The Death Penalty: To Be or Not to Be?

“To take a life when a life has been lost is revenge not justice”

-Desmond Tutu

Capital punishment should be abolished because it goes against the eight amendment, puts innocent people at risk of being executed for crimes they did not commit, and the cost of the death penalty is an expensive burden. Fifteen states have already abolished capital punishment and now it is time for California to do the same. The maximum punishment, for all crimes deserving of the death penalty, should be life in prison without any chance of parole. To kill someone who has killed another person is not justice but revenge and unjust.

Many people believe that capital punishment should remain the same and government should continue to show justice by sentencing criminals to death row. Gardner Hanks, who is the author of *Against the Death Penalty: Christian and Secular Arguments Against Capital Punishment*, list a few reason why people believe so firmly in the death penalty today. He explains that the Bible is a valuable source for many people, especially Christians who live off the scriptures. Hank quotes a passage from the Old Testament where God tells Noah, in Genesis 9:6, “Whoever sheds the blood of a human, by a human shall that persons blood be shed” (Bible qtd. in Hank 25). Hank explains that many Christians who defend capital punishment do so because they believe that this scripture explains that it was God’s words who said that capital punishment is allowed and so they continue to carry out the death penalty.  Kent Scheidegger, who is the legal
director of the Criminal Justice Legal Foundation, argues that, “We shouldn’t be sacrificing justice for cost issues. We should be bringing down the costs so we can afford justice- so we can give the worst murderers the penalty they deserve, that should be the discussion” (Scheidegger qtd. in Wilken). To me it seems as if Scheidegger wants killing to be the solution to everything, but what if he was in the prisoners position? He would want another chance to prove himself not guilty. Many wrongly accused people sit on death row for crimes they didn’t commit, but because the jury and the judges believe that they did commit the crime then they are sentenced to death without a chance to prove themselves innocent.

When the founding fore Fathers created the Bill of Rights, however, they made the eight amendment declaring no cruel or unusual punishment. By claiming this amendment they were not prohibiting capital punishment but trying to stop immortal ways of executing a person (Hank 62). Gardner Hank explains, “This was a step in the direction of death penalty abolition, however, and the Constitutional phrase has been used by later interpreters of the Constitution as an argument against the death penalty. For if death is not cruel and unusual punishment… what is?” (62). I ask the same question: if killing another person by an electric chair or lethal injection is not cruel and unusual punishment, what is?

Not only does the death penalty go against the eight amendment, but it is also not always one hundred percent accurate with making sure the inmate being executed is truly guilty and giving people a death sentence doesn’t always allow time for new evidence to appear that would prove the inmate not guilty for the charge pressed against them. The internet website **Innocence Project** is an anti-death penalty website that helps saves thousands of innocent lives who await on death row to be executed for crimes they are not guilty of. One reason why there are so many innocent prisoners on death row is due to witnesses misidentifying the defendant. The website
states that, “Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing.” They are saying the seventy-five percent of witnesses do not always remember what they saw during a horrific incident, leaving them to guess who they saw. Another reason innocent people tend to spend many wasteful years on death row even though innocent is because of bad lawyers. A section on Innocence Project website states, “The resource of the justice system are often stacked against poor defendants. Matters only become worse when a person is represented by an ineffective, incompetent or overburdened defense lawyer” (Innocence Project). Many people target weak, poor, desperate people as the criminal. Due to this, they are left to hire a low grade lawyer who doesn’t always put all their effort into the case. Some cases show lazy lawyers sleeping in the courtroom during the trial, some won’t show up for the hearings, and many other unacceptable things lawyers should not do. Philosopher John Stuart Mill, stated in his speech to the Parliament, “that if by an error of justice an innocent person is put to death, the mistake can never be corrected; all compensation, all reparation for the wrong is impossible” (Mills qtd. in Hank 64). If the convict was sentenced to life in prison without chance of parole, there is a chance for new evidence to be found that could prove the criminal innocent. This is another reason why the death penalty should be abolished, because unlike giving a sentence of life time in prison without chance of parole, the “criminal” is dead and there is no way to give him his life back. If the maximum sentence for all criminals, worthy of the death penalty, was a life time in prison with no chance of parole, the inmate (if found not guilty later on) could be released to start a new life.

