

# In Focus

## Capital Punishment

### Alpha and the Omega



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An eye for an eye, a tooth for a tooth. This expression has been thrown around for years as an advocacy for the death penalty because it is a paraphrase from the Bible. Many people argue that if God said it, then it must be right. As a result, millions of people are staunch capital punishment supporters based solely on one little quote taken from Exodus 21:24 and do not have much else to back up their argument — misrepresenting the Bible and failing to convey its overall viewpoint. There is no doubt that the Bible supports the death penalty for capital crimes, but many do not understand why. God's position can be applied to our society today and

can draw the support of atheists as well. Capital punishment should be legislated across the country because it seeks to preserve the inviolability of human life. Today our entire judicial system is in place for the purpose of correcting violators. Laws, sentencing and imprisonment each try to rehabilitate the offenders so that they will cease from engaging in illegal activities. However, the death penalty does not serve the same purpose as these other policies. I imagine that it is fairly difficult to modify the future actions of someone after they have been executed. This is where it is most important to understand that the intention of capital punishment is to represent the sanctity of life — not just to give the murderer what's coming to him. Life is so sacred that one person ending the life of another in a lawless, violent manner should be forbidden by all. Our present society does not comprehend how consecrated life truly is. Every day I thank God for the privilege of continuing the wonderful life that he has provided for me, while at the same time gang members across the country are killing each other without thinking twice. Oblivious mothers are robbing their children of their lives before

they even have the opportunity to see the world. People are pre-empting their own existences without the understanding that they all have a purpose in life. If they try to make the best out of their present situations, better circumstances will be provided for them in the future. I value life above all things but God, and when it comes right down to it, many people just do not see its extreme importance. If one human takes the life of another, then the life of the murderer should be taken as well. This Christian stance forces a few questions to inevitably arise: *Why would God support the extermination of something that he himself created?* God is displeased to see the life of any human he created come to an end, but he is knowledgeable of the holiness of life and recognizes that murder should be responded to with the most stern action. *Didn't God say 'Do Not Murder?'* Yes, but capital punishment does not fall under the category of justice. The original Hebrew text of the Ten Commandments used the word *rasah* which does not apply to *muwth* — which is the Hebrew word for execution. Execution is not just one form of killing, but rather a procedure reserved as a response to murder.

*Why should non-believers be in favor of the death penalty?* If by now an atheist has not come to the realization that human life is the most significant worldly thing, then there is no persuasion that can be used to gather his support for capital punishment. However, if one believes that life is the most sacred of all things in existence, as most people do, then it is somewhat contradictory to place a great emphasis on the value of a murderer's life. That person should essentially understand that the extreme nature of the crime of murder should be counteracted with the same act to keep life on a pedestal. *So if all violent killers should receive the death penalty, why don't they?* Exactly. There is too much red tape involved with dispensing the proper punishment. Today the legal costs of eventually executing the offender often outweighs the expense of imprisoning him for life at the state corrections facility of your choice. This is unacceptable. Bills like the one presently pending in the Nebraska Legislature limiting the amount of death row appeals should begin to appear across the country.

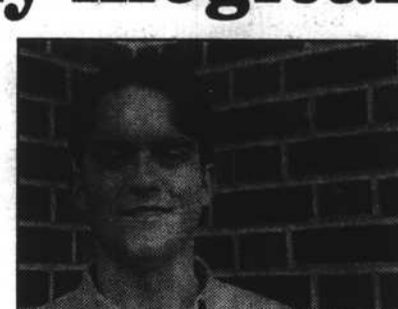
Our nation should have enough faith in our judicial system that after a murderer's conviction and a small number of appeals — preferably in the single digits — the offender should receive the most extreme punishment — but only for the most extreme of crimes. Capital punishment is a valid policy that is not relegated to those with religious beliefs, but of all citizens of the United States. It is a moral issue, but very much a legal issue at the same time. Executions will cut down on violent crimes as a deterrent if used in the correct capacity. Today, if someone is supposed to "get the chair," he will probably not ever even come close. If we eliminate the brouhaha and rhetoric and get down to the bottom line, people will begin to see the true value of life and the number of violent killings will go down! The death penalty is an important part of society and should forever be. When it first dawned thousands of years ago, people actually grasped the concept that human life should be held above all other things on the Earth. Now the death penalty is being questioned only because our society does not emphasize life's ultimate value. Put simply, a life just isn't what it used to be.

