

**Reasons for Abolishing the Death Penalty**

Ashley Brosnan

Sacred Heart University

Honors Capstone HN-300-D

Professor Stiltner and Professor Young

April 28, 2023

Imagine you wake to your house on fire. In a matter of minutes, you lose your house, your family, and everything you own. You are then blamed for setting the fire that killed your family and get put on death row. This nightmare became the reality for Cameron Willington in Texas, 1991.

The debate as to whether or not to have the death penalty in place has been an issue for many years. Some people may feel that when crimes so horrid are committed, the only appropriate punishment is to be put to death. Others may feel that no matter what the crime is, the government in charge should not use this punishment. Today, people in the United States all seem to have very strong opinions one way or the other when it comes to controversial topics. Many will not even listen to the other side when having a “debate.” They simply insist that their opinion is correct.

Over the course of my life, I have gained new knowledge and insight into many of these controversial topics that are across America. My mind has been swayed on issues after I have found out new, compelling information. When it comes to the death penalty, I decided to delve into the issue and make my mind up for myself to see where I stand. After much investigation, I have seen why the death penalty should not be in place. This is not to say I do not understand the other side of the argument, I simply feel the negatives of the penalty outweigh the positives. Capital punishment is not only discriminatory and costly, but also morally wrong.

### **WHY THE DEATH PENALTY IS FLAWED AND WRONG**

There is an inherent risk to having the death penalty in place. This risk is that the person is innocent of the crime and is still sentenced to death. This occurred for Cameron Willington approximately 20 years ago. He was sleeping in his house when he was woken by his oldest

daughter to find his house was engulfed in flames. In a panic, he was able to get out of the house, but his three daughters inside did not make it. The police arrested him because they suspected he started the fire. An investigator concluded that there was liquid accelerant used and that is why the fire spread so rapidly. After many trials, they concluded that Cameron Willington was guilty, and he was sentenced to death on October 29, 1991 (Grann, 2009).

Several years later on February 17<sup>th</sup>, 2004, he was executed by lethal injection. His last words were, “The only statement I want to make is that I am an innocent man convicted of a crime I did not commit. I have been persecuted for twelve years for something I did not do” (Grann, 2009). In December of the same year, the evidence used to incriminate him began to be questioned. Two years later, the Innocence Project had hired investigators to review the evidence, and it was proven to be all invalid (Grann, 2009). Cameron Willington did not set the fire.

People may say that cases such as Cameron Willington’s are few and far between. They may say that most people who get put on death row are, in fact, guilty of the crimes committed. Although his case is an example in itself of why the death penalty should be abolished, there are several other aspects to take into consideration.

### **Human Rights**

The most basic human right is the right to live. The use of the death penalty is denying a person this right. “Ultimately, the United States’ compliance with international human rights norms will require nothing less than a complete abolition of the death penalty” (ACLU, 2022). A person who opposes this argument may rebuttal by saying the person on trial denied other people of their right to life as well, inferring the person is on trial for murder. Why shouldn’t they be given a taste of their own medicine and be treated in the manner that they treated others? This is a very

poor argument in my opinion. In one case, there is a singular person choosing to end another person's life. This person most likely has some sort of underlying mental issues as to why they did this. Nevertheless, when you have a government in charge that is in their right mind, that is choosing a punishment of death, that is unreasonable. The government is treating the criminal exactly how the criminal treated the person they killed. This situation can be compared to fighting fire with fire. They are taking the crime and using it as a punishment, which is simply illogical.

### **Mental Illness**

This brings me to the next argument, which is about the mental status of many murderers and people who commit vile crimes. A 1985 study concluded that approximately ten percent of all the homicides that occurred in Contra Costa County located in California, from 1978 to 1980, had all been committed by people with schizophrenia. All of them had undergone a psychiatric evaluation before the crime was committed. They had all refused medication, which brings about a different question of how to screen these people for mental illnesses and get them to take proper medications. If they had accepted the medicine, most likely the homicides would not have happened.

