigh's attorneys spoiled what should have been the strongest possible argument for capital punishment. This bungling drew attention to the fact that prosecutors often withhold documents, and that in cases with less media scrutiny than *The United States vs. McVeigh*, such a violation might never be discovered. "If the FBI could fail to turn over documents in a case this important, think what happens in the thousands of lesser cases where the death penalty is also meted out," said Kenneth Roth, executive director of Human Rights Watch.

DEATH PENALTY IS APPLIED MORE OFTEN WHEN THE ACCUSED IS A MINORITY AND THE VICTIM IS WHITE-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

And evidence that courts punish people more harshly for murders of whites than of blacks is also stark. A study of the death penalty in North Carolina released this year found that the likelihood of landing on death row was much higher if the victim was white and the perpetrator was nonwhite.

Jack Boger, a professor at the University of North Carolina School of Law, examined 3,990 homicide cases. He found that 11.6 percent of nonwhite defendants charged with murdering white victims were sentenced to death versus 6.1 percent of whites who murdered whites and 4.7 percent of nonwhites whose victims were nonwhite.

These results are nothing new. A 1998 study released by the Death Penalty Information Center in Washington, D.C., found that blacks in capital cases in Philadelphia were almost four times as likely to be sentenced to death as whites in similar cases. It also said there is a "disturbing and consistent" pattern of imposing the death penalty much more often when the victims are white.

This bias is not lost on Prejean. "When people of color are killed, when poor people are killed, when 'the nobodies' of this society are killed, there is no big quest to pursue the ultimate punishment to avenge their deaths," she says.

DESPITE GOVERNMENT ASSURANCES THAT DEPENDENTS WILL RECEIVE ADEQUATE COUNCIL, MANY CAPITAL DEPENDENTS HAVE HORRIBLE REPRESENTATION-- Leahy '02

[Patrick, Senator from Vermont; US Senate Testimony on the Innocence Protection Act; 18 November 2002; Gale Group]

The Constitution requires the Government to provide an attorney for any defendant who cannot afford one. The unfortunate fact is that in some parts of the country, it is better to be rich and guilty than poor and innocent, because the rich will get their competent counsel, but those who are not rich often find their lives placed in the hands of underpaid court-appointed lawyers who are inexperienced, inept, uninterested, or worse.

We have seen case after case of sleeping lawyers, drunk lawyers, lawyers who meet with their clients for the first time on the eve of trial, and lawyers who refer to their own clients with racial slurs.

Part of the problem, I think, lies with some state court judges who do not appear to expect much of anything from criminal defense attorneys, even when they are representing people who are on trial for their lives. Good judges, like good prosecutors, want competent lawyering for both sides. But some judges run for reelection touting the number and speed of death sentences they have handed down. For them, the adversary system is a hindrance.



MINORITIES ARE THE VICTIM OF VINDICTIVE PROSECUTIONS; CLARENCE BRANDLEY EXAMPLE-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Of course, the numbers do not paint a complete picture. Racial minorities have been the victims of particularly cruel and vindictive wrongful prosecutions, particularly in the South. Consider the case of Clarence Brandley, who spent 10 years on death row in Texas for a crime he did not commit. Brandley was the head janitor at a high school where a young white female student was found strangled. When police arrived at the crime scene and saw Brandley, a black man, and another janitor, who was white, one officer reportedly declared, "One of you is gonna hang for this. Since you're the nigger, you're elected." Brandley was freed from prison when all charges against him were dropped after a Department of Justice and FBI investigation uncovered trial misconduct.

DEATH PENALTY EXECUTES THOSE WITH MENTAL ILLNESS OR COGNITIVE DELAY-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Doubt that the death penalty is reserved for people who are retarded or mentally ill? Since executions were allowed to resume in 1976, we've executed 44 mentally retarded inmates. (And that is a conservative number. Many inmates are not evaluated for mental retardation before they are executed.)¹ These 44 inmates include Morris Mason of Virginia who, on his way to the death chamber, turned to a prison worker and said, "You tell Roger [another death row inmate] when I get back, I'm going to show him I can play basketball as good as he can." Ricky Rector of Arkansas separated his pecan pie from his last meal and left it on the windowsill of his prison cell. He wanted to eat it after the execution.

CAPITAL CASES DISCRIMINATES AGAINST THOSE WITHOUT THE MONEY FOR ATTORNEY-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Doubt that the death penalty discriminates against those who cannot afford a good attorney? Consider the case of Ronald Keith Williamson, who was convicted in Oklahoma and sentenced to death for murder and rape in 1988.

Williamson's conviction was tossed out because of ineffectiveness of counsel; a federal appellate court wryly noted that his attorney failed to investigate and present to the jury the fact that another man had confessed to the rape and murder. It was a case of you get what you pay for—the attorney had received only \$3,200 for his defense. Later, DNA evidence would exonerate Williamson.

Of course, that is just the tip of the iceberg. We've seen capital murder suspects represented by drunken lawyers, sleeping lawyers, biased lawyers, inexperienced lawyers, lawyers who were later disbarred, and lawyers who would be institutionalized due to mental illness.

Aden Harrison Jr., a black man, had as his court-appointed counsel 83-year-old James Venable, who had been an imperial wizard of the Ku Klux Klan for more than 15 years. Judy Haney's court-appointed lawyer was so drunk during the trial in 1989 that he was held in contempt and sent to jail. The next day, both client and attorney came out of the cellblock and the trial resumed. George McFarland's attorney slept through much of the trial. He objected to hardly anything the prosecution did, and every time he opened his eyes, a different witness was on the stand.

As Supreme Court Justice Ruth Ginsburg put it, "People who are well represented at trial do not get the death penalty. I have yet to see a death penalty case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial."



MORALITY JUSTIFIES AVOIDING THE DEATH PENALTY

EVEN WITH HORRIFIC DEATHS, THE DEATH PENALTY IS NOT MORALLY JUSTIFIED-- Dutta '02
 [Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun;
 July/August 2002; Gale Group]

The murderer had viciously executed his frail victims by slitting their throats, then started a fire to cover up the crime. The gentle couple, loved by their neighbors, had been married for the last fifty years. Now they were dead. I stood silently, shaken by human savagery that no other animal could match. The crime-scene photographer walked slowly to me and whispered, "I hope they find the guy and hang him!" She sees a lot in her job, but the brutality of the crime and the elderly age of the victims had visibly shaken her. I didn't have the courage to tell her that executing the depraved killers would not turn back the clock and erase this blot on the sheer fabric of humanity. As I looked at the young photographer, I thought, would I have the courage to look into the eyes of the victims' daughter and self-righteously proclaim that the death penalty is immoral? Could I emphatically say that the cold-blooded monster who planned this robbery and viciously murdered these defenseless people could or should be rehabilitated? No. It would be presumptuous of me to tell the victims' families that I feel their pain. It would be even more preposterous to ask them to forgive the murderer and not root for capital punishment. Nevertheless, although I am deeply aware of the suffering that murder causes, I don't believe the death penalty can be justified. When I find myself faced with murder, I think about my great-uncle, who used senseless murder to justify senseless murder. The practice of capital punishment, particularly by our "justice system," reveals a serious failure in our humanity. We no longer burn witches or keep slaves or have monarchs dictate our lives. Capital punishment is similarly anachronistic. I am not some soft-hearted ignoramus arguing for going easy on murderers. As a police officer, I am sometimes confronted by vicious people who have so lost their humanity that they don't belong in any neighborhood. Some are such cold-blooded killers and others bring such misery to the world around them that they should be locked up forever. I want the people who calculatingly and brutally murder others to pay severely for their heinous crimes. Wanting to keep dangerous people out of society is different, however, from wanting to respond to violence with violence. No society can reach a peaceful existence if its people resolve their problems with violence.

DEATH PENALTY IS A POOR MEAN OF REVENGE-- Dutta '02
 [Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun;
 July/August 2002; Gale Group]

However, even as a means of revenge, the death penalty is an absolute failure. Candlelight vigils, media coverage, and an endless judicial process turns the criminal into a celebrity while the victim's family seethes with resentment, sometimes for decades! Not only does the criminal become glorified, the taxpayer-subsidized court costs are horrendous. Victims are re-victimized repeatedly as the loss of their dear ones is downplayed and they are portrayed as despicable people because some of them want the execution to proceed. This sort of revenge is not sweet. Despite the hopes of most pro-death penalty victims, executing criminals does not necessarily bring resolution and healing to the victim's family. In a calculated act so depraved that even sick people would deplore it, Reynaldo Rodriguez walked into the wealthy suburban home of his ex-girlfriend Maria Calderon in Simi Valley and systematically killed three of her family members and wounded two others. After his heinous crime, he drove to a campground in Los Padres National Forest and killed himself. Maria Calderon's feelings reveal the profound flaw in capital punishment. She said to the Los Angeles Times, "I would have much rather he stayed alive. That way he could face the justice system and live with the fact that he murdered three people, and suffer what we're suffering. Now he took his own life—and he's not suffering anymore."



CHANCE OF KILLING INNOCENT PEOPLE JUSTIFIES AVOIDING THE DEATH PENALTY

POSSIBILITY OF KILLING THE INNOCENT TRUMPS ALL ARGUMENTS IN FAVOR OF CAPITAL PUNISHMENT-- Dutta '02

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

Even if we were to accept the arguments in favor of capital punishment, the clearest reason to forego killing criminals comes from the inevitable miscarriage of the punishment itself. I shudder at the fact that ninety-four innocent individuals in the last decade were released from death row. They had been wrongfully condemned to death for crimes they did not commit. Some were minutes from execution. For each person exonerated, how many innocent people have we executed? This utter disgrace should make members of the criminal justice system hang their heads in shame. I cannot even imagine the anguish of a wasted life, the years away from friends and family, the disrepute and shame suffered by these poor souls who spent precious moments of their lives locked away in a maximum security prison for crimes they did not commit. What does the sword hanging over one's head do to the psyche of a wronged person who awaits the hand of the executioner while the appeals process is being exhausted? Frank Lee Smith was convicted of a 1985 rape and murder and condemned to death row. Smith died in prison after spending fifteen years there. His innocence was proven by DNA tests after his death! This is only one of many poignant examples that cries out loud against capital punishment.

LEGAL APPEAL PROCESS ISN'T ENOUGH TO STOP THE KILLING OF INNOCENT PEOPLE USING CAPITAL PUNISHMENT-- Dutta '02

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

In many of these cases, nothing in the legal appeals process helped uncover the innocence of these wrongly convicted individuals. Instead, it was investigations conducted by journalists or college students, or the confessions of the true perpetrators of these crimes that helped to exonerate the innocent. In fact, the justice system has at times worked to wrongly criminalize the innocent. Reckless prosecutors and police lab chemist teams like Robert Macy and Joyce Gilchrist of Oklahoma have been criticized for playing with the rules to convict people in murder trials. This makes a mockery of the system when professional enforcers of the law mangle the spirit of the law to get convictions, forcing outsiders to rescue the hapless victims of the criminal justice system.

