Counterpoint: Capital Punishment is a Form of Revenge Killing, and Should Remain Illegal.

**Authors:**

Baskey-East, Sabrina

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The article presents an argument against capital punishment. It is the author's opinion that the **death** **penalty** is an ineffective deterrent to violent crime and is a form of revenge. Crime rates in Canada following the abolition of capital punishment are examined. Costs associated with capital punishment are explored including housing, the appeals process, and the prosecution of capital cases. Instances of overturned murder convictions are also explored.

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Counterpoint: Capital Punishment is a Form of Revenge Killing, and Should Remain Illegal.

**Thesis:**Capital punishment is not an effective deterrent to violent crime, as it serves no useful purpose in a civilized society and is no more than revenge killing.

**Summary:**Since Canada abolished capital punishment in 1976, crime rates have decreased, and over sixty other countries around the world have followed suit, abolishing capital punishment for all crimes. As of 2008, over 130 countries have abolished capital punishment either in fact or in principle, yet sixty countries still use it, including the United States. Capital punishment is ineffective as a deterrent to crime and is costly to society, in both financial and human terms.

[**Capital Punishment in Canada**](http://web.b.ebscohost.com/pov/detail/detail?vid=3&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

On December 11, 1962, two men were hanged at the Don Jail in Toronto, Canada. Arthur Lucas and Donald Turpin were the last two men executed under the **death** **penalty** in Canada. Lucas, an American, had been convicted of shooting an Federal Bureau of Investigations (FBI) officer on an undercover operation in Toronto, while Turpin killed a Toronto police officer who stopped him for a traffic offence while he was running from a robbery. Lucas and Turpin joined the 708 other men and women who were executed under the **death** **penalty** in Canada, and their bodies were buried in an unmarked grave in Toronto.

Between 1867 and 1962, 1,481 people were sentenced to **death** in Canada. From 1869 until 1961, there were only three crimes for which capital punishment was given, including murder, rape, and treason. Rape was removed from the list in 1954, and murder was divided into capital and non-capital cases in 1961. Although all **death** sentences in effect in 1967 were commuted to life sentences without the possibility of parole for twenty-five years and capital punishment for murder was officially abolished in 1976, the **death** **penalty** was still legal as a punishment for certain military offences until 1998.

[**Capital Punishment Does Not Deter Crime**](http://web.b.ebscohost.com/pov/detail/detail?vid=3&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

The US **Death** **Penalty** Information Center tracks the murder rates in the thirty-eight US states that use capital punishment as a sentence, and in the twelve states that do not. In every year listed, from 1990 to 2006, the non-**death** **penalty** states had lower murder rates than the **deathpenalty** states. Since 2000, the rate has been on average 40 percent lower in the twelve states that do not use capital punishment.

Canada's murder rate peaked at 3.03 per 100,000 people in 1975. After capital punishment was abolished in 1976, the murder rate has decreased to 1.85 murders per 100,000 people in 2006. Another telling statistic, the number of police officers killed in the line of duty, has remained steady since it began to be measured in 1961 (when murders were divided into capital and non-capital cases). Since 1961, 128 police officers have been killed in Canada, an average of three per year. In contrast, in the United States, which has approximately eight times the population of Canada, forty-eight officers were killed in 2006 alone.

The theory that the possibility of capital punishment will stop a murder from occurring fails to take into account the fact that most murders are not planned. Only first degree murder was considered a capital offense in Canada, and most countries that still use capital punishment limit it to first degree murder. In 2005, 45 percent of the 663 homicides in Canada were deemed to be first degree, meaning that they were planned or deliberate, that the victim was a law enforcement officer, or that the homicide took place as part of a sexual assault or kidnapping.

[**Capital Punishment Costs More than Life Imprisonment**](http://web.b.ebscohost.com/pov/detail/detail?vid=3&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Since Canada no longer uses capital punishment, it is not possible to say what the cost of the **death** **penalty** would be in Canada. For a comparison, the state of California will be used, as both Canada and California have a population of 33 million.