On a related note, a study was conducted in which Steven P. Segal looked at the homicide rates and the strictness of state laws on committing individuals who were mentally ill for involuntary treatment and hospitalization. He found that, "state homicide rates were higher in states with stricter involuntary treatment criteria" (Treatment Advocacy Center, 2016). This illustrates how states should not be stringent with giving medical treatment to people in need of it. When they are not treated properly, it is shown that the homicide rates increase, which further helps to illustrate why the death penalty should be abolished. These people should have been

helped by the government in one way or another. They were not, and therefore should not be punished with lethal injection because of this.

### **It is Cruel Punishment**

“The Eighth Amendment to the US Constitution states that, ‘excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted’” (Harrison & Melville, 2006). The way in which most prisoners on death row are executed is by a lethal injection. This is because it is considered the most humane way in which to end a person’s life. The injection is made up of three different drugs. The first is an anaesthetic. This drug is supposed to stop the pain that the other two drugs cause, which would theoretically result in a death that is free of pain, and is therefore, humane. However, recent research has shown that there is a high likelihood that the first drug does not cause the person to be pain free by the time the other two drugs enter their system. The result: deaths that are most likely very painful. The manner in which they are executing people can be considered cruel and unusual, and therefore, violates the eighth amendment of the constitution. “The death penalty is the ultimate cruel, inhuman, and degrading punishment” (Amnesty International, 2022).

### **Expense of the Penalty**

A very popular argument as to why the death penalty should be kept in place is because it costs less money than alternatives, such as life in prison. The government would not have to house and feed them for the rest of their lives, using taxpayer money. This argument is invalid because it is simply not true. It actually costs less to keep criminals in prison for their life than it does to execute them. The judicial system does not take putting people on death row lightly. There can be years and years of extra trials and appeals that go into death penalty cases. The estimated cost

of a death penalty case was seventy percent more than the cost of a comparable non-death penalty case (Death Penalty Information Center, 2003).

A counterpoint to this argument could be of concern to the victim's families. It is difficult to imagine a situation where, for example, a loved one was murdered. People in this situation may want the criminal to pay for their crimes through capital punishment. They would be able to get closure knowing that the criminal paid for their crimes and can no longer hurt anyone else. This is worth the extra cost it would take. My response to this would be that a person in this situation is most likely blinded by grief and cannot think straight. If they could, they would want their loved one to be alive again and never have been killed. The criminal also has family and friends that want them alive. The criminal, if they received life in prison, would have to live with what they did for the rest of their lives.

### **Discrimination**

The death penalty also has been shown to discriminate against people of color. "People of color have accounted for a disproportionate 43% of total executions since 1976" (ACLU, n.d.). People who are in low social classes are not able to afford top lawyers to defend them. If a very affluent person commits a horrendous crime, they may not go to prison at all and get off with a few community service hours. A poor person can commit a much less serious crime and go to prison for years, or receive the death penalty. If they could afford expensive lawyers, they may not have to undergo this penalty. This income inequality is a good reason why the death penalty should be abolished. It is not fair to people of color and people in low social classes. A person may respond to this argument by stating how the sixth amendment of the constitution guarantees everyone legal counsel even if they are unable to afford it. They may also state that the juries and judges try to stay impartial and not discriminate against anyone. I would respond by saying many of the

lawyers given to the people are nowhere near as educated compared to the the more expensive lawyers that rich people can buy for themselves. In addition, even though people may try to not be biased, it still may be present. This discrimination would be prevented if the death penalty was abolished.

### **The Catholic Value of Forgiveness**

What I believe to be my most compelling argument for why the death penalty should be abolished is the teachings of Catholicism. Someone who is not religious, or is an atheist may not find this argument as compelling. Everyone who calls themselves a Catholic should be wholeheartedly against the use of the death penalty. In the Bible, there are many verses that can be used to defend why the death penalty should not be used. In John, chapter 8, religious teachers along with Pharisees brought a woman to Jesus. They said to him that she was caught in the act of adultery. They told him that according to the Law of Moses, they should stone her. Jesus responded by saying in John, chapter 8, verse 7, “All right, but let the one who has never sinned throw the first stone” (*King James Bible*, 2019). Those who had accused the women had no choice but to leave one by one. Jesus did not condemn her but told her to go and to not sin anymore. This illustrates how Jesus is very forgiving and gave her a second chance.