MISTAKE-PRONE HUMANS MAKE APPLICATION OF THE DEATH PENALTY INAPPROPRIATE-- Dutta '02

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

People also make mistakes; research shows that even eyewitnesses are unable to recall events accurately. Yet we brazenly act as if we were God and condemn people to death, calmly ignoring that we are mistake-prone humans. Furthermore, our history is replete with stories of governments framing people they did not like. Individuals such as Geronimo Pratt can attest to the effectiveness with which innocent people can be framed by a determined government. Criminal cops such as Rafael Perez ride roughshod over prosecutors and juries and railroad people into prison or worse. Corruption in FBI crime labs, lying forensic analysts, biased juries, and prosecutors bending to local politics make a dangerous mixture, making the legal process highly unsafe for those on the lower socio-economic stratum of the society. I am not saying that a majority of people on death row are innocent; most are brutal killers who deserve to be there. However, even if a minute fraction of individuals on death row are innocent, it is immoral to support capital punishment. When our government executes an innocent person in our name, all of society is responsible for the death of that innocent person.



THE DEATH PENALTY ENSNARES INNOCENT PEOPLE INTO LIVE OR DEATH SITUATIONS-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Doubt that the death penalty ensnares innocent Americans in its complicated legal web? More than 100 people have been freed from death row due to actual innocence, while close to 800 people have been executed. This means that for every eight people we are executing, one person is completely exonerated. Think of it this way. What if a prescription drug cured eight of every nine people who took it but killed the ninth? What if an airline carrier successfully completed eight of every nine flights it launched, but the ninth resulted in mechanical failure?

What if you are able to successfully reboot your computer eight of every nine tries, but the rest of the time, it crashes and destroys your document? As a society that depends upon a functioning criminal justice system, should we have confidence when that same justice system sends innocent people to death row? As Supreme Court Justice Sandra Day O'Connor put it, "If statistics are any indication, the system may well be allowing some innocent defendants to be executed. More often than we want to recognize, some innocent defendants have been convicted and sentenced to death."

SAYING THAT SEEING INNOCENT PEOPLE RELEASED FROM JAIL IS PROOF THAT THE SYSTEM IS WORKING ARE IN "INNOCENCE DENIAL"-- Leahy '02

[Patrick, Senator from Vermont; US Senate Testimony on the Innocence Protection Act; 18 November 2002; Gale Group]

Finally, there is one more argument against the bill which is rarely stated out loud. I call it the "innocence denial" argument. We saw this in the Earl Washington case in Virginia where, despite conclusive DNA evidence to the contrary, the Commonwealth for years clung to the hopelessly unreliable and implausible confession of a mentally retarded man. We see it in claims that "the system is working" when an innocent man is released after years on death row due to the work of journalism students. And we see it in the often-repeated insistence that, no matter how many people have been exonerated, no one can prove that an innocent person has actually been executed.

The innocence deniers will never concede there is a problem. But with 100 known instances of the system failing—and those are only the ones we know about—it would be surprising if there were not more unknown cases of innocent people being sentenced to death.

ACTUAL NUMBER OF INNOCENT PEOPLE KILLED IS NO MATTER; IF EVEN ONE INNOCENT PERSON DIES, THE DEATH PENALTY IS UNACCEPTABLE-- Hawkins '02

[Steven W.; Director of the National Coalition to Abolish the Death Penalty; "It Is Immoral and Ineffective;" World & I; September 2002; Gale Group]

Some death penalty proponents quibble over the number of people who have been found to have been factually innocent. The exact number isn't really what's important. What's important is that not one of us—death penalty opponents or proponents—would conclude that executing even one innocent person constitutes acceptable criminal justice policy in the United States.



OVER 100 PEOPLE WHO HAVE BEEN SENTENCES TO DEATH HAVE BEEN RELEASED; JUSTICE SYSTEM ISN'T CONSISTENT ENOUGH TO HAVE A DEATH PENALTY-- Leahy '02

[Patrick, Senator from Vermont; US Senate Testimony on the Innocence Protection Act; 18 November 2002; Gale Group]

Since the 1970s, more than 100 people who were sentenced to death have been released, not because of some technicality, but because they were innocent, because they had been sentenced to death by mistake. One wonders how many others were not discovered and how many innocent people were executed.

These are not just numbers, these are real people. Their lives are ruined. Let me give an example: Anthony Porter. Anthony Porter was 2 days from execution in 1998 when he was exonerated and released from prison. Why? Not because the criminal justice system worked. He was exonerated and released because a class of journalism students, who had taken on an investigation of his case, found that he did he not commit the crime. They also found the real killer. A group of students from a journalism class did what should have been done by the criminal justice system in the first place.

Ray Krone spent 10 years in prison. Three of those ten years were on death row waiting for the news that he was about to be executed. Then, [in 2002], through DNA testing, he was exculpated and the real killer was identified. These are two of the many tragedies we learn about each year.

These situations result not only in the tragedy of putting an innocent person on death row, but they also leave the person who committed the crime free. Everything fails. We have the wrong person in prison. But we have not protected society or the criminal justice system because the real criminal is still out running free. Often times, the actual perpetrator is a serial criminal.



INTERNATIONAL SCRUTINY JUSTIFIES AVOIDING THE DEATH PENALTY**THE UNITED STATES IS MORALLY ISOLATED IN ITS SUPPORT OF THE DEATH PENALTY-- Jacoby '03**

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

While the American public examines its conscience, the U.S. capital punishment system is an enormous embarrassment overseas.

Until recently, U.S. executions got much more attention abroad than they did here. "An average person in France," reported the New York Times, "could not help but be familiar with the case of Betty Lou Beets," who was executed in Texas in February of [2000] for killing her fifth husband. "Her story, with particular attention to her assertion that she was abused by her father and husbands, has been on the front page of many newspapers."

The same was true, said the Times, of Odell Barnes. French editorialists had penned columns questioning whether Barnes was innocent, and the mayor of Paris even traveled to Texas to meet him. Barnes was executed in March of [2000].

The moral isolation of the United States has grown more glaring almost by the day. In April [2001], the United Nations Human Rights Commission called for a global moratorium "with a view to completely abolishing the death penalty." The proposal was put forward by the European Union. The vote was 27 to 18, with the United States, along with Japan, China, Indonesia; and Saudi Arabia, voting against.

FOREIGN NATIONS DOUBT US CREDIBILITY ON HUMAN RIGHTS DUE TO SUPPORT OF THE DEATH PENALTY-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

Then, in late June [2001], the Council of Europe, the continent's forty-three-nation human rights group, voted to remove Japan and the United States as observers unless they call a moratorium on executions "without delay" and begin a formal repeal of the death penalty.

"The debate at the Council of Europe is further evidence that the credibility of the U.S. on human rights issues has reached a new low point," said Ajamu Baraka, acting director of Amnesty International USA's Program to Abolish the Death Penalty. "The U.S.'s reputation continues to be tarnished by its defiant and puzzling commitment to a punishment that has no deterrent effect and that the majority of the world's nations has abandoned as barbaric and outdated."

US VIOLATES THE VIENNA CONVENTION IN ITS APPLICATION OF THE DEATH PENALTY-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

A few days later, the World Court ruled that the United States had violated the Vienna Convention in a death penalty case involving Karl and Walter LaGrand, both German nationals who were executed in 1999. Neither of the LaGrands was informed of his right to seek assistance from the German consul upon arrest.

More than ninety foreign citizens from thirty-three nations are reportedly under death sentences in the United States, according to Amnesty International. In most of these cases, says Amnesty, local authorities failed to inform the prisoners upon detention of their right to consular notification and assistance—"in glaring violation of the Vienna Convention." In the past ten years, at least fourteen foreign nationals who were not informed of their consular rights have been executed here in the United States.

In mid-June [2001], Frank Keating, the governor of Oklahoma, granted a thirty-day reprieve to a Mexican national named Gerardo Valdez. Valdez, like the LaGrands, was not told of his right to contact his consulate upon arrest. Keating later criticized the legal standard for capital punishment in Oklahoma as "too low."



LIFE IN PRISON BEST**LIFE IN PRISON IS THE BEST ALTERNATIVE-- Dutta '02**

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

An effective alternative to the death penalty exists. Life in prison without parole is moral, practical, and far less expensive than the complicated process that leads to the death chamber. With life imprisonment, the cold-blooded murderer is removed from society and immediately forgotten, so that attention can be turned to the victims and their needs.

Revenge may bring momentary satisfaction, but only the potential to reach into someone's callused heart can bring healing. We cannot be a civilized society while we indulge in hatred and consign forgiveness to the sidelines. Anyone can be a knee-jerk reactionary and demand blood; it takes enormous courage to forgive the depraved who have caused us such enormous pain and sorrow.

IF AN OFFENDER IS IN PRISON ALREADY, THE DEATH PENALTY DOES NOTHING MORE THAN INJECT VIOLENCE INTO CULTURE-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

In wartime or when someone acts in self-defense to preserve his or her own life, the use of violence can be justified to protect life. World War II, for example, was fought to stop Nazi aggression and end the Holocaust. But when a government already has someone in prison, what purpose is served by an execution? All an execution does is inject more violence into a society. Because the government should be setting an example for its people, executions are especially counterproductive. The need for public safety and what should be any government's goal—that is, a nonviolent society—can be easily reconciled by making life-without-parole sentences the maximum penalty allowed by law for murder.



SHOULD AVOID RETRIBUTION**RETRIBUTIVE JUSTICE FUELS CRUEL PUNISHMENTS-- Grant '04**

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

Today it seems even less evident. Many in U.S. society demand vengeance and retribution for violent criminal conduct. Retributive justice means that the criminal must be made to pay for the crime by a crude mathematics that demands the scales of justice be balanced; this appeals to humanity's basest animal instincts and ancient demands for an eye for an eye, a life for a life. Retributive justice is fueled by hatred and satisfied only with full and complete revenge—the more cruel, the more satisfying. Civil liberties defender and lawyer Clarence Darrow observed that the state "continues to kill its victims, not so much to defend society against them ... but to appease the mob's emotions of hatred and revenge." After Oklahoma City bomber Timothy McVeigh was executed amid wide television coverage, over 80 percent of the viewers polled said that he deserved to die; many said his death was too clinical and he should have died more painfully. One man said that McVeigh should have been stoned to death. Others were willing to forego his execution because they thought that life behind bars with no possibility of parole would be a greater punishment.

RETRIBUTIVE JUSTICE ENFORCES DIFFERENCES BETWEEN CLASSES-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

Retributive justice has a bad history, however, as it has historically been used to enforce a class society by oppressing the poor and protecting the rich. It has been used to impose racism by applying the law in an unfairly heavy-handed way upon African-American citizens and in a lenient manner upon white Americans. The U.S. justice system has imprisoned more than two million people; about all are black, although African-Americans constitute only 12 percent of the total population. The prison system has been likened to a twenty-first century form of slavery.



