

The death penalty in the USA

Introduction

The body can be confined, but nothing can destroy the deepest freedom in man, the freedom of the soul, and the freedom of mind and will.

These are the highest and noblest faculties in man, they are what makes him the sort of man he is, and they cannot be constrained. Even in prison a man retains his free will, his freedom of choice. Even in prison, a man can choose to do good or evil, to fight for survival or to despair, to serve God and others or to turn inward and selfish.

For freedom is simply defined as the state of being Free!

QT ¹

John Curtis Dewberry – waiting for death in Terrell Unit Death Row

It was one question which brought me to the topic “death penalty”. It was a question, concerning the USA, a super fighter, a country which is fighting for the civilization, for its freedom and the wealth of the whole world.

Why does such a big country still send people to death for the crimes they have committed?

Why do they think it should help the USA and its civilization?

Why do so many people in the United States and in the world accept and support the death penalty?

How can people sleep well in the night after they have killed a woman by “firing squad” four hours before?

In this project, it was my turn to collect information about the death penalty, its development since the first settlement and about the supporting and opposing voices towards the death penalty in the USA.

At the next page you will find an overview about the topic and how I worked with it.

Overview

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The death penalty in the USA

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I. Death penalty in the USA

1. History of the death penalty

1600

The use of the death penalty in America has always been influenced from Europe and especially from Great Britain. The first English settlers who came to America in the early seventeenth century brought the practice of death penalty from Europe to what are today the United States. That is why the early death penalty “laws” were copied from Great Britain. This were no written laws, and the capital punishment was handled free and mostly very arbitrary. The first known Execution in the new colonies took place in Virginia in 1608. The Captain George Kendall was executed for being a spy for Spain. The handling with the death penalty varied from colony to colony. The first laws according capital punishment were instituted in 1665 as the Duke’s Laws in the New York colony. Many crimes, like striking one’s mother or father, were punishable by death.

1700

The death penalty laws have been influenced by the abolitionist movement, which had its roots in Europe, in the essays and writings of theorists like Montesquieu, Voltaire (both French) and John Bellers and John Howard (England).

In 1767, Cesare Beccaria’s essay *On Crimes and Punishment*, had a strong impact through the world. The essay was about the theorizing that there was no justification for any states in the world to take of a life. Onto that, American intellectuals tried to reform the death penalty. For example in Virginia, Thomas Jefferson tried to reduce the crimes of capital punishment for the crimes of murder and treason, but he didn’t succeed. In 1794, Dr. Benjamin Rush, a signer of the Declaration of Independence let Pennsylvania repeal the death penalty for all offenses except first degree murder.

1800

In the early part of the nineteenth century, many states reduced the number of their capital crimes, but most states held onto capital punishment. Later between 1830-1850, many people tried to make the punishment more palatable to the public eye, they introduced, for example, more death penalty statutes. The procedure of capital process was now more discreet, and that was seen as a victim for the abolishing movement.

With the exception of a small number of crimes, all capital punishment laws have been abolished till the beginning of the twentieth century.

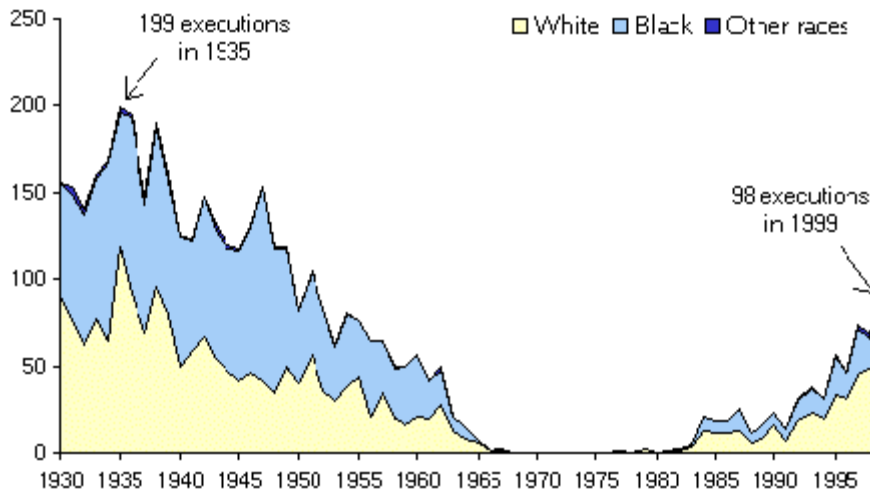
As a result of this movement the Americans introduced two new execution methods, the electric chair and the gas chamber, to find a more human way of killing prisoners. For more information read chapter I.3 “execution methods”.

1900

The development of the death penalty changed in the 1920s. It was caused by the writings of criminologists, who mentioned, that the death penalty was a necessary social measure, an instrument with a great importance to prevent crimes and murders. The support of the Americans was very high at this time, and in the 1930s have been more executions than in any other year since the death penalty statistics began to be collected on a regular basis in 1920.