The Ten commandments are the backbone of the church. The sixth commandment states, “Thou shalt not kill” (*King James Bible*, 2019) The death penalty is clearly a direct violation of this commandment. A third example in the bible is Romans, chapter 12, verse 19. It states, “Beloved, never avenge yourselves, but leave it to the wrath of God, for it is written, ‘Vengeance is mine, I will repay, says the Lord’” (*King James Bible*, 2019). Those who are catholic, should be comforted by this verse. God does not want people to be filled with the want for revenge. He

is saying that they should not be worrying about it, but to leave it in God's hands that justice will be served.

### **OBJECTIONS AND RESPONSES**

Haven't we always executed people? Why change now? The first death penalty laws date all the way back to the 18<sup>th</sup> century B.C. under King Hammurabi of Babylon. They would undergo this punishment through the use of burning alive, impaling them, as well as drowning them (Death Penalty Information Center, 2019). Today, the form of execution that is used is lethal injection. Back in ancient times, leaders did not have the means to deal with perpetrators in other ways. Although this is not excusing what they did, they had a better reason for it than people have today. Today, we have the means of keeping people safe from criminals in other ways than by murdering them. A society should not be considered civilized if they are still using the death penalty.

**Keeping society safe?** An article by Garret Merriam, called "The Paradox of Innocence," states reasons why the death penalty is actually beneficial. He states that if the death penalty were abolished, "people may pay less attention and allocate fewer resources to wrongful convictions so that inadvertently more people may spend the rest of their lives in prison for crimes they did not commit" (Merriam, 2021). He states that for justice to be served appropriately, it must be kept in place. I would respond to this argument by stating how even when the death penalty is not a possibility, cases are reviewed and judged by many people. The person in prison can ask for their case to be reviewed again if they would like it to be as well. Additionally, if judges and juries never have to deal with cases regarded the death penalty, this will allow them to spend more time on cases involving life in prison.



**Deterring Crime?** A person who opposes my stance may say that the death penalty deters crime. They may say that it is obvious that if a person is thinking of committing a crime, the possibility of the death penalty will deter them. I would respond to this by stating how this idea is actually a myth. Canada eliminated their death penalty, and instead of the homicide rates increasing, they actually decreased by forty-four percent (Amnesty International, 2008). This illustrates how a popular argument used in favor of the death penalty is actually not valid.

**Second Chances.** An argument someone could use in favor of the death penalty is that when there is no doubt a person committed a crime, the penalty should be used. If a criminal committed a horrendous crime and there are several witnesses, or there is clear security camera footage, there is no reason for the death penalty to not be used because that person is irredeemable.

I would rebuttal by stating how if criminals are put to death for their crimes, they will never have the opportunity to turn their life around for the better. I am not saying that all or even most of the people would do this, but a few might, and actually have. As an example, consider Sean Pica. He was in the ninth grade when he was sent to prison. He was sentenced to twenty-four years and thought the rest of his life was hopeless. Once in prison, he joined an organization that allowed him to earn a degree while still being in prison. He was able to take college classes, and when he was released, he earned two master's degrees. He later returned to the program and became its executive director (Stand Together, 2022). He is just one of several examples of criminals becoming better in prison.

I, personally, am a strong proponent of second chances, and believe everyone deserves one.

## VOICES OF PEOPLE IN MY FAMILY

I wanted to get input from my family members and see how they felt about the death penalty. By doing this, I would be able to gain different perspectives regarding the controversial issue. My cousin and uncle have experience in the area, and had a lot of insight on the topic. I also asked other family members who are not as familiar with the topic as well. In this way, I was able to find out what average, everyday people think about it, as well as receive more of a professional opinion.