A/T: DEATH PENALTY DETERS**DEATH PENALTY HAS NO DETERRENT EFFECT ON CRIME-- Dutta '02**

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

Death penalty support in law-enforcement comes from a deeply-held conviction by police officers that it is a deterrent. Demagogues exploit the fear of crime in the community and use their support for capital punishment as a badge of honor. As a police officer myself, I can emphatically state that many of my colleagues are wrong: the death penalty has no deterrent effect on crime. Capital punishment fails to deter those who commit crimes of passion. Capital punishment also has no dissuading power over criminals who are opportunistic, calculating, or overcome by drugs. A person taking a chance that he will not be caught for the crime he is planning to commit does not discriminate between the death penalty and life in prison without parole. Killing a criminal will prevent him from committing another crime—but so will putting him behind bars forever.

CAPITAL PUNISHMENT WON'T DETER MANY MURDERERS-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

Of those who favor capital punishment, not all would agree that retribution is their motive. Many argue that it is a deterrent to murder. But is it? Think of the troubled boys at Columbine High School who killed a teacher and students first and then committed suicide.¹ Many violent people—particularly violent adolescents—resort to violence toward others only as an alternative to suicide and, in many cases, kill themselves anyway after killing others. Capital punishment wouldn't be a deterrent to them.

If these might be viewed as exceptional circumstances, then a way of covering all circumstances would be to compare statistics between states and nations with and without capital punishment. However, the majority of the justices in Gregg, after reviewing the evidence, concluded, "Statistical attempts to evaluate the worth of the death penalty as a deterrent to crimes by potential offenders have occasioned a great deal of debate. The results simply have been inconclusive." This may be because whatever deterrence factor exists for capital punishment probably exists almost equally for life imprisonment.

STATES WITHOUT THE DEATH PENALTY DON'T HAVE THE HIGHEST MURDER RATE, DISPROVING DETERRENCE CLAIMS-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

Then there is the bogus claim of deterrence.

During the Presidential campaign [in 2000], Bush said that the only reason he was in favor of the death penalty was because it is a deterrent. But it isn't. The most striking recent evidence to emerge on this front comes from a September 2000 article by Raymond Bonner and Ford Fessenden in the New York Times. The piece showed that the twelve states that have not enacted the death penalty since it became legal in 1976 have not had higher rates of murder than those states with the death penalty. More revealing yet, the study also found that "homicide rates had risen and fallen along roughly symmetrical paths in the states with and without the death penalty."

The death penalty is biased against the poor and against racial minorities. It is arbitrary. It is capricious. It is cruel. It should be banned.



HIDDEN NATURE OF EXECUTIONS PROVE THAT CAPITAL PUNISHMENT CANNOT DETER CRIME-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

The modern-day contention by some that executions deter crime better than life-without-parole sentences is thus totally at odds with both American history and the facts. If executions were such a wonderful deterrent, why would the government choose to hide them from public view and even pass laws to prohibit the dissemination of news about them?

DEATH PENALTY DOES NOTHING TO FIGHT CRIME-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

I prefer life-without-parole sentences to the death penalty because capital punishment has a corrosive influence on any society, and there is no evidence that the death penalty really does anything to fight crime. In fact, a recent study commissioned by the New York Times examined FBI data and found that death-penalty states' average murder rates consistently exceeded those of non-death-penalty states. The study reached the very disturbing conclusion that, over the last twenty years, death-penalty states' homicide rates have been, on a per capita basis, an astonishing 48 percent to 101 percent higher than in non-death-penalty states. Of America's twelve non-death-penalty states, ten have murder rates that are below—often far below—the national average.

DEATH PENALTY DOES LITTLE TO FIGHT CRIME; MINNESOTA EMPIRICALLY PROVES-- Bessler '02

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

The State of Minnesota, where I live, for instance, abolished capital punishment in 1911 and yet has one of the lowest violent-crime rates in the country. While the national homicide rate was 6.3 murders per 100,000 people in 1998, Minnesota's rate that year was less than half that figure; in contrast, active death-penalty states such as Texas and Louisiana regularly have some of the country's highest murder rates. I think anyone who fairly considers the evidence should be extremely troubled by the fact that, year after year, America's death-penalty states have higher homicide rates than do non-death-penalty states. Obviously, many factors can affect a state's homicide rate. However, these compelling statistics—indeed, logic itself—compel the conclusion that the death penalty is, at bottom, really nothing more than part of a culture (still prevalent in many places) that condones the use of violence.

A BETTER POLICE FORCE WOULD BE A BETTER DETERRENT THAN CAPITAL PUNISHMENT-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

A far greater deterrent than either, however, would be more efficient police investigation. An average of twenty-two thousand murders and non-negligent manslaughters are committed annually in the United States but only two-thirds, or fifteen thousand, suspects are arrested. And only 45 percent, of about ten thousand, of all accused killers are convicted.



HARD JUSTICE ISN'T DETERRING CRIME-- Grant '04

[Robert; Attorney and Retired Judge; "Capital Punishment and Violence;" Humanist; January/February 2004; Gale Group]

The U.S. justice system has reverted to a strictly punitive method in order to prove "tough on crime" and in the hope that stronger punishment will somehow deter future criminal activity. But the reality is that severe punishment isn't working. Kids and petty offenders under the current system become hardened, violent, and persistent criminals. The present punitive and retaliatory justice system is unworthy of the American people's high standard of justice, which values the individual and demands equal justice for all.



A/T: DEATH PENALTY DETERS (DETERRENCE LOGIC FLAWED)

[Editor's Note: This card is too long to read, but we liked the logic in the argument.]

DETERRENCE LOGIC FLAWED-- Bloom '03

[John; UPI Writer; "The Perfect Death Case;" United Press International; 20 January 2003; Gale Group]

If I were a death penalty advocate, which I'm not, I would use John Taylor as the poster boy for lethal injection.

Taylor is the guy who masterminded the Wendy's massacre in Queens, [New York, in May 2000]. He tried to execute seven people, but two of them survived and fingered him.

His motive for the crime: money. (He and his accomplice made off with \$2,400 in cash.)

His motive for the murders: eliminating witnesses.

He and his mentally retarded assistant duct-taped the mouths of the seven people, put white trash bags over their heads, herded them into a walk-in freezer, lined them up on their knees, and systematically shot them execution-style.

The reason this is the perfect death penalty case, as far as arguing for and against, is that for 50 years now the national debate has centered on one principal issue: Does the death penalty deter crime?

Since half of the capital crimes that end up going to court are armed robberies gone bad—the stereotypical convenience-store gunman—the whole debate hinges on what we should do when a murder occurs during the commission of a felony. You can argue it either way.

Some believe that we'll have fewer armed robberies if potential criminals see the prisons full of drugstore robbers waiting to die.

But the argument is also made that the death penalty doesn't deter crime because the kind of person who wants to hold up a liquor store is not going to be thinking "But what if I kill somebody?" He's already a desperate man, and he's not considering consequences.

But John Taylor ends all ambiguity. He intended to kill those Wendy's employees from the get-go. He didn't think, "If I can get the money and get away clean, I'll let them live." He thought, "The only way I can get away clean is to make sure they're all dead." He simply botched the job.

We know this because he was a fired employee of this particular Wendy's, and the only reason they let him inside at closing time was that everyone knew him. Fleeing the scene after a robbery would have gained him nothing. They all knew his name, and the company itself knew where he lived. So the only logical conclusion is that he thought his need for money was worth seven murders.

(The other possibility is that he went postal and decided to carry out a massacre as an act of revenge against the company that fired him, and the robbery was just an afterthought. In that case it would be a depraved hate crime that would probably be defended with an insanity defense. Since his public defenders didn't use this, I think we can assume Taylor was not crazed.)

I think the absolute strongest argument for the death penalty comes in cases involving the killing of witnesses. In many crimes, the victim is also the only witness. Most murders by child molesters, for example, are carried out simply to make sure the child doesn't identify the rapist. The idea is that we need the death penalty so that felons will think it's better to let witnesses live than to kill them and get lethally injected later.

If you're thinking about the consequences of your potential crimes when you first case the joint you're going to hold up, your liability runs something like this:

1. Armed robbery: 5 to 15
2. Simple murder: 20 to 40
3. Capital murder: death

The difference between 2 and 3 is what is supposed to keep the witnesses alive. Capital punishment is supposed to encourage the felon to rob but not kill. The idea of getting "stretched" in prison—a sentence often years or more—is frightening to even hardened criminals. And so the question is: are they more frightened by the idea of being killed than being stretched?

After all, if you don't have capital punishment, then there's very little difference between going down for robbery or going down for murder. If you believe you can get away entirely by killing a witness or two, then your additional risk is not that great.

And then you have John Taylor. He knew that New York state has capital punishment. It's impossible to live here and not know that. He knew he would have to kill the witnesses if he had any chance of avoiding prison. And he chose to do the crime anyway.

This is why I think the death penalty doesn't work. Capital crimes are not committed by people who weigh the consequences of their acts. They don't think, "Well, I'll risk 40 years in prison but I won't risk death." Their whole makeup is focused on the short term. "Tomorrow" is not in their vocabularies.

John Taylor did receive the death penalty, and the verdict was applauded by everyone. But you can't really justify it under any theory of deterrence. He knew he was going to kill. He knew the result of his killing could be his own death. And he was undeterred.

In the future, let's retire this word "deterrence" entirely. It's no longer relevant. Let's call it what it is: vengeance. John Taylor must die so that society can feel that a wrong has been righted. But let's not delude ourselves that somehow we've made the streets safer or saved a future life. This is blood for blood. The certainty that he'll die makes us feel better.



A/T: DEATH PENALTY SHOULD APPLY TO HORRIFIC CRIMES**SAYING THAT MURDER JUSTIFIES THE DEATH PENALTY WOULD ONLY WORK IF WE KILLED EVERY MURDERER-- Dutta '02**

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

I have heard many arguments in favor of capital punishment. For example, some people argue that if I kill someone, I give up my right to live. That principle would qualify as a moral argument only if it were applied evenly. However, we do not sentence every murderer to death. Why isn't a reckless drunk driver who kills an entire family not sentenced to death? Because murders are different from each other, is the response—some are more cruel than others. But how do we quantitatively measure the heinousness of a murder? When mistake-prone humans send some criminals to the death chamber and others to prison are we not appropriating God's authority? What could be more immoral?

A/T: DEATH PENALTY FOR TERRORISTS**CAPITAL PUNISHMENT OF TERRORISTS MAKES MARTYRS-- Dutta '02**

[Senil; Sergeant of the LAPD; "Humans Playing God: Capital Punishment and Its Follies;" Tikkun; July/August 2002; Gale Group]

People have asked me whether I would support capital punishment if the criminal is absolutely identified beyond a shadow of a doubt. What if the wickedness of the crime shocks the conscience of everyone? The dastardly bombing in Oklahoma by Timothy McVeigh and the evil mass murder [on] September [11, 2001], of people in the World Trade Center come to mind. Is it moral and practical to execute a terrorist whose sole reason for existence is causing pain and suffering? Well, I don't think that capital punishment would make such terrorists rethink the shallowness of their reasoning and understand the insanity of their behavior. Instead, we would make them martyrs. Capital punishment is not a deterrent to these terrorists, but a goad. It is more important to look to social and political circumstances to prevent such monumental catastrophes from happening.



