

### Death penalty: Is it a Problem?

The death penalty has been a big part of Human history, especially since the middle ages. It has been a big part of the United States for a long time. It is also known as capital punishment and execution. In 1988, 1625 people were executed, 1067, or 83 percent of which came from China. However, places like some states in the US have abolished the death penalty, but the federal government still allows it. According to <https://deathpenalty.procon.org/>, the death penalty is legal in 29 states, and illegal in 21 states, including Washington DC. according to Wyne Shelly: “In 2012, 43 inmates were executed under the death penalty statutes of nine states, and 77 new inmates were sentenced to death, bringing the total number of people under a sentence of death in the U.S. to 3,170.” This shows that execution and the death penalty in the United States are rising and continue to rise. According to Shirelle Phelps, The death penalty has become one of the most controversial issues worldwide in the area of criminal justice. More than half the world’s nations have banned the use of the death penalty or no longer apply it, even though the death penalty may remain legal. While the death penalty is not banned under international law, the growing international trend is toward limitations in its use. In recent years, and opposition to this trend, the imposition and use of the death penalty has increased in the United States, a fact that sparked heated debate. Intensifying the debate is the recent use of DNA evidence and other high-technology investigative tools, which have resulted in a large number of

reversals of death penalty convictions. In January of 2000, Illinois Governor George Ryan declared a moratorium on executions in his state when a thirteenth death penalty conviction was reversed by the state. Illinois has exonerated more death row inmates than it has convicted.

One of the biggest reasons why it is a large issue in the United States is the amount of states and people that were killed. According to David Clark in the article “Death Penalty”, from the *Encyclopedia of Law and Society*, “In 1998, there were officially 1625 people executed, with China leading the way at 1067, however in 2003, 111 countries have abolished capital punishment, like the Death Penalty. The European Court of Human Rights banned the death penalty in all nations within the Council of Europe, stating it violated the European Convention of Human Rights.” This shows that while executions were a big part of the early United States and before, it is less popular nowadays. There are many pros and cons to the Death penalty, including the different ways that it’s used. A couple of ways include electric chair, gunshot, lethal injections, hanging, and other ways. According to Gavin Newsom, the governor of California, in a statement on the death penalty “The intentional killing of another person is wrong and as Governor, I will not oversee the execution of any individual. Our death penalty system has been, by all measures, a failure. It has discriminated against defendants who are mentally ill, black and brown, or can’t afford expensive legal representation. It has provided no public safety benefit or value as a deterrent. It has wasted billions of taxpayer dollars. Most of all, the death penalty is absolute. It’s irreversible and irreparable in the event of human error.” Some people debate on whether it should be used, or what methods are gonna be used.

Some people debate on the other side. According to George Brauchler, JD, District Attorney of the 18th Judicial District in Colorado, wrote in a Mar. 1, 2019 opinion article titled “Coloradans Should Have the Final Say on the Death Penalty (and I’d Hope They Keep It),” on [denverpost.com](https://www.denverpost.com): “There are good reasons to maintain capital punishment in our state... The paramount goal of sentencing is the imposition of justice. Sometimes, justice is dismissing a charge, granting a plea bargain, expunging a past conviction, seeking a prison sentence, or — in a very few cases, for the worst of the worst murderers — sometimes, justice is death... A drug cartel member who murders a rival cartel member faces life in prison without parole. What if he murders two, three, or 12 people? Or the victim is a child or multiple children? What if the murder was preceded by torture or rape? How about a serial killer? Or a terrorist who kills dozens, hundreds, or thousands? The repeal of the death penalty treats all murders as the same.” Brauchler wants the death penalty, since it allows justice to the murderer, with no conference. Some people argue that the death penalty should be allowed, only shorter, and less painful, like the injection. The most common ways to get capital punishment are murder, espionage, and rape.

