

Death Penalty Remains Viable Punishment



For more columns, visit The Daily Tar Heel's Web site.

- "Americans Wrongly Assume Death Penalty Fairness," by Alicia Towler
- "Death Penalty Fails to Deter," by Josh Glasser.
- "Death Penalty Illogical," by Nicole Gallagher.

www.dailytarheel.com

I support the death penalty. It is funny how five words suddenly place me in the minority of society. The fact is that support for capital punishment has dwindled in recent years as death penalty opponents push for moratoriums and even the elimination of the system.

APRIL BETHEA
POINT-COUNTERPOINT

From time to time I, too, concede that the death penalty system in this country is in dire need of fixing if the method is going to be continued to be used. But the fact remains that the death penalty is a lawful form of punishment protected by the U.S. Supreme Court, the body that ultimately decides whether retribution for crimes is cruel or excessive. In most cases, the court has ruled that the death penalty is neither cruel nor unusual. And I support that. Death penalty foes often say that it is hypocritical for society to on the one hand work to protect life but with the other seek to deprive criminals of theirs.

They're right – it is. From the death penalty to abortion, society has long placed a high regard for the sanctity of life.

But a person who maliciously denies another of their right to live and is convicted of first-degree murder clearly has no respect for this notion, and I cannot support sending them to prison for the remainder of their life – as many death penalty foes propose – while their victim lies for all eternity in a grave. Philosopher John Stuart Mill expressed a similar sentiment two centuries ago when he said it is unreasonable "to think that to take the life of a man who has taken that of another is to show want of regard for human life. We show, on the contrary, most emphatically our regard for it, by the adoption of a rule that he who violates that right in another forfeits it for himself." Another argument against the death penalty is that the method is barbaric,

another form of "an eye for an eye, tooth for a tooth."

But punishments must be proportionate to the crime committed, and severe crimes deserve severe punishments. Otherwise they are ineffective and might not deter another person from committing the same crime.

True, life imprisonment does significantly reduce the chance that someone will commit another offense, but many crimes are punishable with life in prison. For those convicted of multiple offenses, their punishments might extend well past their life span.

So while all crimes, whether minor or heinous, deserve some form of punishment, the act of maliciously and intentionally depriving another person of his life is by far the most severe crime one can commit and deserves the harshest punishment. Life imprisonment does not serve this purpose.

Further, the law does not forbid the government from depriving another of life

– it only states that it cannot do so without due process.

The requirements for pursuing capital crimes are such only a limited number of criminal offenses can be punished by the death penalty. In these cases prosecutors have a higher burden to prove that a crime was committed maliciously. Also, numerous states require an automatic appeal for cases in which the death penalty is sought to ensure that the accused received fair representation.

Still, while I support the notion of capital punishment, it does not take a genius to realize that the application of the death penalty in our country is flawed.

In recent years, 115 prisoners have been exonerated after DNA tests proved their innocence. This fact alone clearly demonstrates a need to examine how the death penalty is applied.

The Supreme Court has made some leeway in improving the system by banning the execution of the mentally disabled and ruling that only juries may

impose a death penalty sentence.

Illinois Gov. George Ryan took a bold step in 2000 when he issued a moratorium on the death penalty in the state and initiated a review of the cases of 140 death row inmates.

But the need to examine the death penalty does not mean that the method should be banned. All laws deserve examination periodically to ensure that they are applied appropriately.

The fact remains that the death penalty is a viable form of punishment. It is reserved to punish society's harshest criminals for the most harshest crime – denying an innocent person of their right to live.

To make this deprivation of life punishable by anything less than death would not only be inappropriate – it would be cruel and unusual.

Editorial Board member April Bethea, a junior journalism major, can be reached at adbethea@email.unc.edu.

'Legal' Murder Unfair, Unsuccessful Deterrent

Under no shadow of moral, political or cosmic fairness can we defend the death penalty. The foremost attempt at justifying the death penalty lies in the desire for retribution.

ABBY NATHANSON
POINT-COUNTERPOINT

The old eye-for-an-eye philosophy should be discarded as an existing reasonable argument because our justice system thankfully doesn't allow abused children to molest their predator or try to rob a robber. You can't always even the score. Applying the eye-for-an-eye adage only to murder and then further only to some murders is arbitrary at best.

On a more practical level of retribution, the families of the victim need closure. However, the closure should be an emotional one, not a physical act. Bringing the same kind of pain to the innocent families of the murderer at the seeming behest of the victim's family seems more like revenge than healthy psychological closure.

