DEATH PENALTY

INTRODUCTION

On Nov. 5, Gov. Gavin Newsom commuted the sentences of all 548 death row inmates in California to life sentences without possibility for parole; no inmate has been executed since 2006 due to lawsuits and concerns about how executions would take place. In an open letter released by the Governor's Office, he stated that "state-sanctioned killing is incompatible with California's values" and that "two classes of murder victims" should not be created.

The death penalty, otherwise known as capital punishment, is the execution of a person ordered by a court of law as a punishment for committing a severe crime. In the U.S., the death penalty is reserved almost exclusively for murder, and everyone currently on death row was previously convicted of a crime where someone died. Although non-fatal crimes like rape were once punishable by death, the Supreme Court ruled in 2008 (Kennedy v. Louisiana) that an individual cannot be executed unless a death occurred.

Legal in 27 states, the death penalty is one of the most controversial topics in law. All European and American countries except for Belarus and the U.S. have abolished capital punishment. The U.S. was one of 17 countries to carry out an execution in 2025, according to Amnesty International.

"[The death penalty] shouldn't exist at all," said freshman Adele McCloskey. "It would be better if people had life in prison with no option of bail or getting out on good behavior. Killing people, even if they did do terrible things, shouldn't be a power that the government [has]."

Previously, in March 2019, Newsom officially issued a moratorium on capital punishment. His recent clemency action has reduced the national death row population by 28%, representing the largest mass commutations in modern American history. Though it doesn't repeal the death penalty in California, which voters have previously voted to keep on the books, it exercises the governor's clemency authority.

"[Newsom has] effectively [banned] the death penalty," said Modern World History Scott Bondurant. "If the end result is nobody's being executed, good. Even if it's not changing the law completely and trying to ban it, because it's probably not politically popular enough for us to push it."

Currently, there are around 1,388 inmates in the U.S. on death row according to the Death Penalty Information Center. From 1990 to 2023, people sentenced to death row waited an average of 279 months before execution, according to Statista.

5th century In English law, which influenced much of American law, capital punishment was legal

18th century 222 crimes could result in the death penalty; crimes punishable by death in the American colonies ranged from burglary to witchcraft to murder

1790s A movement against the death penalty caused most of the northern states to reduce the number of crimes punishable by death

1911 Kansas abolished the death penalty, later followed by eight other states

1950-60s A new movement led to more states banning the death penalty

1972 The Supreme Court ruled in Furman v. Georgia and two other decisions that the arbitrary application of capital punishment was unconstitutional. As a result, five southern states amended their death penalty laws to adhere to the ruling

1976 Gregg v. Georgia, Jurek v. Texas and Proffitt v. Florida established that capital punishment itself was neither cruel nor unusual, a conclusion that justices came to after finding that capital capital punishment prevented crime

2008 Kennedy v. Louisiana: the Supreme Court ruled an individual cannot be executed unless a death occurred

2017-21 In Trump's first term, his administration ended a 17-year-old informal federal moratorium on capital punishment, carrying out 13 executions in the last six months of his term

2019 On Mar. 13, Newsom issued Executive Order N-09-19, which declared a moratorium on the death penalty in California

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PRO

DETER FUTURE CRIME

Convicted criminals must be prevented from escaping or committing other crimes, and a sufficiently severe punishment may also deter prospective perpetrators.

Such a course of action may increase the safety and wellness of the nation.

"Taking criminals off the streets [and ensuring they can't get on them again] would make it so that there's less crime," said senior Carlos Cristerna. "Some people look up to people who commit crimes, if those people [are dead and cannot rejoin] the community [and] influence anyone, the next generation won't have as many people who wanna be criminals."

Donald Trump has been a strong proponent for the death penalty across his two terms. On Jan. 20, 2025, the first day of Trump's second term, he signed Executive Order 14164, "Restoring the Death Penalty and Protecting Public Safety," which lifts the federal execution moratorium, mandates capital punishment for certain crimes and reviews past commutations, among other items.

VICTIM CLOSURE

Victims' families — sometimes referred to as covictims — deserve proper emotional closure and finality.

These families are often asked to testify in the perpetrator's trial and sentencing about the impact that the murder has had on their lives, and whether they support the use of the death penalty against the murderer.

This can be seen in the case of Christa Pike, an inmate on death row in Tennessee convicted of murder and torture of a classmate in 1995. The victim's mother, May Martinez, told the press that "they should kill [Pike] right away," reflecting the desire for vengeance shared by many murder victims' families.

However, experts have cast doubt on the claim that murderers' execution brings closure, arguing that there is no evidence to support this psychological impact. A 2012 study published in the Marquette Law Review comparing the experiences of victims' families in states with and without the death penalty found that families in the non-death penalty state had "higher levels of physical, psychological and behavioral health."

RETRIBUTION

People who commit capital crimes deserve to be put to death as retribution for their actions.

Some supporters believe that those who commit crimes must suffer to feel the consequences of acting immorally.

"The death penalty is too hated on, and people are too conservative about using it," Cristerna said. "For any major crimes like terrorism, murder, rape, the death penalty should be used [because] there is no way to justify any of those. Treat people how you want to be treated."

Proponents of the death penalty often argue from the principle of retributive justice — the idea that punishment must fit the severity of the crime, traditionally summarized by the phrase "an eye for an eye."

"I agree with [the death penalty] because if you do something so horrendous, say premeditated murder, [and] it was an absolute fact that you did it, I agree with 'an eye for an eye,'" said sophomore Seanan Young. "If you kill someone, then it's not cruel or unusual to do the same thing back to you."