One of the biggest questions and problems of the death penalty is whether to make it public or not. Public execution was famous even during the Roman Empire and the Middle Ages, most famously Jesus Christ, as well as King Louis and Marie Antoinette during the French Revolution. However, many people consider it too cruel, since most people consider it to be private, since it’s more fair. In Oklahoma, it is a lot stricter, with more laws. One of the biggest issues, with the death penalty, according to Wayne Shelley, “Under Oklahoma law, a defendant cannot be considered for the death penalty unless the jury finds the existence of at least one statutorily-defined aggravating circumstance. The explicit intent of these aggravators is to

channel the discretion of prosecutors, judges, and juries in an attempt to inhibit the capricious and arbitrary nature by which the death penalty has historically been imposed. However, these aggravators may define the acts and the actors that citizens consider the most terrifying and repugnant. They relate to jurors and citizens on a personal level”

The death penalty needs to be looked at. People are being sentenced by the death penalty, either for small crimes, like a misdemeanor, or even if they're proven innocent, of a murder, and the “guilty party” is still out there. A friend of mine summarized the death penalty perfectly. He said, “It should be there, just used less often, and with bigger problems, like a terrorist, who killed 15-50 people, or a foreign spy, who plans on hacking our social security”. Many people are being affected, either as a small crime or just at the wrong place at the wrong time. It should be edited, to only affect people in the most extreme situations. According to Phelps, Opponents of the death penalty argue that it serves no permissible societal goal and there is no moral justification for state-sanctioned murder. They point to statistics that indicate that the death penalty has no deterrent effect. Some studies do show that the number of homicides is higher in states with the death penalty.” Phelps said that the death penalty is a problem since there are more homicides in other states with the death penalty, than without. It also is an issue, since morality is lost.

One of the biggest arguments, especially for the extremity of the death penalty, is how bad the crime is, like Serial killing, homicide, and Terrorist attacks, according to Edward Feser, PhD, the Associate Professor of Philosophy at Pasadena City College, “We reserve the death.

Penalty in the United States for the most heinous murders and the most brutal and conscienceless murderers. This is not, as some critics argue, a kind of state-run lottery that randomly chooses an unlucky few for the ultimate penalty from among all those convicted of murder. Rather, the capital punishment system is a filter that selects the worst of the worst” Feser argues that the biggest problem that the Death penalty solves is it kills the people who killed others. In reality, on the other side of the spectrum, people argue that the death penalty, also kills the disabled, and mentally ill, because they argue that you can help those people, unlike serial killers and sociopaths.

## **BIBLIOGRAPHY:**

**MLA format :Sarat, A. (2007). Death penalty. In D. S. Clark, *Encyclopedia of law and society*. Sage Publications. Credo Reference:**

**[https://search.credoreference.com/content/entry/sagels/death\\_penalty/0](https://search.credoreference.com/content/entry/sagels/death_penalty/0)**

**Shelley, W. L. (2014). *Influences and effects of subjective post-Furman death-penalty aggravators on Oklahoma death penalty cases* (Order No. 3642852). Available from the Criminal Justice Database. (1611247124). Retrieved from <https://libproxy.howardcc.edu/login?url=https://search-proquest-com.libproxy.howardcc.edu/docview/1611247124?accountid=35779> accessed 22 Feb 2020**

**Blackstone, H; “States with the Death Penalty and States with Death Penalty Bans - Death Penalty - ProCon.org.” Death Penalty, [deathpenalty.procon.org/states-with-the-death-penalty-and-states-with-death-penalty-bans/](http://deathpenalty.procon.org/states-with-the-death-penalty-and-states-with-death-penalty-bans/) . Accessed 25 Feb 2020**

**Atwood, Margaret. “Maryland Capital Punishment Laws.” *Findlaw*, 7 Mar. 2018, [statelaws.findlaw.com/maryland-law/maryland-capital-punishment-laws.html](http://statelaws.findlaw.com/maryland-law/maryland-capital-punishment-laws.html). Accessed 25 Feb 2020**

**"Death Penalty." *World of Criminal Justice*, Gale, edited by Shirelle Phelps, Gale, 1st edition, 2002. Credo Reference, [https://libproxy.howardcc.edu/login?url=https://search.credoreference.com/content/entry/worldcrims/death\\_penalty/0?institutionId=248](https://libproxy.howardcc.edu/login?url=https://search.credoreference.com/content/entry/worldcrims/death_penalty/0?institutionId=248). Accessed 27 Feb. 2020.**