

Criminal Justice and the Death Penalty

The death penalty is inherently unethical and should be abolished. Within this affirmative opinion, I will argue that the death penalty is inherently and irreversibly racist, the government should not have the power to murder its own people it is bound to protect, deterrence is not a defensible argument for the death penalty, and life without parole is always the better option when comparing between that and the death penalty.

America as a whole has a fundamentally racist history that can never allow the death penalty to be completely ethical or not somewhat oppressive. It is no question that the death penalty has a racist past, especially as demonstrated in practices in the South. For example, the Baldus study done in 1983 examined prosecutions in Georgia, this found that prosecutors were more likely to sentence a black person to death than a white one (Joubert). Though this is truly a worst case scenario example from only one state, this kind of history and previous bias cannot be held as something trivial. Previous events must force change and reflection in the justice system. According to the American Civil Liberties Union, the US General Accounting Office in 1990 examined 28 studies and found that they all showed, "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty" and that "race of victim influence was found at all stages of the criminal justice system process...(American Civil Liberties Union)" From looking at a single case as well as a larger analysis of previous handlings of the death penalty, it is clear that the systemic damage that the death penalty has contributed to is too great to be considered a just form of punishment.

Allowing the government to kill citizens is wrong, even in the name of retribution. The government's ability to kill its own citizens under the guise of lower crime rates and providing for the cause of retribution is wrong. When being promised a government that will provide for

the prime causes such as life, liberty, and the pursuit of happiness, how can we expect our rights to be upheld when it continues to support a system that is consistently faulty. It is simply not a power a government should have. A quote from Bruening in the NYT sums it up best in using the example of the Trump Administration's overseeing of executions, "Then former President Donald Trump showed the power one man can have over life and death even in a democracy (Bruening)." The death penalty doesn't belong in a democratic government that garners their power from the people it governs. How can a government that has power from the people kill their own people? On the cause of retribution, Robert M. Bohm, a Professor Emeritus of Criminal Justice at the University of Central Florida, said, "the concept of retribution is ambiguous; thus, it is unclear what people mean when they express support for capital punishment for retributive reasons" (Bohm). It is unjust to look at such a heavy topic with such a flamboyant lense.

The death penalty does not deter crime or lower crime rates. While the other side of this argument might argue that allowing the death penalty sends a beacon of zero tolerance to people that may find themselves in the position to commit murder or other heinous crimes, there is significant evidence that the death penalty does not have enough of a deterrence effect that could ever justify the rationale for killing another person.

Ending a life is always less ethical, therefore life without parole (LWOP) is the better option. No matter the context, ending a life is always unethical. No matter the history of the individual or the situation, an eye for an eye will leave the whole world blind. Rather than seeking the death penalty, a different sentence that does not lead to an irreversible, completely unethical outcome is life in prison without parole. On the topic of LWOP, as argued by the American Civil Liberties Union, "A sentence of life without parole means exactly what it

says—those convicted of crimes are locked away in prison until they die. However, unlike the death penalty, a sentence of life without parole allows mistakes to be corrected or new evidence to come to light”(American Civil Liberties Union). The death penalty is the worst of the worst in terms of punishment and irreversible, and about 4% are innocent. LWOP is reversible. The promise of a chance for justice to truly, more ethically, more effectively, and more fairly served is the obvious option when comparing the options for punishment of individuals that have committed heinous acts. No matter the crime, the death penalty is always the less ethical, less fair, and less defensible punishment.

The death penalty does not have significant enough grounds to justify killing an individual and has been consistently shown as unfair and unethical. In conclusion, based on the evidence cited above, it is clear that the resolved argument is true: The death penalty is inherently unethical and should be abolished. Because of the racial implications and irreversibility of the hatred of the past the death penalty is unethical. Because of the extent to which the death penalty extends government power, the death penalty is unethical. Because of the lack of evidence surrounding the benefits of the death penalty such as deterrence, it is unethical. Because of the option of life without parole is viable and reversible, it is a better alternative and more ethical than the death penalty. The death penalty does not have significant enough grounds to justify killing an individual and has been consistently shown as unfair and unethical.

To prove that deterrence truly is not a viable cause for justification, I will elaborate from my previous statements. According to Tom Price, a seasoned researcher and journalist who has worked for multiple reputable sources such as the Washington Post and the NYT, “The Death Penalty Information Center’s analysis of murder rates from 1987 through 2015 found that the [murder] rate in death penalty states was 1.39 times higher than in states without capital

punishment, and the murders of police was 1.37 times higher in states with the death penalty” (Price). This argument is not a singular one in finding that the deterrence argument is not as helpful as one would think. The former director of the National Institute of Justice under the Trump administration, David Muhlhausen, found that academic studies that cited a deterrence effect of the death penalty were “not informative about whether capital punishment decreases, increases, or has no effect on homicide rates”(Price). As shown, there is not enough concrete and truly defensible evidence to support the deterrence effect of the death penalty, there is too trivial of a difference to ever be weighted in the decision to encourage violence in the name of justice. The idea is discordantly supported and cannot be considered in such a serious decision as government killing of an individual can be.

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