

The Government Commits Legal Murder: An Argument Against Capital Punishment

Mercy Bruchey

Mr. Ribordy - Religion III

April 20, 2025

I. Introduction

Capital punishment—referred to colloquially as the death penalty—is a system of execution as punishment for crime. This system still exists in 55 nations; the subject of this paper is this system within the United States of America. The death penalty in America is ineffective in punishing, deterring, or providing retribution for crime. Statistics have shown a clear racial bias in the application of the death penalty. Execution in the United States comes with a hefty cost and an inherent risk of killing innocent people. Along with its lack of efficacy, the issue of capital punishment is a large moral debate for many religious groups: this paper will highlight the morality of capital punishment through the lens of the Catholic Church. All of the statistics and arguments to follow will provide ample evidence to discredit the system of capital punishment in America. **The United States should abolish the death penalty because of racial bias, large costs, risks of executing the innocent, and flawed morality.**

II. See

The death penalty, as previously defined, is a system of execution for crime in the United States and 55 other nations. In the US, the qualifications for the death penalty are being of legal age, mental competence, and conviction for a capital crime by a jury of their peers. A capital crime is one defined as offenses that carry the risk of death as punishment, these offenses vary but are largely along the lines of treason, terrorism, kidnapping of a federal officer, and murder

with aggravating factors. Aggravating factors in a murder case range from multiple victims, murder during another felony, an especially vulnerable victim, kidnapping, or cruelty. A person who is being considered for the death penalty is referred to as a capital defendant. Under the 14th Amendment to the Constitution of the United States, every defendant, capital or not, is entitled to due process of law. In a capital trial, this due process often involves numerous appeals, more than a non-capital case, as the punishment, once enacted, is permanent.

Capital punishment has been an American practice since colonial times, during which it was initially borrowed from Britain. The list of crimes punishable by death in these times is long and arbitrary, as most mentioned, such as blasphemy and witchcraft, are no longer recognized as crimes at all. Even though these lists varied as religious beliefs varied, one important note on colonial capital punishment is that evidence of racial bias is present—and loud. In Colonial Virginia, for example, a white person had 5 capital crimes that they could be executed for while a Black person had upwards of 70 (Costanzo). Methods of execution during colonial times included hanging, burning at the stake, and at times, beheading. A public spectacle was often made of executions to deter crime. In the modern day, the list of capital crimes is shorter and universal across those of every race. The main method of capital punishment used today is lethal injection, as most other methods have been determined to be “cruel and unusual” and unconstitutional according to the 8th Amendment, although some states still authorize hanging, electrocution, lethal gas, and firing squad. Executions often take place in private, with only families and loved ones of the convicted and the victims present.

In 1972, the Supreme Court of the United States ruled that the death penalty was unconstitutional in the historic *Furman v. Georgia* case. The ruling effectively turned all existing death sentences into sentences of life without parole. This decision lasted four years before it was

reversed again in *Gregg v. Georgia*. The Supreme Court ruled that the bifurcated system of trial and sentencing was reliable to sentence defendants to death without doubts of their guilt and therefore not violating the 8th or 14th amendments which had raised the initial questions over the efficacy and constitutionality of the death penalty. This case came not only with the reinstatement of the death penalty, but with serious reforms to capital punishment to make sentencing less capricious or arbitrary.

In the US currently, capital punishment exists on the federal and military levels, as well as in 27 states. Most countries outside of the US have ceased their use of capital punishment and the practice only remains in less than 30% of the world in nations such as China, Iran, Iraq, North Korea, etc, with all 'western' states with the exception of the US having banned its use as punishment for any crime. Within America, committing a capital offense is grounds for the prosecution's ability to seek the death penalty, however, a jury must still convict the defendant of this capital offense and then sentence the defendant to death for the convict to receive capital punishment. The procedures of the death penalty are lengthy at best, as due process of law, a legal right of all citizens in the US, entitles each defendant to a series of appeals, all of which are more important and necessary when the punishment sought is death. Around 300 convicts are sentenced to death every year in the United States. Of the over 2000 people on death row, only about 100 are executed each year, with the time between sentencing and execution averaging around 10 years.

Of the 2,092 inmates on death row as of January 2025, only 46 were sentenced to death this decade. Less than 3% of prisoners on death row are women, 10% are mentally ill, and just about 70% have less education than a high school diploma. Racially, death row inmates are 42% white, 40% black, 15% hispanic, 2% asian, and 1% native american. While the racial statistics

have a clear white majority, it is important to note that the United States is less than 15% black, yet black people make up over a third of those on death row. There is conflicting evidence to confirm whether or not a black person is more likely to be sentenced to death. One study states that black defendants may be more likely to receive the death penalty than white defendants but there is no correlation to increased bias when the victim of a black perpetrator is white (Jennings). Another study claims that black defendants receive far more death sentences than white defendants and this fact is only escalated by the fact that most executions occur in formerly confederate states (Greenberg).