Persons Executed in the U.S. Under Civil Authority, by Race, 1930-1999

Of the 4,459 persons executed in the U.S. from 1930 to 1999, 2,125 were white, 2,279 were black, and 55 were of other races.



Development of the number of executions since 1930

Graph 1

Source of data: Bureau of Justice Statistics

This development changed to the opposite in the 1950s, and the interest towards the death penalty was very low. The number of executions dropped very fast, and the support for the death penalty was shown at only 42%. This had been the reason for a new movement, which brought many changes to the death penalty. A new question had been brought to the courts, the politicians and the civilization:

“About the Constitutionality of the Death Penalty in America”.

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

[Fifth Amendment – Rights of a person]

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

[Eighth Amendment - Further Guarantees in Criminal Cases]

Extract of the **Constitution of the USA** QT ²

constitutionality

At the beginning of the 1960s, a new discussion grew up between the courts, politicians and constitution experts. Some people in the United States began to interpret the Fifth, Eighth and Fourteenth Amendment as permitting the death penalty and capital punishment. The fundamental legality of the death penalty had been doubted. The Supreme Court decided in 1962, that the death penalty was “cruel and unusual” and so after the Eighth Amendment “permitted”. The United States came to a point, where capital punishment no longer should be tolerated. This interpretation happened not in a death penalty case, and that is why the “cruel art” of punishment still stayed allowed. The Supreme Court heard two other cases handling about death penalty statutes, and they collected more arguments for and against the death penalty.

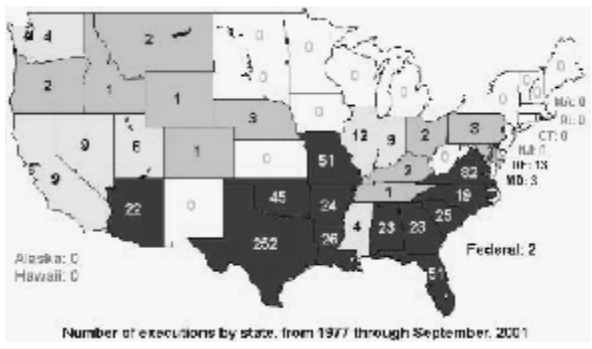
suspending
reinstatement

During this time period executions came to an all-time-low, and after 1967 no executions took place till 1976. In this time capital punishment got into a zone between legality and illegality and as long as the courts didn't come to a decision, nobody knew exactly what was allowed and what was unconstitutional.

First 1972 the question of constitutionality was brought to the supreme court in Furman c. Georgia (408 U.S. 238). In 9 separate opinions, and by a vote of 5 to 4, the Court held that Georgia's death penalty practise is "cruel and unusual" and so violates the Eight Amendment. Capital punishment and executions were no longer allowed. Other courts decided in the same way, and other separate decisions took place during the hole nation. The practise of the last years, and the opinions of many people in the USA had now brought real changes to the death penalty.

But only two years later a new discussion had grow up: The decision of Furman now was interpreted not as holding the *death penalty* as unconstitutional, but only the old death penalty *statutes*. This interpretation was the basic of a new movement of reinstating the death penalty.

Many states, led by Florida, proceeded new capital punishment statutes, which they were thinking of, that they don't violate the Amendments. The courts in Georgia, Texas and Florida held, that the death penalty itself was constitutional under the Eighth Amendment, and that on this basic decision the death penalty could be reinstated in this states.



This new practise has been accepted by the supreme court in the same year, and in 1977 the first execution after ten years took place with the execution of Gary Gilmore by firing squad. Soon other states copied the new statutes, and reintroduced the death penalty. Not all states followed, and till today thirty-eight states have reinstated the death penalty.

The discussion about the death penalty is still alive in all aspects like its necessity to prevent murder, about the constitutionality and more aspects I will show in the next chapter. The actuality is shown by the reinstatement of the death penalty in New York 1995.

Reinstatement of the Death Penalty in New York

On 7 March 1995, Governor George E. Pataki signed a bill reinstating the death penalty in New York. The bill had previously been passed by both houses of the New York State legislature, the Senate and the Assembly, by votes of 38 to 19 and 94 to 52 respectively. New York is the thirty-eighth state in the USA to have reintroduced legislation allowing for the use of capital punishment. The bill will become law on 1 September 1995.

Governor Pataki made his support for the reintroduction of the death penalty a central issue during the 1994 elections for the governorship. The death penalty bill is the first major piece of legislation to be signed into law by Governor Pataki. There had been eighteen previous attempts by the Senate and Assembly to reintroduce the death penalty since 1977: all previous bills had been vetoed by former Governors Casey and Cuomo.

[...]

From: **Amnesty International - USA** QT³

2.

Death penalty statutes

Since the suspending of the death penalty, because it violated the Constitution, death penalty “laws” and statutes have played an important roll in capital punishment. The death penalty statutes have been used till today to reinstate the death penalty in many states in the USA. In changing them, the states were able to reinstate a capital punishment, which doesn’t violate the fifth, eighth and fourteenth amendment of the constitution.