CON

DETERRENCE IS INEFFECTIVE

Capital punishment hasn't been proven to effectively deter crime.

Economist Isaac Ehrlich's study concluded that from 1933 to 1969, an increase in death penalty convictions led to a decrease in murders. However, a study from econometricians Michael McAleer and Michael Veall found that since death penalty deterrence was measured across different states, there was a "fragility of inferences" in determining that capital punishment decreased extreme crimes.

"If the idea is, 'It's such a severe punishment; if people know the penalty is death, maybe they will think twice about doing whatever major felony they were going to commit,' it doesn't actually do that," Bondurant said. "Violent crime rates [and] murder rates are higher in [states] with the death penalty. It doesn't actually stop people from doing the crime."

Amnesty International argues that since most crimes are "spur-of-the-moment" decisions, people committing violent crimes are unlikely to consider the consequences.

PROBLEMATIC ETHICS

There are numerous ethical issues surrounding human rights and innocence.

Historically, innocent people have been sentenced to death row. Since 1973, DNA testing has been used to prove 203 inmates on death row to be innocent, and a Stanford study estimates that 4.1% of inmates on death row should be proven not guilty. DNA testing of convicted offenders is legal in 48 states, including California.

"You either spare the horrible criminal that got the 'punishment,' or you don't give the innocent being falsely accused a second chance," said senior Elizaveta Model. "They either don't get what they deserve, what families of victims [want], or you don't give them a second chance for someone else's mistake, so you punish them for someone else's mistake."

Some people who support the abolition of the death penalty believe that a life sentence is a more severe and fitting punishment for capital crimes compared to the death penalty.

"It's worse to have to live your whole life more isolated and in a prison," McCloskey said. "If you did something really terrible, it feels like cheating your punishment if you get to die because you don't have to [think] about what you did or [have] regrets you have to live your life with. Obviously you should be locked up and kept safe and other people should be kept safe from you if you did terrible things, but I don't think killing people is the answer."

RACE, INCOME AND MENTAL ILLNESS

Historically, Black and Hispanic inmates have disproportionately outnumbered white inmates convicted of capital punishment, which opponents of the death penalty attribute to racial bias. This can be seen in the forced labor system in many prisons, which led to a higher number of Black people being imprisoned in the U.S. overall.

"This is a trend from Reconstruction," Model said. "When the Emancipation Proclamation and [the] amendments [were] passed, [there was an] exception [for] slave labor in prisons. People … didn't want to give [slavery] up. In the southern states, they passed harsh laws on different activities that [were] more prominent in Black neighborhoods or among Black people in their culture. When there was a war on drugs, everybody was using drugs. For very expensive drugs that only white elites could get, you would just pay a fine, and you're free to go. But something like [smoking] two grams of marijuana, even in legal states, [would get you in prison]. And who was smoking weed? [People in poor] Black neighborhoods."

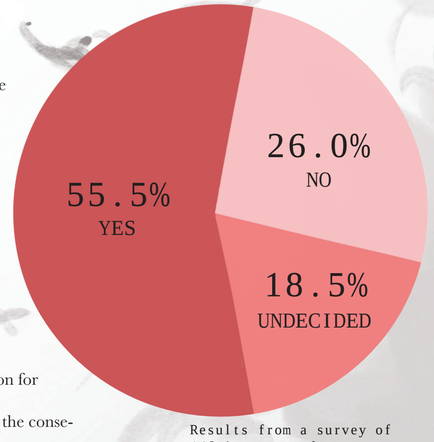
Opponents also believe that economic barriers lead to most people on death row being below the poverty line. According to the Equal Justice Initiative, people convicted often cannot afford legal counsel beyond the free counsel that must be made available to them under the law.

Though people can be exempt from capital punishment in some states and from death row if they are considered mentally incompetent, critics say most people with mental illness are disadvantaged by the legal process and are more likely to be given capital punishment. From 2000 to 2015, 43% of inmates executed per the death penalty had a mental illness.

PRO
Deter future crime
Victim closure
Retribution

CON
Ineffective deterrence
Problematic Ethics
Race, Income, Mental Illness

POLL: Should the death penalty be legal?



Results from a survey of 146 Aragon students



Current Events

On Sept. 30, Pike, a first-degree murder convict, survived her execution attempt in Tennessee. She received two doses of pentobarbital, the drug used in lethal injections, a dose that is not known to have ever failed to kill anyone before.

"You can't fail to kill someone," Young said. "If you think killing someone is cruel and unusual punishment, try trying to kill them and then failing, and then having to do it again."

On Oct. 8, public officials from the Pentagon announced that the execution of Maj. Nidal Malik Hasan would be broadcast live on the internet, which would have made it the first public execution in the U.S. in nearly a century had it not been cancelled following backlash.

"Public execution should never even have been considered," said sophomore Sebastien Battles. "It shows our people and our country as barbaric, which is not who we are."

Previously, on Nov. 5, 2009, Hasan perpetrated the mass shooting at Fort Hood in Texas, possibly out of opposition to military deployments and self-radicalized Islamic extremism. He was convicted at a 2013 court martial for 13 counts of premeditated murder and 32 counts of attempted premeditated murder, sentencing him to death.

53% of death row inmates are Black and Hispanic, while they make up a third of the U.S. population (Center for American Progress).

41% of people convicted of capital punishment are Black, while 14% of Americans are Black (Prison Policy Initiative).

The most common methods of execution in the US are

- Lethal injection
- Nitrogen gas
- Electrocution
- Firing squad