NEGATIVE:
SOCIETY SHOULD EMBRACE THE DEATH PENALTY
CHANCE OF RECIDIVISM JUSTIFIES THE DEATH PENALTY

CRIMINALS CONVICTED OF MURDER ARE HIGHLY LIKELY TO MURDER AGAIN, EVEN IF INCARCERATED-- Tremonglie '03

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

In March 1979, a Graterford (Pa.) prison guard was murdered brutally by an inmate. The inmate—at the time he murdered the guard—already was serving a life sentence for the triple murder of two infants and an elderly woman.

In 1994, an inmate who already was serving two life sentences in the Philadelphia Industrial Correctional Center was sentenced to three more after he was convicted of stabbing three prison guards.

In 1995, two death-row inmates at the Florida State Prison in Starke were killed by their fellow inmates.

In 1999, a Beeville (Texas) prison guard was killed by an inmate already serving a sentence for murder.

More examples could be cited, but it would be pointless. The fact is that murderers who already are imprisoned murder again. According to the latest Department of Justice (DOJ) information, of those sentenced to be executed, 65.7 percent had been convicted of a prior felony. Nearly one in 10 had been convicted of a prior homicide, and 4 percent either were in prison or escaped from prison when they murdered again.

EVERY COUNTRY THAT HAS ABOLISHED THE DEATH PENALTY HAS SEEN A SPIKE IN CRIME-- Clark '01

[Neil; Teacher and Freelance Writer; "Bring Back the Rope;" The Spectator; 9 June 2001; Gale Group]

The second point, that capital punishment acts as a deterrent, has always been disputed by the anti brigade. Yet every country that has abolished the death penalty has, within five years, seen a dramatic increase in its murder rate. The most notable recent example of this phenomenon is South Africa, with Johannesburg being transformed into one of the most dangerous cities in the world. The main reason for this is simple. In the days of the death penalty, criminal gangs would take great care to avoid the risk of violence in their activities, because they knew that, if a killing ensued, they might pay with their lives. Moreover, there is one crime for which the death penalty is arguably the only deterrent, namely the smuggling of hard drugs. With the potential rewards running into millions, and the chances of being caught and punished slim, it is no wonder that, despite 'Drug Czars' and numerous other costly government initiatives, Britain is, in the words of the National Crime Intelligence Service, 'awash with drugs'.



PUBLIC SUPPORT JUSTIFIES THE DEATH PENALTY

BY A WIDE MARGIN, AMERICAN SUPPORT THE DEATH PENALTY FOR MURDERERS-- Jones '05
[Jeffrey M.; "Americans' Views of Death Penalty More Positive This Year;" Gallup Poll News Service; 19 May 2005; Gale Group]

The May 2-5, 2005, Gallup Poll finds 74% of Americans saying they favor the death penalty for a person convicted of murder, while 23% are not in favor. That represents a recent high in support, tied with a 74% reading in May 2003. Gallup has asked this version of the death penalty question since 1936, with a high water mark in support of 80% in 1994, and a low of 42% in 1966.

A second question on death penalty support—asking respondents whether the death penalty or life imprisonment with no possibility of parole is the better penalty for murder—also shows an increase in pro-death penalty sentiment. Fifty-six percent of Americans say the death penalty is the better punishment, while 39% choose life imprisonment. The last time support for the death penalty was this high was in 1999, when 56% also said they preferred that option. The highest support for the death penalty that Gallup has measured on this question (dating back to 1985) was 61% in August 1997.

AMERICANS FEEL THE DEATH PENALTY ISN'T APPLIED ENOUGH-- Jones '05

[Jeffrey M.; "Americans' Views of Death Penalty More Positive This Year;" Gallup Poll News Service; 19 May 2005; Gale Group]

For the first time since Gallup began asking about the application of the death penalty in 2001, a majority of Americans say the death penalty is not imposed often enough. Fifty-three percent hold this view, while 24% say it is imposed the right amount of time, and 20% say it is imposed too often. Last year [2004], 48% said the death penalty was not imposed often enough, 25% the right amount of time, and 23% too often. In 2001, public opinion on this matter was very different. At that time, just 38% said the death penalty was not used enough, 34% said the right amount of time, and 21% too often.

TIMOTHY MCVEIGH'S EXECUTION WAS SUPPORTED BY THE VAST MAJORITY OF AMERICANS-- Sharp '02

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

Even some of those traditionally against capital punishment have decided that some crimes are justly punished with death. Timothy McVeigh's 2001 execution was thought a just punishment by 81 percent of the American people, reflecting an all-time high of support.¹ When 168 innocents were murdered, including 19 children whom McVeigh described as "collateral damage," the collective conscience of the American people reached an overwhelming consensus. A Gallup poll, released on May 20 [2002] shows that 72 percent supported the death penalty, with nearly half those polled saying the sanction is not imposed enough.

AMERICANS APPROVE THE USE OF CAPITAL PUNISHMENT-- Tremonglie '03

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

Ironically, despite the deceit, Americans approve of capital punishment. A Gallup poll in October 2002 indicated that Americans favor the death penalty by a ratio of almost 3-to-1 (70 percent in favor compared with 25 percent in opposition). A 2000 Zogby poll revealed that 78 percent of Italian-Americans and 75 percent of Asian-Americans favored capital punishment. Among Hispanics, Zogby found 73 percent supported the death penalty, while 71 percent of Arab-Americans advocated capital punishment. Even 64 percent of this country's African-Americans, the group supposedly most "discriminated" against by capital punishment, favor it.



AMERICANS INCREASING THEIR SUPPORT FOR THE DEATH PENALTY-- Jones '05

[Jeffrey M.; "Americans' Views of Death Penalty More Positive This Year;" Gallup Poll News Service; 19 May 2005; Gale Group]

Gallup's annual Moral Values and Beliefs poll finds that Americans are more positive in their orientation toward the death penalty than they have been in the past several years. Across a wide range of questions on the topic, Americans show a slight but noticeable increase in death penalty support. Compared with a year ago, more Americans say they support the death penalty as punishment for murder, more choose it over life imprisonment as the preferred punishment for murder, and more Americans believe the death penalty is applied fairly in this country.

Additionally, a majority of Americans now say the death penalty is not imposed often enough. There has also been a significant decline since 2003 in the percentage who believe that innocent people have been executed under the death penalty in the past five years. The increase in support for the death penalty is apparent across most societal subgroups.



NEED FOR STRONG PUNISHMENT JUSTIFIES THE DEATH PENALTY**STRONG PUNISHMENTS DETER CRIME; SINGAPORE EXAMPLE-- Clark '01**

[Neil; Teacher and Freelance Writer; "Bring Back the Rope;" The Spectator; 9 June 2001; Gale Group]

Compare the position of Britain with that of Singapore, a country at which Western liberals love to sneer. All those arriving at Singapore airport are greeted by a large sign stating that anyone convicted of carrying more than a small amount of controlled drugs faces the mandatory death sentence. The message could not be plainer. The result is that Singapore is one of the most drug-free nations on earth, and consequently one of the safest. It may be boring for some, but those who get their kicks from watching armed robberies can always go elsewhere.

MUST HAVE THREAT OF CAPITAL PUNISHMENT -- van den Haag '02

[Ernest; Psychoanalyst and Professor of Jurisprudence and Public Policy; "The Ultimate Penalty ... and a Just One: The Basics of Capital Punishment;" The National Review; 11 June 2001; Gale Group]

The issue of deterrence is raised by the abolitionists, who often point out that the number of homicides does not decrease as the frequency of executions increases; from this they conclude that executions do not deter crime. But deterrence depends on the credibility of the threat of execution, and this credibility does not depend on the number of executions. To be sure, a threat never carried out will become incredible; to deter, it must be carried out often enough to remain credible. This does not mean it has to be carried out in all cases; but the threat of execution is currently so minuscule, compared with the homicide rate, as to be altogether ineffective.

It is often argued that criminals do not calculate, and that threats are therefore ineffective. Undoubtedly that is the case for some of them, but it is unlikely that all criminals are so different from the rest of the population that they do not respond to threats at all. If there are no executions over a long period, the deterrent effect of capital punishment may well be reduced to zero; but as long as the threat of execution is not entirely empty, there will be some deterrent effect. How great a deterrent it is will depend on such factors as the certainty of the punishment and the time that elapses between death sentences and executions; currently the deterrent effect is undermined by the uncertainty, infrequency, and delays involved in execution. (Indeed, a calculating criminal might look at the extreme rarity of the death penalty and thereby be encouraged in his murderous course.)



DETERRENCE JUSTIFIES THE DEATH PENALTY

THEORY IS USELESS IN DISCUSSION OF DETERRENCE; MUST LOOK AT STATISTICS-- Rubin '02
 [Paul; Professor of Economics and Law at Emory University; "The Death Penalty and Deterrence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

Because theory cannot definitively answer the question of the existence of deterrence, analysts have turned to empirical or statistical methods. Among the first to use such analysis on the question of the deterrent effect of capital punishment was Thorsten Sellin. In a 1959 book, Sellin compared states with and without capital punishment and found no significant difference in homicide rates. His methodology is improper, as I show below, but it is still used by some analysts: the New York Times, in an article published on September 22, 2000, used exactly this methodology.

DETERRENCE IS A STRAW ARGUMENT; DETERRENCE ISN'T THE PURPOSE OF CAPITAL PUNISHMENT-- Eddlem '02

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

Death penalty opponents love to assume that the principal purpose for capital punishment is deterrence, possibly realizing it is a perfect straw argument. Tangible proof of deterrence alone is not a valid reason for capital punishment (or any other form of punishment, for that matter), nor is it the main rationale employed by astute death penalty advocates. As Christian writer C.S. Lewis observes, "[deterrence] in itself, would be a very wicked thing to do. On the classical theory of punishment it was of course justified on the ground that the man deserved it. Why, in Heaven's name, am I to be sacrificed to the good of society in this way?—unless, of course, I deserve it." Inflicting a penalty merely to deter—rather than to punish for deeds done—is the very definition of cruelty. A purely deterrent penalty is one where a man is punished—not for something that he did—but for something someone else might do. Lewis explained the logical end of this argument: "If deterrence is all that matters, the execution of an innocent man, provided the public think him guilty, would be fully justified." Men should be punished for their own crimes and not merely to deter others. That said, the death penalty undoubtedly does deter in some cases. For starters, those executed will no longer be around to commit any more crimes.

STATISTICS PROVE THAT THE DEATH PENALTY IS A DISINCENTIVE TO MURDER STRANGERS-- Tucker '03

[William; Freelance Writer; "Deterring Homicides with the Death Penalty;" Human Events 7 April 2003; Gale Group]

Almost the entire increase in murder from 1966 to the mid-1990s was an increase in felony or "stranger" murders—murders committed during the course of another crime. Only when executions resumed in the 1990s did the murder rate drop precipitously to its 1960s level. About 300,000 Americans died unnecessarily in the interim.