As for costs, capital punishment is more expensive than the next less severe punishment: life in prison without parole. Many factors go into what makes the death penalty so costly. First, the state often has to provide attorneys, as most capital defendants cannot afford one. Secondly, pretrial costs of gathering evidence and hiring expert witnesses quickly rack up more than a normal trial. On top of both of these facts exists the need for due process, which includes a lengthy appeals process that a capital defendant is entitled to which all comes to a very costly total. A 2015 estimate states that on average, each capital prisoner costs upwards of \$1 million more than a regular prisoner. Estimates like these often change in numbers due to changing legislation and a fluctuating economy, but the truth remains that the death penalty is far more expensive than life in prison without parole.

When evaluating the cost of capital punishment it is also necessary to consider where resources are retrieved to fuel this system. The cost of the death penalty inevitably falls on the taxpayer. This funding takes away money that could be used to fund other systems that are less costly or more effective than capital punishment. Ironically, the reallocation of resources to fund capital punishment may have adverse effects in terms of crime rates. In Texas in particular,

funding for capital trials comes from an increase in property tax and a decrease in public safety budgets, which causes an increase in smaller crimes such as property crime (Miron).

III. Judge

Capital punishment is evidently ineffective and flawed and should be abolished in the United States of America. The most compelling arguments for abolition are clear, persistent racial bias, large costs, risks of executing the innocent, and flawed ethics.

The first argument for the abolition of capital punishment is racial bias. While over 75% of the US population is white, only about 40% of the inmates on death row are white. This means that people of color, especially Black individuals, are disproportionately represented on death row. Black people are not more likely to commit a capital offense than white people, they are just more likely to be a victim of a systemic racism that has been around for generations. Black communities often have higher crime rates because they have higher poverty rates and there is an undeniable correlation between poverty and crime, especially violent crime that could classify as a capital offense. Seeing that the Civil Rights Era took place in the 1960s and the first Black generation to be born with full constitutional equality is less than 70 years old, Black communities have not had the time to take advantage of systems that have been working in favor of white people since the creation of the United States. The result of these oppressive systems has been poorer Black communities, higher crime rates, and greater tendency to be convicted of a capital crime. The disproportional representation of people of color on death row is a direct reflection of the oppression faced by Black people in every part of the US justice system. Black people are more often victims of a system that has been built against them and capital punishment is a cruel reminder of the injustices Black people have felt for hundreds of years in

the US. If the highest form of punishment in the United States is weaponized against those who already face the most oppression in American society, then it is an unjust system in need of removal.

The second argument against capital punishment is the cost. As previously mentioned, the notion that the death penalty is a cheaper alternative to life without parole is false. The burden of paying for such an expensive system that has proven to be used arbitrarily and with clear bias falls on individual taxpayers who do not benefit from the system. Funding for capital punishment usually is reallocated from other resources at the county level—if a capital trial takes place in Los Angeles county, funds will be pulled from Los Angeles to fund it, not Sacramento or any other county removed from the individual case. Taxes should go towards bettering the community and a death sentence does nothing to improve the lives of the citizens whose taxes paid for it. There is no difference in the lives of the taxpayers whether a defendant is sentenced to death or not—so why pay the difference for the death sentence when there will be no improvement at the county level? It is to the county and the taxpayer's benefit for taxes to be spent on efforts that will bring improvements, like repairing roads or funding county hospitals. The eradication of capital punishment presents an opportunity for tax dollars to be reallocated towards helpful community development that should be prioritized over a system of punishment that targets a few criminals for an insanely large cost.

The third reason capital punishment should be eradicated is for the risk of executing the innocent. In September of 2024, the state of Missouri proceeded with the execution of Marcellus Williams, a man who was convicted of killing Felicia Gayle. Regardless of physical evidence that proved he was not the perpetrator, Williams was convicted through testimonies from two eyewitnesses who were paid for their statements, mishandling of evidence that proved his

innocence, and the intentional lack of Black jurors by the prosecution as Marcellus Williams was a Black man charged with killing a white woman (Innocence Project). This very recent tragic miscarriage of justice serves as a reminder that this risk of taking the life of an innocent person is not theoretical, it happens, and it happened on September 24th, 2024. The possibility of the execution of an innocent person is reason enough to abolish the death penalty. There is no such thing as collateral damage when dealing with the lives of real people that are unjustly ended by a system of killing. The American justice system should aim to administer fair punishment to the correct person and to rehabilitate them so everyone, the victims, perpetrators, and society, can all heal and be better as a result. None of these goals are achieved through a system that can so easily kill an innocent person. Each American citizen has, under the Constitution, an inalienable right to life and liberty. The government has failed if it cannot guarantee this right for every citizen, and the misuse of capital punishment against innocent people like Marcellus Williams is an example of failure.

