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Following the Supreme Court's restoration of the death penalty in 1977, opponents of capital punishment have continued to urge abolition of the death penalty in spite of the large majority within the country that supports it. There has never been a national organization devoted to defending the death penalty, but its proponents include the National District Attorneys Association, the National Association of Attorneys General, the National Sheriffs Association, and the International Association of Chiefs of Police. Opposition to the death penalty has been organized nationally for many years, led by the National Coalition to Abolish the Death Penalty, the Death Penalty Information Center, Amnesty International, and the American Civil Liberties Union (ACLU). Most recently, the Innocence Project has used DNA testing to prove the innocence of death row inmates, adding the claims of science to the moral arguments of each side.



Many advocates of the death penalty believe that despite the expense and delay, the capital punishment system does a reasonable job of selecting only the worst and most dangerous offenders for execution. Similarly, they believe that law enforcement could perform more effectively if there were laws against frivolous appeals and if costs could be reduced. These arguments focus on the victim and accuse abolition proponents of ignoring the suffering of the loved ones of the deceased. Opponents, including the ACLU and other coalitions, contend that the present system is immoral, and is biased against African American and indigent defendants who receive inadequate legal representation. Other groups like the Innocence Project focus on the possibility that innocent persons may be executed and urge greater use of science through DNA testing to determine culpability.

Despite crime data suggesting no real increase in violent crime over the last few decades, the American public perceives violent crime as rampant, and believes that all levels of government have failed to solve the problem. This concern and consequent support for execution have been fueled by the political interest in the issue displayed by both major parties since 1968 when Richard Nixon first campaigned on the death penalty. In the 1988 presidential campaign, George H.W. Bush used Michael Dukakis's opposition to the death penalty against him to dramatic effect in the notorious Willie Horton episode. As long as politicians believe the public will vote against those who are "soft on crime," there will be no political impetus for abolition. What once counted as good reasons for executive clemency: reform of the criminal while on death row, unresolved doubts about guilt, a split verdict by the appellate courts, or disproportionate sentencing compared to other convicted murderers, have to all intents, ceased to influence presidents, governors, and pardon boards in recent years.

There are striking patterns in the geographic distribution of capital punishment among states, illustrating how some states actively pursue this punishment while others show little interest in applying it. Capital punishment is generally more of a habitual punishment in some states rather than a nationwide practice. When examining capital punishment, the country can be divided into three regions running from east to west. In the northern tier from Maine to Alaska, execution has been abolished or plays only a minor role. From Pennsylvania to California it has a more prominent role but opposition is quite active and executions have occurred infrequently since 1977. Finally, there is the "execution belt," a long tier running from Virginia and the Carolinas west through Texas to Arizona. Some see this pattern as the survival of racism and the vigilante practices of the south in a socially acceptable form. Here, the death



penalty thrives with two-thirds of all executions from January 1977 to December 2003 occurring in only 5 southern states, namely Texas (313), Virginia (89), Oklahoma (68), Missouri (61), and Florida (57).

Retention or abolition is a matter for each state to decide. The Supreme Court has forced states to control use of the death penalty by introducing new constraints, notably: provision of legal counsel for indigent defendants at trial and on appeal; a two stage trial, firstly on the issue of guilt followed by a second trial for the guilty on the issue of sentence; statutory guidelines to help a jury chose between death and imprisonment; automatic review in state appellate courts; and discretionary review in the federal courts. The Supreme Court has always approached capital punishment as a procedural issue, concerning itself with the actual criminal process and procedure involved. It has refused to prohibit the death penalty on moral grounds or because the penalty itself violates the Constitution. Some claim that this demonstrates a lack of moral leadership by the Court but others applaud their discretion as an issue for each state and its citizens to decide.

Many people oppose capital punishment because they believe it is wrong. They argue it is wrong to take a life or that "taking a life solves nothing." People favor the death penalty because they believe that "killing is wrong" and must be punished severely. Proponents argue that murderers deserve to die regardless of evidence showing that society could just as well be protected by a policy of long term imprisonment without parole, that it would be much cheaper to rid ourselves of the present system, or that minorities who murder whites are being disproportionately and unfairly prosecuted, convicted, sentenced and executed. For both groups the preferred rationale is moral and absolute and such attitudes are unlikely to be swayed by arguments based on evidence and facts. Some argue that the U.S. will eventually be swayed by international opinion to abolish capital punishment nationwide, especially since the issue is now seen as one of human rights in Europe and elsewhere. Others believe that international views about capital punishment and arguments about its unfairness and immorality will have no effect in the U.S. because the focus of the media on murder victims has rendered murderers less than human and deserving of death. It seems likely that studies and research showing the unfairness of the penalty will not influence opinion in the U.S. and that proponents will continue to take an emotive approach fostered by media depictions of savage murderers and helpless victims.

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