The death penalty statutes are different in every state, but their main duty is to define the crimes which are punishable by death and the methods, the prisoner can be punished with. I’ll now give you an overlook about the crimes, which are punishable by death.

You can distinguish here between homicide related crimes and non-homicide related crimes: Many arts of crimes, which result in death are punishable by death.

Homicide related crimes

- Genocide
- First-degree murder
- Death resulting from offenses involving transportation of explosives
- Murder during a kidnapping
- First-degree murder
- Bank-robbery-related murder or kidnapping
- Terrorist murder of a U.S. national in another country
- Murder involving torture

Non homicide related crimes

- Espionage
- Treason
- Attempting, authorizing or advising the killing of any person

QT ⁴ Slightly adapted

You can see the complete list under: <http://www.deathpenaltyinfo.org/fedoffenses.html>

Not every murder *will* be punished by death, as you can see here, but there are some other crimes which *can* be punished by death. It depends always on the decision of the court weather an inmate will be executed. You can nether say: “If you murder a person, you will be executed...”!

Between the crime, the court’s decision and execution can be at least more than ten years: usually 13 years during the USA, in Texas it can become 14 till 17 years. During this time, the inmates have to wait in prisons. They are called “death row inmates” and they live in so called death row prisons. There are more than 60 death row prisons in the USA and 3300 (!!)

inmates wait actual for their execution. In the internet you can find many sites of death row inmates, some of the presented inmates are still living, some are already killed. In spite of this, after every execution sometimes one or two weeks follow, where no execution takes place. Then perhaps two executions take place on one day.

It shows, that the USA won’t kill the people actually after their death sentence, but they want the inmates waiting for death a long time.

It’s amazing that the inmates don’t become executed after the decision of the court to send them to death. They have to wait years over years in prison, always with the knowledge, that they won’t leave the prison alive. At least, they will become executed.

After this, all time they have been in prison to become rehabilitate seems to be lost.

You can see further information about death row conditions on <http://www.deathrow.at/welcometohell/>

3. Methods of execution

In the USA are 5 different methods of execution are allowed. In the short texts, I'll inform you about the art of execution, it's history and about actual relations.

▶ Lethal injection

In the USA, Lethal injection is the most common way of execution. Since 1976, 406 prisoners have been executed by lethal injection, and in 45 states it is the chosen form of execution. Many People think, that lethal injection is the most human form of execution, because the inmate is less hurt than by any other execution methods.

For the procedure of Lethal injection, the prisoner is brought to a chamber, where he is secured on a couch. His living functions are controlled with medical apparatuses. The procedure starts with the injection by two *saline intravenous lines*. After they are turned off, three different drugs are injected to the inmate. With the first, *Sodium Thiopental*, the inmate falls to a deep sleep, (he becomes unconsciousness). After this, *Pancuronium Bromide* is injected. This is a total muscle relaxer, and so the inmate stops breathing. At least, *Potassium Chloride* make the heard stop beating.



Normally, it can't come to any complications, but there can be some problems, if the inmate took drugs before, for example. An other problem emerged here...

[...] In the case of Rickey Ray Rector, a retarded Arkansas murderer who was executed in 1992, it took executioners 45 minutes to find a vein in which to insert the IV tube. Eight medical workers tried to find a vein that would not collapse; in the end Rector had to help his own executioners insert the IV. [...]

QT⁵

▶ electrocution produces

If the inmate chose death by electrocution, he is lead into a chamber with a special build chair. He is secured to the chair, to provide better contact to the electrodes that the executioner attaches. Then usually four till five men push buttons, but only one is connected with the electrical source, so that the real executioner is not know.



The electrical jolt is different from state to state, and it depends on the body's weight. The first jolt comes usually with 2000 volts for four seconds, then 1000 volts for seven seconds and then 208 volts for two minutes.

During the jolts, the organs of the human become burned. The body changes his color, swells, and sometimes the hair on head and arms catches fire.

The first electric chair was built in 1888 by George Westinghouse. It is used by eleven states today. Since 1976, 144 people have died by electric chair.

The cruelty of the execution method electric chair is shown in this example...

[...]Westinghouse told the correctional institution that the chair's power source was so deadly it would only take five seconds of 1,000 volts to cause death. However, the first man executed did not die after five seconds, but instead took four minutes of a steady stream of power to finally be pronounced dead. During this four minutes the convict started to smoke, both the hair on his arms and head ignited in flames, and blood spilled from every orifice in his face. After this display, the electric chair was considered a failure. [...]

QT⁶

▶ gas chamber

At this execution method, the inmate is lead into a special build chamber. After he had been secured and a signal was given, hydro cyanic gas is given into the chamber. If the inmate takes a deep breath, he is sent to unconsciousness immediately, if he holds breath, it takes some moments. The gas destroys the ability to process blood hemoglobin and the inmate dies after six till eighteen minutes.

