

"Writing the truth  
as I see it;  
trying not to  
offend  
those who will  
disagree."

# The truth as I see it™

Idaho Common Sense™



Craig L. Bosley, MD

## Capital punishment, reprehensible or responsible?

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Society continues debating the morality and sensibility of capital punishment, both sides of the issue persuasively arguing their position. What is the goal of capital punishment; punishment, deterrence, or both? Are there crimes that deserve the death penalty? Is life in prison without parole a reasonable alternative? What do we owe the victims and their families? What do we owe society to protect them from the release of these criminals back into society?

Historically, many forms of capital punishment were designed to inflict barbarous pain on the executed, often prolonging death to enhance the pain of the execution. Most methods of execution are now unconstitutional, violating the eighth amendment prohibiting "cruel and unusual punishment." To date, lethal injection of a cocktail of drugs remains the most humane way of executing a fellow human being. Is killing someone for his or her crime reasonable, acceptable, moral, or even useful?

Although the method of execution is a part of the discourse, the primary focus needs to be deciding if executing a human being is acceptable. Can we continue with capital punishment knowing that some long-term death row inmates proved their innocence with the availability of DNA testing? Do those erroneous convictions constitute a reason to abolish the death penalty? Moreover, what if the DNA evidence supports the conviction rather than refuting the evidence?

A dog contracts rabies and we kill him. A poisonous snake encroaches on populated areas and we kill it. The fox is caught in the henhouse and we kill him. In 1948, George Bernard Shaw asked if these types of killings are punishments or simply "sheer necessities." He agrees that if a criminal can be rehabilitated, then do so. But, those who cannot be

rehabilitated, just as the rabid dog or the cobra, need society to "kill them kindly and apologetically," a "sheer necessity."

Is execution nothing more than a necessity, or punishment, or retaliation? Statistics from the Bureau of Criminal Justice suggest that capital punishment does decrease the number of murders. Recognizing this, researcher Karl Spence of Texas A&M University claims, "Every person who dies at a criminal's hands is a victim of our inaction." His home state, Texas, executes more murderers than any other state, with the most aggressive prosecutions occurring in Houston, Harris County. Since resuming executions in 1982, murders in Harris County have decreased from 701 to 241 – a 72 percent cut. This occurred in the face of significant population growth during the same period. Other studies support this data, showing deterrence with aggressive execution of murderers.

Of historical interest, England occupied India during the 1800s. For over 350 years, a murdering band of religious zealots, the Thuggees, murdered innocent people as a sacrifice to Kali, a Hindu goddess of destruction. They killed more than 2,000,000 people. The British started suppressing the Thuggees with mass arrests followed by speedy, mass executions. The recidivism rate was zero and the number of individuals joining the Thuggees plummeted. In 1832, they hanged the leader of the Thuggees; and in 1882, the problem disappeared with the hanging of the last known Thuggee.

Is it barbaric to execute large numbers of evil people? Or, is it proper to execute them because it is the responsibility of the state to protect the public safety, executing those who commit heinous crimes, a "sheer necessity?"

Why not sentence them to life in prison without the possibility of parole rather than execution? Doesn't that

reach the same goal – punishment and removal from society? According to the U.S. Department of Justice, the average time spent in prison for murder approximates six years. Moreover, not uncommonly, life without parole is commuted, allowing for the possibility and reality of parole.

Some groups suggest that we morally do not have the right to inflict the same violence on the murderer that the murderer inflicted on their victim. Is killing the murderer even remotely similar to the murder they committed? If it is, we could not put a kidnapper in prison because we would be treating the kidnapper in the same way he or she treated their victim; holding them against their will. Isn't this logic a bit absurd?

Former New York City Mayor Ed Koch said, "It is by exacting the highest penalty for the taking of human life that we affirm the highest value of human life." Lord Justice Denning of the Court of Appeals in England opined in 1950: "Punishment is the way in which society expresses its denunciation of wrong doing; and, in order to maintain respect for the law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of the citizens for them."

Does the death penalty violate human rights, or is it more correctly a proper punishment for violating the human rights of the victim?