

Death Penalty Pro-Con

PRO Death Penalty	CON Death Penalty
1. Morality	
<p>PRO: "The crimes of rape, torture, treason, kidnapping, murder, larceny, and perjury pivot on a moral code that escapes apodictic [indisputably true] proof by expert testimony or otherwise. But communities would plunge into anarchy if they could not act on moral assumptions less certain than that the sun will rise in the east and set in the west. Abolitionists may contend that the death penalty is inherently immoral because governments should never take human life, no matter what the provocation. But that is an article of faith, not of fact. The death penalty honors human dignity by treating the defendant as a free moral actor able to control his own destiny for good or for ill; it does not treat him as an animal with no moral sense."</p> <p style="text-align: right; color: #000080;">Bruce Fein, JD ★★☆☆</p> <p style="text-align: right; font-size: small;">Constitutional Lawyer and General Counsel to the Center for Law and Accountability "Individual Rights and Responsibility - The Death Penalty, But Sparingly," www.aba.org June 17, 2008</p>	<p>CON: "Ultimately, the moral question surrounding capital punishment in America has less to do with whether those convicted of violent crime deserve to die than with whether state and federal governments deserve to kill those whom it has imprisoned. The legacy of racial apartheid, racial bias, and ethnic discrimination is unavoidably evident in the administration of capital punishment in America. Death sentences are imposed in a criminal justice system that treats you better if you are rich and guilty than if you are poor and innocent. This is an immoral condition that makes rejecting the death penalty on moral grounds not only defensible but necessary for those who refuse to accept unequal or unjust administration of punishment."</p> <p style="text-align: right; color: #000080;">Bryan Stevenson, JD ★★☆☆</p> <p style="text-align: right; font-size: small;">Professor of Law at New York University School of Law "Close to Death: Reflections on Race and Capital Punishment in America," from <i>Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case</i> 2004</p>
3. Deterrence	
<p>PRO: "Common sense, lately bolstered by statistics, tells us that the death penalty will deter murder... People fear nothing more than death. Therefore, nothing will deter a criminal more than the fear of death... life in prison is less feared. Murderers clearly prefer it to execution -- otherwise, they would not try to be sentenced to life in prison instead of death... Therefore, a life sentence must be less deterrent than a death sentence. And we must execute murderers as long as it is merely possible that their execution protects citizens from future murder."</p> <p style="text-align: right; color: #000080;">Ernest Van Den Haag, PhD ★★☆☆</p> <p style="text-align: right; font-size: small;">Late Professor of Jurisprudence at Fordham University "For the Death Penalty," <i>New York Times</i> Oct. 17, 1983</p>	<p>CON: "[T]here is no credible evidence that the death penalty deters crime more effectively than long terms of imprisonment. States that have death penalty laws do not have lower crime rates or murder rates than states without such laws. And states that have abolished capital punishment show no significant changes in either crime or murder rates. The death penalty has no deterrent effect. Claims that each execution deters a certain number of murders have been thoroughly discredited by social science research."</p> <p style="text-align: right; color: #000080;">American Civil Liberties Union (ACLU) ★</p> <p style="text-align: right; font-size: small;">"The Death Penalty: Questions and Answers," ACLU.org Apr. 9, 2007</p>
4. Retribution	
<p>PRO: "Society is justly ordered when each person receives what is due to him. Crime disturbs this just order, for the criminal takes from people their lives, peace, liberties, and worldly goods in order to give himself undeserved benefits. Deserved punishment protects society morally by restoring this just order, making the wrongdoer pay a price equivalent to the harm he has done. This is retribution, not to be confused with revenge, which is guided by a different motive. In retribution the spur is the virtue of indignation, which answers injury with injury for public good... Retribution is the primary purpose of just punishment as such... [R]ehabilitation, protection, and deterrence have a lesser status in punishment than retribution."</p> <p style="text-align: right; color: #000080;">J. Budziszewski, PhD ★★☆☆</p> <p style="text-align: right; font-size: small;">Professor of Government and Philosophy at the University of Texas at Austin "Capital Punishment: The Case for Justice," OrthodoxyToday.org Aug./Sep. 2004</p>	<p>CON: "Retribution is just another word for revenge, and the desire for revenge is one of the lowest human emotions — perhaps sometimes understandable, but not really a rational response to a critical situation. To kill the person who has killed someone close to you is simply to continue the cycle of violence which ultimately destroys the avenger as well as the offender. That this execution somehow give 'closure' to a tragedy is a myth. Expressing one's violence simply reinforces the desire to express it. Just as expressing anger simply makes us more angry. It does not drain away. It contaminates the otherwise good will which any human being needs to progress in love and understanding."</p> <p style="text-align: right; color: #000080;">Raymond A. Schroth, SJ ★★☆☆</p> <p style="text-align: right; font-size: small;">Jesuit Priest and Community Professor of the Humanities at St. Peter's College Email to ProCon.org Sep. 5, 2008</p>