A few years ago a New Jersey housewife was kidnapped at a shopping mall by a teenage carjacker. The youth was obviously an amateur and could think of nothing to do but drive the woman around for a few hours. In the process, though, it became obvious that he intended to kill her. The woman spent the better part of an hour pleading for her life. She also had a pocket tape-recorder, which she activated. Over and over she pleads, "Is it worth my life for you to have a car?" The logic did not work. He killed her anyway.



**STUDY AFTER STUDY PROVES THAT EXECUTION OF MURDERERS SAVES INNOCENT LIVES--
Jacoby '03**

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

Though Romney didn't say so when he introduced his new commission, the real threat to innocent life is not the availability of the death penalty, but the absence of one. For every time a murderer is executed, innocent lives are saved.

The foes of capital punishment have denied for years that putting murderers to death has a deterrent effect on other potential killers. That has always flown in the face of common sense and history—after all, wherever murder is made punishable by death, murder rates generally decline. But it also flies in the face of a lengthening shelf of research that confirms the death penalty's deterrent effect.

A recent study at the University of Colorado, for instance, finds "a statistically significant relationship between executions, pardons, and homicide. Specifically, each additional execution reduces homicides by five to six." A paper by three Emory University economists concludes: "Our results suggest that capital punishment has a strong deterrent effect.... In particular, each execution results, on average, in 18 fewer murders—with a margin of error of plus or minus 10."

Comparable results have been reached by scholars at the University of Houston, SUNY [State University of New York] Buffalo, Clemson, and the Federal Communications Commission. All these studies have been published within the past three years. And all of them underscore an inescapable bottom line: The execution of murderers protects innocent life.

**SAYING THAT THE DEATH PENALTY DOESN'T DETER MEANS THAT CRIMINALS ARE STUPID--
Tucker '03**

[William; Freelance Writer; "Deterring Homicides with the Death Penalty;" Human Events 7 April 2003; Gale Group]

The remarkable thing about the death penalty is why anyone would think it doesn't deter murder. No one wants to die. Why wouldn't the fear of death make people think twice?

Liberals spend a great deal of time running around this point. The best they can come up with is that murderers are stupid. They don't think. They don't plan. They act on impulse. Murders are "crimes of passion." Executing people is only a "barbaric ritual" that does no good.

DEATH PENALTY HAS BEEN A PROVEN DETERRENT-- Tucker '03

[William; Freelance Writer; "Deterring Homicides with the Death Penalty;" Human Events 7 April 2003; Gale Group]

Then the upswing started. Executions dropped precipitously after 1962 when the Supreme Court started intervening on the basis of *Mapp v Ohio* (1961), *Gideon v Wainwright* (1963) and *Miranda v Arizona* (1966). After 1966, the murder rate soared to unprecedented heights, peaking in 1974, 1980, and again in 1991 before finally dropping again precipitously—when executions were resumed.

What caused this upsurge? There is a fairly simple explanation. Liberals were probably right in arguing in the early 1960s that capital punishment could not deter the 90% of murders that occurred among relatives and acquaintances. What they did not perceive is the murders that were being deterred. These were the "stranger" or "felony" murders that have since come to dominate the murder statistics.



**STATISTICAL ANALYSIS PROVES THAT THE DEATH PENALTY SERVES AS AN EFFECTIVE
DETERRENT AGAINST HOMICIDE-- Bessler '02**

[John D.; Attorney and Professor of Law at University of Minnesota Law School; "America's Death Penalty: Just Another Form of Violence;" Phi Kappa Phi Forum; Winter 2002; Gale Group]

Along with two colleagues at Emory University (Hashem Dezhbakhsh and Joanna Mehlhop Shepherd), I have performed a statistical analysis of this data. Our analysis has several advantages over previous analyses. First, we have used county-level data, rather than national or state data. The advantage of county-level data is that populations are more homogeneous within counties, so statistically the results are more accurate. Moreover, there are more than 3,000 counties in the United States, so there is a large amount of data. This large amount facilitates statistical analysis. Second, we use techniques (called "panel data") that were not available when Ehrlich did his research. Moreover, these techniques require large amounts of data, which again are available for the county-level analysis. Thus, we are able to advance the argument significantly because we have more and better data and better statistical techniques than were available to others.

A multiple-regression analysis such as that which we perform essentially estimates homicide rates as a function of demographic and other characteristics of the jurisdiction (here, the county). The analysis then can implicitly calculate the effect of each execution on the number of homicides that would otherwise have occurred.

In performing this analysis, we had to solve an important problem. We are interested in the effect of an increase in the probability of an execution on homicides. But a probability must be calculated with a denominator. The probability of an execution is the number of executions divided by the number of homicides. But it is necessary to determine the appropriate year for the number of homicides to put in the denominator. It appears that there is now an average lag of six years between commission of a murder and execution. That is, if an execution occurs in 2001, but the crime was committed in 1995, how do we measure the probability? Does the execution in 2001 deter murders in 1995, or in 2007, or for some year in between? To account for this difficulty, we used three measures of the lag structure. We also used two methods of adjusting for missing data. Thus, we ended with six equations measuring the deterrent effect of executions.

In all six cases, we found that each execution led to a significant reduction in the number of homicides. The most conservative estimate (that is, the one with the smallest effect) was that each execution led to an average of eighteen fewer murders. The "95 percent confidence interval" estimate for this value was between eight and twenty-eight fewer homicides. In other words, we can be 95 percent sure that each execution resulted in at least eight fewer homicides, and it is likely that each execution actually deterred more than eight homicides. All other estimates were even larger than this.

**RESEARCH SUGGESTS THAT IF ALL THOSE ON DEATH ROW ARE EXECUTED, IT WILL SAVE
63,000 LIVES-- Murray '01**

[Iain; Senior Research Analyst with the Statistical Assessment Service; "More Executions, Fewer Deaths;" American Outlook; July/August 2001; Gale Group]

By the study's estimate, the two recent federal executions will save approximately thirty-six lives. On the final day of 1999 (the last day for which we have accurate figures), there were 3,527 prisoners under sentence of death in American prisons. This study suggests that if all those sentences were carried out 63,000 lives would be saved. There were approximately 15,000 homicides in America in 1999, meaning that the deterrence effect could be the equivalent of four years free from murder. Even the most committed opponents of the death penalty should take notice of that figure.



NEW RESEARCH BACKS TRADITIONAL RESEARCH THAT SAYS THAT THE DEATH PENALTY HAS A DETERRENT EFFECT-- Murray '01

[Iain; Senior Research Analyst with the Statistical Assessment Service; "More Executions, Fewer Deaths;" American Outlook; July/August 2001; Gale Group]

Until now, believers in the deterrence effect of executions have had little hard evidence with which to counter such straw man debating techniques. The work of economist Isaac Ehrlich of the State University of New York in the 1970s, which found a significant deterrent effect, had been diluted by constant reinvestigation and criticism. In the end, it suffered most from being out of date, as it was based on evidence from before the suspension of the death penalty in 1972. Its relevance to the modern debate was therefore questionable.

But there now come impressive new findings from a trio of economists at Emory University in Georgia. Hashem Dezhbakhsh, Paul Rubin, and Joanna Mehlhop Shepherd released their paper "Does Capital Punishment Have a Deterrent Effect? New Evidence from Post-Moratorium Panel Data" in January 2001. Its findings are striking. The authors conclude that each execution deters other murders to the extent of saving between eight and twenty-eight innocent lives, with a best-estimate average of eighteen lives saved per execution.

The researchers reached this conclusion scientifically, by expressing the murder rate mathematically. They calculated the effect on the murder rate of a number of factors including, specifically, the likelihood of being arrested, the chance of being sentenced to death after arrest, and the chance of being executed after sentence. They were then able to work out how significant the chance of being executed is to the murder rate. They found that executions themselves are a very significant factor, certainly much more so than the simple removal of the murderer from the pool of potential killers. And their findings pass all the statistical tests that show that it's not just by chance that the math works that way.

DEATH PENALTY IS THE ONLY WAY TO STOP MURDERS FROM MURDERING AGAIN-- Sharp '02

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

Two other factors weigh into the innocence consideration. First, the death penalty remains the most secure form of incapacitation, meaning that executed murderers do not harm and murder again. Living murderers do, quite often. This is unchallenged.

RESEARCH PROVES THAT THE DEATH PENALTY DOES DETER CRIME-- Sharp '02

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

Second, although the deterrent effect of capital punishment has been unjustifiably maligned, the evidence is overwhelming that the potential for negative consequences deters or alters behavior. History and the social sciences fully support that finding.

Three major studies were released in 2001, all finding for the deterrent effect of the death penalty. One, out of Emory University, finds that "each execution results, on average, in 18 fewer murders—with a margin of error of plus or minus 10."

Another, out of the University of Houston, found that a temporary halt to executions in Texas resulted in an additional 90-150 murders, because of the reduction in deterrence. One author, Professor C. Robert Cloninger, states: "[Our] recent study is but another of a growing list of empirical work that finds evidence consistent with the deterrent hypothesis. It is the cumulative effect of these studies that causes any neutral observer to pause."

Death penalty opponents want us to believe that the most severe criminal sanction—execution—deters no one. However, if reason is your guide and you remain unsure of deterrence, you are left with the following consideration. If the death penalty does deter, halting executions will cause more innocents to be slaughtered by giving murderers an additional opportunity to harm and murder again. If the death penalty does not deter, executions will punish murderers as the jury deems appropriate, preventing them from harming any more victims. Clearly, ending or reducing executions will put many more innocents at risk.



NEED FOR ULTIMATE PUNISHMENTS JUSTIFIES THE DEATH PENALTY**OUR LEGAL SYSTEM IS BASED ON THE CONCEPT OF CRIMES AND PUNISHMENTS BEARING SOME SIMILARITY-- Leiser '01**

[Burton M.; "Capital Punishment and Retributive Justice;" Free Inquiry; Summer 2001; Gale Group]

There is general agreement, for example, that the proper penalty for overtime parking is a relatively small fine. The amount of such fines may vary from city to city because the seriousness of the offense varies. In the little village in which I live, the village council has determined that a ten-dollar fine is appropriate. In New York City, on the other hand, an overtime parking ticket may result in a fine of sixty dollars or more. Many factors enter into these calculations, including the relative difficulty of finding parking space in a particular community, the price of real estate and off-street parking (for it would hardly do to impose a fine so low that it is cheaper to pay the fine than to pay the fee of a parking lot or garage), and the desirability of encouraging people to patronize local merchants without making it too onerous for them to find suitable parking while they do so. On the other hand, everyone would surely agree that prison terms often to twenty years would be utterly disproportionate to the seriousness of the offense of overtime parking. Such prison terms would effectively discourage most overtime parkers and would get them off the streets. They would be seen, however, as a despotic abuse of governmental power disproportionate to our sense of justice.