The arguments for the death penalty are most often governed by emotion. They are then backed up by weakly thought out positions and undocumented, illogical and largely untraceable lines of thought. If we are to argue capital punishment is right for America we need to clarify the argument. First, I agree that on the surface it sounds like a good idea. It seems like the slogan "a life for a life" would balance some imaginary scale in our heads. This is the reason politicians have manipulated the highly under-educated American public on this issue. They play off the voters' base emotions — fear and anger. We have to think about the issue rationally. Arguments such as "what if it was your son?" and "what if you were an innocent man executed for murder?" are attempts to personalize the issue. We each need to think about the death penalty, not just react to it emotionally. When we think about this or any other problem facing the American justice system, we need to debate within the confines of that system of justice. We are not arguing the separation of church and state. If you believe your God told you it is right to execute people — I will not argue. Those are your personal beliefs, and they have nothing to do with the American justice system or the capital punishment debate. Unless we are going to repeal or amend the Constitution the only valid debates are: Can the death

penalty work as a part of our current legal system? Is it acceptable under the Constitution? Can it be used under any just legal system? **Can it work?** It obviously does not work, and it probably never will for three reasons. 1. Our system of justice destroys any chance that the death penalty can be a deterrent. The only way for such a punishment to be a deterrent — if we are assuming it ever could be — is for it to be invariably and swiftly carried out. The death penalty is not carried out in this manner and cannot realistically be a deterrent. 2. Racism, sexism and economic inequality undeniably exist. Because of these three factors capital punishment cannot be fairly applied. We have no choice but to rely on the jury system. The personalities and personal prejudices of jurors have an enormous effect on the outcome on the trial of a capital crime. Statistically, a black man on trial for the murder of a white person is 4.3 times more likely to receive the death penalty than if the victim was black. Are white lives worth more? No, but race is clearly a factor. The problem is greatly magnified if the defendant is poor. In America, quality legal representation is expensive. I don't think anyone will debate that there is a big difference between what F. Lee Bailey can do for you in a trial compared to an inexperienced public defender.

**Is it constitutional?** Clearly not. If we are predisposed to use our "logic and critical thinking skills" instead of emotion, we can see the death penalty is, in fact, incompatible with our Constitution. Of course, I have a few iron-clad reasons. 1. The legal basis of our judiciary is blind justice. Retribution, of course, is a common defense for capital punishment. This is totally against the principles of American justice. If someone is convicted of assault we do not beat them. We do not rape rapists. These examples would be cruel and unusual punishment. The counter argument can then be made that the murderer is cruel to the victim. I agree. No one is pro-murder, but the fact remains that retribution is not part of the laws of our land. 2. The "cruel and unusual punishment paradox" is a real problem for proponents of the death penalty who claim to base their argument on logic. It sounds quite simple. In this land cruel and unusual punishment is unconstitutional. It can also take decades for a defendant to go through a thorough appeal process. If you will admit that telling someone he or she is going to die, but then postponing the execution, is psychological torture — as I believe we all must — then it is unconstitutional. Many say that the solution is to

shorten the appeals process. We can't simply "rush them to execution," as many say, because we may be wrong. We must let the appeals process accomplish its intended purpose. And we cannot keep them on death row mentally abusing them, thus a paradox. **Is it just?** Three irrefutable reasons why it could not — 1. Logic. If we analyze the death penalty, then for it to work as a deterrent we first have to assume that people who commit murders are rational people; that these people would make the decision to murder if the penalty was life imprisonment, but they would be deterred if they faced the death penalty. Absurdity runs rampant through this argument. 2. The largest problem: What if you are wrong? We have all seen cases where the accused is clearly guilty. In some cases there is a signed confession, videotaped evidence or conclusive DNA evidence is presented. These are the cases that TV movies are made about. The truth is this type of case is very uncommon. Even if we assume 99 percent of the people arrested for a crime are guilty — that still leaves a small percentage of innocent people accused. 3. Morality (my personal version). **Killing people is wrong!** The largest practical problem of outlawing the death penalty is a misguided notion of the public: There is no



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other way to effectively prevent capital criminals from harming society and the cost involved. Many people think it is cheaper to execute convicted murderers than to keep them in prison for life — not true. It costs \$2.16 million more per execution than it would if the person executed had been given life imprisonment. So what do we do with these people who would completely remove them from society without ending their lives? I advocate bringing back the prison island concept. Alcatraz wasn't a bad idea. Maybe we can save enough money not killing people to build it with practically no expense to taxpayers. A Stanford University law study has shown that we have already executed 24 innocent people this century. We are all guilty of the murder of those 24 people. Capital punishment is expensive, immoral, barbaric and useless. And we — as a nation — need to move beyond it!

### Highly illogical