

Running Head: The Death Penalty

Should the Death Penalty be Abolished?

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Abstract

The purpose of this project is to explore the death penalty. It will explore the different methods that are used and when it started. This paper is about why it should be abolished. This study will explain what the death penalty is and look at the different views that are for and against the death penalty. There are some cases where the lethal injection was not used correctly and other cases where the defendants have been exonerated. The goal is to analyze the reasons why the death penalty is inhumane, inefficient and expensive.

Table of Contents

Introduction..... pg. 4

Thesis Statement and Research Questions.....pg. 4

Methods.....pg. 5

Review of Literature.....pg. 6

Analysis.....pg. 8

Personal Reflection.....pg. 12

Conclusion.....pg. 13

Bibliography of Sources.....pg. 14

Introduction

The death penalty is a topic that is very controversial in the United States and all over the world. The death penalty has been around for many years but as the years go on, we find more faults in the whole process. There are two major sides - you are either for the death penalty or against it. There are many reasons why a person would be for it but there are also many reasons to be against the death penalty. In this research paper we will explore some reasons why the death penalty should be abolished in the United States.

V. Thesis Statement and Research Questions

While the death penalty is still being practiced in thirty states, the death penalty should be illegal in all fifty states because it is inefficient, inhumane and life in prison is more affordable.

Research Questions

- 1 - What is the death penalty? Where was the death penalty first used?
- 2 - What are the methods used?
- 3 - Why is the death penalty inhumane?
- 4 - How many times has the death penalty been unsuccessful?
- 5 - Have there been any wrongful convictions?
- 5 - What are the cost differences of the death penalty and life in prison?
- 6 - Which states still have the death penalty and which do not?

VI. Methods

The library database was not helpful in doing this research paper. All articles that were found was through Google Scholar to research this topic. Google Scholar was very helpful in finding many scholarly articles on the death penalty. When searching for articles, I used my outline as a guide to search each topic that I will be discussing. I searched terms like the death penalty versus life in prison, methods of the death penalty, death penalty and efficiency, death penalty and the constitution. I started off with searching the definition of the death penalty. It was very hard finding an article that goes into what the death penalty is but I found “What is the Death Penalty?” on dummies.com and it was great place to start. It also went on to talk about the history of the death penalty which I did not even think about to include but I think it is great to know the history of the death penalty. Once I searched the terms that I was looking for, I read through a couple articles on the first couple of pages. I picked the articles that I believe explained best about the inefficiency of the death penalty, the cost difference between life in prison and the death penalty and why the death penalty is inhumane. I also found articles that share strong facts about why the death penalty should be legal and I compared those with the other articles that say it should be illegal. I think comparing and contrasting the two is very important because I am not closing myself off to learning about them but I like to compare and give my reasons why it should be illegal. Also, having the views of the other side is good to look at so you can see it from a different perspective and analyze both theories.

Review of Literature

While the death penalty is still being practiced in thirty states, the death penalty should be illegal in all fifty states because it is inefficient, inhumane and life in prison is more affordable. The following literature review will explore the reasons as to why the death penalty should be abolished in the United States.

The death penalty should be abolished because there is no evidence that the death penalty actually deters crime. There are two websites that have great data regarding the death penalty; ncadp.org, which is the National Coalition to Abolish the Death Penalty and thedeathpenalty.org. They both are similar in that you can navigate through the website and read about all the wrongful executions that have happened in the past. These websites also provide a lot of information on wrongful convictions. There is another website that is thedeathpenalty.org that provides a lot of data regarding the death penalty. The difference with this website is that it talks about failed executions that have happened in the past.

The fact that there have been failed executions, that makes the death penalty inhumane. In the article by Lain (2015), she does a good job talking about failed executions. Lain stated that “officials have lowered the blinds so witnesses could not see what was happening in the execution chamber”. She talks specifically about botched executions that have happened in 2014. In the research article by McFarland (2016), he talks about how long a person can be on death row. It is very lengthy process to go through. As mentioned above, the website ncadp.org has information about the family of the victims and how painful the process of the death penalty can be for them. Can you imagine having to relive an awful moment for months because the trial

keeps getting delayed? McFarland stated, “the average time spent on death row in 1984 was 74 months, or a little over six years.”