The final argument against the death penalty is its flawed morality. While it is very easily the most subjective argument, the ethics—or lack thereof—of capital punishment often prove highly effective in discrediting this system of punishment. The basic moral argument is that human life should be valued and that a government has no right to end life, even as punishment. The death penalty is rooted in a desire for revenge that has no place in a peaceful society. This particular argument is in agreement with the Catholic Church, as Pope Francis has declared a similar sentiment. The Catholic faith teaches that all life is made in the image of God and is therefore sacred and should be respected no matter what. Furthermore, God is the only power that gets to decide when life begins and ends, and the death penalty is in direct violation of this belief. Catholicism also teaches radical forgiveness and the belief that every person can be

redeemed through God, no matter their actions. By executing a person convicted of a capital crime, this chance for redemption is removed. In fact, the Catholic Church has expressly stated that the death penalty is “inadmissible” (Bordoni). Even for the especially heinous perpetrators, the serial killers and mass murderers of the world, the Catholic Church maintains the belief that forgiveness is possible in the eyes of God and that, even when the best option for society is clearly to lock the person away as punishment for their crimes, their life is still sacred and deserving of respect and protection.

There are two very prevalent arguments for the use of the death penalty. These arguments are deterrence and retribution. The former states that the existence of the death penalty serves as a reminder to criminals of what could happen should they commit a capital crime and therefore discourages them from committing one. The latter argues that the only punishment that can repay victims and loved ones of victims is death because it is the only thing proportional and severe enough.

The deterrence argument for the death penalty is entirely illogical as there is no factual or statistical evidence to back the claims that capital punishment dissuades criminals. A majority—if not the entirety—of confirmation for this argument comes from anecdotes and stories. One specific story mentioned in Cassell’s piece *In Defense of the Death Penalty* narrates a trial in which a woman brought a gun to rob a store but did not load the gun with any bullets. When asked why she did not load the gun she stated that she did not want to accidentally shoot and kill someone and be charged with the death penalty for the accidental murder (Cassell). This anecdote and similar stories serve as ample evidence for proponents of capital punishment that the system deters crime, but this is a false narrative. A person who commits a capital crime is not like the woman with her unloaded gun. A criminal who wishes to commit a violent or heinous

act does so because they are violent or heinous and they do not care or think about the punishment that will come if they commit these crimes. The serial killers of the world are not dissuaded by the existence of the death penalty because they are already lacking the sanity that tells them not to kill another person. Not only is there no factual evidence for the existence of deterrent power, but there is also no logical evidence.

The argument for retribution is slightly more nuanced, but it often neglects the actual wishes of victims and families, exploiting their suffering to argue for maintaining an ineffective system. Retribution is not always the wish of families of victims of capital crimes and it is disrespectful to their suffering to ignore their grief and use their stories as the reason why executions should be justified. In fact, the process of sentencing a capital defendant to death is often far too drawn out and painful for victims and families to be left with a true feeling of retribution or justice, so the argument in itself is nullified.

Overall, the system of capital punishment should be abolished because it upholds a racially oppressive system, burdens taxpayers at the expense of community development, risks ending innocent life, is morally corrupt, and offers no deterrence or retribution.

IV. Act

In order to abolish this unjust and ineffective system, each voice matters. The most effective form of protest to eradicate the death penalty is to do just that—protest. Under the 1st Amendment to the Constitution, every person is granted the right to assemble and peacefully protest. When people rally together, messages become much more powerful and change is made much more possible. Another option if protesting out in public is not available is to call local and state representatives. Congresspeople advocate for the needs and wants of the people they

represent, so make sure your representative knows what you need and want. There are currently hundreds of people on death row and anybody can advocate for their lives by calling the government and calling representatives. Robert Roberson is currently on death row for a wrongful murder conviction. He is an autistic man who was convicted of killing his daughter. He was convicted of killing her by causing “shaken baby syndrome” and this conviction is currently being upheld even though new evidence suggests this crime never occurred. His conviction was reached with inaccurate medical evidence and misleading testimony. Hospital staff judged Roberson’s response to his daughter’s condition as unemotional and therefore had preconceived ideas of his guilt, even though his response is believed to be a result of his autism (Innocence Project). Learning Robert Roberson’s case and calling the Texas government could save his life. With enough pressure, Roberson’s case may be reevaluated and his sentence could be overturned. This case is just one of many examples of real people who are in need of help from every corner and no action is too small.