The death penalty then becomes glorified blood money, equating the death of a murderer with a return to the status quo. How can society be balanced from one death with the addition of another?

All we're doing is increasing the number of deaths, which society should try to avoid whenever possible.

Proponents often cite this deterrence from criminal murder as a good reason to support the death penalty. While statistics often are used in attempts to support deterrence, they are inconclusive, misleading and largely discredited by both sides in the United States.

Further, at no point should an individual's death be justified by deceptive statistical averages and computed demographic norms.

The idea of deterrence rests on the premise that a majority of murders are conducted in a realistic, calculated manner and that the death penalty is administered quickly and systematically. In reality, a large portion of murders committed in the United States happen in fits of passion and under the influence of drugs or alcohol, a far cry from a criminal who carefully weighed his options.

A deterrent system works only when punishment is administered quickly after conviction. In North Carolina, there are more than 200 inmates on death row. Since 1984, about 20 of these inmates have been executed. However, in the last year alone, nearly 30 convicted murderers have been taken off death row for varying reasons. If the death penalty is supposed to be a deterrent, the threat of imminent death here seems particularly ineffective.

Some would argue that even if it's not an effective deterrent, maybe we at least saved one or two lives out there and at the very least we killed some killers.

Establishing the idea that arbitrarily killing people is wrong, the aforementioned argument ends up supporting its opposition.

Sometimes innocent people are wrongly convicted and killed. If we are trying to convince people that killing innocent people is wrong, we should start with our own justice system.

It is society's place to protect its members, which it does better without the death penalty. Yes, murderers would live in a jail outside of society forever if we abolish the death penalty, but we wouldn't be killing innocent victims.

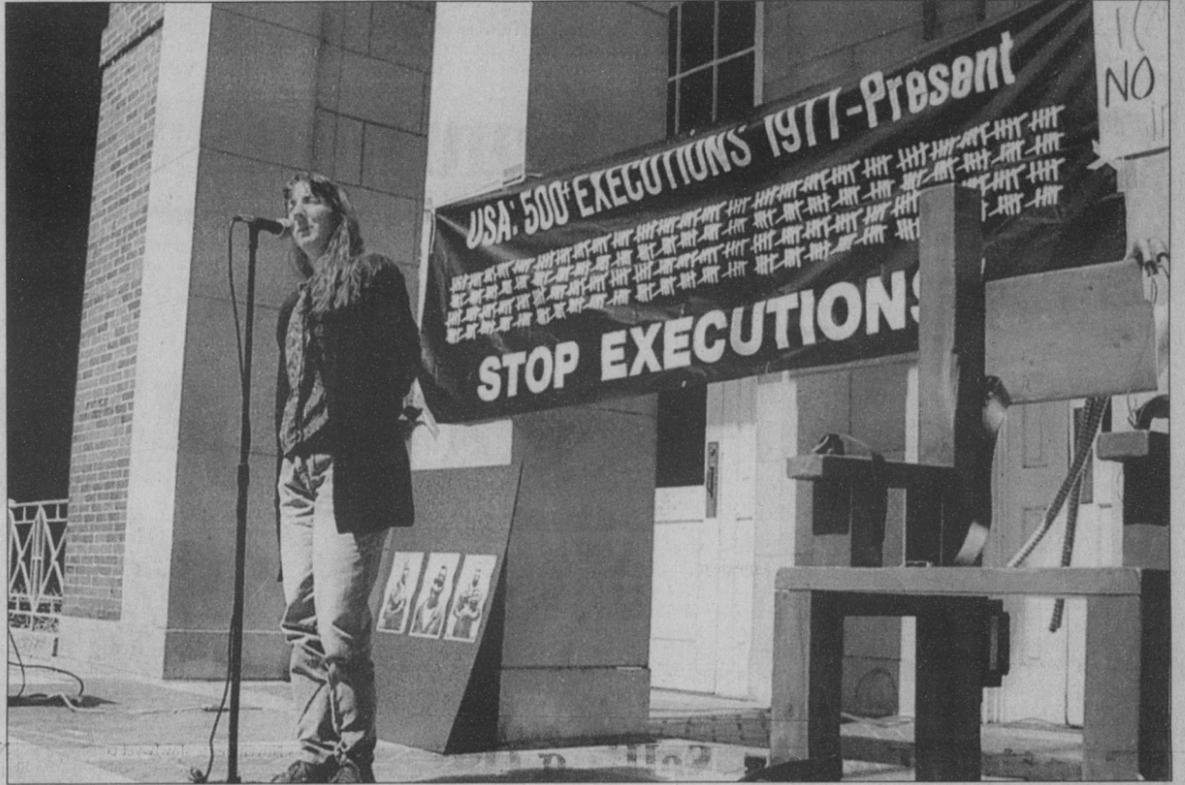
And yes, many statistics attempting to prove that death row inmates sometimes get their cases overturned rest more on legal technicalities rather than actual innocence, but that doesn't mean that real mistakes aren't made. Our system of conviction might be the best we have, but it's not foolproof, so our punishments shouldn't be life-proof.