Richard (2008) talks about the different types of executions we have in the United State. This article dives into the methods of executions and goes deeper to talk about the first method, which was hanging. In the article that is called Center for Constitutional Rights talks about how inhumane the death penalty is. It talks about how it violates our human right. In the research article by Messerli (2018), he talked about both sides of the argument and went into details on each point. Mersserli said the death penalty should be abolished because it would give closure to the families. His main point was “DNA testing and other methods of modern crime scene science can now effectively eliminate almost all uncertainty as to a person's guilt or innocence.”

Another reason why the death penalty should be abolish is because of how expensive it is.

Warden (2009) does a great job talking about the cost different between life in prison and the death penalty. Marcus (2007) goes to talk about how many inmates are on death row and how long it takes. The longer an inmate is on death row the more we are spending on that inmate. The two of these articles did a great job providing information on the cost of the death penalty.

The death row is not an easy topic to discuss among your peers. When you see or hear of something horrible that happened, you immediately think about the death penalty. The first thought is the death penalty but once you sit down and gather your thoughts you will realize that the death penalty is not the way to go. These authors and websites do a great job in explaining and being informative on the death penalty and what really goes into an inmate being on death row.

Analysis

The death penalty is a sentence of death imposed by courts as punishment. Most cases that result in the death penalty are due to convictions that involve murder, aggravated murder or felony murder. "In 1846, Michigan became the first state to abolish the death penalty for all crimes except treason." There are many reasons why people believe that the death penalty should be legal as well as others that believe that it should be illegal. While the death penalty is still being practiced in more than half of the United States, the death penalty should be illegal because it is inefficient, inhumane and life in prison is more affordable. The death penalty was first established as far back as the Eighteenth century B.C. when it was created in the Code of Hammurabi of Babylon. The code of Hammurabi is sometimes known as "an eye for an eye." Fast forward to the Tenth Century A.D and Britain stating using hangin as a usual method. Britains then brought the death penalty to the United Sates of America. The first ever recorded execution in America was of Captain George Kendall in the Jamestown colony of Virginia in 1608. It was said that he was executed for being a spy for Spain. During this time, the death penalty varied from colony to colony. Currently, there are twenty States plus the District of Columbia that have abolished the death penalty. For most of the history in the United States, hanging was the primary method for execution. Most of the executions took place in the town center using rope over a tree or scaffold. This allowed for public punishment in front of the community that was affected by the crime.

There are many methods used for execution. There is lethal injection, electrocution, lethal gas, hanging and firing squad. The lethal injection the main method used by all states that have the

death penalty. There are a variety of protocols using one, two, or three drugs during lethal injection. When the three drug protocol is used that means an anesthetic or sedative is used. After that, pancuronium bromide is used to paralyze the inmate and then potassium chloride is used to stop the heart. When you actually think about that process it does not sound very pleasant. There have been several botched executions making this process inhumane. A great way to define a botched execution is the way Austin Sarat describes it in his book, *Gruesome Spectacles: Botched Executions and America's Death Penalty*. In his book, he explains it as "botched executions are those involving unanticipated problems or delays that caused, at least arguably, unnecessary agony for the prisoner or that reflect gross incompetence of the executioner."

The fact that there can be a botched execution shows that the death penalty is inefficient and inhumane. In the article by Lain, she does on to research botched executions that happened specifically in the year 2014. The first botched execution was in Oklahoma by lethal injection. The inmate was Michael Lee Wilson and he was convicted and sentenced to death for being a part of a robbery and murder of a convenience store owner. Oklahoma used the three drug protocol on Wilson but they used a new anesthetic because the old was discontinued in 2011. The new anesthetic that was being used was not subject to FDA regulation. As mentioned in her article, when not using proper anesthetic, the lethal injection is very painful and causes a feeling of burning, asphyxiation, muscle cramping and cardiac arrest. Wilson's last word was "I feel my whole body burning." This botched execution was kept under wraps until the second one came out to the public two weeks after Wilson's execution. The second botched execution happened to Dennis McGuire in Ohio. He was convicted and sentenced to death for the rape and murder of a

