Is the Death Penalty Murder?

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                                                “Abstract“

The death penalty is a sore subject in some eyes, it is seen by many murder. Although with a closer evaluation when used in right manor, it is used to protect us. Why would we want to walk around with people who kill an innocent in cold blood? With no thought for others, along with no consequence for their actions, just a slap on the wrist and sent back out to the world. In this paper I will discuss the difference in ideas for and against the death penalty, statistics regarding this issue, as well as history about the death penalty and how it has come so far. For example, how we used to shoot people on spot and hang them for stealing food. Now we have this long process along with forensics test to make certain it is the right person. When now, we let people who have committed murder out of pure stupidity pay for it by little jail time, and release to do it again. I will also discuss the history, regarding the death penalty and it will include how prisons came into to be a part of society and their effect on the death penalty

Eye for an eye is ONLY way to see the death penalty, it is the ONLY way to make sure they didn’t commit crime again. If you want to start an argument, tell someone that you believe in the death penalty.  Fully aware that you’re going to be told that you believe in murder, but is it really murder? Murder is defined as “unlawfully killing a person” (Webster, 2018). Following this definition we understand that it is “unlawfully”. Showing that is against the law to kill someone. When a killer walks up to a person and kills them in cold blood for there wallet or they don’t like them or for whatever reason, they believe it is right to take a life. We as a people should not be scared of the retribution for letting them get what they deserve as a sanction not only to prevent this from happing again but also, to give support to person who lost their lives family. To show them not only that we are mortified  that this happened, but showing that their loved ones life matters by ensuring the perpetrator  gets full punishment  that is equal to the crime they committed.  Also, showing others that people who do this do not get a slap on the hand and released out into the world to do what they please, and us as a people basically saying it doesn’t matter and that the person whose life was lost does not matter.

 People have tried to argue that the amendments say that, the death penalty, is murder and that no one can deprive someone of life.   The Fifth Amendment does have “no person shall be deprived of life” (Blocher, J. 2016). This quote is just a piece of what is being said, if we take a minute and read the words around this quote we can understand the actual meaning that is intended by this amendment. “The Fifth Amendment provides that “[n]o person shall be held to answer for a capital . . . crime, unless on a presentment or indictment of a Grand Jury,” and that no person shall be “deprived of life . . . without due process of law.” (Blocher, J. 2016). This amendment is proof that if you commit a crime and are proven guilty by the court of law you can be “deprived of life” (Blocher, J. 2016). This is showing that it is not a one person decision; it is a decision that had to go through long drawn out process, through court systems that sometimes takes years to get all evidence and testimonies, to make the decision to take the life of a murderer.

For everyone who believes that the death penalty is wrong and is murder. As well as how awful and distasteful it is. I will explain some things that happened in history prior to the death penalty becoming what it is today. To me, how it was before all the changes is more along the lines of the definition of murder. Murder is defined as “unlawfully killing a person” (Webster, 2018).  I don’t think people understand how far we have come with the death penalty. In the “ 1700 and early 1800’s individuals were put to death for  a dozen or so crimes ranging from murder, rape, adultery, sodomy, bestiality, and various property crimes.” (Acker, J.R. 2003).  No court, no decisions just one of these crimes were committed and BANG you’re put to death.  Death back then was not in a chair in a room with curtains that can be closed like now days. It was in the “gallows or by a firing squad or a hanging” (Acker, J.R. 2003). That all sounds terrible enough, but let us add in that it was done in the “center of town or out in open area so all could watch,” this was done in hopes to “discourage other prospective offenders” (Acker, J.R. 2003).

During this time the American people were starting to give more thought and voice opinions toward the death penalty. Along with the ideas behind public execution an rules around it. Starting to see that maybe there is something wrong with executing someone in the center of town and that children didn’t need to see such things. As well as, people yelling and hollering at the individual who was about to be put to death;  in the middle of town in front of everyone to see and the public display.  Maybe it was more of a private matter?  Then around 1850’s legislature “with  Pennsylvania being first in adding the first degree murder charge and abolishing the death penalty for all other offences and other states following thereafter.” (Acker, J.R. 2003).  This is a huge change for the history of this punishment; we go from kill anyone if they commit these crimes, to now we only have hand full of crimes that can be punished by death.

 In “New York in 1890 they developed the electric chair, and in Nevada in 1921 the gas chamber was introduced” (Acker, J.R. 2003). Then in “1967 to 1976 then executioners were at rest for first time in American History” (Acker, J.R. 2003). During this time modification were made “regarding the death penalty with new laws as well as correct constitutional deficiencies” (Acker, J.R. 2003).  After this modification during the executioners rest there was another“819 executions under new laws in the following 25 years” (Acker, J.R. 2003).  During the “mid 20th century all states had gone to electrocutions and lethal gas” (Acker, J.R. 2003).  While now in today’s era we have seen changes in the choices the lethal gas has become less used along with electrocutions marking the way for “lethal injection to be used through the nation” (Acker, J.R. 2003).

