

The Death Penalty Fails to Deliver What it Promises. Instead, it Causes More Problems.

by Glen Anderson
(360) 491-9093
glenanderson@integra.net

For more information see the “Death Penalty” parts of www.olympiafor.org and www.parallaxperspectives.org

The more people know about the death penalty, the more they discover three basic facts. These three basic facts are the main points in this short essay:

Fact #1: The death penalty does **not** deliver what it promises.

Fact #2: The death penalty **makes existing problems worse** -- and **causes more problems**.

Fact #3: We can **let go** of the death penalty and **still be safe**.

Fact #1: The death penalty does **not** deliver what it promises.

The death penalty does not deter murder:

When most murders occur, the offender is under severe emotional stress and/or the influence of alcohol or drugs. They are not thinking rationally enough to analyze the probabilities of being caught, convicted, and sentenced to death.

Some murders are rationally planned, but those killers think they have planned ways not to get caught at all, so the death penalty does not deter them either.

Some of the most horrible murders end with the killer committing suicide, so the risk of execution was not a deterrent at all.

Texas and the southern states that execute the most people still have very high murder rates.

Indeed, decades of scientific studies have consistently shown that the death penalty does not deter people from committing murder. Nowadays when experts debate the death penalty, intelligent supporters no longer raise this claim.

For all of these reasons, “deterrence” is **not** a valid reason for keeping the death penalty.

The death penalty does not provide justice:

Even though the death penalty does not deter, doesn't it at least provide some kind of justice – a balancing of taking a life for a life? No, civilized society's sense of true justice has evolved beyond mere retaliation. We don't burn down the homes of arsonists, and we don't cut off the hands of thieves.

The US is virtually alone among Western democracies in failing to abolish the death penalty. The US is one of the world's biggest executioners -- along with several nations with horrible human rights records (e.g., China, Saudi Arabia, Iran, Iraq, Yemen).

Nor does the death penalty help the victim's family:

Nothing could ever bring the victim back to his or her family. Families of murder victims have other needs, but killing the killer does not satisfy their real needs.

One person committed the murder, but if that one person is executed, his/her entire family is forced to suffer for that crime.

Many families of murder victims oppose the death penalty and have created organizations to abolish it.

The death penalty does not get used on "the worst of the worst":

Each case goes through a long, complex process with many "screens" or "filters" such as:

- Was the victim white, economically privileged, attractive, well liked?
- What about the defendant's race, economic class, access to skilled lawyers?
- What do the press and politicians think about the case?

All of society's biases and prejudices filter into the process, so the net result – an actual execution – is the result of society's biases and prejudices more than the merits of the case. Look at the actual record: The people executed are **not** "the worst of the worst." They are the poorest and most disadvantaged. This is not real justice!

The death penalty does not save money:

Each death penalty case consists of **two** trials (the first to determine guilt and the second to determine the sentence). Each trial is extremely complex with many, many opportunities for bias and injustice.

Executions are irreversible. Recent history shows tremendous risks of gross injustices, so each death penalty trial must be extremely complex. The more complex something is, the more it costs and the more risk that something can go wrong.

Even **before** the appeals, a death penalty case has **already** cost much more than a life sentence. And death sentences are very likely to be overturned, so that money is wasted.

Also, death penalty cases consume so much resources in county-level courts, state supreme courts, and federal appeals courts that they waste the time and attention that are needed for other cases. This denies justice to other people who need access to the courts.

Fact #2: Besides not delivering what it promises, the death penalty makes existing problems worse and causes more problems.

Violence escalates the cycle of violence:

Society is right to want to stop violent crime. But when fear or other emotions cause us to retaliate and repeat the cycle of violence, we only make the problem worse.

The death penalty is inherently contradictory. When our government kills people who have killed, we contradict our

stated intent of showing that killing is wrong. The death penalty actually promotes the notion that it is OK to kill someone in order to vent your anger and get your way!

Indeed, some studies have shown increases in violent crime near the dates of highly publicized executions. Executions brutalize society and unleash ugly, uncivilized behaviors.

Innocent people are sentenced to death – and some are executed:

Since the mid-1970s more than 155 persons on death row were found to have been wrongly convicted. As complex as our death penalty system is, prosecutors, judges and juries convict "beyond a reasonable doubt" – and sentence to death

– many, many people who were actually innocent! Many had spent 10 years or 15 years or even longer on death row for crimes they did not commit.

The truth of their innocence often came outside of the regular system. Mistakes often happen – but it is too late to correct the mistakes after the people have been executed.

Limiting appeals would cause even more innocent people to be executed:

To speed executions and cut costs, some people want to limit appeals. But even with current long appeal processes, some innocent people are executed.

Many innocent people spent 10 or 15 years or even longer before the truth of their innocence was shown. Limiting appeals would execute **many** more innocent people. Limiting appeals would **sharply reduce honest justice.**

When the government has executed an innocent person, it's too late to fix that horrible mistake.