First, I interviewed my cousin, who is 30 years old. He has a law degree and is very familiar with the specifics regarding the death penalty. I decided to get his input into the topic. When asked the general question, “How do you feel about the death penalty,” he answered with the following: “I felt the death penalty should be in place. People who are murderers with no remorse should not be given a second chance in prison. The only way that justice can be served for these people is through the death penalty. But I also think it is nuanced. I do not think we should kill people for jay walking. But if murder is on the table, the death penalty should be on the table as well. It all depends on if it is justified. If heinous crimes were committed, then death should result.”

He stated how the death penalty helps society. When there is a thought of committing a crime, the possibility of death is more deterrent than time in jail. The level of punishment influences the crime in certain ways. He states, “The USA is interesting in that me and you can do the same crime and get different sentences. The whole thing is based on why you did what you did. If you kill somebody, you can get life in prison or death. But if someone breaks into your house and you shoot them, it’s fine. If someone committed an unforgivable crime, he has the opportunity to commit crimes again when they let him out. There are numerous repeat

offenders out there, especially in the sex offenders area. As soon as they are let out, they repeat their crime again.”

He also felt that death penalty cases have to be ironclad with no exceptions, but it should still be used. He said how the other inmates also had to be thought of. He stated, “Let’s say a kid gets in a fight and the cops come and he is charged for aggravated assault. The fight got blown out of proportion he now has to do 6 months. If he goes to prison and he is in there with people who committed heinous crimes, his safety becomes at risk. It is about protecting other inmates. But we cannot just say if you kill someone, you deserve the death penalty. People may say that if we kill people, we are just as bad as them. I would respond that we are doing it for the right reasons.”

My uncle is a retired New York Police Department detective. He felt the death penalty should be in place. He stated, “The death penalty is there because how much does it cost does it keep an inmate in prison? Keeping them in jail is much more expensive. I feel the death penalty should be utilized with extreme care. If someone brutally and violently murdered someone else, they should be killed immediately. There are also so many instances of athletes in college and the NFL who have a sex crime allegations against them. Their careers get ruined and then years later, the women who made the allegations admits she was lying. Regarding the death penalty, we have to be extremely careful because we do not want to kill someone who is actually innocent.”

I informed him that life in prison is actually less expensive than having them undergo the death penalty. In response, he stated, “well someone has to pay. If it does not actually save money, it still is what it is. The ultimate deterrent must be in place because it changes people’s behavior. I actually have friends that put fake plates on their cars. When they go through tollbooths, they do not have to pay. They feel that if they are caught, the consequences will be

minimal. If it was the death penalty was at play, I don't think they would still be doing that. There has to be that fear and threat in place.”

I interviewed my sister next. She is 23 years old and works as an engineer. She stated, “the death penalty should not be in place because I think people who committed heinous crimes should be put in solitary confinement. This would be more torturous than letting them take the easy way out through death.” My sister is against the death penalty, but not because she thinks they deserve mercy. She is the only one who I interviewed who had this view.

The next interview conducted was with my father. He is a retired New York Police Department detective that worked for 20 years. He stated he is a proponent of the death penalty and thinks it should not be abolished. He stated, “I am for the death penalty. People who are depraved and have no regard for human life should be the people the death penalty is used for. I feel it should be reserved for mass murderers. I think they should be evaluated before they are executed to make sure they do not suffer from mental illness.” I then asked him how that would affect the penalty for that person if they did have a mental illness. He stated “If professionals deem the person had a mental illness, I would not hold the criminal responsible. I do not feel they should be executed then.”

I then interviewed my mother, who is currently a Certified Public Accountant. She stated that she was indecisive of her feelings about it and could see both sides of the argument. She can see it from, “a mother's point of view.” She said that if her children committed a crime, she would want them to be given a second chance. However, if her child was a victim of the crime, she would want them to undergo the death penalty.

