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The Death Penalty
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The Victim

Colleen Reed screamed "not me! not me!" as her hands were tied around her back and she was struck over and over and raped in the back seat of a car. But Kenneth Allen McDuff didn't think she had enough. He dragged on cigarettes to get them nice and hot then shoved them into her vagina. Then, while she begged for her life, McDuff crushed her neck to kill her. Afterwards, he bragged that "killing a woman's like killing a chicken...They both squawk". Let us never forget the victim, their pain, fear, torture, stolen lives, and the nightmarish grief suffered by loved ones left behind. The death penalty has never been about revenge, it is about...

Suum cuique tribue... to give everyone what he deserves.

McDuff tortured and killed at least nine women and is believed to have murdered a lot more. But what's even more horrific is that they were all preventable because he had already been on death row and released. In 1966 McDuff and an accomplice kidnapped two teenage boys and a girl and

forced them into the trunk of a car. After driving the trio to a remote location he shot the 2 boys in the head at close range then he and his friend raped Edna Sullivan. McDuff then tortured the girl with a soda bottle and broken broom handle before crushing her neck.

These murders deservedly delivered McDuff to Texas' death row. But, on June 29, 1972 the Supreme Court voided 40 death penalty statutes and suspended the death penalty; 629 death sentences across the United States were commuted and all existing statutes were invalidated. McDuff just so happened to be one of them. He cheated his date with justice, was released in 1989, and permitted to go on a killing spree.

Deterrence

Thirty years of respected academic research proves that capital punishment saves lives. One top study even suggests that every executed capital murderer will prevent about eighteen murders. However, in all fairness to opponents there are also studies showing that no deterrent effect exists. Therefore, we are morally obligated to err on the side of caution and choose to protect innocent lives rather than sacrifice them to convicted capital murderers. Proponents contend that the question is *not* in deterrence, and whether or not the *threat* of the penalty will lower murder rates. But rather — when we execute murderers less people are murdered than if the death penalty did not exist.

For example, in 1984 approximately 52,000 incarcerated murderers had previously been convicted of murdering 810 people. Then, they murdered an additional 821 people after their release. If these men had been executed, 821 innocent people would still be alive. (41, 1 Stanford Law Review, 11/88, pg. 153). In fact, figures suggest that since 1971, 10,000 people have been murdered by persons who had murdered in the past. We must place the lives of innocent people above the lives of convicted capital murderers and not give them the chance to murder again.

Lemuel Smith held six life sentences for murder, kidnapping, and robbery because New York has no death penalty statute. While serving his time in Green Haven Prison he strangled, mutilated, and

dismembered a female corrections officer in the chaplain's office. A seventh life sentence for Lemuel is worthless. One might view prisoners like Smith who have nothing to lose as having a license to kill. With no death penalty there is nothing to stop murders from killing other inmates, prison staff, or citizens upon an unjust release or escape.

Religion

Opponents of the death penalty continue to wield the religious sword as their greatest weapon against the death penalty. But, the United States is not a theocracy or secular government that does, nor need adhere to any religion. Therefore in this country it has no place as a factor in this debate. However, since opponents continue to manipulate Biblical facts to gain support they will be addressed.

Beginning in the twentieth century the verb "rasah" from the sixth commandment "Thou Shall Not Kill" was interpreted to mean "Kill". But, newer biblical translations and nearly all religious scholars now interpret the verb to actually mean "murder". Numerous studies concluded that *rasah* refers to the premeditated, deliberate, or accidental taking of life by another human being and includes any unauthorized (or illegal killing). Capital punishment is the government penalty for premeditated, illegal killings that *nowhere* in the Bible prohibits. In fact, the Bible not only contains a wealth of support *for* capital punishment, but man's obligation to carry it out when warranted. Yet, opponents only emphasize God mercy and forgiveness, and say nothing of His need for justice...

"Whoso sheddeth man's blood, by man shall his blood be shed" (Genesis 9:6). "The civil rulers execute, justly and sinlessly, pestiferous men in order to protect the peace of the state" (Summa Contra Gentiles, III, 146).

