

THE DEATH PENALTY:

The Ineffective and Discriminatory Practices of Capital Punishment in the United States

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OVERVIEW

Capital punishment, colloquially known as the "death penalty", has been a contentious issue for the past few decades. Although it has been used in the United States since the early 1600's, several states have outlawed its usage in the modern day on the basis that it is both unconstitutional and inhumane. The purpose of punishment, as determined by the United States court systems, has been to establish **retribution, deterrence, incapacitation, and rehabilitation** of criminals.¹

However, in practice, the death penalty is both **ineffective and discriminatory** against black offenders.

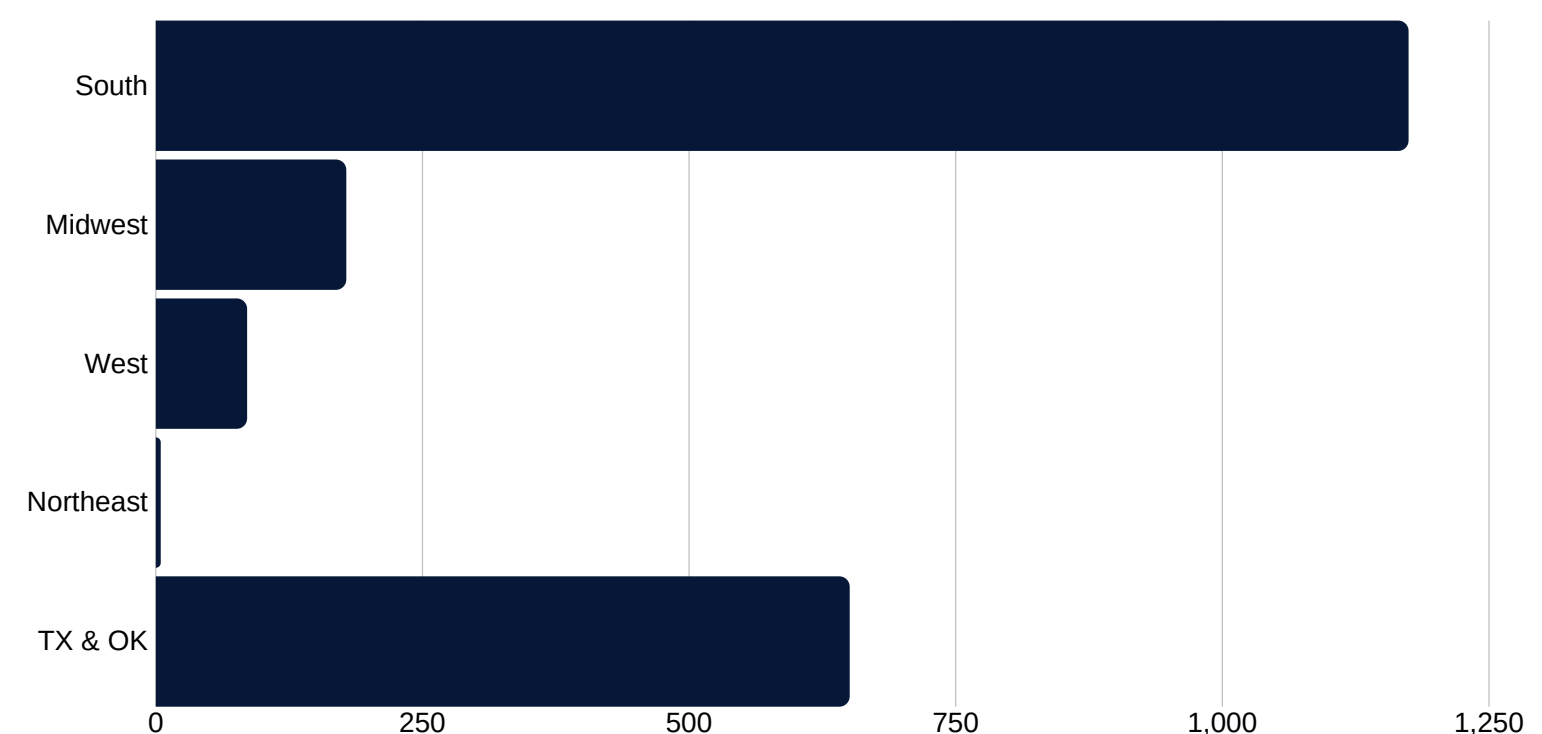
Since its inception, the death penalty has been vague in both **administration and assignment**. Historically, it was for a variety of crimes such as **arson, burglary, armed robbery or kidnapping**.³ The methods of these executions were also diverse; they ranged from former practices such as **hangings and firing squads** to more modern practices such as **gas chambers, electrocutions, or lethal injections**. Over time, these criterias and methods changed.²



ACCORDING TO A 2016 STUDY BY THE DEATH PENALTY INFORMATION CENTER...