Then the chamber is evacuated with carbon and neutralizing filters, and executioners go into the chamber with gas masks to neutralize the inmate's body.

The gas chamber was introduced in 1924, after it was inspired by the use of poisonous gas in the First World War. Today, five states use the gas chamber, and since 1976, eleven people have been executed with gas.

As gas rose around him, David Lawson screamed: "I'm human! I'm human! Don't kill me!"

▶ Hanging

For this procedure, the prisoner is weighed. The rope he will be killed with is made specially for the prisoners weighed, to avoid strangulation and to assure almost instant death. The rope is placed behind the prisoner's left ear, so that the neck snaps, as soon as the trap door opens. Hanging is one of the oldest methods of execution. Since 1976, three prisoners have been hanged in the USA. Hanging is allowed in four states.

▶ Firing Squad

There exists no exact protocol for this execution method. Normally four till five men aim at the inmate, and use a blank bullet, so that the real executioner is not known.

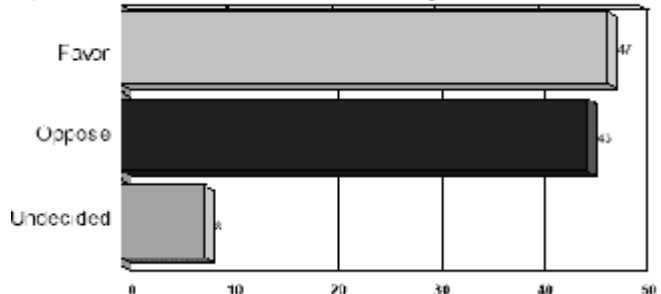
Firing Squad is used only in two states of the USA, an only three prisoners have been executed since 1976 by firing squad.

II. Supporting and opposing ... of the Death penalty in the USA

1. Opposing view

A very often discussed issue concerning the death penalty is the question whether race and origin plays a role in capital punishment. In the United States you can find till today deeply rooted prejudices against black and other minorities like Latinos. These prejudices can be seen still in the judicial system: The attitude of many policemen, jurors and judges towards minorities “reflects an deeply rooted racial and ethnic divisions” in the US society. And this is nowhere more reflected than in the use and in the attitude towards the death penalty.

Opinion Divided on the Death Penalty



There are many facts which shows us this:

- § Nearly 90% of the executed persons were convicted of killing whites, although people of color make up over the half of all killed victims in the United States.
- § In many states of the USA killers of white victims are four till seven times more likely to receive the death penalty than the killers of black victims.
- § 60% of the persons on death row in California and Texas are either Black, Latino, Asian or Native Americans
- § African Americans make up 11 of 13 people in death row in Alabama, over half in North Carolina Ohio, Delaware, Mississippi and Virginia, over two thirds of the people on death row in Pennsylvania, Louisiana and Illinois; and more than 3 out of 4 people are waiting to be executed in Federal prisons are African-American.

This facts show, that there still exist many prejudices in the minds of American people. It seems not possible to find any evidences which show an equal handling with the death penalty towards white people and minorities living in the USA.

[...] Amnesty International has concluded that there is only one way to eradicate ethnic bias, and the echoes of racism, from death penalty procedures in the United States and that is by abolishing the death penalty. QT⁷

The killing of mentally retarded people is a big problem in the USA. In 1989 the US Supreme Court decided, that it was not unconstitutional to execute mentally retarded people. Since then 30 mentally retarded people have been executed in the USA.

Before 1989 killing this kind of people was held unconstitutional. Till today it is of course always necessary to look very carefully whether you can punish a retarded man or woman with death, but it is possible. In spite of this development, Nebraska became in 1998 the 12th state stopping the execution of mentally retarded people.

It's an often discussed question, whether people should be punished by death for crimes they committed as children or juveniles.

In 1652, Thomas Granger became the first known executed person punished for a crime he committed with 16 years. More than 350 years later the USA sent Joseph Cannon and Robert Carter to death, both for crimes they committed when they were 17 years old. At the times of their crimes, both had an profoundly abused and deprives childhood.

At the time of their execution, their character had changed much, but the hope towards rehabilitation was killed with the two men, too.

In the USA, in 24 states people can be sent to death for crimes they have committed as children. The minimum age for “capital defendants” is 16 there, but in spite of more and more countries in the world abolished death penalty for children, some politicians in the USA were calling to lower the age of 16!

In my eyes this praxis is very cruel. Children mustn't be punished by death, because the development of their character isn't really finished. Children and juveniles haven't reached a full understanding of their actions. No one should be sent to death for a crime he committed before the age of 18.

There are many facts which show us, that the death penalty is much more expensive than a prisoner living his complete live in prison:

§ Different state governments estimated, that one death penalty case, from the point of arrest to execution, costs from \$3 million to \$6 dollar.

§ Cases resulting in “life imprisonment” cost around \$500,000.

