

Capital Punishment has been a major aspect of almost every society since the beginning of civilization. Up until the past two centuries, capital punishment has been a widely accepted and even enjoyable part of the criminal justice system. Capital punishment is the practice of employing death as sentence against criminals who have been found guilty in the eyes of the law. Now, as capital punishment has been limited to extreme cases of criminality, we have found a way to extend punishment with ridiculously extensive prison sentences. Before their creation, however, the death penalty was wildly common in civilizations across the globe. It is very clear from the inventiveness and bizarre cruelty of these death sentences that humans have always held the belief that people need to be punished for their wrongdoings.

Before the implementation of prisons, we had to become creative with death and find a way to prolong the pain, suffering and humiliation of the subjects. There are countless ways the death sentence was carried out in the past, many of which we could never fathom to endure or even spectate today. Each country has a preferred method of execution and they have changed over time as the public has become more sensitive to the unnecessary suffering of others. During the Tang Dynasty, offenders were most commonly executed by strangulation or decapitation (“Capital Punishment”, n.d.). In Medieval times, capital punishment was used for crimes ranging from sodomy to witchcraft. The most common method used was burning at the stake, a method that became infamously known by the Salem witch trials that ravaged the American countryside through the 1600’s. Leading up to modern times, the methods of execution become more humane to reflect the diversity of options for punishment. Now, the most common form of execution in America is by way of lethal injection. Typically, painless and quick, this method is regarded as the most efficient (“Capital Punishment”, n.d.). The criteria for which cases can incur the death

penalty are also more strictly regulated. In the U.S, minors cannot be sentenced to death, and the process of persecution is more extensive than in the past. There are, however, systematic faults with the process. An estimated percentage of over 4% of people on death row are likely wrongfully convicted, and even more stunningly, 70 percent of death sentences need to be reversed as a product of poor performance of the defense lawyers and/or the deliberate suppression of material facts and evidence by the police or prosecutor (Weissman, 2019).

Around the world, public execution has fallen out of favor. Death sentences used to be carried out in front of an audience as a way to both maximize the amount of humiliation for the subject, and to provide entertainment for the masses. The publicity also served as a deterrent for others who may otherwise consider committing acts of criminality. However, as recent studies have shown, increasing the severity of punishment does not implicitly create a lower tendency to commit a crime, such as murder (Weissman, 2019). The offenders' confidence in their personal ability to evade the law seems to outweigh the possibility of the death sentence if they are caught. If harsher punishment lead to higher deterrence, nobody would have committed any crimes in the post-modern world, when the punishment for something as inconsequential as adultery was death.

Public opinion of the death sentence has shifted drastically on the past few decades, as more data about the socioeconomic and racial injustice that thereby follows the practice is revealed. Around 55% of all inmates currently on death row are non-white (Weissman, 2019) while 79% of the victims of those inmates are white. It is important to note that the demographics of those who support capital punishment today are largely white, conservative and uneducated. The approval rate for capital punishment in the U.S is at 60% as of 2016 (Trahan,

2018). These reports are even after it was revealed in the same survey, that Black and Latino offenders are exponentially more likely to be given the death sentence as opposed to their white counterparts. The fundamental issue with capital punishment is the first requirement that must be undeniably true to be enacted. As said by Immanuel Kant “Judicial punishment... must in all cases be imposed on him only on the ground that he committed a crime...” (Hoag, n.d.) How can such an extreme practice as capital punishment be justified when the criminal justice system can barely be trusted to not convict an innocent person?

The failure of the criminal justice system can be seen in the decision of the Supreme Court case of *McCleskey v. Kemp* in 1987 (Kennedy, 1988). Warren McCleskey, a black man in Georgia, was sentenced to the death penalty for armed robbery and the subsequent murder of a white police officer responding to the crime. McCleskey took this decision to the supreme court, and using Georgia crime statistics, presented plentiful evidence that in cases with black defendants and white victims, the death penalty was disproportionately sentenced. Regardless of the compelling evidence, the Supreme Court upheld the death sentence in what was one of the most blatant disregards for the inherent racism demonstrated in the criminal justice system (Kennedy, 1988). It is decisions like these that really emphasize the disinterest of the white majority in the injustices served everyday that lead not only to false imprisonment, but to unjust executions.

In July of 2019, President Donald Trump and his Attorney General William Barr lifted the sixteen year pause on federal executions that began in 2003. This attempted to resume the federal executions of five inmates on death row (New York Times, 2019). In November of 2019, the executions were blocked by a federal judge due to policy changes surrounding the drugs used

Niara Phoenix
Criminology
Paper 2
Capital Punishment

during lethal injection. Although Trump has made his prejudice against non-white Americans clear, this case does not seem to directly relate to the racial injustices previously described. Of the five inmates scheduled for execution, three are white, one is Black, and the last is Native American. Unfortunately, Trump has also voiced his strong support of the death penalty in cases of drug dealing, which deviates from the norm of capital punishment being reserved for cases involving murder. The application of the death sentence to drug related charges would also disproportionately affect the Black population. Hopefully the court systems will refine their methods of due diligence in regard to exacting the death penalty in only cases of absolute certainty.

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Criminology
Paper 2
Capital Punishment
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