The Arguments of Capital Punishment in the United States

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History and Background of Capital Punishment
Capital punishment has been with this country since it’s beginning. The first English Colonists brought this form of punishment to America in the seventeenth century. The first execution on our soil was in 1608 in Jamestown, colony of VA. Cpt. George Kendall was accused of spying for Spain. Far different from today, the list of crimes punishable by death were treason, murder, manslaughter, rape, theft, counterfeiting, and arson (Rein 1).

Executions started to become private, moved to the jail yard. As social classes began to form, most respectable American’s were embarrassed to attend an execution. They did not want to be associated with the type of crowd who attended not for a moral lesson, but for entertainment. In 1793 Ben Rush (a Philadelphia physician), known as the leading American opponent of the death penalty predicted all legislature would abolish capital punishment in all cases (The Death Penalty, Banner 89). Between 1830 and 1860 every northern state moved hangings to jail yards. In 1936 Rainey Bethea, convicted of rape, was the last person to hang in public in Owensbue, Kentucky.
The turn of the century brought something new to opposition - the educated, elite, sociologist. They had the belief some criminals did not commit crimes of free will, but that of biological and environmental issues. Many debates between sociologists, legislatures and religious figures went on for years. Gallup polls taken between 1936 and 1966 showed an increased decline in support for the death penalty. 1936 polls showed there were twice as many supporters than opponents. 1957 showed 47% approval and 34% opposed. By 1966, this time opponents outnumber supporters 47% to 42%. The rest of the decade showed about a 50/50 rating (Rein 240).

Forms of execution in the 17 and 1800’s:

**Hanging** – most common and widely used for all crimes. Many times the dead body would be placed in a metal cage called a gibbet and hung for a tree for months. This was thought to be an additional deterrent.

**Burning at the steak** – Was reserved for crimes considered unusually disruptive. First, for salves convicted of murdering their owners or plotting a revolt. Then for women convicted of killing their husbands.

**Disembowelment while alive** – harshest kind of punishment and very rarely used. Reserved for those guilty of treason
Modern Forms of Execution:

**Lethal injection** – most widely used. In 1977, Oklahoma was the first state to adopt lethal injection. Texas performed the first execution by lethal injection in 1982 executing Charlie Brooks.

**Electrocution** – In 1888, New York became the first state to adopt electrocution as its method of execution. William Kemler was the first man executed by the electric chair in 1890. From 1930 to 1980, this was the most common form of execution.

**Lethal Gas** – Nevada became the first state to adopt execution by lethal gas in 1924 and carried out the first execution using this method the same year.

**Hanging** – the oldest form of execution. Today only three states (Delaware, New Hampshire, and Washington) currently authorize hanging as a method of execution. Since 1977, there have only been three hangings. It is only used as an alternative to lethal injection, depending on the choice of the inmate.

**Firing Squad** – Two inmates have been executed by firing squad, both in Utah in 1977 and 1996. Only three states (Idaho, Oklahoma, and Utah) currently authorize shooting as a method of execution. It is only an alternative to lethal injection, depending on the choice of the inmate.

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**Texas Leads States in Executions**

Prisons in California, Texas and Florida alone hold 42 percent of the nation’s 3,415 death row inmates. Since 1976 there have been 981 executions in the United States, including 37 so far this year. Texas has executed 348 people since 1976, far more than any other state.

* Two inmates remain on death row in New York even though the state legislature failed to enact a new death penalty statute after the state’s was invalidated in June 2004.

Source: Death Penalty Information Center
Arguments In Favor of Capital Punishment

Argument 1

There are many innocent officers working in close contact with criminals every day in our prison institutions.

If a murderer is sentenced to life without parole, there are many opportunities for them to kill again.

If a murderer is sentenced to the death penalty, there is no opportunity to kill again.

Thus, the death penalty helps protect innocent people from being hurt.
Statement of Paul G. Cassess, Associate Professor of Law at the University of Utah, Salt Lake City. Stated before the Senate judiciary committee on April 1, 1993.

“...Capital sentences, when carried out, save innocent lives by permanently incapacitating murderers...The death penalty is the most effective means of preventing such killers from repeating their crimes...At least five federal prison officers have been killed since December 1982, and the inmates in at least three of the incidents were already serving life sentences for murder...”

Argument 2

- If the criminal is sentenced to life without parole, they are still able to appeal the verdict a number of times.
- If the death penalty is invoked, then the victim or victim’s loved ones are put through the ordeal over and over again.

Thus, if the death penalty is used, the victim and their loved ones do not have to re-live the pain over and over again.
Testimony of Miriam Shehane, state president, victim of crime and leniency in Montgomery, Alabama. Testimony was given for the Senate Judiciary Committee on April 1, 1993

“...Nor will I burden you with the gory details of how one of the defendants described her hours of torture and final death, but the memory is imprinted in my mind permanently. The three men who killed her were arrested and brought to trial—literally seven trials over a period of six years…”

This woman is describing the trials of the men who murdered her daughter who was brutally murdered in 1976. How is it fair that over a period of 6 years this woman had to suffer through 7 trials and listen to the defendants over and over again?

Arguments Against Capital Punishment
Statement of Senator Russell Feingold on introducing the Federal Death Penalty Abolition Act of 1999. Before the Senate, November 10, 1999...

"Following the logic of death penalty supporters who believe it’s a deterrent, you would think that our European allies, who don’t use the death penalty, would have a higher murder rate than the United States. Yet they don’t and it’s not even close. In fact, the murder rate in the United States is six times higher than the murder rate in Britain, seven times higher than in France, five times higher than in Australia, and five times higher than in Sweden."