From these interviews, I was able to discern how other people felt about this issue. Some of the answers I received made my intellectual and moral journey more challenging. Although some of the arguments of the opposing side were understandable to have, it does not negate my main argument of forgiveness. People make major mistakes in their lives, but that does not mean they should be put to death. We all have strong opinions and must still respect others regardless of differences.

The people I interviewed did not all agree on their opinions regarding the death penalty. They stated various reasons for wanting it in place as well as wanting it to be abolished. My cousin was able to offer valuable insight into more of the logistics surrounding the death penalty. The different answers they gave further proves the controversy surrounding the topic. My mother was indecisive in her answer and could see why it should be used, but also could see cases where mercy should be shown.

**In conclusion**, the death penalty was put in place in ancient times due to leaders not knowing how else to handle their criminals. Today, we have many more resources that they did, and can therefore, handle criminal cases differently. By having the death penalty in place, there is an inherent risk that an innocent person will be executed. This was the case for Cameron Willington. Capital punishment also impedes on the most basic human right: the right to live. Capital punishment is more expensive than life in prison, as well as considered cruel and unusual punishment. It discriminates against people of color as well as people in low social classes. People may say that it is necessary to keep the members of society safe as well as deters crime, when it actually does not.

Catholicism teaches forgiveness and how it is no human's right to decide when to end a fellow human's life. Abolishing the death penalty lets people have a second chance and

opportunity to change their life for the better. The interviews conducted were able to provide insight into how average people, with no law background, as well as more educated people, felt about the death penalty. To conclude, it is for these reasons, I feel the death penalty should be abolished. Although, the question as to whether or not to keep the death penalty in place will most likely continue to be debated for many years to come.

### References

American Civil Liberties Union. (2022, February 15). *Human rights and the death penalty*.

<https://www.aclu.org/issues/human-rights/human-rights-and-death-penalty#:~:text=The%20U.S.%20death%20penalty%20system,degrading%20treatment%20and%20even%20torture>

American Civil Liberties Union. (n.d.). *Race and the death penalty*.

<https://www.aclu.org/other/race-and-death-penalty>

Amnesty International. (2008, June 1). *Death penalty toolkit: Does the death penalty deter crime? Getting the facts straight*.

<https://www.amnesty.org/en/documents/act50/006/2008/en/>

Amnesty International. (2022, October 31). *Death penalty*. <https://www.amnesty.org/en/what-we-do/death-penalty/>

Death Penalty Information Center. (2003, December 15). *Summary of the Kansas death penalty cost report by DPIC*. <https://deathpenaltyinfo.org/stories/summary-of-the-kansas-death-penalty-cost-report-by-dpic>

<https://deathpenaltyinfo.org/stories/summary-of-the-kansas-death-penalty-cost-report-by-dpic>

Death Penalty Information Center. (2019, April 5). *Early history of the death penalty*.

<https://deathpenaltyinfo.org/facts-and-research/history-of-the-death-penalty/early-history-of-the-death-penalty>

*King James Bible*. (2019). Christian Art Publishers. (Original work published 1769)

Grann, D. (2009, August 31). *Trial by fire*. *The New Yorker*.

<https://www.newyorker.com/magazine/2009/09/07/trial-by-fire>

Harrison, K., & Melville, C. (2006). The Death Penalty by Lethal Injection and *Hill v.*

McDonough: Is the USA Starting to See Sense. *Journal of Criminal Law*, 71(Part 2),

167–180.

Merriam, G. (2021). The Paradox of Innocence: Why Abolishing the Death Penalty May Increase Miscarriages of Justice. *Criminal Justice Ethics*, 40(3), 214–234.

Stand Together. (2022, September 23). *Life after prison success stories - Life after incarceration*.

<https://standtogether.org/news/6-stories-of-transformation-from-prisoner-to-professional/>

Treatment Advocacy Center. (2016, June). *Serious mental illness and homicide*.

<https://www.treatmentadvocacycenter.org/evidence-and-research/learn-more-about/3627>