In 2005, the Los Angeles Times estimated that maintaining the **death** **penalty** cost the state $114 million more than if California did not use capital punishment. That figure does not include the extra money spent on preparing for capital cases, only the money spent after an accused has been sentenced to **death**. Half of that cost, or $57 million, is made up by the extra money needed to house a prisoner on **death** row. **Death**row inmates at California's San Quentin State Prison each have their own cell and extra guards, and in 2005, California had 640 inmates on**death** row. These inmates cost an average of $90,000 more than the cost of a non-**death** row inmate.

One of the reasons for these added costs is the process of appeals that automatically takes place after an accused is given the **death** **penalty**. In an effort to make sure that the accused is truly guilty, the state spends years on the appeals process, and the average length of time between initial sentencing and execution is almost twenty years. In fact, between 1978 and 2005, only eleven **death** row inmates were executed in California, while another forty-two died while waiting. Statistically speaking, twenty-eight of these prisoners from natural causes, twelve by suicide, and two were killed by other inmates.

Another factor in the additional cost of capital punishment is the extra costs associated with prosecuting a capital case. A 1993 study in California showed that a capital murder case cost the state $1.9 million dollars, compared to $630,000 for a non-capital case. Studies in other states have also found that capital cases generally cost three times as much and at every stage, capital cases take longer to prosecute, with more work to be done by police officers and investigators, more complex and lengthy trials, and guaranteed appeals. The number of capital murder cases is decreasing in many states because the costs are simply too high for prosecutors to push the cases forward.

[**Capital Punishment Can Make Fatal Mistakes**](http://web.b.ebscohost.com/pov/detail/detail?vid=3&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

Since 1976, when the **death** **penalty** was reinstated in the US and abolished in Canada, 1099 people have been executed. Over that same period, 120 people have been released from **death** row after the appeals of their original cases ended in either acquittal or their charges being dismissed. While it is not possible to know how many of those who were executed were not guilty, the **Death** **Penalty** Information Center lists eight cases where there is strong evidence for innocence. Technological advances in evidence collecting and analysis have had a major role in these reversals, and many cases have been overturned when DNA analysis showed that the convicted person was not in fact responsible. In other cases, eyewitnesses have recanted their testimony or been revealed to be police informants whose testimony could not be considered reliable.

In Canada, there have been several high-profile cases of murder convictions being overturned. David Milgaard served twenty-two years in prison for a murder that he did not commit, a murder that would have resulted in a capital case if the **death** sentence was still being used in 1969. Donald Marshall Jr. spent eleven years in prison on a murder sentence that was reversed by the Nova Scotia Court of Appeal, while Guy Paul Morin was convicted of murdering his nine-year-old next door neighbour, and spent three years in prison until DNA evidence cleared of him all charges.

Most disturbing is the case of Stephen Truscott, who was only fourteen when he was sentenced to **death** for murder in 1959. It took nearly fifty years for Truscott, who had maintained his innocence from the beginning, to be acquitted of the crime. In August 2007, the Ontario Court of Appeal declared that the conviction had been a miscarriage of justice. Although Truscott's **death** sentence was commuted to life in prison in 1960, and he was eventually paroled in 1969, it is a glaring example of the fact that the justice system does not always exonerate the innocent and punish only the guilty.

The only way to make sure that capital punishment does not kill the innocent is to remove the **death** sentence. Since the reinstatement of the **death** **penalty** in the US in 1976, 241 individuals have had their **death** sentences commuted to life in prison. These commutations are done by the governor of the state in which the prisoner is on **death** row. In more than twenty of the 241 cases, the governor listed the possibility of innocence as a reason for the commutation.

[**Ponder This**](http://web.b.ebscohost.com/pov/detail/detail?vid=3&sid=e49faad7-1598-408c-9b45-ba70def1f984%40sessionmgr198&hid=128&bdata=Jmxhbmc9ZW4tY2Emc2l0ZT1wb3YtY2Fu#toc)

1. How clear is the author's argument? Are there portions of the argument that require clarification? Which of the author's arguments against capital punishment is the most compelling? Why? Which of the author's arguments against capital punishment is the least compelling? Why?

* 2. Do you think the use of California as a comparison to Canada is a good one? Why or why not?
* 3. Do you think the fact that Canada's murder rate has decreased since capital punishment was abolished is a coincidence? If so, what other factors do you think have led to the decrease?
* 4. The author uses statistics to help support the argument. Choose the statistically-based statement that gives the most weight to the author's argument. Explain why you made your choice.

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