



How to Address the Tough Points

Talking about 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 while at the same time 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 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 crimes 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.

States that maintain the death penalty traditionally have higher murder rates than the national average, 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. Some countries that have abolished the death penalty, such as Canada, have since experienced a decline in violent crime.

A 2009 national poll commissioned by the Death Penalty Information Center found that police chiefs ranked the death penalty last among ways to reduce violent crime. The police chiefs also considered the death penalty the least efficient use of taxpayers’ money. In addition, a 2009 study by the University of Texas at Dallas found “no empirical support for the argument that the existence or application of the death penalty deters prospective offenders from committing homicide.”

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 angry and frustrated about the loss of innocent life through the violent act of murder. We fail as a society, however, if all we can offer to those hurt by violent acts is more violence and death.

It is also important to remember that not all victims feel the same way about capital punishment. Many victims’ families 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 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. Despite the claim that the death penalty is reserved for the “worst of the worst,” history clearly demonstrates that this is not true. In recent years, both the BTK serial killer in Kansas and Gary Ridgeway, the Washington state man who confessed to committing 48 murders over a 20-year period, received life sentences for their 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, and far less than one percent are later executed.

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 quality of legal counsel, the location of the crime, plea bargaining, and pure chance affect the process by which people are sentenced to death in this country. Offenders who commit similar crimes under similar circumstances often receive vastly different sentences. The race of both the offender and victim, as well as social and economic status, also play a large part in deciding who lives and who dies.

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 Texas, taxpayers at the county level

must pay for expensive death penalty trials, plus the automatic appeal. Counties also must pay for any resentencing hearings or retrials.

In Texas, it costs two to three times as much to execute a person than to imprison someone for life. Some counties expend so many resources seeking the death penalty that they must cut funding to law enforcement officers and raise taxes.

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, unreliable expert testimony, and community prejudices and pressures all too often impact the verdict and sentencing.

To date, 138 people have been released from death row since 1973, due to credible evidence of their wrongful conviction. This includes 12 in Texas. DNA evidence played a substantial role in establishing innocence in just 17 of these cases. Many of these exonerations resulted from the tireless work of journalism students, lawyers, and activists - not the justice system. Investigations have been conducted into several cases in Texas in which an innocent person might have been executed.

Adapted by the Texas Coalition to Abolish the Death Penalty

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