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Death, Liberty, and the Pursuit of Happiness

Perhaps one of the most equivocal yet heated debates in recent day remains the use of capital punishment against the worst offenders of society. Commonly known as the death penalty, this controversial topic dates to the early 1600s with the first ever punishment done publicly to an alleged conspirator against the British colony: George Kendell. Thought as a relatively humane method used to execute criminals on death row, the guillotine had little backlash and was an orthodox punishment; it didn't become an issue until an Italian writer, Cesare Beccaria, published an essay in 1764, "On Crimes and Punishments," which advocated for the abolition of the death penalty. In the centuries since the blood shed by the guillotine, great strides have been made in both the implementation and abolition of the death penalty. One other notable milestone constitutes a decision made by the Supreme Court in *Furman v. Georgia*, a federal case in 1972 that declared the use of the death penalty to be "cruel and unusual punishment" and thus unconstitutional; however, this precedent was quickly overturned in *Gregg v. Georgia* only four years after the revision of many state death penalty laws. Currently, certain states have completely abolished the death penalty, while others like Pennsylvania ambiguously take it into consideration; their conflicting arguments have and continue to impugn the moral and legal integrity of the death penalty, prompting the governor of Pennsylvania to initiate a moratorium and raise the ultimate question of whether Pennsylvania should follow suit and abolish its use of the death penalty.

Ironically, Pennsylvania was one of the very first states to ban public executions in 1834. While it was without formal legislation, the state spearheaded abolition efforts for other states, finding public executions inhumane and uncivil ("Capital Punishment"). In the years since, Pennsylvania has kept the death penalty with minimal changes and has made little progress in effort to overturn the death penalty; however, it has also done little with the death penalty in place. Despite being the fifth largest death row in the country, the last execution via capital punishment occurred on July 6, 1999 when Gary M Heidnik was executed "for murdering two women he had imprisoned in his home... [and for] six counts of kidnapping, five counts of rape, four counts of aggravated assault and two counts of involuntary deviate sexual intercourse" (Pennsylvania, Dept. of Corrections). It wasn't until a capital punishment task force and advisory commission was formed by the Pennsylvania State Senate in 2011 did significant progress occur toward better management of the death penalty.

This organization was tasked to alleviate erupting hysteria concerning "whether there is bias or unfairness involved in the trials and sentencing, the potential risks of sentencing innocent people to death and whether the death penalty does anything to improve public safety to deter criminal action" (Berman). On February 13, 2015, Tom Wolf, the governor of Pennsylvania, announced a moratorium for the death penalty when he considered a state review on capital punishment from this task force. He found the death penalty system to be "flawed...[and] proven to be an endless cycle of court proceedings as well as ineffective, unjust and expensive" (Berman). Inefficiency derived from a multitude of reasons, ranging from the time it actually took an inmate on death row to be executed through this tedious cycle-only 3 inmates from 408 death row prisoners have been executed since the current death penalty statute was enacted in 1978-to many inmates simply being resentenced due to "death sentences being overturned in the

courts and defendants being resentenced to life or less or acquitted” (Death Penalty Information Center). Outcries over the immoral nature and cost constituted the fact that the “cycle of death warrants and appeals [diverted] resources from the judicial system and [forced] the families and loved ones of victims to relive their tragedies each time a new round of warrants and appeals [commenced]” (Berman). While this moratorium may suggest a possible permanent period of dormancy of the death penalty in Pennsylvania, the state of capital punishment currently remains ambiguous.

Dissenters against the death penalty frequently call for its abolition due to a multitude of reasons, ranging from its inhumane implications and irrevocable sentence. A report from the National Council of Synagogues and the Bishops’ Committee for Ecumenical and Interreligious Affairs of the National Conference of Catholic Bishops perfectly encapsulates the unjust nature of the death penalty: “Respect for all human life and opposition to the violence in our society are at the root of our long-standing opposition (as bishops) to the death penalty. We see the death penalty as perpetuating a cycle of violence and promoting a sense of vengeance in our culture.” An esteemed society must not and “cannot teach that killing is wrong by killing,” for capital punishment should be opposed “not just for what it does to those guilty of horrible crimes, but for what it does to all of us as a society” (Michigan State University). Their concerns stem from a social perspective and how the philosophical concept of ‘an eye for an eye’ only hurts a society and its citizens by promoting more loss of life than needed. Furthermore, when one considers the possibility of error in the justice system, the death penalty undeniably has an irrevocable sentence and may condemn innocents which suggests an inherently immoral system. Kogan, a former supreme court chief justice of Florida, attests to just this in a speech given in Florida on October 23, 1999, confirming that people have been executed “who either didn’t fit the criteria

for execution in the State of Florida, or who, in fact, were, factually, not guilty of the crime for which they have been executed.”