If the death penalty is not always accurate with who they are executing then why spend so much money on capital punishment? The cost for keeping people on death row is extremely expensive. In fact, John Wilken, who wrote an article for the San Diego Tribune, claimed that
California alone spends about an average of 137 million dollars per year on the death penalty alone. The death penalty isn’t something thought about everyday, but if people think about it a lot of their money is going to execute a human being. Arnold Friedman, in his newspaper article *Justice in Slow Motion*, declared that, “the cost of perpetuating capital punishment in California is a large and growing burden” (A. 40). The cost of California is already so expensive and by keeping people on death row our taxes are only going to raise in order to help cover the cost of the death penalty. Gerald F. Uelmen, who is a professor at Santa Carla Law School, explains that:

“The cash-strapped state government could reap a huge savings by doing away with the death penalty and reducing the sentence of everyone on death row to life without possibility of parole….The cost would be three times less than it is for holding and paying for the appeals of death row inmates” (Uelmen qtd. in Friedman).

If Californians knew how much money we could save by sentencing convicts to prison without chance of parole instead of death row, California would save a lot of money. “Some observers,” quotes Wilkens, “say it’s only a matter of time before the states budget crisis prompts a shift to a sentence of life without parole as the maximum punishment” (2). Wilkens is explaining that once people notice how bad the budget crisis is, they will start to think about changing the death penalty to life without parole.

Instead of going against the eight amendment, executing innocent people, and spending so much money on keeping people on death row, the alternative to the death penalty should be life in prison without chance of parole. David Von Drehle, an author of *Time Magazine*, claims that:

“Nearly all of the states have adopted the alternative of life-without-parole sentences, and prosecutors’ and juries are embracing the option. Life without
parole doesn’t trigger the separate sentencing trials and automatic appeals that can make death sentence so financially and emotionally costly.”

Many states have already turned to a maximum sentence to life in prison without chance of parole and now it is time for California to do that same. Changing the maximum sentence of life without parole, allows innocent people to gather evidence that they are not guilty of the crimes charged to them. It also would stop the controversy on whether or not the law is going against the eight amendment and save the state a lot of money by not keeping the inmates on death row but in prison.

California should change their policy of the capital punishment. Like many other states have done, California should make the maximum sentence of life in prison without chance of parole. This allows time for innocent people on death row to prove themselves not guilty by having investigators look for more evidence than was provided at the original court hearing. It also would stop violating the eight amendment and the cost of keeping inmates in prison for life would be a lot cheaper than keeping them on death row. Killing a person for killing another person is hypocritical and does not serve justice but creates more justice needing to be served.
Works Cited


The death penalty is uncivilized in theory and unfair and inequitable in practice. Through litigation, legislation, and advocacy against this barbaric and brutal institution, we strive to prevent executions and seek the abolition of capital punishment. The ACLU’s opposition to capital punishment incorporates the following fundamental concerns: The death penalty system in the US is applied in an unfair and unjust manner against people, largely dependent on how much money they have, the skill of their attorneys, race of the victim and where the crime took place. People of color are far more likely to be executed than white people, especially if the victim is white. The death penalty is a waste of taxpayer funds and has no public safety benefit. We need to kill the death penalty, not people. Here are 10 reasons why, any one of which could be enough.

1) Democracy. The death penalty is totalitarian. I don’t want anyone killed in my name, in our name. The death penalty is barbaric and an antiquated, regressive, cruel and unusual punishment. With all of our advances in the sciences, sociology, psychology, education, technology, and so on, we should have more socially-effective, non-lethal, civilized techniques to punish (and rehabilitate) criminals, while protecting the rest of society. Professor Austin Sarat estimates that executions by lethal injection are botched at a higher rate than any of the other methods employed since the late 19th century, 7 percent.

3) Cost. The death penalty as a special punishment was recognized in the Old Testament. There are no indications to the need to abolish it in the New Testament or in the Tradition or in the historical legacy of the Orthodox Church either. At the same time, the Church has often assumed the duty of interceding before the secular authority for those condemned to death, asking it show mercy for them and commute their punishment. Moreover, under Christian moral influence, the negative attitude to the death penalty has been cultivated in people’s consciousness. Thus, in the period from the mid-18th century to the 1905 Revolution in Russia, it was applied on very rare occasions. For the... Every day, in around 40 countries all over the world, individuals are executed by the state as form of punishment for a wide variety of crimes. In the last three decades, the number of countries that decided to abolish capital punishment has notably increased; yet, the use of death sentences to punish unlawful behaviors remains widespread. Death penalty constitutes a grave breach of international law, international humanitarian law, international human rights law, and, in some cases, of national law. International organizations led by the United Nations and backed by non-governmental agencies all over the world have worked tirelessly to promote the abolition of capital punishment...