            Next, we will look at how prisons played a role in the evolution of the death penalty. “The first penitentiaries—deliberately named as institutions designed to foster true penitence, “to serve the goal of reformation, of saving the soul without killing the body” (Acker, J.R. 2003). People who are against the death penalty and for life time imprisonment believe that people who murder others should just be lock away in prison and that will protect them but it does not protect the prison workers.”(Acker, J.R. 2003).  This comes about, due to more people taking note and feeling that death is not always the answer, it is murder. So prisons came about to give the government another option besides death. Those options are in place for people don’t think death penalty is “fair or just” (Acker, J.R. 2003). I mean why you would want to give someone the same treatment they gave someone else when they had no respect for human life. No lets choose” imprisonment with no parole, by all means they are locked away and we don’t have to deal with them” (Acker, J.R. 2003).  This evolution is shown to us by the reduced use of the death penalty and more imprisonment accompanied along with fines for crimes.

            One of the biggest arguments from people who are against the death penalty is that even with the judicial system in place that “unfairness and risk of executing the innocent violate the condemned  prisoner’s right to life” (Winston, M. 2002). This is something that people who are for the death penalty cannot deny, that has happened and it is awful.  But if you look at those cases from history till today, numbers of that happening have drastically dropped. Now, we have all kinds of forensic tests such as DNA, ballistics, fibers from clothing that were not available before in these cases.  These things along with video surveillance and testimonies all go together for final decision in death penalty cases.

            I will use the “forfeiture thesis and stat authority thesis” (Winston, M. 2002). To explain both pro and con sides. “Forfeiture Thesis (FT): A person’s human right to life can be forfeited; in particular, a person can lose his human right to life by engaging in certain criminal acts. However, in order to make FT usable as an argument for the judicial death penalty, it needs to be joined with another premise: State Authority Thesis (SAT): Sovereign governments (states) possess the auth- ority or legitimate power to cause a person to forfeit his human right to life or to declare or determine that the loss of a person’s human right to life has occurred.” (Winston, M. 2002). So in short it is saying that if someone commits a criminal act then they forfeit their right to life, but adding the second part on the SAT they are trying to make loop hole, so it can’t be true. As I explained earlier the government does have right given by Fifth Amendment.  With that it just needs to have the first part the FT to be true.   Those of us who are for the death penalty see this as when you commit a criminal act such as murder, they are “acting rationally knowing in advance the consequences of his actions therefore loses his right to life.” (Winston, M. 2002). While the people who are against feel that when the “government murder a murder, you too are a now a murder and should be murder and no one had the authority to take anyone’s life.”(Winston, M. 2002).

            Another big controversy with the death penalty is mental state. We have all heard of times when someone is on trial and they pull the mentally insane card to avoid punishment or to get lighter sentence. Were you also aware that people use that on death row to try to avoid death? So they now have in effect “when a death row inmate becomes insane three policy options, Medicate and execute or don’t medicate and don’t execute or finally medicate and don’t execute.”(Latzer, B. 2003). For people who are for the death penalty “medicate and don’t execute” (Latzer, B. 2003). Is just pointless, having another person not getting their deserved punishment and sitting in jail and being medicated by the government to be mentally stable and rot in prison.  With the second option why on earth would we be like okay you don’t want to take your medicine, but you have been convicted of murder and are sentence to death. Okay that is fine, you can be unstable, in prison and potentially hurt one of the corrections staff. First options are the soundest of all three; you medicate them and then go forth with the execution.

            For someone who is not for the death penalty, they see number one as un-reasonable, since inmate on death row is not mental okay; we cannot medicate them so we can murder them.  That is not right.    Regarding the second option, it is what they want and they shouldn’t have to do something they don’t want, so let them be in prison getting government paid food, a roof over their head, and medical care.  While with option three, they would look at “this with mercy for the offender. “(Latzer, B. 2003). Let them be treat and live life in prison.

            This leads me to another issue that people who do not support the death penalty say “cost too much money.” (Acker, J.R. 2003). I honestly do not see how this is possible.  Let’s say someone is on death row for 3 years then executed. That is one person who is not in jail for a lifetime using government money for a roof, food, and medical care. Or we sentence a person to life in jail. That means, for their entire life we have to provide food, roof and medical on some cases that is like 50 years and then pay to bury or cremate them.  There is evidence saying that it cost more, but I just do not see how. “Attention also began to focus on the financial costs of capital punishment. Studies conducted in several jurisdictions suggested that maintaining a death penalty system is considerably more expensive than incarcerating convicted murderers for life. When litigated properly, death penalty trials tend to be lengthy and complex, involving numerous motions, expert witnesses, prolonged jury selection and, in cases that result in capital convictions, a sentencing hearing in addition to a guilt trial. Additional costs are incurred by the intensive supervision of prisoners while on death row for the decade or more that is typically required to complete state and federal judicial review of convictions and sentences. Significantly, in a great many cases, the additional expense associated with capital case litigation will be for naught. If roughly half of capital trials results in a sentence of death, then clearly the extra investment for the half ending in prison sentences immediately prove to be futile. Even where death sentences are handed out following a trial, roughly two out of three are vacated through later court action. In most of these cases (about 82%) the offender is not resentenced to. The frequent reversals mean that many more costs have fruitlessly been incurred without any payoff in the form of executions.” (Acker, J.R. 2003).