Arbitrarily administering justice is wrong too, and avoiding deadly mistakes should be a top priority for our justice system. There are huge disparities in the numbers of criminals sentenced to death row that vary widely by county within a state, region, race and most importantly, socioeconomic status. There are significantly more black inmates than white inmates placed on death row, yet North Carolina historically executes more white inmates than black inmates.

The lack of a systematic process that relies heavily on prosecutorial discretion is sometimes labeled as "good enough" by death penalty advocates, citing the "at least we're killing some killers" idea. The lack of that process, though somewhat refined with the advent of aggravating and mitigating factors, suggests flaws in the system, perhaps reasonably enough for the public to doubt verity of the convictions such that they warrant an irrevocable punishment like death.

Moreover, a divided public should not become a Gallup poll of death. There is a reason we have a justice system with lawyers and judges rather than mob hangings. The public is too influenced by factors other than reason, logic and the details to justify the death penalty on public support alone. Ideally, the horrible guilt of ending someone's existence should be deterrent enough for murder, but unfortunately, it's not. Nevertheless, we should not let passionate rage propel us into thoughtless vengeance lest we sink to the despicable level of the murderers themselves.

Editorial Board member Abby Nathanson, a junior psychology major, can be reached at abby01@email.unc.edu.



A protester speaks out against the death penalty at the post office on Franklin Street in the fall of 1999. N.C. government officials have debated the idea of a moratorium on the death penalty in the state in recent years but have steered away from implementing the policy.

Racial Disparities Exemplify Death Penalty Flaws

Undoubtedly, the death penalty is a highly polemic issue. People have traditionally either supported or opposed capital punishment on rather definitive lines, but now a gray area is beginning to form among those who no longer hold steadfast in their support of the system.

FRANCES FERRIS AND ELIZABETH FERRIS
GUEST COLUMNISTS

Many question whether the death penalty is a suitable form of punishment. They recognize something is not right with the method but may have a hard time pinpointing their uneasiness around the concept of state sanctioned murder. So what is wrong with the death penalty?

Philosophically, it is somewhat rational to say that someone who commits the ultimate crime – murder – deserves to pay the ultimate price. However, in reality the death penalty is not an issue that is discussed in academic circles, in coffee shops or on the editorial page of the school newspaper.

The death penalty is an actual system that is being implemented in 38 states across America, including North Carolina. It is a system that has placed more than 200 people on death row in this state. It is a fallible human system that contains many flaws and inequities.

Before we continue to execute our citizens, the system must be corrected. The death penalty is tainted by racial bias. A study done by the UNC School of Law and the Common Sense Foundation found that defendants charged with killing a white person in North Carolina are 3.5 times as likely to receive

the death penalty. When a person of color kills a white person, these odds only increase. This figure should alarm us all because it exemplifies the fact that people are being sentenced to death simply based on their skin color.

Desmond Carter – scheduled to be executed at 2 a.m. Dec. 10 – was convicted in Rockingham County, just north of Greensboro. Desmond is black, and his victim was white. In this county, though half of the murder victims are black, 90 percent of the cases that resulted in the death penalty involved white victims.

Statewide, 40 percent of murder victims are black, though of those individuals actually executed for their crimes, once again, 90 percent of the victims were white. The death penalty system in North Carolina places more importance on the lives of whites than those of minorities.

Further, the quality of representation that death row inmates received is questionable. In October, the Common Sense Foundation released a report that found more than one in six inmates on death row in North Carolina had been represented at trial by an attorney who has been disciplined by the State Bar.

Desmond Carter is a part of this statistic. His trial attorney, Doug Hux, was recently reprimanded by the State Bar for making demeaning statements about a client to the press and for charging exorbitant fees. This is not the kind of attorney that should be representing a client for his life, but it happens all too often.

The list of problems go on and on. The death penalty is also applied in an arbitrary manner, demonstrating the disparity of justice in capital cases. Ernest Basden, who will meet the same fate as Carter at 2 a.m. Dec. 4, was convicted for the murder of Billy White. Of the three co-defendants, he was the first to go to trial and the only one to receive the death penalty.