V. Conclusion

In conclusion, the system of capital punishment in the United States of America is ineffective, costly, and unjust. While intended to be a means of administering justice to victims of heinous crimes, the system instead stands as a violation of the rights of Americans; delivering prejudiced and arbitrary punishment, capital punishment has become a system of state sanctioned murder that cannot be tolerated in a nation that strives to be peaceful and uphold the inalienable rights of each and every person. The only way to proceed as a harmonious, orderly, and just society is to abolish capital punishment in all of its forms. The risks it poses to justice are far greater than any potential rewards of its use. Racial bias, large costs, risk of executing the innocent, flawed

morality, and the lack of deterrence or retribution are all reasons why the death penalty should be eradicated in the United States. This system is inherently violent and a mistreatment of human rights that can no longer be upheld if we wish to build a better world.

Works Cited

- American Civil Liberties Union. "The Case against the Death Penalty." American Civil Liberties Union, ACLU, 11 Dec. 2012, www.aclu.org/documents/case-against-death-penalty
- BBC. "BBC - Ethics - Capital Punishment: Arguments in Favour of Capital Punishment." Wwww.bbc.co.uk, BBC, 2014, www.bbc.co.uk/ethics/capitalpunishment/for_1.shtml .
- Bordoni, Linda. "Pope Francis: "Death Penalty Inadmissible" - Vatican News." Wwww.vaticannews.va, 2 Aug. 2018, www.vaticannews.va/en/pope/news/2018-08/pope-francis-cdf-ccc-death-penalty-revision-ladaria.html.
- Cassell, Paul. In Defense of the Death Penalty, The Prosecutor, ndaa.org/wp-content/uploads/death_penalty_oct_nov_dec_08_Pros.pdf . Accessed 13 Feb. 2025.
- Costanzo, Mark, and Lawrence T. White. "An Overview of the Death Penalty and Capital Trials: History, Current Status, Legal Procedures, and Cost." Journal of Social Issues, vol. 50, no. 2, July 1994, pp. 1–18, <https://doi.org/10.1111/j.1540-4560.1994.tb02408.x> .
- "Costs | Death Penalty Information Center." Death Penalty Information Center, 12 Oct. 2017, deathpenaltyinfo.org/policy-issues/policy/costs.
- Defender Services Office Training Division. "Supreme Court Finds Death Penalty Unconstitutional 50 Years Ago in Furman v. Georgia | Defender Services Office - Training Division." Wwww.fd.org, 29 June 2022, www.fd.org/news/supreme-court-finds-death-penalty-unconstitutional-50-years-ago-furman-v-georgia.
- "Innocence Project Statement on the Execution of Marcellus Williams." Innocence Project, 24

Sept. 2024,

innocenceproject.org/news/innocence-project-statement-on-the-execution-of-marcellus-williams/.

“Jack Greenberg/Legal Scholar.” Pbs.org, 2014,

www.pbs.org/wgbh/pages/frontline/angel/procon/greenbergarticle.html.

Jennings, Wesley G. “Crime and Punishment in the United States.” *The Encyclopedia of Crime and Punishment*, 28 Dec. 2015, pp. 1–3,

<https://doi.org/10.1002/9781118519639.wbecpx285>. Accessed 31 Oct. 2024.

Miron, Jeffrey. “The Financial Implications of the Death Penalty.” Cato.org, Cato Institute, 20 July 2023, www.cato.org/blog/financial-implications-death-penalty.

Sarver, Vernon Thomas. “Abolishing the Death Penalty: An Untested Legal Argument.”

American Journal of Criminal Justice, vol. 39, no. 4, 24 June 2014, pp. 808–817,

<https://doi.org/10.1007/s12103-014-9264-4> .

Supremecourt, www.supremecourt.gov/opinions/URLs_Cited/OT2020/20-287/20-287-1.pdf.

Accessed 19 Apr. 2025.

“10 Facts to Know about Robert Roberson on Texas Death Row.” Innocence Project, 20 Feb. 2025,

innocenceproject.org/news/what-to-know-about-robert-roberon-on-texas-death-row-f-or-a-crime-that-never-occurred/.