The millions of dollars, spent on capital punishment could be used for other resources where money is needed.

§ Taxpayers in Florida are spending an average of \$2.3 million on each execution – over six times what it would cost for live without parole.

§ In 1995, New York brought the death penalty back even though the department estimated that it would cost approximately \$118 million every year. In the same year it became necessary to cut the budget of health care and public education because money was missing.

Financial viewed the death penalty is not a profit for the United States!

§ Twenty three innocent people have been mistakenly executed this century.

§ Each year, 4.5 people are convicted of capital crimes they haven't committed.

§ Over sixty nine people have been released since 1972 as a result of being wrongly convicted.

You can see from this facts that the U.S. executes people regardless of their innocence, and that cases of mistaken guilt aren't as rare as one may think.

§ Virginia executed Joseph O'Dell on July 23, 1997 despite the existence of DNA evidence that could have proved O'Dell's innocence. The courts refused to accept this new evidence because Virginia law says, that any evidence found after 21 days is inadmissible in proving the innocence of a convicted person.

§ Texas refused to give Robert Nelson Drew a new hearing even after another man signed an affidavit in which he confessed to the murder and exonerated Drew. Texas executed Drew on August 2, 1994.

§ Florida executed Willie Darden for a crime he couldn't have committed. The conviction was based on a gun that could in no way be traced to Willie. Key witnesses were not allowed to testify in the case. The person who identified Willie in a line up admitted that all blacks looked alike to her. Willie was the only black person in the line-up. Supreme Court Justice Blackman noted, "If ever a man received an unfair trial, Darden did." QT⁸

"Perhaps the bleakest fact of all is that the death penalty is imposed not only in a freakish and discriminatory manner, but also in some cases upon defendants who are actually innocent."

-Supreme Court Justice William J. Brennan Jr. 1994

Whether someone is sentenced to life or death can depend more on his lawyer than on the committed crime. A defendant who can't afford an competent lawyer is more likely to be sentenced to death than someone who can.

2. Supporting view

Opponents of the death penalty say, that as long as the inmates are alive, they have the chance of rehabilitation. A live behind bars give them the possibility to recover from their crimes.

That is why Amnesty international has declared:

"As long as a prisoner remains alive he or she can hope for rehabilitation."

But this isn't always the case: There are many examples which show us, that this declaration is wrong and "dangerous" for the civilization.

[...] Unfortunately, some murderers stop pondering their misdeeds and seek greener pastures beyond the penitentiary walls.

Such wanderlust led William D. Davis and Douglas E. Gray to escape a Stringtown, Okla., prison on March 16. Both were serving life sentences for homicide. Davis stabbed a man 80 times with a knife during a 1974 robbery while Gray fatally beat and shot a teacher in 1988.

After hiding in a truck bound for the local post office, prison authorities say, the convicts seized the vehicle from its driver. They reportedly entered a woman's home, tied her up, stole her guns and fled in her Ford Taurus. Later, officials say, the two car-jacked a pickup truck containing two rifles.

After being spotted by a cop, Davis and Gray held an elderly couple hostage in their home for seven hours on March 24. Gray gave up while Davis apparently committed suicide. QT⁹

Many prisoners escape every year from their high-security prisons. The case of Davis and Gray wasn't the only and wont be the only example what shows us, that there is always the danger of a relapse. But should all these inmates, who could perhaps get a relapse, be executed? Should them refused the chance of get rehabilitated?

Death penalty supporter disclaim: "Even the toughest criminals become remarkably docile once separated from society by six feet of soil."

Many people in the USA think, that capital punishment is a sure and good way to prevent murder and other crimes. This is the most important and strongest argument of supporters of the death penalty in America. It's an argument which is understood and supported by the civilization, and the main reason, they the support of the death penalty in this century always stayed very high.

The argument itself is very "strong", because it's a true fact, that the death penalty prevents murder. But its not in all cases right: it can be possible, that murder could be prevent, but not in all cases. In the most states where the death penalty is allowed in the criminal rate didn't fall after reinstating the death penalty, for example in New York.

That is why death penalty opponents often say, that its very hard to kill people in the hope, that so murder could be prevent.

"If we execute murderers and there is in fact no deterrent effect, we have killed a bunch of murderers. If we fail to execute murderers, and doing so would in fact have deterred other murders, we have allowed the killing of a bunch of innocent victims. I would much rather risk the former. This, to me, is not a tough call."

John McAdams - Marquette University/Department of Political Science, on deterrence

Supporters often say, too, that killing a person is a more human way than a whole life in prison. Weather this is right or not is a very difficult question: Is finishing a life better than taking care of a live? I think, even as long as the life takes place in prison, living is much better then being death. Living is the most important good in the world. It should be saved! A real answer can give us only a prisoner punished with live in prison.

There is another aspect of the supporters of the death penalty in the USA, we haven't talked about: The effect of an execution called lex talionis.