However, Sylvia White and Lynwood Taylor, who are due for parole in a few years, are responsible for master-minding the crime. Basden, who became involved in the final days of the plot, was the trigger man but did not participate in planning the crime.

Still, his codefendants could one day go free, though they are more culpable in Billy White's death than Ernest Basden. Ernest was merely a scapegoat.

The death penalty system is crumbling. It fails to mete out equitable punishments, it targets minorities and those who murder whites, and it does not provide adequate representation to defendants.

Until these problems, among others, can be addressed and corrected, North Carolina cannot continue to carry out executions. Call Gov. Mike Easley at (800) 662-7952 or 715-4240 and tell him you do not support the execution of Basden or Carter. Tell him that until the death penalty can be imposed fairly and justly, he should declare an immediate moratorium on executions.

E-mail Frances Ferris, a junior international studies major, at fferris@email.unc.edu. Reach Elizabeth Ferris, a junior journalism major, at eaerris@email.unc.edu.

Death Penalty Only Appropriate Punishment for Murder

The pursuit for justice. A painstaking and necessary task that must be faced following a crime. Incidents involving extremely serious crimes such as the taking of a life are no exception, but perhaps pose the greatest challenge of all.

RACHEL BOREN
GUEST COLUMNIST

It is when presented with murder that people are ultimately forced to question how justice can best be served, keeping in mind the impact of the answer will not just be felt by those directly involved in the case, but by many others as well. These concerns can be remedied by the implementation of capital punishment in cases where the defendant has been proven guilty of the murder they are accused for beyond all reasonable doubt.

Administration of the death penalty is the fairest solution to the difficulty of ruling the fitting sentence for the crime of murder.

So what exactly is fair? Is it fair to allow someone who took the life of another human

being to live? Allowing a murderer to live will result in one of two outcomes, both of which are a disgrace to the justice system and to those seeking proper punishment for the crime committed. By letting a convicted killer live, they are being given the opportunity to interact with others, eat, dream, imagine, and many other small joys that often go unnoticed.

While all of these actions would still take place in jail, it cannot be denied that these pleasures can still be enjoyed by the occupants of the prison. The fact also remains that there is still a person, or are persons, who have had all of these wonderful opportunities unjustly taken from them by this killer, and never again will be able to see the smile on a loved one's face, laugh with their friends or other simple pleasures in life.

We must remember that there is nothing to

prevent criminals from living a fine life in prison, one that they do not deserve to experience by any means. Life in a jail no longer guarantees the appropriate degree of punishment for murder, in that the chances to experience freedom impede on the confinement that murderers deserve. A sentence to jail is not what is fair, for this gives criminals a chance to live that they have taken from other people and thus do not deserve.

This is the scenario should the killer remain in jail and not get released.

However, the other possibility remains of the killer being granted freedom under such conditions like good behavior, and this is utterly sickening. The idea that someone who committed one of the most heinous crimes known to man, the taking of another human life, could ever live outside confinement in the beautiful outside is disturbing. The chance to commit the crime again is at their disposal, and there can never be a certainty that they would never

break the law again. To avoid such doubts, it is clear that the solution is to make absolutely sure that the chances of the criminal killing again are zero. This is the only way to ensure that the convicted has no chance whatsoever of taking another human life. And this can be done by employing the death penalty.

Now, given these opportunities for convicted killers to either lead a good life in prison or be released to go on with life outside of prison walls, both of which they are undeserving of, I fail to see any deterrent to committing a crime. Knowing that a person can kill someone else and go pretty much scot-free certainly does not hinder the decision to go through with a murder.

However, the possibility of death for such a crime is unarguably more frightening and powerful than the prior mentioned "punishment." It is only through administration of the death penalty can we be more secure that crimes will not go unpunished, and that they in no way can

happen again. Employment of the death penalty is the only way to penalize those guilty of murder. To those opposed I ask what is a better solution? Jail is not an equivalent consequence of homicide and offers no closure for the family or friends of the killed.

Clearly murder is too serious to warrant a slap on the wrist or community service, so what else is there? The choices stand; to let a killer live or face the penalty of what they have done, for justice does not allow both to simultaneously occur. So between these two options, what is the right sentence for murder?

To even consider the option of allowing a killer to live is shameful. People must face the consequences of their actions, and for an extreme action such as murder, the severe punishment of death must be given.

Contact Rachel Boren, a sophomore psychology major, at rboren@email.unc.edu.