"Let’s compare Wisconsin to Texas … Wisconsin has been death penalty-free for nearly 150 years. In contrast, Texas is the most prodigious user of the death penalty, having executed 192 people since 1976… During the period 1995 to 1998, Texas has had a murder rate that is nearly double the murder rate in Wisconsin…"

If capital punishment were an effective deterrent then one would expect murder rates to be lower in places where capital punishment was practiced than places where capital punishment was prohibited.

Studies show that the murder rate is higher in places where the death penalty exists.

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Capital punishment is not an effective deterrent to decreasing the murder rate.
Innocent; free from legal guilt or fault

The best source of information about people who were innocent but condemned to death is In Spite of Innocence. This book lists 416 twentieth-century cases in which people were accused of capital crimes and yet later proved to be innocent. In most cases, the accused were convicted and given a death sentence. Twenty-three of the cases resulted in wrongful executions. An additional twenty-seven resulted in executions stayed within three days of the execution date.

Statement of Walter McMillan, Monroeville, Alabama, Before the Senate Judiciary Committee, April 1, 1993...

"My name is Walter McMillan. I was sentenced to die in the electric chair and spent nearly six years on death row in Alabama awaiting execution for a murder that I did not commit, a murder that I knew nothing about, a murder that I had nothing to do with. Today the state of Alabama has acknowledged that I am an innocent man and that I was wrongfully convicted. What happened to me could have happened to you, or to anyone else. I was convicted and sentenced to death on the false testimony of one man. I am here today to urge you to do all that is in your power to prevent what happened to me from happening to anyone else."
**U.S. Supreme Court stays Georgia execution**

**JACKSON, Georgia (CNN)** -- The U.S. Supreme Court granted a last-minute reprieve to a Georgia man fewer than two hours before he was to be executed for the 1989 slaying of an off-duty police officer. Troy Anthony Davis learned that his execution had been stayed when he saw it on television. Davis has long said he didn't kill Mark MacPhail, a Savannah, Georgia, police officer, and the U.S. Supreme Court was the last option for Davis to have his execution postponed. **Seven of the nine** witnesses who initially testified that Davis was the killer have recanted. There was no physical evidence presented at his trial, and no weapon was found. But Davis' petitions for a new trial have been denied. Davis was convicted of MacPhail's 1989 murder largely on the testimony of nine witnesses. Davis' sister, Martina Correia, said "When you only have eyewitness testimony and you have no physical evidence, people have fallacies and people make mistakes,"

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**Capital punishment is a form of punishment.**
**Capital punishment results in the death of a person.**
**Capital punishment has result in the death of an innocent person.**
**Killing an innocent person is never justified.**
**Other forms of punishment will not kill an innocent person and as such are justified.**

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Capital punishment is an unnecessary form of punishment.
Economical: marked by careful, efficient, and prudent use of resources

“A 1988 study of death penalty costs in Florida showed that each execution cost $3.2 million dollars, compared to $516,000 for keeping the person in prison for 40 years. In Texas, a study made in 1992 estimated that each execution costs $2.3 million, three times the cost of keeping a person in maximum security for 40 years. Californians were told in 1988 that eliminating capital punishment could save $90 million annually.”

These high costs strain local and state budgets, divert money from other crime control and victim assistance programs, result in tax increases, prolong and extend the anguish of victims’ families over years of appeals and successive execution dates, reduce other governmental services and often result in deferring salary increases for governmental employees.

- In Indiana three recent capital cases cost taxpayers over $2 million just for defense costs. Prosecution costs usually exceed those of the defense.
- In Washington State, officials were concerned in 1999 that costs for a single capital case would approach $1 million. The county in which the trial was held had to let one governmental position go unfilled, postponed employee pay hikes, drained the county’s $300,000 contingency fund and eliminated all capital improvement projects for the fiscal year.
- Thurston County in Washington budgeted $346,000 for 1999 alone, to seek Mitchell Rupe's third death sentence. Rupe is dying from liver disease and the state of Washington has had to undertake extreme measures to save Rupe from a natural death so that he may be executed. Since 1997, Thurston County has spent $700,000 just for the most recent sentencing hearing. [As of April 2002, Rupe was still alive.]
- The state of Ohio spent over $1.5 million to execute one mentally ill man who was a death penalty volunteer. Some of the costs included $18,147 in overtime for prison employees and $2,250 in overtime for State Highway Patrol officers to provide support for the execution. In addition the state had to pay overtime for 25 prison public information officers who worked the night of the execution. The state also spent $5,320 on a satellite truck so the official announcement of the execution could be beamed to outside media. Ohio's Attorney General had between 5 and 15 prosecutors working on the case, expending 10% of the state's annual budget for its capital crimes section, over a five year period. Keeping the man who was executed in prison for his entire life would have cost less than half as much.
- Because of death penalty trial costs, Okanogan County, Washington had to delay pay raises for the county’s 350 employees, could not replace two of four public health nurses in the county, and had to stop all non-emergency travel and put a hold on updating county computers and vehicles.
Studies show that capital punishment is more expensive than other forms of punishment.
We should pursue less expensive punishments over more expensive punishments.
More expensive is not economical

Capital punishment is not an economical form of punishment

Your mom and dad stop at Kwik Trip to buy gas for their vehicle.
While they are in the store paying for their fuel, a robbery takes place.
Your parents are murdered during the robbery attempt. The perpetrators of the robbery are caught by the police.
You live in a state that allows capital punishment.

How do you think the perpetrators should be punished?


http://www.deathpenaltyinfo.org
http://www.dc.state.fl.us/pub/statsbrief/cost.html