Similarly, a fine of ten or twenty dollars for rape would be viewed as utterly inappropriate to the gravity of the crime. Indeed, such a "penalty" would amount to a license to commit the crime; it would even be less expensive than the going price of streetwalkers. Women would rightly feel outraged by a legislature that valued their bodily integrity so little as to create open season for sexual predators willing to pay a piddling fee. Because we feel that sexual violence causes such grievous injury and is so utterly despicable, we unhesitatingly impose heavy penalties upon those who engage in it.

Notice that this has little or nothing to do with deterrence, though fines and prison terms generally tend to deter such offenses, at least with most normal persons. If deterrence were our only object in setting penalties, we would make them as heavy as possible in order to deter potential violators. But we don't do that, because our sense of justice—our sense of proportionality—would be outraged by such a policy. Retribution is based, then, upon the sense that particular crimes warrant the imposition of certain penalties. Those that are more severe in the harm they inflict upon their victims and upon society deserve harsher penalties than those that cause less damage or are perceived to be less morally iniquitous.

DEATH PENALTY IS APPROPRIATE FOR THE VILEST OF CRIMES-- Sharp '02

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

Sometimes, the death penalty is simply the most appropriate punishment for the vile crime committed. In such cases, jurors are given the choice between a death sentence and a variety of life sentences, depending upon the jurisdiction. It is never easy for juries to give a death sentence. Neither hatred nor revenge is part of their deliberations. The search for justice determines the punishment.

The murder of the innocent is undeserved. The punishment of murderers has been earned by the pain and suffering they have imposed on their victims. Execution cannot truly represent justice, because there is no recompense to balance the weight of murder. For some crimes, it represents the only just punishment available on earth.



STATE HAS THE RIGHT TO TAKE LIFE WITH DUE PROCESS OF LAW-- Leiser '01

[Burton M.; "Capital Punishment and Retributive Justice;" Free Inquiry; Summer 2001; Gale Group]

We have long taken it for granted that people are entitled to certain fundamental rights, enumerated in various political and philosophical works and in the founding documents of the United States as life, liberty, and property (or the pursuit of happiness). Possession of these rights implies a corresponding duty by the government not to interfere with them. However, under appropriate circumstances the Constitution (in the fifth and fourteenth amendments) recognizes that each of those fundamental rights may be forfeited, and provides that no person may be deprived of life, liberty, or property without due process of law. The obvious corollary of this provision is that with due process of law, a person may be deprived of property (e.g., by imposing a fine), liberty (e.g., by imprisonment), or life.

ABILITY TO PUNISH THE WORST OF ALL CRIMINALS OUTWEIGHS THE POTENTIAL THAT AN INNOCENT PERSON MIGHT BE PUT TO DEATH-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

To make the perfect the enemy of the good is irrational and counterproductive. The benefits of surgery, air travel, and prescription drugs are enormous—far too valuable to give up even though we know that people will die because of the fallibility of doctors and pilots and people who handle medicine. The same is true of capital punishment: The benefits of a legal system in which judges and juries have the option of sentencing the cruelest or coldest murderers to death far outweigh the potential risk of executing an innocent person. And there is this added reassurance: The risk of an erroneous execution is infinitesimal, and getting smaller all the time.

And the benefits? First and foremost, the death penalty makes it possible for justice to be done to those who commit the worst of all crimes. The execution of a murderer sends a powerful moral message: that the innocent life he took was so precious, and the crime he committed so horrific, that he forfeits his own right to remain alive.

CHOOSING TO NOT USE THE DEATH PENALTY SAYS THAT SOCIETY DOESN'T THINK MURDER IS A TERRIBLE CRIME-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

When a vicious killer is sent to the electric chair or strapped onto a gurney for a lethal injection, society is condemning his crime with a seriousness and intensity that no other punishment achieves. By contrast, a society that sentences killers to nothing worse than prison—no matter how depraved the killing or how innocent the victim—is a society that doesn't really think murder is so terrible.

CRIMES THAT HAVE CAPITAL PUNISHMENT ARE THE MOST SERIOUS OFFENSES IN LAW-- Leiser '01

[Burton M.; "Capital Punishment and Retributive Justice;" Free Inquiry; Summer 2001; Gale Group]

Our sense of justice and proportionality in punishment is embodied in the penal laws enacted by our state and federal legislatures, which have affixed varying degrees of penalties for the many varieties of harm that people can inflict upon the state. These penalties range from the least severe fines for minor violations to periods of incarceration for more serious crimes, and finally to the penalty of death for the gravest of all. Although many crimes once earned the perpetrator the penalty of death, relatively few such crimes remain on the books, at least in this country. Those few are among the most outrageous crimes known: the deliberate, premeditated, wanton taking of innocent human life, terrorism, and others that entail gross violations of human rights and the security of the state and its citizens.



NO WAY TO CONTRAVENE THE LOGIC OF MURDER WITHOUT THE DEATH PENALTY-- Tucker '03
 [William; Freelance Writer; "Deterring Homicides with the Death Penalty;" Human Events 7 April 2003; Gale Group]

From the criminal's point of view, the logic is fairly simple. When you are committing a felony—either a rape or robbery—there is a certain calculated advantage in murdering your victim. The victim, after all, is also the principal witness to the crime. He or she is the person most likely to put you in jail, but screaming or calling for others, by going to the police immediately after you leave, by identifying you, by testifying against you in court. Murdering the victim "leaves no witnesses."

Sometimes this is premeditated. Particularly cold, heartless killers will enter a situation knowing they must kill their victims. John Taylor, now under death sentence in New York for the "Wendy's Massacre," was a former employee who gained entrance to the store to commit an after-hours robbery only because his victims knew him and let him in. Taylor and an accomplice then lined them up and shot them. He went into the store knowing he would have to kill each of his victims to avoid identification.¹

But far more often the killer is an amateur who doesn't realize until the robbery has begun that the victim has "had a good look at him" and must be eliminated.

There is no way to contravene this logic of murder except through the death penalty. No amount of pleading or cajoling—no promises that "I won't tell"—will ever convince a robber or rapist that there isn't an advantage to escalating the crime to murder. The only plausible deterrent is a qualitatively different punishment. If the punishment for robbery is a few years in jail and the punishment for murder is a few more years after that, there is very little if any deterrence. But if the punishment for robbery is jail time and the punishment for murder is death, there is reason to think twice.

WITHOUT A DIFFERENTIAL, THERE IS NO DISINCENTIVE TO MURDER VICTIMS OF CRIME-- Tucker '03

[William; Freelance Writer; "Deterring Homicides with the Death Penalty;" Human Events 7 April 2003; Gale Group]

The need to draw a bright line between a felony and felony murder was what inspired Enlightenment reformers to argue against capital punishment for crimes less than murder. In *The Spirit of the Laws* (1750), Montesquieu wrote:

"In China, those who add robbery to murder are cut in pieces: but not so the others; to this difference it is owing that though they rob in that country they never murder. In Russia, where the punishment for robbery and murder are the same, they always murder. The dead, they say, tell no tales."

But eliminating the death penalty creates the exact same dilemma. Without any qualitative differential, there is no disincentive to murder the victim of the crime.



EXECUTING MCVEIGH WAS JUSTIFIED-- Leiser '01

[Burton M.; "Capital Punishment and Retributive Justice;" Free Inquiry; Summer 2001; Gale Group]

Just as our sense of proportionate justice is offended by the notion that a small fine would be an adequate penalty for the crime of rape, we are or ought to be offended by the suggestion that anything less than the death penalty is a suitable punishment for those who commit crimes as monstrous as those of Timothy McVeigh and others like him. McVeigh did far more than outrage the citizens of Oklahoma City. He destroyed close to two hundred human lives and all the potential that they might have enjoyed and contributed. The damage he did is incomparable and irreparable, both to those who died in the explosion he engineered and to those who loved them, as well as to the community whose laws he broke and whose tranquility he shattered. Consequently when he detonated his bomb, he forfeited all of the rights he had previously enjoyed, and the government that had nurtured and protected him was relieved of any duty it might have had to preserve and defend him. No penalty that anyone can exact from him can possibly begin to repair the damage he did. And it cannot satisfy or provide "closure" to the survivors of the devastation he caused. They will live the rest of their lives without "closure," for they will always remember and suffer from the losses that McVeigh inflicted upon them.

The execution of Timothy McVeigh is right and proper because it is the worst punishment our society can impose upon him without turning to barbarism and cruelty. The death penalty is a symbolic statement by our government that we have utter contempt for anyone who tramples upon our laws and violates the rights of our people to such a degree, and that we will not abide such a person's living in our midst. It is a declaration that any person who commits such a breach of our most fundamental norms is so unworthy as to have no right to live. And it announces to the world that the law must be obeyed, that people must bend their wills to obedience to the law, and that the state will use all measures necessary to see that they do.

The defense of human life is so central to the mission of every government that the state must be prepared to take the lives of those who violate their most fundamental obligations—that is, in retribution for their willful defiance of lawful authority as regards the preservation of human life and the maintenance of peace and security in their community. No other penalty can be remotely proportionate to the penalty of death for such crimes.



LACK OF MEANINGFUL ALTERNATIVES JUSTIFIES THE DEATH PENALTY**LACK OF GOOD ALTERNATIVES DEMANDS CAPITAL PUNISHMENT-- van den Haag '02**

[Ernest; Psychoanalyst and Professor of Jurisprudence and Public Policy; "The Ultimate Penalty ... and a Just One: The Basics of Capital Punishment;" The National Review; 11 June 2001; Gale Group]

Why execute anyone? Why not avoid the risk of miscarriages of justice by abolishing capital punishment altogether? Simply because there are no fully satisfactory alternatives. Life imprisonment is not necessarily lifelong; life imprisonment without parole still allows governors to pardon prisoners. The finality of death is both the weakness and the strength of capital punishment. We are not ready to do without it, yet hesitate to use it: There are many convicts on death row, but only a few are actually executed. Between 1973 and 1995, 5,760 death sentences were imposed; as of 1995, only 313 had been executed, and only some 400 have been executed since. Gary Graham, executed in June 2000, spent 19 years on death row exhausting his appeals, which were reviewed by more than 30 different judges. His case is far from exceptional.



JUSTICE FOR VICTIMS JUSTIFIES THE DEATH PENALTY**CAPITAL PUNISHMENT IS JUSTIFIED TO BRING JUSTICE TO VICTIMS-- Kane '03**

[Gregory; Columnist; "To Murder Victims' Families, Executing Killers Is Justice;" Baltimore Sun; 5 February 2003; Gale Group]

That is a suffering death penalty opponents can't or won't understand. The pain of homicide victims' relatives never ends. It chips away at their souls and psyches year after depressing year. So what's the appropriate punishment for that?