- There has been 1,441 executions by the death penalty since 1976²
- Of all interracial case executions, **6%** of the cases were sentenced for **white defendants and black victims** while **93%** of the cases were sentenced for **black defendants and white victims**²

THERE HAS BEEN NO FOUND CORRELATION BETWEEN THE DEATH PENALTY AND CRIME DETERRENCE



Although the South has administered **80%** of death penalty executions nationwide since its inception, it still holds the **highest amount of murder rates** in the country. Thus, the substantial threat of execution does not deter murder crimes in the South.²

AMBIVALENCE IN THE COURTS

Although capital punishment has been administered copiously, the amount of Supreme Court cases that rule on the matter are scarce. The ambivalence of the courts to provide succinct rulings on the death penalty is a contributing factor to its modern-day partisanship between states. These three court cases dictated the main procedures of capital punishment today.

Furman v. Georgia, 1972⁴

- The first official ruling regarding the death penalty outlawed its usage; its sentencing process at the time was declared unconstitutional.

Gregg v. Georgia, 1976⁵

- Readmitted the death penalty as constitutional "under a new set of procedures" than previously used - specifically, in "a bifurcated capital trial of two separate phases: guilt and sentencing".¹⁰

Kennedy v. Louisiana, 2008⁶

- Established murder as the only crime for which a criminal may be sentenced to execution.

MYTHS AND MISCONCEPTIONS

1

“ PRISONS ARE OPERATING AT CAPACITY ”

Death sentences do not necessarily lead to speedy execution processes. Out of all death row defendants from 1973 to 2004, 46% of them were still on death row by December of 2004.⁷ For prisoners sentenced in 1973, that is 31 years on death row without execution. Thus, the death penalty is not efficient in lowering the amount of inmates or increasing capacity.⁷

2

“ ALL INMATES SENTENCED TO DEATH ROW ARE GUILTY ”

Studies show that many criminals on death row either gain exoneration or are removed from death row and sentenced to life imprisonment.⁷ Many of them were wrongfully convicted, and the estimated rate of erroneous convictions in the United States in 2014 was about 4.1%.⁷

3

“ IT IS COST-EFFECTIVE ”

A financial analysis on capital punishment reported that a death penalty case carried through to completion is about **one million dollars more expensive than a case where only a life sentence is sought.**⁸ Criminals sentenced to death row also cost \$36,871 annually at the federal level compared to the annual cost of a general inmate at \$28,078.⁸

SOLUTIONS

There are several prison sentences that are more efficient than the death penalty and can be used in lieu of it.

DETERMINATE SENTENCES

These sentences are more common internationally, where prisoners are sentenced up to a certain amount of time in prison. Spain's determinate sentence maximum is 30 years "for a single offense" and up to 40 years for multiple offenses.⁹

REDUCIBLE LIFE SENTENCES

Some life sentences can be reduced on the basis of good behavior and an evaluation. In the UK, prisoners are incarcerated for a minimum term and then released "unless they are still a danger to society".⁹

LIFE IMPRISONMENT WITHOUT PAROLE

An alternative that suggests life imprisonment without the possibility of parole.⁹

