



How to Address the Tough Points

Discussing the death penalty can often be divisive, frustrating, and even counter-productive. Yet constructive discussion can be achieved through a clear strategy that works to dispel common death penalty myths. The following pages offer suggestions for addressing pro-death penalty points of view.

How to Approach Death Penalty Supporters

When leading a discussion on this issue, try to encourage participation at every step and be sure to give voice to pro-death penalty arguments. As St. Francis suggests, “we seek first to understand, then to be understood.”

By reinforcing the values of death penalty supporters and dispelling the myths that might misinform their views, it is possible to give those who favor the death penalty a chance to change their minds about the death penalty without changing their value systems. For example, providing information about the arbitrariness and discriminatory nature of the capital sentencing process may allow death penalty supporters to change their views about the death penalty while still upholding their commitment to justice.

Pro-Death Penalty Assertions and Refutations

Assertion: *“The death penalty is necessary to ‘get tough on crime.’ It is an effective deterrent to violent crime such as rape and murder.”*

Refutation: The death penalty cannot be justified as a necessary public safety measure because it has not been proven to reduce crime. Reasonable people might be deterred from committing a crime by considering execution as a consequence, but people who commit murder are rarely thinking rationally at the time of the crime. Most research on the death penalty demonstrates that the possibility of being sentenced to death does not deter criminals from committing either calculated or spontaneous crimes. According to Professor Roger Hood, director of Oxford University’s Center for Criminological Research and author of a 1988 UN report on the death penalty (updated in 2002), there is no conclusive evidence that the death penalty reduces the murder rate. Furthermore, states that maintain the death penalty traditionally have higher murder rates than states that do not (according to FBI data). No connection has ever been made to link the rate of murders in a state to its use of the death penalty. Also, nations such as Canada that have abolished the death penalty have since experienced a decline in violent crime.



Use of the death penalty, therefore, is actually detrimental to the search for real solutions to violent crime because it offers a false sense of safety. It could also be argued that the death penalty increases the level of brutality in society, furthering the cycle of violence.

Assertion: *“The death penalty is demanded by and carried out in the name of the victims’ families.”*

Refutation: Punishment for a crime cannot be decided on the basis of the wishes of the victim’s family. If this was the situation, all sentencing would be completely arbitrary, reflecting differing ideas about justice from case to case. A justice system, ideally, should mete out consistent penalties for criminal acts. It is only natural to feel anger and hopelessness about the loss of innocent life through the violent act of murder. We fail as a society, however, if we can offer to those hurt by violent acts only more violence and death, rather than mercy and healing.

It is important to remember that not all victims speak with the same voice. Some victims’ families actually oppose the death penalty. Members of organizations such as Murder Victims’ Families for Reconciliation, the Journey of Hope...From Violence to Healing, and Murder Victims’ Families for Human Rights argue that executions only perpetuate the violence that victimized their loved ones and draw attention and resources away from victims’ families.

In addition, the death penalty itself creates more victims – the family members of the person who has been executed – and can take a terrible toll on the the prison officials charged with carrying out executions.

Assertion: *“We need to execute people who commit the most heinous crimes, such as Jeffrey Dahmer and Timothy McVeigh.”*

Refutation: Death penalty supporters will often point to the most heinous case they can think of, in hopes of appealing to people’s sense of retribution for unthinkable crimes. In this scenario, it is important to maintain that we must examine capital punishment on a systemic level, not simply according to the most gory and reprehensible cases.

When people claim that the death penalty is just, and that some people deserve punishment by death, they make assumptions about the fairness of the death penalty. Approximately two percent of those eligible for the death penalty actually receive death sentences in the United States. Although we might assume that gravity of the crime and culpability are the main factors that determine who is executed, the facts indicate otherwise. Local politics, the location of crime, plea bargaining, and pure chance affect the process by which people are sentenced to death. The death penalty is indeed a lottery.



Assertion: *“I don’t want my tax dollars to go toward incarcerating convicted murderers.”*

Refutation: The costs associated with the death penalty are substantially higher than those associated with life imprisonment. The greatest costs of the death penalty are incurred prior to and during trial, not in post-conviction proceedings (appeals). Even if all appeals were abolished, the death penalty system would still be more expensive than alternative sentences. In the United States, it costs two to six times as much to execute a person than to imprison someone for life. Many states could save millions of dollars per year if they abolished the death penalty. Some states expend so many resources promoting and using the death penalty that they must cut funding to law enforcement officers and for effective crime prevention programs.