Death penalty opponents would have us believe that squirreling Oken away in a cell—where Frederick A. and Frederick J. Romano, Betty Romano and Keith Garvin would be among the taxpayers footing the bill for his housing and meals—is punishment enough. If the correctional system offered any college courses, the Romanos and Garvin would pay part of the cost if Oken wanted to take them. Dawn Garvin never got to finish her education at Harford Community College.

Capital punishment foes figure that's justice. Here's what death penalty advocates feel is justice. Execute Oken the week of March 17, [2003], as a Baltimore County judge ordered.... After Oken is dead, death penalty advocates can then defy death penalty opponents to show us why and in what ways Oken's execution was not justice.

That's what it's about for Fred Romano. He doesn't buy into the closure argument some death penalty advocates make. (It's just as well. Death penalty opponents, ever noble with grief not their own, dismiss the notion of closure, too.)

"It won't bring closure," Fred Romano said. "Dawn will never be back. I'm not looking for closure. That's a bad misconception on the part of some people. I want Oken to die for the murder of Dawn, Patricia Hurt and Lori Ward."

This isn't even about revenge, another rallying cry of the anti-capital punishment crowd, who chide death penalty advocates for seeking vengeance.

"It's justice," Fred Romano said. "It's not revenge."



NEED TO COMBAT VIGILANTE JUSTICE JUSTIFIES THE DEATH PENALTY

MUST EMBRACE THE DEATH PENALTY TO STAY OFF VIGILANTE JUSTICE-- Clark '01
[Neil; Teacher and Freelance Writer; "Bring Back the Rope;" The Spectator; 9 June 2001; Gale Group]

It is always satisfying when reading crime fiction from the 'Golden Age' that at the end of the novel, the murderer, having been detected by the likes of M. Poirot or Miss Marple, is led off to meet his or her deserved fate on the gallows. Justice was always served. However, if the Queen of Crime [Agatha Christie] were writing today, her convicted murderer would probably be out on appeal after four years and suing the prison authority for denying him cable television in his cell. Inadequately protected by the government, police and judiciary, more and more people are seeking to take the law into their own hands. The vigilante state is fast approaching, if it has not arrived already, and cases such as those of the Norfolk farmer Tony Martin³ will become more and more common.



A/T: MINORITIES/OTHERS ARE DISPROPORTIONATE GIVEN THE DEATH PENALTY**ARGUMENTS OF DISPROPORTIONATE APPLICATION OF THE DEATH PENALTY SPEAK TO SOCIETAL PROBLEMS, NOT CRITICISMS OF THE DEATH PENALTY ITSELF-- van den Haag '02**

[Ernest; Psychoanalyst and Professor of Jurisprudence and Public Policy; "The Ultimate Penalty ... and a Just One: The Basics of Capital Punishment;" The National Review; 11 June 2001; Gale Group]

Some of the most popular objections to capital punishment do not actually deal with the punishment itself, but with its distribution. The issues that are raised are not unimportant, but they do not belong in a discussion of the legitimacy of capital punishment itself. Racial discrimination, for example, would disappear as an issue if the population were racially homogenous. Analogously, the argument that wealthy defendants can avail themselves of legal defenses not available to the poor depends on an unequal distribution of wealth; this argument is relevant to a discussion of social inequality, but is extraneous to an attempt to determine the rightness of the death penalty.

Although we have made great progress, we cannot ignore the remaining inequalities in the criminal-justice system. But there is no good reason to confuse such inequalities with an inherent inequity in the administration of justice. There is nothing in the nature of capital punishment that demands an unfair administration.

CAPITAL PUNISHMENT DOESN'T PUNISH MINORITIES DISPROPORTIONATELY-- Tremonglie '03

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

This racial-discrimination claim is the vilest canard. Abolitionists claim blacks are sentenced to be executed in disproportion to their numbers in the general population. What capital-punishment abolitionists conveniently omit is that blacks make up a disproportionate number of the country's murder victims. According to DOJ data, "Racial differences exist, with blacks disproportionately represented among homicide victims and offenders. Blacks were six times more likely than whites to be murdered in 1999." Unlike college admissions, capital punishment does not consider race.

CLAIM THAT THE DEATH PENALTY IS UNFAIR TO MINORITIES IS DELIBERATE FRAUD; STATISTICS ARGUE THE OPPOSITE-- Eddlem '02

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

The claim that the death penalty unfairly impacts blacks and minorities is a deliberate fraud. The majority of those executed since 1976 have been white, even though black criminals commit a slim majority of murders, if the death penalty is racist, it is biased against white murderers and not blacks. According to the U.S. Bureau of Justice Statistics, blacks committed 51.5% of murders between 1976 and 1999, while whites committed 46.5%. Yet even though blacks committed a majority of murders, the Bureau of Justice Statistics reports: "Since the death penalty was reinstated by the Supreme Court in 1976, white inmates have made up the majority of those under sentence of death." (Emphasis added.) Whites continued to comprise the majority on death row in the year 2000 (1,990 whites to 1,535 blacks and 68 others). In the year 2000, 49 of the 85 people actually put to death were whites.

So how can abolitionists claim that the death penalty unfairly punishes black people and other minorities? The statistics they cite are often technically accurate (though not always), but they don't mean what most people assume they mean. Abolitionists often start by analyzing the race of the victims rather than the murderers. Because most murders are intra-racial (white murderers mostly kill other whites and most black murderers kill other blacks), imposing the death penalty more frequently on white murderers means that killers of white people will more likely be executed. In essence, abolitionists playing the race card argue that black murder victims are not receiving justice because only the murderers of white people are punished with the death penalty. Death penalty proponents may consider this denying justice to black people.



A/T: CONSTITUTIONAL OBJECTIONS**DEATH PENALTY ISN'T "UNUSUAL"-- Eddlem '02**

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

The death penalty is not unusual. All of the nations of the world have had the death penalty on the lawbooks throughout most of their recorded history, and the death penalty remains on the statute books of about half of the nations of the world. The death penalty was on the statute books of all the states of the U.S. when the Constitution was adopted. It is far more unusual to have no death penalty than to have a death penalty.

FOUNDING FATHERS, CREATORS OF THE CRUEL AND UNUSUAL STANDARD, SUPPORTED THE DEATH PENALTY-- Eddlem '02

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

More importantly, the Founding Fathers who adopted the Bill of Rights banning "cruel and unusual punishment" had no problem with implementing the death penalty.



A/T: INTERNATIONAL CRITICISM/COMPARISON ARGUMENTS**“COMPANY WE KEEP” ARGUMENTS DON’T APPLY; THE UNITED STATES ISN’T TOTALITARIAN--
Eddlem '02**

[Thomas; Editor of the Hanson Express of Massachusetts; “Ten Anti–Death Penalty Fallacies;” The New American; 3 June 2002; Gale Group]

Fallacy #7: The company we keep

“The USA is keeping company with notorious human rights abusers. The vast majority of countries in Western Europe, North America and South America—more than 105 nations worldwide—have abandoned capital punishment. The United States remains in the same company as Iraq, Iran, and China as one of the major advocates and users of capital punishment.” (deathpenalty.org)

Correction: The arbitrary use of capital punishment in totalitarian societies argues for ensuring that government never abuses this power; it does not argue against the principle of capital punishment, which, in a free society, is applied justly under the rule of law.

The reference to Europe is misleading. Capital punishment advocates are the ones keeping company with common Europeans, while abolitionists are merely keeping company with their elitist governments. Public opinion remains in favor of the death penalty for the most severe murderers throughout much of Europe, but elitist European governments have eliminated using capital punishment.



A/T: CULTURE OF LIFE ARGUMENTS**VALUE OF LIFE ARGUMENTS ACTUALLY JUSTIFY THE DEATH PENALTY-- Sharp '02**

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

This brings me back to where I started: justice. Some say that executions show a contempt for human life, but the opposite is true. We would hope that a brutal rape may result in a life sentence. Why? We value freedom so highly that we take freedom away as punishment. If freedom were not valued, taking it away would be no sanction.

Life is considered even more precious. Therefore, the death penalty is considered the severest sanction for the most horrible of crimes. Even murderers tell us that they value life (their own) more than freedom. That is why over 99 percent of convicted capital murderers seek a life sentence, not a death sentence, during the punishment phase of their trials.

CULTURE OF LIFE ARGUMENTS ARE LOGICAL FALLACIES-- Eddlem '02

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

If capital punishment teaches that it's permissible to kill, do prison sentences teach that it's permissible to hold someone against his will, and do fines teach that it's permissible to steal? In actuality, this fallacy confuses killing the innocent with punishing the guilty. To punish the guilty via the death penalty is not to condone the shedding of innocent blood. Just the opposite, in fact, since capital punishment sends a strong message that murder and other capital crimes will not be tolerated.

A related fallacy is that the pro-lifer who defends the right to life of an unborn baby in the mother's womb, but who does not defend the right to life of a convicted murderer on death row, is being morally inconsistent. But there is no inconsistency here: The unborn baby is innocent; the convicted murderer is not. It is the pro-abortion/anti-death penalty liberal who is morally inconsistent, since he supports putting to death only the innocent.

CULTURE OF LIFE ARGUMENT WOULD ALSO MEAN NOT TAKING LIFE DURING TIMES OF WAR-- Clark '01

[Neil; Teacher and Freelance Writer; "Bring Back the Rope;" The Spectator; 9 June 2001; Gale Group]

Opponents of the death penalty argue that it is wrong for the state to take life. This is a line that Tony Blair takes. Yet, to be consistent, holders of this view would also have to be against the state taking life in times of war. As Aldous Huxley once wrote, 'It is impossible to be an 85 per cent pacifist, it is all or nothing.' It is interesting in this context to think back to the 1999 war against Yugoslavia. Then, by and large, the most enthusiastic supporters of the NATO bombing campaign on Belgrade were those politicians and journalists ... who are fierce in their opposition to any reintroduction of the death penalty in Britain. It seems to me a rather strange morality that justifies the killing of innocent make-up girls and cleaners in a Yugoslav television studio, but not of convicted serial killers at home.



A/T: INNOCENT PEOPLE ARE EXECUTED**CLAIMS THAT THE INNOCENT HAVE BEEN EXECUTED INCLUDE CRIMINALS THAT ARE STILL GUILTY-- Tremonglie '03**

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

One such canard proffered is that scores of innocent people have been executed. Maryland Attorney General J. Joseph Curran recently announced that he wants to end capital punishment in his state because of this. He cited a study by the Death Penalty Information Center (DPIC), an abolitionist group that claims 102 people sentenced to be executed have been exonerated.

The exonerated persons DPIC cited include:

- * Ricardo Aldape Guerra, who was convicted in the murder of a Houston cop in 1982 and was exonerated in 1997 when evidence indicated he may have been only the accomplice;
- * Steve Manning, who was convicted for an Illinois homicide in 1993. He saw his conviction dismissed in 1998. In 2000 the district attorney chose not to retry Manning, primarily because he already was serving two life sentences;
- * Clarence Smith, who was reconvicted in a federal court in 1998 of crimes that included the death for which he was acquitted in a state court.