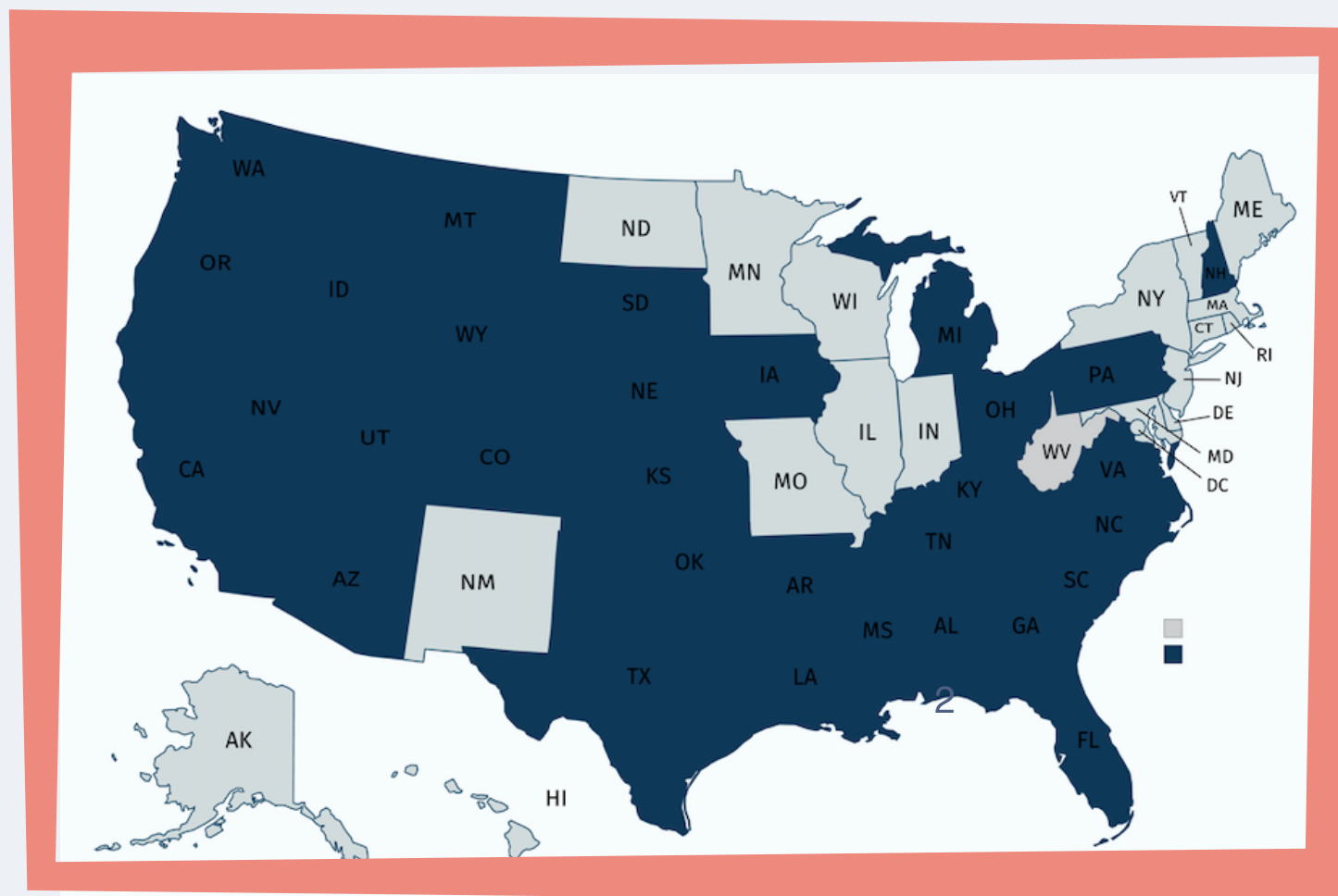
DETERMINATE SENTENCES

REDUCIBLE LIFE SENTENCES

LIFE IMPRISONMENT WITHOUT PAROLE

CAPITAL PUNISHMENT TODAY

There are 31 states that have yet to abolish the death penalty today (demonstrated in the map below as the states in blue).² The worldwide movement towards abolishment calls pressure and attention to the remaining 29 states.²



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“IN FURMAN I CONCLUDED THAT THE DEATH PENALTY IS CONSTITUTIONALLY INVALID FOR TWO REASONS. FIRST, THE DEATH PENALTY IS EXCESSIVE. AND SECOND, THE AMERICAN PEOPLE, FULLY INFORMED AS TO THE PURPOSES OF THE DEATH PENALTY AND ITS LIABILITIES, WOULD IN MY VIEW REJECT IT AS MORALLY UNACCEPTABLE.”

- Justice Marshall, *Gregg v. Georgia*⁵

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