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Capital Penalty

Although it is exceedingly contentious, the death penalty has been a deep-rooted practice in the U.S. for nearly four decades. The first criminal execution took place in 1622 in Virginia. In the larger part of the 20th century, several states in the nation allowed the execution of convicted criminals (Marcus). Capital punishment can be traced to the early English common law, where practically every individual convicted of a crime was issued an obligatory death sentence. However, the death penalty has continued to prevail in the United States than in the United Kingdom, where capital punishment ended in 1973 (Marcus). Through the history of the U.S., the death penalty has encompassed crimes other than murder such as rape, arson, firearm possession in relation to violent offenses, kidnapping, armed robbery, and burglary. The timeline of capital punishment in the United States is based almost wholly on state criminal justice frameworks, rather than the federal system (Marcus). This could be explained by the fact that almost every significant violent crime that would result to a death sentence happens within the states and not the federal system. An evaluation of the occurrence of the death penalty in the U.S. is essentially that of male criminals, since female criminals contribute to a considerably limited number of persons that can be subjected to the capital punishment sentence (Marcus). This type of assessment would also review the different methods concerning the execution of a criminal from electrocution (which began in 1988 in New York) to hanging (the conventional practice in several states in early U.S. history) (Marcus). Moreover, the evaluation would also

look into techniques from public shooting to the embracing of lethal gas and fatal injections (starting in 1924 when Nevada was the first state to accept lethal gas as a technique of execution) (Marcus). Although the death penalty is an acceptable way of providing justice or closure for the person(s) the offense were committed to, different inaccuracies in administering the sentence jeopardize its exactitude.

Legal

From time in memorial, society has accepted the death penalty as a form of punishment for specific offenses. Although there might be opposition from the moral domain, there is increasing acceptance of capital punishment among U.S. citizens. It is evident from the American constitution that capital punishment was acknowledged by the founding fathers. When the Eighth Amendment was approved, capital punishment was prevalent in every State. Certainly, the First Congress passed laws allowing the use of death as a penalty for particular offenses ("GREGG v. GEORGIA" 4). However, the Fifth Amendment, which was approved in the same period as the Eighth, considered the preservation of the capital sanction by enforcing specific restrictions on the prosecution of capital cases. Moreover, the Fourteenth Amendment, which was approved 75 years later, also considered the existence of the capital penalty by declaring that no State is entitled to dispossess any individual liberty, life, or property without following legal mechanisms.

Moreover, there is wide support from the society regarding the death penalty for murder and this is evident by the legislative response to Furman. The administrations of 35 states have approved new statutes that permit the death penalty for specific offenses that lead to the death of another individual ("GREGG v. GEORGIA" 4). Additionally, each of the Furman statutes clearly demonstrate that capital punishment has not been disallowed by the elected

representatives of the people. Apparently, U.S. citizens support the death penalty and accept it as a means of enforcing justice for the crime committed ("GREGG v. GEORGIA" 4).

Interestingly, although the death penalty implies the loss of human life, and at times innocent life, there is huge support for the sanction from most people. To a certain extent, capital punishment is a manifestation of society's moral infuriation with remarkably offensive behavior ("GREGG v. GEORGIA" 4). Whereas this role might be unpleasant to most, it is vital in a civilized society that requests its citizens to depend on legal frameworks instead of self-help to justify their misdeeds. Retribution is hard wired into society, and the concentration of that predisposition on the justice system has an essential role in endorsing a societal balance ruled by law ("GREGG v. GEORGIA" 4). The moment individuals feel that organized society has failed to enforce deserved punishment on the offenders; there is consideration for lynch law, vigilante justice, and self-help. Although reprisal is not a primary goal of criminal law, it is not a prohibited aim or something incompatible with societal regard for the worth of human life ("GREGG v. GEORGIA" 4). Certainly, the choice that capital punishment might be the proper penalty in severe situations is a manifestation of society's conviction that specific crimes are so extremely a disrespect for humanity that the only suitable reaction may be the death penalty.