On the other hand, proponents of the death penalty advocate its capacity for just retribution and possibility as a deterrent for future murders as a permanent method of incapacitation. They believe that the victims killed by death row inmates and their families deserve justice, and that justice can only be served by taking a life for a life and executing the death row inmate for his or her horrific crimes. Robert Macy, the District Attorney of Oklahoma City, bluntly referring to a despondent and horrifying case in summary of this belief: “In 1991, a young mother was rendered helpless and made to watch as her baby was executed. The mother was then mutilated and killed. The killer should not lie in some prison with three meals a day, clean sheets, cable TV, family visits and endless appeals. For justice to prevail, some killers just need to die” (Michigan State University). Why should a vicious criminal be treated so kindly when his or her crimes to society were horrifically inhumane? Louis P. Pojman, the author and professor of philosophy, expresses a similar but distinct belief through his Christian ideals in an excerpt from “The Death Penalty: For and Against”: “But we need not appeal to a religious justification for capital punishment. We can site the state’s role in dispensing justice. Just as the state has the authority (and duty) to act justly in allocating scarce resources, in meeting minimal needs of its (deserving) citizens, in defending its citizens from violence and crime, and in not waging unjust wars,” it has a right to provide just retribution to the families that suffered.

Furthermore, in order to guarantee the safety of ‘its citizens from violence and crime,’ the government must prevent a death row inmate from recidivating. The only definitive method for this, when considering the possibility of prison outbreaks, is to execute the condemned. Even when “execution of those who have committed heinous murders may deter only one murder per

year... it seems quite warranted” as Ernest van den Hagg, a Fordham University professor of Jurisprudence and Public Policy, proclaims. He continues, clarifying that he too “would favor retention of the death penalty as retribution even if it were shown the threat of execution could not deter prospective murderers not already deterred by the threat of imprisonment” because of “its finality, [which] is more feared than imprisonment, and deters some prospective murderers not deterred by the thought of imprisonment.” Life sentences simply do not suffice, as the ultimate insurance of capital punishment that a killer cannot kill anymore is “more important than preserving the lives of convicted murderers because of the possibility, or even the probability, that executing [criminals] would not deter others” (Michigan State University). Ultimately, possible victims are who must be saved, for their lives are valuable, and the criminal law must reflect that.

While the issue of whether the death penalty benefits the interests of all is greatly debated, the vindication and reassurance it provides for the victims may constitute the common good. Despite this, opponents of the death penalty continually uphold the inalienable rights of death row inmates, which are violated by the death penalty as ‘cruel and unusual punishment’. Economics also come into question with a history of drugs for capital punishment becoming scarce throughout the life of the death penalty. This decline in available drugs ultimately evoke a profit motive for companies to compensate for and meet the increasing demands of state governments in face of the mass of companies who no longer sell drugs, again calling the moral integrity of the death penalty into question. As a society, these factors must be taken into consideration along with the benefits and detriments when citizens ultimately decide whether to support the death penalty.

Works Cited

- Berman, Mark. "Pennsylvania's Governor Suspends the Death Penalty." *The Washington Post*, 13 Feb. 2015. *The Washington Post*, www.washingtonpost.com/news/post-nation/wp/2015/02/13/pennsylvania-suspends-the-death-penalty/?noredirect=on&utm_term=.d6347166bca5. Accessed 17 Apr. 2018.
- "Capital Punishment." Issues: Understanding Controversy and Society, ABC-CLIO, 2018, issues.abc-clio.com/Search/Display/914079. Accessed 28 Mar. 2018.
- Death Penalty Information Center, and Pennsylvanians for Alternatives to the Death Penalty. "Pennsylvania." *Death Penalty Information Center*, deathpenaltyinfo.org/pennsylvania-1. Accessed 17 Apr. 2018.
- Michigan State University and Death Penalty Information Center. "Arguments for and against the Death Penalty." *Death Penalty Curriculum*, 2000, deathpenaltyinfo.org/pennsylvania-1. Accessed 17 Apr. 2018.
- Pennsylvania. Dept. of Corrections. *People Who Have Been Executed by the Commonwealth of Pennsylvania*, Pennsylvania: DOC Press Office, November 2012. Print.