

Capital Punishment: Does Death Equal Justice? by Tara Volpe

For hundreds of years people have considered capital punishment a deterrence of crime. Seven hundred and five individuals have died since 1976, by means of capital punishment; twenty-two of these executions have already occurred this year (Death Penalty Information Center). Many U.S. citizens who strongly support the death penalty believe that capital punishment remains the best way to protect society from convicted killers. I, however, disagree; I do not feel that execution best punishes criminals for their acts. Instead, in my opinion, the administration of the death penalty should end because it does not deter crime, it risks the death of an innocent person, it costs millions of dollars, it inflicts unreasonable pain, and most importantly it violates moral principles.

Capital punishment has as its aim not only the punishment of criminals but also the prevention of similar crimes. Unfortunately, capital punishment does not in fact deter criminal acts, as most supporters of the death penalty expect. Michael Meltsner points out that "capital punishment was justified as a deterrent to crime, yet the killing [has been] done infrequently and in privacy" (3); these factors lead to the ineffectiveness of capital punishment as a deterrent. The infrequent administration of capital punishment stems from the vast differences in each case and the legal variations among the states that permit capital punishment. Currently, thirty-eight states have the death penalty, but each state establishes its own criteria which crimes warrant the death penalty. For example, "Connecticut executes offenders of capital felony crimes with nine categories of aggravated homicide, while California executes offenders of first-degree murder with special circumstances; train wrecking; treason; perjury" (Death Penalty Information Center). These inconsistencies do not help the deterrence of crime, nor make those states that administer the death penalty crime-free.

Statistics of murder rates in states without the death penalty compared to statistics in states that support the death penalty prove the lack of deterrence. For example, "the average of murder rates per 100,000 population in 1999 among death penalty states was 5.5, whereas the average of murder rates among non-death penalty states was only 3.6" (Death Penalty Information Center). This lack of deterrence may exist in part from the fact that executions occur in private, and society remains sheltered from its horrors. On the other hand, perhaps the repeated execution of prisoners by the state makes society gradually become more and more immune to the horror that should accompany the forfeiture of life.

Though capital punishment does indeed fail to eliminate crime from the streets, the possible execution of innocent individuals outweighs many other concerns. Most capital punishment cases pose great difficulty in the determination of guilt or innocence beyond a reasonable doubt. An example of possible wrongful execution appears in the case of David Spence, convicted in 1983:

Spence was charged with murdering three teenagers in 1982. He was allegedly hired by a convenience store owner to kill another girl, and killed these victims by mistake. The convenience store owner, Muneer Deeb, was originally convicted and sentenced to death, but then was acquitted at a re-trial. The police lieutenant who supervised the investigation of Spence, Marvin Horton, later concluded: "I do not think David

Spence committed this crime." Ramon Salinas, the homicide detective who actually conducted the investigation, said: "My opinion is that David Spence was innocent. Nothing from the investigation ever led us to any evidence that he was involved." No physical evidence connected Spence to the crime. The case against Spence was pursued by a zealous narcotics cop who relied on testimony of prison inmates who were granted favors in return for testimony. (Death Penalty Information Center)

Unfortunately, in 1997 the execution of David Spence took place, even though doubt of his guilt still existed. In such a case, with a human life at stake, the practice of capital punishment presents too great a risk. We have no way to know how many inmates will suffer from wrongful execution for crimes that they did not commit. Due to the irreversibility of capital punishment, little room exists for human error in the process that leads to conviction. In some instances, inmates have barely escaped execution due to last-minute presentation of evidence that proved their innocence; their escape resulted from sheer luck. While DNA tests often serve as proof of guilt or innocence, other factors can lead to wrongful accusations: "...eyewitnesses make mistakes, snitches lie, confessions are forced, coerced, or fabricated. Lab tests are wrong and sometimes rigged" (Brasfield 40). Those individuals who support the death penalty may claim that these cases occur rarely and that the need to remove dangerous criminals from society outweighs the risk of the death of one innocent person. However, I strongly believe that these individuals would not feel the same way if they or their family members faced execution for a crime they did not commit.