Assertion: *“The American justice system is the best in the world and offers proper safeguards against mistakes.”*

Refutation: Most Americans trust our country’s justice system, but the fact that mistakes are made should lead many to question the “justice” involved in seeking the death penalty. No matter how good our justice system is, it is based on human reason and judgment and is subject to error. Therefore, the specter of mistake will always exist, as will the possibility of executing an innocent person. Jailhouse or “snitch” false testimony, mistaken eyewitness identification, misinterpretation of evidence, incompetent legal representation, and community prejudices and pressures all too often impact the verdict and sentencing. Nearly 120 people have been released from death row since 1973, due to credible evidence of their wrongful conviction. Ten such exonerations occurred in 2003 alone. In addition, extensive evidence shows that death sentencing continues to be arbitrary and unfair. Offenders who commit similar crimes under similar circumstances receive widely different sentences. Race and gender of both the offender and victim, social and economic status, the location of crime and trial, and pure chance are often deciding factors in sentencing someone to death.

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Lethal Injection/Physician Involvement in Executions

****The lethal injection procedure and the ethical issues of physician involvement in executions have received much media attention of late. We include these talking points in case these issues arise during your discussion.****

The issue in the lethal injection case is this: are mistakes being made during executions that result in an excruciatingly painful death? There is growing evidence that the people who actually carry out the execution are doing it wrong. That's because the state adopted this procedure and began carrying out executions without any research or proper training. The time for review is long overdue. This is just one more example of mistakes being made throughout the death penalty system and an example of how the death penalty fails to live up to any of its promises.

The government doesn't know what it's doing in the death house.

- The state of CA failed to do its homework when it comes to killing people. The lethal injection process was handed like folklore from one state to the next, without anyone doing any research or asking basic questions about the procedure.
- In 6 out of 11 lethal injections in CA, something went wrong. The evidence shows that people kept breathing for as long as 12 minutes, when they state said they would stop breathing within a minute. The evidence shows we are getting it wrong more than we get it right.
- Mistakes happen even under the best conditions with trained professionals in hospital settings. Yet in this case, personnel with no training at all are carrying out this complicated medical procedure.
- The criminal justice system is not keeping up with advances in science. There are many ways to carry out lethal injection, yet states are continuing to use decades-old methods where there is a greater risk that something will go wrong.
- Botched executions traumatize wardens, corrections officers, and others who carry them out, as well as witnesses. The debacle of the Morales execution caused more suffering to the family of Terri Winchell than anyone. The prison



failed to do its homework and tried to rush through a quick-fix to a serious problem, causing more pain to everyone.

The specific issues associated with the administration of lethal injection detract from the real problems surrounding the administration of the death penalty as a whole.

- The cases currently before the courts do not challenge the constitutionality of the death penalty nor do they challenge the constitutionality of execution by lethal injection *per se*. Rather, the claims before the courts request a review of execution protocols in several states, which have been arbitrarily developed and which have been demonstrated to be faulty. This review process does little to address the real, ongoing flaws in the system.
- The death penalty system consists of a series of human actors and at each stage there is an opportunity for people to make mistakes. At least 123 innocent men and women have walked free after being sentenced to die for crimes they did not commit. People are sentenced to death whose lawyers were inexperienced, later disbarred, or even drunk or using drugs. Decisions about life and death are made based on race and geography. From the beginning to the end, from who should be sentenced to death to how its carried out, mistakes are being made.

Execution by any means is a political distraction from implementing effective crime-prevention measures.

- As long as political leaders champion the death penalty as the answer to rising crime, there is a risk that they will neglect developing and pursuing real solutions to curbing crime. In some countries the debate about serious crime is dominated by arguments about "tough" responses and the death penalty is regarded as the "ultimate" tough response. While it may be perceived by the public as "tough on crime," evidence suggests that it does not act as a greater deterrent than other penalties. However, it does appear to encourage a violent response to violent crime and this may ultimately have a brutalizing effect on society overall.
- The continuing search for an "ideal" way to extinguish a human life is no sign of a humane, evolved society; it merely perpetuates the false notion that



lethal injection [or any such sterilized or medical method] represents a “humane” form of execution.

Lethal injection risks involving medical personnel in unethical practices that run counter to their professional mandate.

- Lethal injection has a corrosive effect on the medical profession, which finds itself reluctantly conscripted to play a lead role in state-sponsored executions. Employing medical knowledge and skills in executions is in direct breach of internationally accepted standards of medical ethics. It represents a clear perversion of the Hippocratic Oath and compromises the integrity of all medical practitioners involved.
- Numerous organizations have declared that physician participation in executions constitutes a serious violation of professional ethical standards. These include: *The American Medical Association*, *The American Society of Anesthesiologists*, *The American Public Health Association*, *The California Medical Association*, *Physicians for Human Rights*, and *The American Nurses Association*, among others.