

## August 10, 2015; Argument for Death Penalty

Although the debate over capital punishment in the United States has raged for nearly two centuries, the American public has yet to reach a consensus on the matter. Locked in a virtual tug of war, pro and con supporters continue to pull the public's consciences in different directions.

At times, one side appears to be winning. However, just as victory seems to be in sight, a major event shifts opinions in the other direction. According to a recent *Time* article, only 49% of Americans supported capital punishment in 1971. Support soared to 80% by 1994, and has now decreased to 63%.

Despite the shift in public opinion, the arguments for and against the death penalty have remained fairly consistent. Interestingly, supporters of both positions base their respective arguments on a variety of legal, religious, and social sources. In today's column, we'll review the major arguments in favor of capital punishment.

- All states and the federal government have the legal right to execute persons convicted of certain serious crimes. This right is found within the U.S. Constitution itself. The 5<sup>th</sup> Amendment provides that no person can be deprived of life "without due process of law."

If our founding fathers did not support the death penalty, why would they include language acknowledging the possibility that a government may take a life? They could have simply stated, "Neither a state nor the federal government may deprive a person his life for any reason." This was a deliberate choice in wording and clearly indicates our founders' support for the death penalty.

- A legally approved execution does not automatically violate the 8<sup>th</sup> Amendment's prohibition against cruel and unusual punishment. After all, capital punishment has deep historical roots in America dating back to our colonial period. In addition, the mere fact that some pain may be involved in an execution does not in and of itself amount to cruel and unusual punishment.

Of course, both state and federal governments should strive to execute convicted individuals in the most humane manner possible. As the Supreme Court has consistently said, society ultimately decides what methods are or are not humane.

- The death penalty deters crime. This is evident from the mere fact that convicts facing a death sentence frequently try to convince the judge to sentence them to life imprisonment instead. Also, if for no other reason, death will at least ensure that a particular criminal will never commit another crime. Society deserves this level of protection.

- Society has a moral right to seek retribution for criminal behavior which, under some circumstances, may include the death penalty. After all, a criminal wrongfully takes lives,

property, peace, and liberties from others to give himself undeserved benefits. Deserved punishment restores just order and morally protects society.

- Executions save money. Contrary to the frequent claims by opponents of the capital punishment, the death penalty is not more expensive than life without parole. While the upfront expenses for death penalty are high, due mainly to the cost of the appellate procedures, these expenses are surpassed by the expenses involved in life-long incarceration. Thus, over the long term, there is a cost savings to executing serious criminals.

- Capital punishment shouldn't be eliminated solely out of fear that an innocent person may be wrongfully executed. Our system of justice is not perfect and never will be. However, this is not a reason to end the death penalty altogether. After all, we don't ban cars or planes simply because accidents may occur.

We should, however, strive to improve the quality of evidence. Advances in forensics are helping to ensure that the right person is convicted.

- Crime statistics should not be used as an excuse to eliminate capital punishment. The mere fact that Blacks and Hispanics are disproportionately charged with capital crimes does not necessarily indicate that the American justice system is biased against them. After all, although women make up 50% of the general population the vast majority of those charged with crimes are men. Also, a disproportionate number of offenders are young rather than old.

There are social factors that account for these differences. If poverty breeds crime and the minorities are disproportionately poor, then minorities can be expected to commit more crimes. The focus should be on improving the economic situation for minorities and not on ignoring the statistical realities of crime. Next week, we'll explore the main arguments in opposition to the death penalty.