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Any Man's Death

"Any man's death diminishes me, because I am involved in Mankind."

John Donne, 1624

Twenty years ago, I was a supporter of capital punishment. With my rural, lower middle-class upbringing, the death penalty was one of the things I took for granted: abortion was bad, guns were good, and murderers deserved to be executed. I believed the death penalty was reasonable. According to what I had been told by my family and my government, the death penalty deterred crime. The death penalty punished only the guilty, never the innocent. The will of God called for "eye for eye", and that was good enough for me. Fair was fair, after all. Besides, why should the government waste tax dollars to keep people in prison for life? As far as I knew, other countries had the death penalty, too. The most important reason of all, though, was that some people, such as Ted Bundy and Charles Manson, were incorrigibly and irredeemably evil; these people deserved to die.

Apparently, a lot of people agreed with me then, and still do. Today, 67% of Americans support the use of capital punishment (Foley par. 1). Despite this, we didn't always have the death penalty. In 1972, in the case of *Furman v. Georgia*, the United States Supreme Court ruled the death penalty unconstitutional, a violation of the Eighth Amendment of the United States Constitution barring "cruel and unusual punishment." The reason it was "cruel and unusual" and therefore unconstitutional was that Georgia judgments were applied in an "arbitrary and capricious" manner, as defined by the Supreme Court; there was no equity (par. 2). Just four years later, though, after the Georgia state legislature made changes in their legal system, the Supreme Court upheld the death sentence in the case of *Gregg v. Georgia*. Georgia had separated trials into two stages, the first to determine guilt, and the second to determine sentencing. Because of these changes, the Supreme Court found the system no longer "arbitrary

and capricious,” therefore, no longer unconstitutional (par. 3). Most states since have adopted a similar method for trying criminal cases. Today, 38 of the 50 states, as well as the Federal government, have legalized the death penalty (par. 4).

When I believed in the death penalty, I had many assumptions. But as the years have gone by, I have had some rude awakenings regarding many of my most deeply held convictions. The world isn't black and white. No human being is completely bad-- or completely good, for that matter. People and governments can be wrong, and worse, sometimes they lie. I hope that, by sharing my own change of heart, I can influence others who currently believe as I once did to make the same change. We must stop our government from killing under the guise of justice.

Does the death penalty deter crime? According to the Death Penalty Information Center, a non-profit organization serving the media and the public, the answer is no; there is no evidence linking the death penalty to a reduction in crime. Comparison studies done since 1959 between homicide rates per 100,000 populations versus the number of executions performed in that region have consistently shown that no cause and effect relationship exists (Goertzel par. 6). For an example, between 1982 and 2002, Texas performed 239 executions, California performed 10, and New York had none, yet all three states showed the same approximate homicide rate following the same pattern in that time period (par. 7). If the homicide statistics do not vary between Texas and New York, then clearly the threat of execution does not deter criminals from committing murder. If the death penalty is not a deterrent, why do we have it? Is it solely to punish criminals?

The death penalty punishes the innocent as well as the guilty. The actual number of innocent individuals who have been executed is unknown. However, 112 death row prisoners have been exonerated since 1973, for reasons varying from new findings based on DNA evidence to errors in police procedure and even another person's confession to the crime in question (Foley par. 4). Mistakes can be made with evidence, as well. In 2002, a Houston police crime laboratory was discredited when it was discovered that at least 280 boxes of evidence had been misplaced, other evidence had been

contaminated, and lab technicians there were improperly trained and didn't know how to interpret findings (Hart A10).

Another group of sufferers people rarely think about are the executioners themselves. Lethal injection is the principle method of execution used in 37 of the 38 states that have the death penalty (Robeznieks par. 2). The American Medical Association prohibits its members from participating in executions (par. 3), so technicians generally perform them. These ordinary people must regularly be active participants in the killing of other human beings; even for those who support capital punishment, this must be a dreadful burden of guilt to carry.

Is the death penalty unfair to the guilty as well as the innocent? Despite the Supreme Court's ruling, "arbitrary and capricious" judgments still happen. Although we've made advances in civil rights, race is still an issue on death row, both the race of the defendants and the victims. Although blacks account for half of all murder victims in this country, 81% of the victims whose killers face the death penalty are white ("Race"); it seems killing a black person is not as serious a crime as killing a white. And although blacks make up only 12% of our population, they represent 42% of those currently on death row. We should also consider the injustice of executing persons guilty, but not fully capable of taking responsibility for their crimes. It was 2002 before the Supreme Court finally banned the execution of the mentally disabled. The law still allows the execution of both juveniles and the mentally ill, in spite of the questionable efficacy of those individuals' ability to consider the consequences of their actions. The most recent example is Kelsey Patterson, who was a diagnosed schizophrenic; despite his illness, he was executed in Texas in May of this year (Hart A10).

