

The United States should ban the death penalty

Key Terms

Capital punishment
Deterrence
Appeal
Cruel and Unusual punishment
Supreme Court precedent
Recidivism

Sources

Death Penalty Information Center
<http://www.deathpenaltyinfo.org/index.php>
Pro Death Penalty site
<http://www.prodeathpenalty.com/>
Death Penalty links page
<http://www.derechos.org/dp/>

Fact Set

- Since 1973, 108 people in 25 states have been released from death row with evidence of their innocence.
- There are currently 38 states that offer the death penalty as a possible punishment, although 6 of those states have not executed anyone since 1976.

Arguments in favor of banning the death penalty

- Banning the death penalty would bring the United States more in line with the international community. This would make other nations more willing to return criminals that are accused of serious crimes to the United States.
- The death penalty results in the execution of a disproportionate number of persons of color and low income defendants. If it is not applied fairly, the death penalty should be banned.
- DNA evidence has revealed that many people on death row are actually innocent. It is estimated that as many as 25 people have been wrongfully executed in this century in the United States alone. Because the US justice system is not perfect, we should not impose irreversible punishment.
- There has not been a drop in crime in those states that have kept the death penalty compared to those states that have eliminated it. There is no evidence that the death penalty is successful in deterring criminals.
- Some argue that it is morally unacceptable for the state to take the lives of its citizens, even if they are guilty of a crime.
- Banning the death penalty across the United States would harmonize the criminal justice system in the various states. This would make punishment for equal crimes more equal in the United States.
- Due to the lengthy appeals process necessary to sentence someone to death, it costs the state more to execute a criminal than it does to keep them in prison for life.
- Criminals can be sentenced to consecutive terms of life in prison and not have any possibility of release or parole.
- Executing criminals does not return their victims and may make the families of the victims feel guiltier and less able to overcome their grief.

Arguments against banning the death penalty

- Public opinion in the United States is overwhelmingly in support of the death penalty.
- The Supreme Court has ruled that the death penalty is a constitutional punishment.
- Criminals may be deterred from committing crimes by the possibility of receiving the death penalty for their crimes.
- Some crimes deserve a harsher punishment than life in prison-the only way to appropriately respond to these horrible crimes is to use the death penalty.

- The death penalty and criminal justice system could be reformed to deal with many of the problems of the current system without banning the death penalty.
- Some criminals cannot be rehabilitated. For people that have committed particularly horrible crimes, there is no possibility that they will be able to pay their debt to society and return to the outside world.
- With life in prison there is the possibility that criminals can escape or be paroled due to a lack of jail space and commit more crimes.

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Discussion Questions

- What justifies the use of punishment in a democratic society?
- What makes a punishment “cruel and unusual?”
- How does the quality of the judicial process influence the range of punishment it can acceptably inflict?
- How do issues of class and race influence the use of the death penalty in the United States?
- How does the U.S. policy regarding the death penalty compare to the policies of other nations around the world? How does U.S. policy affect our relations with those nations?
- What is the structure of the U.S. court system? How many courts can currently sentence prisoners to death?
- How long do prisoners typically have to appeal their sentences before they are put to death? What is the nature of those appeals?