These are not who most of us think of when we think of innocent people. There are other inconsistencies in the DPIC report, but the media do not mention any of them. The mainstream liberal media prefer to be the myrmidons of capital-punishment abolitionists. The liberal media are their accomplices.

DNA TESTING MAKES WRONGFUL CONVICTIONS ALMOST NON-EXISTENT-- Clark '01

[Neil; Teacher and Freelance Writer; "Bring Back the Rope;" The Spectator; 9 June 2001; Gale Group]

Even if we agree that the death penalty acts as a deterrent, what about the possible miscarriages of justice which the anti-hanging liberals love to keep reminding us of? Inevitably, miscarriages of justice did occur when Britain had the death penalty, but their number was tiny and must be set against the considerably larger number of people saved from violent death by the much lower homicide rate. Now, though, there is the very real break-through of DNA-testing, which narrows the odds of wrong conviction to one million to one. That still may not be good enough for [liberal journalists] Paul Foot and Ludovic Kennedy, but it is for me and, I expect, for most other people. The great tragedy about the abolition of the death penalty is that it never was the result of public opinion. In fact, every opinion poll ever taken has shown a clear majority in favour of capital punishment.

NO PROOF EXISTS THAT AN INNOCENT HAS BEEN EXECUTED SINCE 1976-- Murray '01

[Iain; Senior Research Analyst with the Statistical Assessment Service; "More Executions, Fewer Deaths;" American Outlook; July/August 2001; Gale Group]

In this atmosphere, death penalty proponents have found their arguments tested as never before. The contention that it is a just punishment is countered by the possibility that innocents have been executed. Although there is no proof that such a calamity has occurred since the restoration of the death penalty in 1976, its mere potential has been enough for some state governors to impose moratoria on executions. The argument that the penalty at least incapacitates the murderer himself and prevents him from murdering again has been attacked by life-imprisonment advocates as an overreaction. Murderers are the least likely of all criminals to repeat their crime, but it does occur. One notable recent case occurred in June 1999, when Leroy Schmitz, who served eleven years in a Massachusetts prison for strangling his girlfriend, murdered his wife in similar fashion in Montana. But for the most part, murderers who kill again have not been found guilty of capital murder and have never faced the death sentence.



FORCING CAPITAL PUNISHMENT TO HAVE 100% PROOF IS A RIDICULOUS STANDARD-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

The propaganda has taken its toll, however. Romney knows that many people who would otherwise support capital punishment now hesitate for fear it may lead to an awful miscarriage of justice. Hence his call for "a standard of proof that is incontrovertible"—an uncompromising benchmark endorsed by members of the new panel. "In this work," says co-chairman Frederick Bieber, a geneticist at Boston's Brigham and Women's Hospital, "there is no room for error."

That is a worthy goal, but it cannot be an absolute criterion. No worthwhile human endeavor is utterly foolproof. Dr. Bieber's hospital would have to shut down its operating rooms if surgeons had to guarantee their infallibility. Even at hospitals as renowned as the Brigham, patients sometimes die on the operating table because of blunders or inadvertence. Is that an argument for abolishing surgery? Should air travel be banned because innocent passengers may lose their lives in crashes? Should the pharmaceutical industry be shut down because the wrong drug or dosage, mistakenly taken or prescribed, can kill?

NO INDIVIDUAL EXECUTED BY THE DEATH PENALTY IN MODERN TIMES HAS TURNED OUT TO BE INNOCENT-- Jacoby '03

[Jeff; Columnist; "When Murderers Die, Innocents Live;" Boston Globe; 28 September 2003; Gale Group]

In recent years, anti-death penalty propagandists have succeeded in stoking the fear that capital punishment is being carelessly meted out. But it's a bogus accusation: Of the 875 prisoners executed in the United States in modern times, not one has been retroactively proved innocent. Widely trumpeted claims meant to illustrate the system's sloppiness—that more than 100 innocent men have been freed from Death Row, for example, or that death-penalty cases have a 68 percent error rate—fall apart under scrutiny. In fact, so exacting is the due process in these cases that the death penalty in America is probably the most accurately administered criminal sanction in the world.

REVERSAL RATE IN CAPITAL CASES IS WILDLY OVERSTATED-- Sharp '02

[Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

Another major factor in the debate was introduced in a study headed by James Liebman, a professor at Columbia University Law School. A Broken System: Error Rates in Capital Cases revealed that there was a 68 percent reversal rate in death penalty cases from 1973 to 1995. The error rate within that study has not been publicly discussed.

Professors Barry Latzer and James Cauthen of John Jay College of Criminal Justice found a 25 percent error within the study's calculations, bringing the reversal rate down to 52 percent. Unfortunately, they had to accept the accuracy of Liebman's assessments, because he refused to release his database. Case reviews in Florida, New Jersey, Utah, and Nevada have provided specific cause to challenge his data. Florida challenges any assessment of error in 33 percent of the cases identified by Liebman, suggesting that the national "error" rate may be closer to 35 percent.

But even that number is suspect. The Supreme Court has stated that the death penalty system receives super due process. This means that the courts are extraordinarily generous in granting reversals in death penalty cases. In fact, the appellate courts are twice as likely to reverse the sentence in death penalty cases as they are the conviction.



STUDY THAT SUGGEST THAT INNOCENT PEOPLE ARE EXECUTED ARE FLAWED-- Eddlem '02
 [Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

The major media reported this highly publicized Columbia University study uncritically when it was first released in 2000. But Reg Brown from the Florida governor's office exploded it: "The 'study' defines 'error' to include any issue requiring further review by a lower court.... Using the authors' misleading definition, the 'study' does, however, conclude that 64 Florida post-conviction cases were rife with 'error'—even though none of these Florida cases was ultimately resolved by a 'not guilty' verdict, a pardon or a dismissal of murder charges."

Brown noted that even political overturning of death penalty cases added to the figure. "The nearly 40 death penalty convictions that were reversed by the California Supreme Court during the tenure of liberal activist Rose Bird are treated as 'error cases' when in fact ideological bias was arguably at work." Paul G. Cassell of the Wall Street Journal explained how the 68% figure is deceptive: "After reviewing 23 years of capital sentences, the study's authors (like other researchers) were unable to find a single case in which an innocent person was executed. Thus, the most important error rate—the rate of mistaken executions—is zero."

NUMBER OF INNOCENT RELEASED FROM DEATH ROW IS WILDLY EXAGGERATED-- Sharp '02
 [Dudley; Vice President of Justice for All; "Do We Need the Death Penalty? It Is Just and Right;" World & I; September 2002; Gale Group]

The leading salvo in those claims is that [at least] 101 innocent people have been released from death row with evidence of their innocence. The number is a fraud. Unfortunately, both the international media and, most predictably, the U.S. media have swallowed such claims and passed them along to the public. Even many of our elected officials in Washington have blindly accepted those numbers. Sen. Patrick Leahy, chairman of the Senate Judiciary Committee, has said: "What we know is that nearly 100 innocent people have been released from death row since 1973."

The source for these claims is the Death Penalty Information Center (DPIC), the leading source of antideath penalty material in the United States. Richard Dieter, head of the DPIC, has admitted, in the June 6, 2000, ABA Journal, that his group makes no distinction between the legally innocent ("I got off death row because of legal error") and the actually innocent ("I had no connection to the murder") cases. Although the DPIC has attempted to revise its standards for establishing innocence, none of the various contortions even suggests actual innocence.

As everyone knows, the debate is about the actually innocent. To strengthen their case, death penalty opponents have broadened their "innocent" count by cases that don't merit that description. On June 20, [2002], for example, the Florida Commission on Capital Cases released its review of 23 death sentence cases that the DPIC had called into question. Its conclusion was that in only 4 of those cases were there doubts as to guilt.

Though the DPIC claims that 101 cases were released from death row with evidence of innocence, the actual number is closer to 30. That is 30 cases out of 7,000 sentenced to death since 1973. It appears that the death penalty may well be this country's most accurate criminal sanction, when taking into account the percentage of actual innocent convicted (0.4 percent) and the thoroughness of preventing those allegedly innocent from being executed (100 percent).



USE OF DNA TEST JUSTIFIES THE DEATH PENALTY; NEW TECHNOLOGIES PROVIDE MORE PRECISION PROOF OF GUILT-- Eddlem '02

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

While most of those released from death row have been released for political purposes or for technical reasons unrelated to guilt, it is true that a small number have been released because DNA evidence has proven innocence.

But even though ABC may not agree, its news story reinforces why the release of those on death row argues for, not against, the death penalty: "Widespread use of DNA testing and established standards for defense lawyers will virtually eliminate the argument that the death penalty cannot be fairly applied." If DNA evidence can really prove innocence, it can prove guilt as well and society can be all the more certain that criminals sentenced to death will be guilty. The system as a whole is already working well. Since reinstating the death penalty in 1976, not one person executed in the United States has been later proven innocent as a result of DNA evidence.



A/T: COST**COST SHOULD NEVER PLAY INTO THE DEATH PENALTY DISCUSSION; JUSTICE SHOULDN'T BE FOR SALE-- Eddlem '02**

[Thomas; Editor of the Hanson Express of Massachusetts; "Ten Anti-Death Penalty Fallacies;" The New American; 3 June 2002; Gale Group]

Fallacy #2: Cost

"It costs more to execute a person than to keep him or her in prison for life. A 1993 California study argues that each death penalty case costs at least \$1.25 million more than a regular murder case and a sentence of life without the possibility of parole." (deathpenalty.org)

Correction: While these figures are dubious at best, this argument deserves no response. Justice isn't up for sale to the lowest bidder.

AFFIRMATIVE EVIDENCE BIASED**LIBERAL MEDIA IGNORES THE FACTS ON CAPITAL PUNISHMENT-- Tremonglie '03**

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

Those who say capital punishment is not a deterrent, or who say life imprisonment is an effective substitute, should examine these facts. Unfortunately, this information is not readily available because of the de facto censorship by liberal media that only publish the canards of those who want to abolish capital punishment.

DEATH PENALTY ABOLITIONISTS ARE WAGING A PROPAGANDA CAMPAIGN THAT DISTORTS FACTS-- Tremonglie '03

[Michael; Former Police Officer; "Capital Punishment Canards;" Insight on the News; 4 March 2003; Gale Group]

Another abolitionist canard is the 1993 U.S. Supreme Court case of Herrera v. Collins. According to the death-penalty abolitionists, the Supreme Court held that "new evidence of innocence to stop an execution was unconstitutional." The Supreme Court made no such statement, yet this canard is repeated routinely in colleges and by the solons of public policy. Actor Mike Farrell of the TV show MASH, an anti-capital-punishment crusader, made this claim while giving a speech before the Iowa Legislature in 1998.

The disinformation campaign by abolitionists is quite effective, and they are well-funded. Politicians, entertainers, academicians and even so-called conservative journalists, all of whom can influence public policy, are unaware of pro-capital-punishment data. Of course, this is exactly what the abolitionists desire. The result is that policymakers such as the Maryland attorney general believe abolitionist claims.

