Issues Concerning the Death Penalty

A Cheap Imitation of Dr. John Johnson, Professor at the School of Justice Studies at Arizona State University

Deterrence

- General Deterrence
  - How you would test for the Death Penalty
- Specific Deterrence
  - How you would test for the Death Penalty

Cruel and Unusual Punishment

- Furman v. Georgia 1972
- What is “heinousness”?
- States had to come up with their own definitions

Due Process Rights

- 14th Amendment
- American Bar Association called for a moratorium on capital punishment due to inadequate legal representation issues
- Many many cases (perhaps 50-70%) have reversible errors
- Poverty and race

Retribution or Revenge

- What is “justice?”
- Positive
  - May give closure
- Negative
  - “We kill people to teach people that killing people is wrong.”

Cost

- Huge costs associated with execution
- Costs approximately 10 times more to execute than to hold at highest level of control in prison for 40 years
- Cost primarily due to constitutional safeguards (i.e. “appeals”)
  - irreversible and all defendants would have to sacrifice constitutional rights
Irreversibility

- Can’t “take it back”
- DNA evidence is starting to make this an important issue
- From 1900-1972 ~ 85 documented cases of putting innocent people to death