The only way to make sure we stop executing innocent people is to stop executing people altogether.

Death penalty is biased by race and socioeconomic class:

Many decision points occur while investigating, arresting, prosecuting, trying, and sentencing. Each decision point allows for bias and discrimination on the basis of race, social class, economic resources, mental disability, political considerations, and other factors.

Research consistently shows that even when the basic facts of the crime are similar, **persons of color are much more likely than whites to receive the death penalty.**

Research also shows that **death sentences are much more likely when the victim is white.**

Although the death penalty's horrible record of inconsistencies and racism caused the US Supreme Court to throw out the death penalty nationwide in 1972, the same kinds of problems quickly crept back into the process, and today's much more harsh Supreme Court now allows the death penalty to proceed regardless of systemic racism.

It's not efficient:

A tremendous number of death sentences are overturned by courts, by later findings of innocence, and by other methods. Very few death sentences actually result in executions.

Because the vast majority of cases consume huge amounts of money and time without resulting in actual executions, the actual cost of the death penalty **per execution** is very high.

Fact #3: We can let go of the death penalty and still be safe.

Some people think we need the death penalty in order to be safe.

However, this fear assumes that the death penalty is commonly assigned to murder cases, and it assumes that the absence of the death penalty would leave a great void.

Actually, very few murder cases could even qualify for death sentences. In Washington State, which is typical, the death sentence is possible (not required, but merely possible) **ONLY** for those homicides that are First Degree Murder **and** have certain aggravating factors that are defined by law **and** are free from mitigating circumstances that are defined by law **and** for which the county prosecuting attorney has chosen to charge as capital crimes **and** for which the juries are unanimous in imposing a sentence of death. The death penalty is possible **ONLY** for cases that meet **ALL** of these

stringent requirements. Death sentences cannot be imposed in cases that are lacking even one of these requirements.

The vast majority of homicides cannot have the death penalty even considered. The vast majority of homicides are already covered by state laws that provide for prison sentences through the regular sentencing procedures.

It is practically irrelevant to ask how we would get by without the death penalty. For all practical purposes, we already are living without the death penalty.

Furthermore, even when death sentences are imposed, the offender is very UNLIKELY to be executed, so – in effect – we ALREADY impose life sentences instead of the death penalty.

Washington executed **nobody** for **nearly three decades** from the mid-1960s through 1992.

In 1972 the US Supreme Court threw out all states' death penalty laws because they violated the US Constitution. A few years later the states rewrote their laws. Since then, Washington State has sentenced a few dozen persons to death, but nearly all of their sentences were overturned for various reasons. Out of these dozens of persons sentenced to death, and only a handful – almost always fewer than 10 – are on death row.

Washington State executed only 5 persons between 1993 and 2010. This is an almost trivial number when compared to the overall number of homicides throughout the state during these decades.

Except for those five cases, people stay on Washington State's death row until an appeal overturns the death sentence or until they die of natural causes.

The death penalty is practically irrelevant in Washington in terms of public safety. However, it does **waste a lot of court time and taxpayers' money** – and it always includes the risk of gross injustice (innocence, racial bias, etc.).

Washington State Law already provides an alternative to the death penalty.

In Washington State, for the very rare kinds of homicide cases that could result in the death penalty, the **default** sentence **already** is a life sentence without any possibility of parole. If for whatever reason the jury is not unanimous in imposing a death sentence, the offender would serve a life sentence and never be eligible for parole.

A sentence of "life without parole" means exactly what it says: the person would be in prison for the rest of his or her life and could never qualify for parole. This is a **very severe** punishment. The death penalty cannot protect society any better than this.

Nineteen states in the U.S., all of the European Union nations, and a growing number of other countries around the world do not use the death penalty at all, so they are already effectively living well without the death penalty.

The question "If Not the Death Penalty, What?" is not a difficult question at all. It's a non-issue in much of the U.S. and much of the world. They impose prison sentences without

getting mired in the problems and complexities of trying to impose death sentences. Effective solutions already exist. Asking the "What" question just keeps us stuck in the past.

Where could I get more information?

Committee for Alternatives to the Death Penalty

deathpenalty@olympiafor.org or (360) 870-8068

Alternate contact: **glenanderson@integra.net** or (360) 491-9093

5015 15th Ave SE, Lacey WA 98503-2723

www.olympiafor.org/death_penalty.htm

→ See much information on the "Death Penalty" part of **www.olympiafor.org**, including the document titled "Death Penalty Information Resources" in both Word and .pdf formats.

My blog www.parallaxperspectives.org

→ See the "Death Penalty" part of **www.parallaxperspectives.org**

Washington Coalition to Abolish the Death Penalty

4759 15th Ave NE #309, Seattle WA 98105 (206) 622-8952

info@abolishdeathpenalty.org

www.abolishdeathpenalty.org

National Coalition to Abolish the Death Penalty

www.ncadp.org (202) 331-4090

Death Penalty Information Center

www.deathpenaltyinfo.org (202) 289-2275