Capital punishment not only takes the lives of many, it also costs American taxpayers millions of dollars each year. California spends about ninety million dollars each year on executions alone; thus, according to the Joint Legislative Budget Committee of the California Legislature the "elimination of the death penalty would result in a net savings to the state of at least several tens of millions of dollars annually, and a net savings to local governments in the millions to tens of millions of dollars on a statewide basis" (Death Penalty Information Center). The cost of execution should concern American citizens because the millions of dollars spent each year to put criminals to death could instead go to better the community. With the elimination of the death penalty, millions of dollars each year would become available for schools, education, roads, and community services, which include the police department. Life imprisonment costs less than execution and does not require the extinction of life.

Nowadays the preferred method for execution has become lethal injection, for most supporters of the death penalty consider it the most "humane" method of execution. Supporters of capital punishment state that death by lethal injection involves no pain; however, we can never really know whether lethal injection causes pain or not. In some cases, a convicted criminal executed by lethal injection has suffered greatly before death occurs. For example, on June 8, 2000, the execution of Bennie Demps took place in Florida. Technicians who administered the death penalty could not immediately find a suitable vein in which to inject the lethal combination of drugs; in fact, the process took thirty-three minutes. Thus, Demps' execution involved extreme pain. He stated just before his death, "They butchered me back there I was in a lot of pain. They cut me in the groin; they cut me in the leg. I was bleeding profusely. This is not an execution, it is murder" (Death

Penalty Information Center). In the end, no "humane" way to kill another human exists; execution is murder, whether the state orders it or not.

Whether execution of capital offenders violates morality causes much debate; citizens of the United States hold various religious beliefs and different opinions about the morality of legal execution. Hugo Bedau explains that "the law of God is 'thou shall not kill,' and every system of ethics and code of morals echoes this injunction" (184). However, many supporters of the death penalty state that God's will permits the state to enforce capital punishment because, after all, it abides by the principle of "an eye for an eye, a tooth for a tooth." Capital punishment causes the death of someone because that person killed someone else, yet only murderers suffer such a fate. Rapists do not endure rape, thieves do not have their possessions robbed, and those convicted of assault do not undergo a similar assault. Though these crimes seem less significant compared to murder, how can the state justify the murder of killers as punishment for the crime of murder? If we allow the state to administer executions, I believe that we give the state power that we do not possess. God, not mankind, should both create and take life.

Many supporters of the death penalty say that criminals must die to ensure public safety; however, if these inmates stayed in maximum-security prisons for consecutive life terms, they would remain isolated from society, with very little chance of escape. I, personally, view capital punishment as an act of vengeance rather than an act of justice. Even though many societies have used capital punishment as a way to control crimes rates, I do not think that capital punishment properly punishes those convicted of capital offenses. The government should focus more on rehabilitation rather than execution; after all, some convicted murderers do feel strong remorse for what they have done. I think that the legal system should require inmates to meet with counselors, or spiritual advisors if they wish, and work to pay their debt to society, while they stay in prison. The execution of individuals for crimes they have committed, such as murder, causes yet another family to suffer the loss of a loved one, no matter how heinous the crime. Capital punishment causes pain for the inmate, the inmate's family, the victim's family, and society as a whole. Death sentences should cease; instead of spending money on executions, states should use those funds to better the community and rehabilitate those individuals convicted. Every human life possesses value.

Works Cited

- Bedau, Hugo. *The Death Penalty in America*. Chicago: Aldine Publishing Co.,1964.
- Brasfield, Philip. "The End of Innocence." *The Other Side* Nov 2000: 40.
- Death Penalty Information Center. 23 March 2001 <www.deathpenaltyinfo.org/index.html>.
- Latzer, Barry. *Death Penalty Cases: Leading U.S. Supreme Court Cases on Capital Punishment*. Boston: Butterworth-Heinemann, 1998.
- Meltsner, Michael. *Cruel and Unusual: The Supreme Court and Capital Punishment*. New York: Random House Inc., 1973.