The phrase "lex talionis" is emerged for the first time in the Code of Hammurabi (c.1700 BC) but it is better known as a bible word in the book of Exodus:

[...] But if there is serious injury, you are [allowed] to take life for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (Ex. 21:22).

This bible word is often interpreted as allowing taking revenge on somebody, but it says too, that you shouldn't take more than necessary for revenge and that you should be sure of somebody's guilt and that "...there is serious injury" – and not more than an eye for an eye; "no life for an eye..."

In America people aren't only executed because they have committed a crime: The executioners hope for an effect concerning the families and friends of the victim. They would like to give them this way some hope for justice, to show them, that the murder of a friend or a husband now is death. Perhaps it's a question of taking revenge on somebody for what he has done. I can imagine that it gives some hope to the relatives of the victims just for them having a better feeling, and that it helps them to bear their "injustice".

You can see the practiced "lex talionis" often even in the news: the victim related person are often allowed to see their individual enemy die. But that's not all what is possible today...

McVeigh execution: **A 'completion of justice'**

June 11, 2001 Posted: 11:41 a.m.

Federal officials declared the man responsible for the worst act of domestic terrorism in U.S. history dead by lethal injection at 7:14 a.m.

McVeigh, 33, was executed for the April 19, 1995, attack in Oklahoma City that killed 168 people and wounded hundreds more. It was the first federal execution since 1963.

Speaking from the White House briefing room about an hour and a half after the execution, President Bush told reporters that McVeigh "met the fate he chose for himself six years ago." Bush said, "Under the laws of our country the matter is concluded."

[...] Ten members of the victims' families and survivors of the bombing watched the execution from a room beside the death chamber.

Holding photographs of her daughter, who died in the bombing, witness Kathleen Treanor said she needed to see the execution with her own eyes. Treanor was among the survivors and victims' relatives who watched the execution through a closed-circuit television feed more than 650 miles away.

"It's a demarcation point," Treanor said immediately following the execution. "It's a period at the end of a sentence. It's the completion of justice and that's what I'll remember about today."

Treanor said McVeigh appeared to glare at the cameras.

[...]QT¹⁰



The case of McVeigh was very famous this year. It was shown in all News in June, because of the way the execution was shown to the victims relatives: To the execution 10 people were chosen to see the execution next to the execution chamber. The other relatives of the victims could follow the execution in a cinema. It was a long discussion whether the execution could be showed live in the internet or even in the TV. It was new for the USA to show so many people an execution, but they didn't want to show it to the whole civilization, who wasn't directly affected from the attack in Oklahoma, because they thought that it was based only on sensation-seeking. You can read an article about the discussion on: <http://www.e-politik.de/index2.cfm?ID=137>

But if you talk about lex talionis, you should conclude this statement to your discussion:

Rob Ham of California: "What has changed? The victims are still dead. Do the families now have closure? Can anyone ever have closure after losing a child, a husband, a wife, or a parent?"

2. alternatives to the death penalty,

alternatives

After having seen the supporting and opposing views towards the death penalty in the USA, we'll look for alternative for capital punishment.

An organization called "Citizens United for Alternatives to the Death Penalty" shows us some alternative ways to prevent the killing of people. I'll report the most important items of their claim-paper:

- § The CUADP demands that a person who is convicted for a capital crime should be taken behind bars a minimum of 25 years before he becomes the *possibility* of calling for parole, but that means not, that the inmate *will* get parole. There should be strict and faire statutes for getting parole.
- § They demand, too, that an inmate in certain cases should get imprisonment for live *without* a possibility of parole – ever.
- § An other point is: while an inmate is in prison, he should work in a job "which are not slave-like and allow for some dignity and purpose of life for the inmate". Such work situations, they demand, would improve the safety of guards and others who work in prison.
- § As a last point, the CUADP demand, that one part of the prisoner's income should go to pay for their food, and the other part in a fund for the victims of crimes.

I think that this items are very constructive for finding an alternative to the death penalty. This is shown, too, by this statement by Johnny Holmes:

"You're not going to find 12 people back-to-back on the same jury that are going to kill somebody when the alternative is throwing away the key."

III. essay

... about the Death penalty in the USA

Now I think it's my turn to reflect about the death penalty, the arguments for and against it and about the future of it.

The decision whether to support or to oppose capital punishment is nothing you can make easily. You have to think very clearly about every discussion point and to understand the death penalty in America and the people there, you have to look exactly not only at the present situation, but at history as well.

In the USA, the death penalty isn't quietly accepted. More and more people get together in groups to take organized actions against it or to support it publicly.

In spite of the courage, people show in the case of the death penalty, important decisions and changes concerning capital punishment have always been made by courts. The question for example whether to abolish the death penalty was always depending on the courts, particularly on the general court in Washington. The most important decisions were always made in the federal court of a state and often transferred into other states.

If you say now that being involved in questions of the death penalty makes no sense, you're wrong: Before courts enter to negotiations, there must be always some involved people who claim them to enter and who goad the public.