5. Irrevocable Mistakes

PRO: "...No system of justice can produce results which are 100% certain all the time. Mistakes will be made in any system which relies upon human testimony for proof. We should be vigilant to uncover and avoid such mistakes. Our system of justice rightfully demands a higher standard for death penalty cases. However, the risk of making a mistake with the extraordinary due process applied in death penalty cases is very small, and there is no credible evidence to show that any innocent persons have been executed at least since the death penalty was reactivated in 1976... The inevitability of a mistake should not serve as grounds to eliminate the death penalty any more than the risk of having a fatal wreck should make automobiles illegal..."

Steven D. Stewart, JD ★★☆☆

*Prosecuting Attorney for Clark County Indiana
Message on the Clark County Prosecutor website accessed
Aug. 6, 2008*

CON: "...Since the reinstatement of the modern death penalty, 87 people have been freed from death row because they were later proven innocent. That is a demonstrated error rate of 1 innocent person for every 7 persons executed. When the consequences are life and death, we need to demand the same standard for our system of justice as we would for our airlines... It is a central pillar of our criminal justice system that it is better that many guilty people go free than that one innocent should suffer... Let us reflect to ensure that we are being just. Let us pause to be certain we do not kill a single innocent person. This is really not too much to ask for a civilized society."

Russ Feingold, JD ★★☆☆

US Senator (D-WI)

*introducing the "National Death Penalty Moratorium Act of
2000"
April 26, 2000*

6. Cost of Death vs. Life in Prison

PRO: "Many opponents present, as fact, that the cost of the death penalty is so expensive (at least \$2 million per case?), that we must choose life without parole ('LWOP') at a cost of \$1 million for 50 years. Predictably, these pronouncements may be entirely false. JFA [Justice for All] estimates that LWOP cases will cost \$1.2 million-\$3.6 million more than equivalent death penalty cases. There is no question that the up front costs of the death penalty are significantly higher than for equivalent LWOP cases. There also appears to be no question that, over time, equivalent LWOP cases are much more expensive... than death penalty cases. Opponents ludicrously claim that the death penalty costs, over time, 3-10 times more than LWOP."

Dudley Sharp ★

*Director of Death Penalty Resources at Justice for All
"Death Penalty and Sentencing Information," Justice for All
website
Oct. 1, 1997*

CON: "In the course of my work, I believe I have reviewed every state and federal study of the costs of the death penalty in the past 25 years. One element is common to all of these studies: They all concluded that the cost of the death penalty amounts to a net expense to the state and the taxpayers. Or to put it differently, the death penalty is clearly more expensive than a system handling similar cases with a lesser punishment. [It] combines the costliest parts of both punishments: lengthy and complicated death penalty trials, followed by incarceration for life... Everything that is needed for an ordinary trial is needed for a death penalty case, only more so:

- More pre-trial time...
- More experts...
- Twice as many attorneys...
- Two trials instead of one will be conducted: one for guilt and one for punishment.
- And then will come a series of appeals during which the inmates are held in the high security of death row."

Richard C. Dieter, MS, JD ★★☆☆

*Executive Director of the Death Penalty Information Center
Testimony to the Judiciary Committee of the Colorado State
House of Representatives regarding "House Bill 1094 - Costs
of the Death Penalty and Related Issues"
Feb. 7, 2007*

My Opinion is: