Death Penalty Essay, Research Paper

Death Penalty

The death penalty, outlawed in most of Europe, Canada, Australia and most other countries in the world, is still practiced in almost 40 states in the U.S. Today, there are more than 3,000 people on death row waiting the day of their execution. They are put to death by methods such as hanging, electrocution, lethal injection and by firing squad. Since the death penalty was reinstated bye the supreme court in 1976, by the Gregg v. Georgia decision, more than 525 people have been put to death. Today there are many people for the death penalty and see nothing wrong with it but there are many people who feel hat it constitutes cruel and unusual punishment. The 8th amendment of the U.S. protects its citizens from cruel and unusual punishment but the death penalty hasn?t fell under the amendment yet.

Nobody on either side of the death penalty debate wants to see an innocent person put to death, and yet studies have found that one in seven people sent to death row are later proven innocent. Still more innocent people are being sent to death row each year. In one case a prisoner was two days away from being executed when he was proven innocent. That means that many people reach death before they are proven innocent. In the last twenty-four years eighty-five innocent people have been released from death row, and will never get back the years of their lives they missed but just escaped a murder of themselves. In Illinois the governor has blocked executions to find out why more death row inmates have been found innocent and released than executed. The governor of Illinois is not the only one examing the death penalty but many others are looking further into the capital punishment. New technologies, like DNA testing, have made it possible to definitely prove or disapprove innocence in hundreds of cases where genetic evidence has been preserved. In many cases DNA evidence has been a troublesome effort, requiring lots of resources and sometimes taking years of effort to work.

Many people, regardless of their viewpoint about the constitutionality of the death penalty, would agree that if a person was going to trial and could be executed, he would be represented fairly. However there are factors unrelated to the crime that have been committed that determines who gets executed and who doesn?t. Those factors are poverty, race, and geography. It has been proven that the facts of the crime don?t determine the penalty but the quality of representation of the criminal. Almost all capital punishment defendants are indigent when arrested, and are generally represented by court appointed lawyers, who are inexperienced and unpaid. The federal government and many states have drastically slashed funding to attorneys to represent defendants in the death penalty cases. Some defendants have told stories of their lawyers being drunk or asleep during the trial, never meet with their clients, nor have no legal experience previous to their trial. Often the attorney?s who have been disbarred because of wrong doings take the death penalty cases because no one wants them and they often do them for service to their business. Defending a death penalty case is very time-consuming and usually takes seven hundred to one thousand hours. In some cases the hourly rates for the attorneys is less than the minimum wage, and usually less than the lawyer?s hourly expenses. Wealthy people who can hire their own counsel are usually not put to death, no matter how serious their crime was. Poor people do not have the same opportunities to buy their lives.

Death row in the U.S has always had a bigger population of colored people then whites. The most important factor of the death penalty concerning races is the race of the victim. Those who kill a white person are more likely to receive the capital punishment then those who kill a colored person. A report by the Death Penalty Information Center found that in ninety-six percent of the studies examining the relationship between race and the death penalty there was a pattern of race of victim or race of defendant discrimination, or both. In many states a defendants odds of receiving the death penalty is four times higher if the victim was white than if the victim was black. In the state of Kentucky in one year thirty nine death row inmates were sentenced for murdering a white victim, none for murdering an African American. These results are some what explained but the fact that the nation’s prosecutors who make the decision to seek the death penalty are almost all white. Of the attorneys in U.S. counties using the capital punishment, ninety-eight percent are white and only one percent are African American. New York State has only one African American attorney.

It?s not fair that someone who receives a death penalty depends greatly on the state or county which the trial and conviction takes place. In some states in one year only two to five people get sentenced to death row. The northern states usually have a much lower rate of capital punishment. On the other hand southern states such as Texas, around four hundred and fifty are sentenced to death row in one year. Such state to state results exists because of death penalty cases are a result in standards, rules and practices and results in the person living or dying. In some states an inmate can be executed for a crime committed at sixteen, in others only those who committed murder at age eighteen are eligible for the death penalty. Some states ban the executing of people with mental retardation. These factors aren?t fair and all states should have the same regulations concerning the death penalty. Something so important as a person living or put to death should be a nation wide regulated act not for each state to have its own standards and rules.

The death penalty should be banned because of many reasons, which make it unfair. In order to live if you are innocent and convicted of a crime and receive the death penalty you have to be white, very wealthy to provide a good representation and have to live in a state, which doesn?t strongly use the capital punishment for sentencing. Many studies show that a majority of people favor alternatives to the death penalty such as life in prison without parole plus restitution to the victim?s family. Out of three hundred and fifty convictions in which a person was given the death penalty and proven that they didn?t commit the crime, twenty-three were executed before they could be released. This means all of the years they sat in jail knowing their innocence they didn?t get to find out that they were proven not guilty by the system. I don?t think anyone would want to be in their position so the death penalty should be abolished for many reasons until it is fair and 100 % right in its convictions.