Furthermore, was it not God *Himself* who chose the capital punishment of the day as the conduit to our salvation with the crucifixion of His son?

Even Pope John Paul II declared in his March 25, 1995 encyclical, The Gospel of Life (Evangelium Vitae) that execution is appropriate "...to defend society". It is common knowledge that since 1900 the

murdered innocent and seriously injured by criminals improperly released range in the hundreds of thousands.

Innocent Executed and Procedures

Opponents of the death penalty claim that 69 inmates on death row were innocent and released since 1973 (DPIC, July 1997). However, 29 of the 39 reviewed cases show that the DPIC provided *no proof at all* that these individuals were indeed innocent; that's 78% of the cases. Proponents contend that the release of these 69 death row inmates amid claims of innocence or trial error is merely a testament to the generosity and effectiveness of U.S. judicial procedures — procedures which are in fact so reliable that 37% of death row cases were commuted or overturned for due process reasons (not DNA exoneration) since 1973. This makes death row inmates *six times* more likely to get off death row on an appeal, than by execution!

Adam Bedau described by Ed Koch as one of the most relentless opponents of capital punishment in the United States, has even stated that it is “false sentimentality to argue that the death penalty should be abolished because of the abstract possibility that an innocent person might be executed”. Bedau refers to a study of 7,000 executions in the U.S. from 1893-1971 that finds no such cases exist.

But, don't forget how difficult it is to get on death row in the first place. There are at least 28 procedures and protections. Just a few are; it must be a *capital* murder, probable cause, grand jury indictment, the defendant is assigned 2 death penalty attorneys, a full investigation, trial with the burden of proof on the state, the punishment phase must prove defendant acted willfully and is a future danger, defendant is allowed to present a lifetime of mitigating factors to convince only 1 juror to oppose death, state/federal appeals, state/federal hearings to present claims of innocence. Thousands of additional procedures and protections are afforded to defendants; all of which make the possibility of executing an innocent person virtually non-existent.

Prejudice and the Death Penalty

Opponents claim that middle and upper-class white people use the death penalty to attack the poor and racial minorities (Bryan Stevenson, opposition spokesman and attorney with Equal Justice Initiative) and to 'keep those dangerous people (the poor and minorities) in their place' (Sister Helen Prejean). Are these individuals *not* aware that over 99% of all poor minorities are able to *keep* themselves from murdering? It is ridiculous for opponents to accuse proponents of trying to subjugate 1% of the population.

Moreover, all statistical evidence proves that after 1929 1. There were more whites on death row than any other race (NAACP LDF 1996) 2. Whites were more apt to be executed than blacks (Gary Kleck, "Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty", American Sociological Review), a trend which still continues. 3. White's, regardless of who they murdered, are somewhat more likely to receive the death penalty than blacks. 4. White's who murder blacks are somewhat more apt to receive the death penalty than blacks who murder whites (Jared Taylor 1992) 5. 56% of the executed were white and 38% were black (NAACP LDF, Summer 1996).

This clear propensity to execute whites more than any other race is because in order to qualify for the death penalty the murder(s) must have involved special circumstances. Factors include a. the majority of serial killers are white (NAACP LDF data, 1996) b. a large portion of death row cases were stranger murders which are committed by a 7:1 ratio of white to black (US Census, avg. 1970-80-90) c. murders of whites are more aggravated (research and appellate courts through McCleskey) d. 93% of all murdered blacks were killed by other blacks involving mitigating circumstances which greatly reduces their numbers receiving the death penalty.

Conclusion

I believe that the death penalty achieves many things. 1. It solidifies the value of human life by declaring: 'if you take something this precious, this important, you will be made to pay the ultimate

price.' If we lessen the penalty for murder, then we lessen the *value* of human life 2. It protects society and saves innocent lives from those willing and able to commit capital murder 3. It brings a sense of justice and peace to victims and their loved ones 4. Contrary to religious beliefs, execution does not deprive the condemned of a chance for redemption, but rather *delivers* it to him. For it is often only at the time of condemnation that capital murderers expresses value for human life (albeit their own), and ask for forgiveness and salvation from their maker; an opportunity that countless innocents are never afforded.

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