You can see, that it's very important to encourage yourself in order to prevent that "the discussion goes sleeping" and that capital punishment becomes accepted.

I think, that this is not the only thing we can learn when we look at the history and recent development of the death penalty. Particularly in the last century, we've seen strong developments, but perhaps these developments aren't the ones, people would have imagined at the beginning of the twentieth century.

The development to more humanity of capital punishment, the reduction of capital crimes, the invention of the lethal injection, and as a climax the abolition of the death penalty - all these were things, which perhaps were expected at the beginning of the twentieth century. I'm sure, that even these were results of the civil rights movement all over the world, results of the development of globalization and human rights; developments which characterize particularly the second part of the twentieth century.

But then, unexpectedly, this development changed in the USA. After abolishing the death penalty, the USA reintroduced capital punishment. The number of executions didn't decrease since 1976, rather the number climbed until today. It's an incomprehensible development, which is criticized by most countries in the world. "Why this?" many people have asked since the revival. "Why America, a super fighter?" Nobody can really answer this question, but you can look into the history of America and of the death penalty: This unusual development isn't the only one which appeared since the first settlement. For example blacks weren't treated humanly till the 1960s. Some people say, that it is because America is still a "young" nation, and every nation needs its time to develop its character. Perhaps it's a part of America's character to punish inmates by death - nobody can answer this question finally.

In my opinion, it's necessary to answer this question to understand the citizens of America. Because only after understanding them, you can understand the death penalty in America.

In general it's shown, that whenever you're talking about the future, you have to fling a look onto the history, especially when you're talking about the death penalty.

I'll now express my opinion and assessment towards the arguments which supporters and opponents of the death penalty show us. This is my opinion, and everybody can decide for himself how to evaluate the facts which are shown in chapter 2.

Most of the arguments death penalty supporters claim are in my opinion very obscure. This incomprehensibility starts already with the argument, supporters name “**incapacitation**”. It means that inmates are killed because of the danger that they *could* commit more crimes, for example they could escape off prison or commit a crime after being released off prison. Of course it's right, this danger will always be there, but I think that you aren't allowed to kill a person only because of the *danger* that he or she will commit an other crime. I don't agree with persons who decide to send an inmate to death by this reasons.

There's an other conclusion which can be drawn from incapacitation: If somebody were sent to death to incapacitate him, I would ask the executioner why he doesn't send other people to death who haven't already committed a crime – because there is a danger, too, that they commit a crime.

I hope that you see that this isn't the right way to prevent potential crimes.

In the USA, people are killed to scar off other people committing crimes which are punishable by death, too. This effect is called “**deterrence**”. But what should I answer if I ask: “Would people even kill more because they know that they won't be executed?” I think, that most of all murders and criminals don't think on the consequences of their doing. Most of them have certain “reasons” to commit crimes and they all hope not to be caught and brought to court. So this argument, I think, is not really appropriate.

If we talk about “**lex talionis**”, I remember a statement shown in the second chapter:

Rob Ham of California: "What has changed? The victims are still dead. Do the families now have closure? Can anyone ever have closure after losing a child, a husband, a wife, or a parent?"

This quotation shows all the questions and problems which emerge at lex talionis. Even if the bible allows you to take revenge “eye for an eye”, in the modern society of today, it won't be the future to kill people to take revenge or to give anybody closure. No – nobody would be *allowed* to take revenge on somebody in killing somebody – because every revenge causes new suffering.

You can see, that all the arguments – also the ones which seem right onto the first look – are not really arguments which would allow you to continue killing persons.

"An evil deed is not redeemed by an evil deed of retaliation.
Justice is never advanced in the taking of human life.
Morality is never upheld by legalized murder."

- Coretta Scott King

[Translation: capter V.]

There are many facts which show us, that the death penalty isn't the right way. Many of them are shown in chapter 2. Some of them are really amazing – like the fact, that an execution costs much more than life behind bars. The money, which is wasted there would be needed very urgently in other resources, like for example health or interior security. There are other facts, which are even really *frightening*. Deplorable state of affairs, which have been abolished in Europe or other parts of the earth for hundreds of years still exist in the USA: the killing of people because of crimes they committed as children is only one example. In the same way the treatment of slaves with respect to the death penalty shows this “backwardness” of the USA in some cases, too.

An important difference between the German judicial system and the one of the USA is the attitude towards a defendant – perhaps you can even say prejudices towards a defendant: in the USA a defendant is guilty until his innocence will be proven – this forms a sharp contrast to the German attitude: here a defendant is innocent as long as his guilt isn't proven – I think that's a big and important difference.

You can see by many of these facts that conviction – particularly if it will end in death penalty – depends always on the court and not only on the paragraphs and statutes.

I hope that after having heard from the death penalty and its big problems you have seen, too, that abolishing the death penalty is the only possible way – but nobody can say when and how this is going to happen – if at all. From its development you can learn, that it's impossible to predict its future.