            Another comment that they make is that people with lower IQ are at risk to do illegal criminal actions since they have low IQ.” The mildly mentally retarded range of IQ is 55 to 70” (Kane, H. 2003).  There have been many cases were lawyers use this to get their clients out of the death penalty “execution of a mentally retarded inmates is cruel and unusual punishment.”(Kane, H. 2003).  My thing is this yes they may have a mental issue, but, if they are able to commit the crime they should be able to do the time. It takes a little bit of knowledge and with it enough thought to be able to commit a heinous crime.  If they are able to go through whole process of murder mentally retarded or not.  There is proof that “IQ is related to criminality evidence implicates that it is one of the most important variables related to criminality.” (Kane, H. 2003).  Also this IQ test “provides reliable and valid measures of cognitive ability “(Kane, H. 2003).  This is one topic that I feel acknowledged by both sides o f this argument.  That statement is “low IQ automatically restricts the individual’s realm of social possibilities” (Kane, H. 2003).  This being said, there are other things to do beside commit crimes.

There have been studies done on inmates on death row regarding IQ levels “it is not just a passing theoretical interest, it has significant implications for understanding individuals whose behavior earns them death.” (Kane, H. 2003). There are even statics showing people on “death row has several characteristics in common. First, their crimes were impulsive acts providing immediate gratification (e.g., violence to the victim, money, and sex). Second, offenders gave no thought to the personal risks associated with their crime (e.g., incarceration and the death penalty). That is, they were unable to forecast the abstract, yet reasonable, consequences of their behavior. Third, for criminals who killed “unintentionally” during the commission of their offense (e.g., robbery), the murder resulted often from an inability to deal intelligently with a resistant victim. Impaired cognitive ability offers a limited range of alternatives in dealing with the complexities of a chaotic criminal situation. For those individuals who possess both low intelligence and high antisociality, murder presents an easy and viable means of handling the situation. Finally, most death row inmates had an accomplice. Individuals with restricted intelligence are highly suggestible. It is this suggestibility, attendant with the manipulation of a psychopathic accomplice, which may prompt individuals with mental retardation to commit a capital crime that is otherwise out of character. Like it or not, the connection between IQ and criminality is real.” (Kane, H. 2003).

Something I have had people tell me is that death penalty murders many people every year and how awful it is. Well let’s look “Judicial execution (or, as it is sometimes called, the death penalty or capital punishment), in every sovereign state that practices it, produces many fewer corpses than does any other kind of state killing. That's certainly true in the U.S., where the mean annual number of judicial executions from 1997 to 2016 is roughly fifty-four. Worldwide, 1,032 judicial executions were recorded in 2016, in twenty-three countries... These numbers, compared to deaths caused by police killings, military actions, or abortions, are vanishingly small. In the U.S., the yearly mean number of judicial executions over the last few decades’ tracks closely with the yearly mean number of deaths from lightning strikes.” (Griffiths, P.J. 2017).  Along with that bit of information, I want you to also think about number of people that are killed in “self defense, cop shoot outs. (Griffiths, P.J. 2017).” Compare those numbers to death penalty, and I believe that you all are fighting the wrong demon.

I honestly believe that we all have rights and privileges, and that no one person has the right to just rip them away from us. As well as all people deserve a trial and to be able to tell their side along with all evidence provided on both sides of the case. For any situation that comes about, no one should just be pin point it was you. We do have rules and things that are set in place to protect the citizens. I am not in any way condoning what was done long as where you did this so you die. BUT, when a person “loose our respect for one another and commit a heinous act knowing in advance the consequences he loses his right to life “(Winston, M. 2002). I have show in many ways that the death penalty has changed remarkable over the years. As well as how far we have come from just killing anyone who commits a crime to having regulations around the death penalty. As well as letting you see both sides of the controversy. I have also discussed with you several of the major argument regarding the death penalty. “Natural law demands that crimes be punished and that punishments be proportional to crimes. There is a fact of the matter about which punishments fit which crimes (Griffiths, P.J. 2017).”

In conclusion, I believe the only way to deal with people who commit heinous crimes is the death penalty. Do you not understand that most of the people that are in prison for killing can get parole for good behavior! How in the world could a murder get GOOD BEHAVIOR! Then be back out in society to do it all again. While the numbers of offenders that are released on parole then commit a crime yet again, is straggling increasing. Why in the world would we want to allow someone that is capable of that to be free in our world?  Why not just give them the punishment they deserve, they took a life; they don’t have their rights so we should do to them what they did to someone.

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