

Rethinking the Death Penalty



Is the death penalty unjust?



Yes

Harry A. Blackmun, Supreme Court Justice


- *Arbitrariness, discrimination, and mistakes happen in the application of the death penalty in the criminal justice system.
- Need to develop rules that go beyond a simple appearance of fairness
- Work for consistency, fairness and reliability in capital punishment.
- Death penalty experiment has failed.

No

Antonin Scalia, Supreme Court Justice

- The fifth amendment provides that "no person shall be held to answer for a capital crime, unless on indictment of a Grand Jury, nor be deprived of life without due process of law. This clearly permits the death penalty to be imposed and establishes that the death penalty is not a cruel and unusual punishment.
- Opposition to the death
- -penalty is a passionately held and deep conviction, but can not be used to impose upon people.
- Concentrate on: THE FATE OF THE INNOCENT VICTIM!

Should the death penalty be abolished?




Yes

USA programs to abolish the death penalty. From fact sheet September 1998

- Application of the death penalty :arbitrary and inconsistent.
- Gravity of crime and culpability do not always determine the sentence.
- Sentence impacted by race, socio-economic status, level of education, location of crime, and pure chance!
- Sentence influenced by jurisdiction, personality and personal agenda of the prosecutor, attitude towards plea bargaining, race of victim.
- Jury's interpretation of mitigating circumstances causes discrepancies .
- Lead to: EXECUTION OF INNOCENT PEOPLE!
- ad

Should the death penalty be abolished?



No

David Gelehrter
Professor of computer Science at Yale University


- We execute murderers to make a public proclamation:
- THAT MURDER IS INTOLERABLE!
- Community's response sends the message:
- death penalty : powerful, permanent. Cannot be retracted or overturned.
- Does not pounce on life in general, only on the crime of murder.
- Even though we are doing a bad job of administering it, but
- DOES NOT BELIEVE WE SHOULD GIVE IT UP!

Should there be a national moratorium on executions?

Yes

Rep. Jesse L. Jackson, D-Ill

- Taking a life is the supreme expression of a state's power
- Over its citizens.
- New scientific advances (DNA, forensic evidence) helps with
- Evidence. But cannot overemphasize that.
- Competent representation not available to minorities.
- Called for a moratorium on all executions until all inmates on
- Death row have had an opportunity to examine
- DNA and other evidence.



No

Rep. Lamar Smith, R-Texas

- Despite claims of the death penalty being racist, unreliable,
- Ineffective, most Americans support it.
- Think of the VICTIM!!
- Too lenient.
- Can not prove if it is a deterrent.
- Need application in a timely and consistent manner.

Should states adopt moratoriums on executions?

Yes

Barry Seheck. Co-founder of the Innocence Project

- Use of DNA evidence exonerated hundreds of convictions.
- Causes of wrongful conviction?
- Suggests: better crime labs, decent defense counsel, eyewitness and police reforms.



No

Kent Scheidegger. Legal Director, Criminal Justice Legal Foundation



- Very few capital cases involve genuine questions of innocence.
- Claims of discrimination against minorities, and bias based on race of victim, have failed.
- Public defenders are as good as star lawyers.
- Death penalty deters murder and SAVES INNOCENT LIVES!