At the end we can conclude that the death penalty won't be repealed as long as the civilisation supports it. The death penalty itself can't become really neither justified nor fair. Because on one hand the problems surrounding the death penalty can't be abolished easily and on the other hand the death penalty itself is unfair – solved of the circumstances and the courts – and will stay unfair – until it will be abolished.

Those that don't stand up and speak against the Injustices, Human Rights Violations, and wrongs carried out against the people of the earth, are standing for it. And are guilty of these acts when they know, and do nothing to try and stop it within their means.

Are you guilty? Think about it.

Eric A. Griff



IV. Vocabulary

Deutsch	Englisch
anzweifeln	doubt
willkürlich	arbitrary (arbitrariness)
Gesetz	statute
schmackhaft	palatable
Geschmack/Gaumen	palate
Maß/Ausmaß (aus)messen, Maßnahme	measure
Angeklagter	defendent
Streitfrage, Ausgabe, Erlass, Nachkommenschaft	issue
Todesstrafe	death penalty
Hauptstadt/Großbuchstabe/Kapital(-)	capital
Kapitalverbrechen	capital crime
Abschaffen/aufheben	(to) abolish – abolishment, abolition
Abschaffungsbewegung (Aufklärung?)	abolitionist movement
Verfassung (der USA)	constitution
etw.: Die Todesstrafe in der Verfassung; (vorrübergehend) einstellen, aussetzen, herausfordernd, schwierig, reizvoll	Constitutionality of the death penalty suspend challenging
Herausforderung, Aufgabe, ablehnen, wiedereinstellen, einführen	challenge reinstate
erlassen, verfügen -ordnen,	(to) enact, re-enacting ?
Gefangener	inmate
Landesverrat	treason
Hauptaussage	main duty
festlegen	(to) define
unterscheiden	(to) distinguish
Völkermord	genocide
Freispruch	acquittal
voreingenommen	biased
Entlassung	parole
Jm. entlassen	(to) lay off sb
bewiesen	proven
Unschuld	innocence
ohne Rücksicht	regardless
Bekennen, eingestehen, zugeben	(to) confess
entlasten, entbinden	(to) exonerate sb
trotz	despite
beweisen	(to)prove
Angeklagter	defendant
Hinter Schloss und Riegel	behind bars
Rückfall	relapse
verweigern	(to) refuse
jm. unfähig machen etwas zu tun	(to) incapacitate sb. to do sth
Abschreckung	deterrence
In Bezug auf	with respect to
Gefängnisstrafe	imprisonment
Leid	suffering
dringend	urgent
Missstände	deplorable state of affairs

V. Index of literature

Introduction & Chapter I.

<http://deathpentlyinfo.msu.edu> [introduction; statement of a prisoner; QT ¹]
<http://www.deathpenaltyinfo.org/history2.html> [history]
<http://www.uaa.alaska.edu/just/death/history.html> [constitutionality]
<http://www.yahoo.com/usa/society/death-penalty/history>
<http://caselaw.lp.findlaw.com/data/constitution/amendment8/> [extract of the constitution; QT ²]
<http://www.uaa.alaska.edu/just/death/history.html> [graph 1]
<http://www.amnesty.org/ailib/aipub/1995/AMR/514495.AMR.txt> [reinstatement of dp in NY QT ³]
<http://www.deathpenaltyinfo.org/fedoffenses.html> [death row; QT ⁴]
<http://www.deathrow.com> [methods; QT ^{5/6}]

Chapter II.

<http://laika.ed.csuohio.edu/sum97/jackson/jackson.html> [opposing of the dp.]
<http://www.amnestyusa.org/rightsforall/juvenile/dp/intro.html> [children/minorities; QT ^{7/8}]
<http://www.prodeathpenalty.com/home.exe> [supporting]
<http://www.cuadp.org/altern.html> [alternatives to the death penalty]
<http://www.aclu.org/news/2000/w031000b.html> [supporting]
<http://www2.cnn.com/2001/LAW/06/11/mcveigh.02/index.html> [McVeigh]
<http://www.e-politik.de/index2.cfm?ID=137> [discussion about the death penalty in the TV]
<http://www.cnn.com/SPECIALS/2001/okc/> [QT¹⁰]
[thanks to Jens Naeler from "HNA" for helping me finding the case of McVeigh & sources in the Net]

Chapter III.

<http://deathrow.0-dec.com/> [quotation]

annotations

QT ~ source material (slightly adapted)

Guarantee: All texts are self written except the texts signed with "QT"!

In the vocabulary part are only the most important unknown words listed. The second part shows topic-linked vocabularies.

Some words can't be translated itself, only in context (like "constitutionality")

[Translation of the quotation from page 15:

"Eine böse Tat wird von keiner bösen Tat, wie Vergeltungsmaßnahmen, wieder gut gemacht. Gerechtigkeit wird nie geltend gemacht im Nehmen von Menschenleben. Moral wird niemals von legalisiertem Mord aufrechterhalten." - Coretta Scott King]

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