woman who was eight months pregnant. Ohio used the two drug lethal injection but used an untested sedative which McGuire's attorney argued it would cause agony and terror filled death. Another reason the death penalty is inhumane is the fact that it is a violation of our Human Rights. The Universal Declaration of Human Rights (UDHR) was drafted after World War II and adopted in 1948. Under Article 3, life is a human right and that makes the death penalty a violation of the right to live. According to the article Center for Constitution Rights, the vast majority of inmates serve their sentence in solitary confinement and crippling conditions awaiting their execution. A person can stay on death row for a very long time causing a lot of pain to them and the families of the victims. In 2009, 52 people were executed in the US and the average length of time on death row was about 169 months. That is a long time for the families of the victim to be a part of. It is prolonging their pain of a loss one.

The death penalty is inefficient not only because of the botched executions but there have been many wrongful executions. Troy Davis is an example of a wrongful execution. He was convicted of murder based on scant physical evidence and the testimony of nine witnesses. Later on, seven of those nine whitenesses recanted their testimony or admitted to those testimonies being false. There was a lot of media attention that was drawn including public figures and advocacy groups but he was put to death on September 21, 2011.

Carlos DeLuna was another man on death row that was executed on Texas in 1989 for the stabbing of Wanda Lopez. He maintained his innocence throughout this imprisonment and insisted that the killer was actually Carlos Hernandez. His case was reviewed by a Columbia Law Professor and his students and in their report, revealed that Carlos DeLuna was in fact innocent. The inefficiency of this case was how he was found guilty. In the report by the

Professor of Columbia Law states that there was conflicting eye witness statements, police investigation mistakes and missing information that had led to the DeLuna being found guilty. The cost of the death penalty varies from state to state but over all it cost taxpayers a lot more than having someone in prison for life. Why the death penalty cost more is because when an inmate is on death row they are subject to a more expensive living condition. They are also subject to an extensive legal process. According to the article by McFarland, each death penalty inmate is about \$1.12 million more than an inmate in general population. The average time an inmate is on death row has gradually increased over the years. In 2011, the average time an inmate was on death row was 198 months. The time on death row is increasing due to the complexity of the legal system and the attempt to avoid making mistakes and executed an innocent man.

The death penalty is a not a better option than than life in prison. The fact that mistakes happen and it is irreversible means that it is inefficient. There are is no actual evidence that it deters crime so there is no need to have the death penalty as an option.

IX. Personal Reflection

During this process, I learned that anything is possible if you put your mind to it. As I reflect on all the courses that I have took at Purchase, I realized how much I have grown and expanded my knowledge. I took about 6 years off of school before pursuing my career here at Purchase. I learned how to write a research paper and how to do research. The difference between scholarly articles and regular articles you find on the internet. This has been very helpful, not only in my classes but also at my job. I think that once I am done with school and can focus all my attention at work, I can bring a lot to the table and prove that anything is possible. This project reminded me of my legal research class. I had to write a case brief. It was a lot of reading and digging for information that leads you to the conclusion or to whatever it is that you are trying to prove. Currently, I am a compliance assistant at my job but my future goal is to become a compliance manager. My job is make sure every department is communicating properly and and efficiently. If something was not done correctly then it is my responsibility to do my research and figure out what went wrong and address it to the correct person. I think that having gone back to school and taken the classes that I have will help me with my career.

X. Conclusion

Based on the research that I have done, the death penalty should be abolished in the United States. The fact that there have been botched executions in the past, proves how inefficient the death penalty can be. The death penalty cost a lot more than having someone prison for life. According to DPIC 2016, "A new study by Lewis & Clark Law School and Seattle University that examined the costs of hundreds of aggravated murder and murder cases in Oregon has concluded that 'maintaining the death penalty incurs a significant financial burden on Oregon taxpayers.'" That is just one example of one state but if you break it down state by state you will see how much the cost difference is in each state. The death penalty is inhuman because it is a violation of our human right to live.

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