Nonetheless, in ensuring fairness, a capital sentence plan should handle every individual convicted of a capital crime with a level of regard because of the distinctiveness of the person. This implies allowing the judge the authority and foresight to grant mercy in a specific case. Moreover, this means offering channels for the contemplation of available appropriate vindicating evidence that validate a sentence other than death ("Callins v. Collins" 1). Conversely, rational consistency demands that the death penalty be imposed fairly, in alignment with objective standards and rationality, instead of by prejudice, impulse, or craze ("Callins v.

Collins 1). Ultimately, since human inaccuracy is inescapable, and since the criminal justice system is imperfect, probing appellate assessment of death sentences and their principal beliefs is necessary for a constitutional death penalty plan.

It has been two decades since the justice system asserted that if the death penalty could not be enforced justly, and with rational consistency, it should be abandoned altogether. Regardless of the attempt by the justice system and the states to create procedural rules and legal principles to achieve this requirement, the death penalty is still beset with error, whim, arbitrariness, and prejudice ("Callins v. Collins" 1). Nevertheless, this does not imply that the current issues with the death penalty are the same as two decades ago. Instead, the issues that were tackled with verbal formulas and procedural rules have surfaced in other areas, with the same malevolence and hostility.

In the face of the criminal justice system, objectives of rational consistency, nonexistence of error, and individual impartiality seem achievable: The justice system is involved in the establishment of procedural devices from which reliable, impartial, and evenhanded results are assumed to develop. However, in the domain of the death penalty, the same justice system has participated in a pointless endeavor of balancing these constitutional requirements, and is backing away from the Furman assurance of rationality and consistency, and the demand for personalized sentencing ("Callins v. Collins" 1). Having almost agreed that both rationality and impartiality cannot be attained in death penalty administration, the justice system has decided to derestrict the whole endeavor, substituting, evidently, considerable constitutional demands with simple aesthetics ("Callins v. Collins" 1). In addition, the Court has chosen to renounce its constitutionally and statutorily enacted role of offering significant judicial management of the administration of the death penalty by states.

Factual

Various studies support the use of capital punishment as a way of deterring crime. While these studies show that states that have adopted capital punishment have historically higher incidences of murder, a critical review of the statistics demonstrates that the administration of capital punishment prevents occurrences of murder ("Capital Punishment Notes" 2). From 1994, states that have executed murderers have witnessed the fastest decrease in the number of homicides whereas states that do not have experienced an upsurge in murders ("Capital Punishment Notes" 2). As a result, the relationship between the higher rates of execution and the higher murder rates indicates a state's resolve to enforce capital punishment due to the seriousness of its murder predicament. Executions of individuals convicted of murder prevent others from committing the same crime. Practical judgment would reveal to anyone that such prevention is real. In any case, nobody wants to die. Due to the available evidence, it is hard for anyone to question its deterrent impact.

The administration of the death penalty is also faulty in various ways, and there are factual ways of supporting that. For instance, sometimes the offenders that undergo the death penalty are individuals that have been wrongfully convicted due to mistaken witness identification. The problem of false witness identification and the increased chance of cross-racial eyewitness identification is a critical issue for Americans. Thirty years of social research studies and accessible data on more than 200 wrongfully convicted individuals acquitted thanks to DNA evidence possible through the Innocence Project (a national body committed to acquitting wrongfully convicted individuals via DNA testing) offers substantial evidence to reinforce this deduction (American Bar Association 2). A jury instruction on cross-racial identification informs jurors to think whether the actuality that the offender is from a different

race than the identifying witness has had an impact on the precision of the identification. Jurors are more capable in comfortably deliberating on racial dissimilarities under the instruction.

The outcomes of studies are different, but they demonstrate a largely regular pattern. Individuals from one racial group might find it more difficult to differentiate among individual faces of persons in a group other than his/her own (American Bar Association 2). Individuals that exclusively intermingle with their own racial group, particularly when they belong to the major group, will have an increased ability to distinguish and process the detail of facial features of individuals in their racial group than those from other racial groups.