So, what does the Bible say on the subject of the death penalty? Many Christians, when asked, quote Exodus 21:23-24; "life for life, eye for eye, tooth for tooth." Exodus, of course, is a book of the Old Testament. Jesus Christ, though, was the coming of a new way, and with the new way came the New Testament. Christ taught salvation and forgiveness (Foley par. 10); he told us "to him who strikes thee on the one cheek, offer the other also" (Holy Bible Luke 6:29). According to David Atwood, a member of Pax Christi, a national Catholic peace movement, "As Christians, we should be about reconciliation and

rehabilitation” (qtd. in Coday par. 26). Unfortunately, though most Christian faiths both Catholic and Protestant doctrinally oppose capital punishment, the individual institutions and clergy rarely speak out against the death penalty (par. 14). I find this silence puzzling, just as I’m puzzled by the beliefs of Christians who oppose abortion and euthanasia yet support the death penalty in the same breath. Doesn’t the sanctity of life apply to all human beings?

Forgiveness is not completely forgotten, though; there are many like the Lastrapes family. Andrew Lastrapes was robbed and murdered by Dominique Green in 1992. Rather than condemn Green, however, Lastrapes’ wife and children have forgiven him, and join with others in calling for clemency in his case (par. 20). These good people are living examples of the true spirit of Christianity. Of course, for Americans, one of the important issues on the subject of the death penalty is that of money; is execution less costly than life imprisonment? Studies done in various states tend to show that the opposite is true. The majority of the costs of execution are the court costs of the appeals process, which in most states are mandatory. In Florida, for example, calculations show that from 1973 to 1988, each execution there cost an average of \$3.2 million, while the lifetime incarceration of an inmate --approx. 40 years at \$17,000 a year-- is only \$680,000 (Porter par. 5,6). In a 1991 study in Texas, the justice system there spent \$2.3 million per execution, while it is estimated that housing a prisoner for 40 years would cost just \$750,000 (par. 4). And in North Carolina, a 1993 study found that the court costs of the average execution went for a cool \$2.16 million *over* the cost of lifetime imprisonment (par. 2). It seems the abolition of the death penalty could save the United States hundreds of millions of dollars. Changing the law regarding appeals would also save some money, but at the cost of increasing the number innocent people being executed each year. The whole point of the appeals process would be lost.

The United States faces many difficult issues regarding capital punishment, but how does the rest of the world handle this problem? I was surprised to learn that the United States is the only democracy in the world that supports capital punishment (Foley par. 1). Not only that- since 2000, only five nations in the world have executed juveniles, and the United States is one of them. The other four are China, Iran, Pakistan, and the Democratic Republic of Congo (Richey 02); is this really a club to which we wish to

belong? The United Nations Convention on the Rights of the Child specifically bans the execution of juveniles. Of course, there are many in our country that resent any kind of criticism from any other nation. As John Yoo, professor of law at the University of California at Berkeley states, “Why should we care what foreign countries think our Constitution means?” Some members of the Supreme Court, however, would disagree with Mr. Yoo. International and foreign laws have been used recently to support judgments made by some of our Supreme Court Justices. On the subject of juveniles facing the death penalty, Justice Anthony Kennedy has speculated on whether international opposition to juvenile executions might satisfy the criteria of “unusual” in the “cruel and unusual punishment” ban in our Eighth Amendment (02). If that becomes the case, all capital punishment might fall under the same umbrella.

Why is it that in spite of world opinion, more than half of all Americans still support the death penalty? I believe that most people in America don't think very often about the death penalty, and when they do, they look at it as “something the government does” (Coday par. 8), something separate from themselves. Indeed, the capital punishment system has been set up to keep the general public as far away from the whole process as possible-- behind doors and bars, unseen, and in the middle of the night (par. 6). “Out of sight, out of mind” is our government's policy on executions; it's easier to maintain public support if the public doesn't have to see these criminals as people. We have even gone so far as to make executions more “esthetically pleasing” (Robeznieks par. 21) to any observers. In lethal injection executions, three chemicals are used; the first is sodium thiopental, which causes unconsciousness, and the third is potassium chloride, which kills (par. 22). The second chemical is pancuronium, and its sole function is to relax the muscles and prevent movement. This does nothing for the benefit of the condemned, it simply prevents any *observers* from being disturbed by the thrashing of the condemned in his death throes (par. 21,24). By separating ourselves from the process of execution, we have allowed ourselves to forget one vital fact- we ARE our government. The courts are simply the representatives of the people of the United States of America. We, the people, are ultimately responsible for every action of our government, no matter how great or small. When our government kills, it kills in our name.

It was the realization of this that changed my mind so that I could no longer in good conscience support capital punishment. The last argument I made in favor of the death penalty at the beginning of this essay was that some people were evil and deserved to die. I cannot dispute that even today. Contrary to the teachings of Christ, I believe that there are some people who are beyond redemption, who are incapable of being anything other than what they have become-- monstrous and evil. I believe that such people as these, who commit cold and remorseless acts of terror and murder, deserve to die. However...*we do not have the right to kill them.* If it is wrong for an individual to murder in cold blood, then it is also wrong for a *group* of individuals to commit cold-blooded murder. Any rule for the individual should apply to the group as well; I see no other way to look at it. As members of a democracy, we cannot, as a group, practice that which we forbid the individual to practice. I have shown many reasons in this essay why I believe we should abolish the death penalty, but even if none of the others were true, this last argument is reason enough to stand on its own. We, the collective people of the United States, have no more right to kill than those whom we punish for killing. In good conscience, as Americans, as members of a free and democratic people, and as citizens of the world, we must abolish the death penalty.

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