Moreover, there is a vast amount of statistical data and research that prove the issue of mistaken eyewitness identification:

1. Washington jurors are three times likely to suggest a death sentence for a black offender than for a white offender in the same context (Death Penalty Information Center 2).
2. In Louisiana, the chances of a death sentence are 97% higher for offenders with white victims than for those with black victims (Death Penalty Information Center 2).
3. A study in California found that those who killed whites were over three times more likely to be sentenced to death than those who killed blacks and over four times more likely than those who killed Latinos (Death Penalty Information Center 2).
4. Research conducted in California revealed that those who murdered whites were over three times more likely to receive a death sentence than those who murdered blacks and over four times likely than those that murdered Latinos (Death Penalty Information Center 2).
5. Studies on the death penalty in North Carolina revealed that the chances of getting a death sentence increased by 3.5 times among offenders that had white victims (Death Penalty Information Center 2).

6. Ninety-six of states that have conducted assessments of the death penalty and race demonstrated a trend of either race-of-defendant prejudice or race-of-victim prejudice or both (Death Penalty Information Center 2).

This data confirms that there is a higher chance of the administration of the death penalty being faulty due to the errors in witness identification. This implies that individuals might have to undergo the painful procedure irrespective of the fact that they might have been innocent. This shows that the offender might be wrongfully convicted of a crime and undergo a painful death.

Moral

In the case of Dzhokhar Tsarnaev, who was convicted of 30 charges in the fatal Boston Marathon Bombing, a life sentence would be fair since the defendant was young and was the smaller brother of the actual offender. However, the incomprehensible fact of that specific period, even if it is not interpreted as terrorism, is that the greatest instance of public trust – an athletic marathon in a big city that spectators and participants regard highly – was contravened (Sampath). Now, the shock is etched onto the public imagination that consistently demands to reestablish its status quo, and the death could help to solve that issue.

Still, this does not imply that ends justify the means or that executing Tsarnaev's will deter future occurrences. The moral belief of the jurors would be broken down to the simple acknowledgment that an incident that is critically atrocious and terrible is happening in the society and there is no need for intricate philosophical and legal contentions to validate the death penalty (Sampath). Indeed, people are committing murder offenses for frequently coinciding reasons, and it should not be the full responsibility of the state to prove sufficiently an opportunistic, purely insane, or terrorist situation.

Counter-argument

There are arguments that the death penalty is entirely inappropriate and is to be subjected to heavy scrutiny. For instance, there is the contention that the foolish attempt to execute individuals only highlights the incongruity in permitting the death penalty in an ordered society. It is comprehensible that the Supreme Court has attempted to make the procedure more pleasant; there are insubstantial types of development in shifting from the electric chair to the gurney ("Cruel and Unusual" 2). Still, the vital truth concerning both is that they restrain a person from making it easier for the state to execute him.

Moreover, there is the argument that capital punishment reinforces the taking of life. That is, capital punishment ignites murder instead of preventing it. Substantial evidence backs the theory of animalization – that capital punishment destroys society's regard for life and results in murder. Certainly, incidences of homicides rise after executions, particularly after executions that have been effectively publicized ("Capital Punishment Notes" 2). The proof shows that state approved murder conveys that it is okay to murder a person that has caused harm.

Rebuttal of counter-argument

Conversely, it would be better to scrutinize the death penalty not under the extent of its unpleasantness, but its role in preventing anarchy. As has been stated earlier, the death penalty addresses the human instinct of retribution. If people believe that nothing is being done with the offender, they resort to self-help, which is in contradiction to legal procedures.

Secondly, it can be proved that the death penalty reinforces the dignity of human life. If there were a lowering of the rape penalty, evidently it would indicate a diminished concern for the victim's personal integrity, suffering, and humiliation. It would denigrate their atrocious

predicament, and increase their susceptibility to recurrence (Stearman 486). When the murder penalty is lowered, it indicates a lessened respect for the worth of the victim's life (Stearman 486).

Conclusion

There could be objections that the death penalty is unfair and should be eliminated. However, it would be hard to figure out of a way of providing justice for the victims of the crime committed. As a result, the death penalty is the most accessible and accepted way of resolving the issue. Moreover, objections that black people are more inclined to commit murders are unsubstantiated and prejudiced. There is plenty of evidence that demonstrates the extent to which black individuals are convicted of murder due to mistaken eyewitness identification. Ultimately, perhaps the validation of the death penalty lies in the evolution of societal norms and culture.

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