

in southern states. Three-fourths of these were black. One reason why so many blacks were executed in the South was because there were more capital crimes for blacks than whites.

II. Racism

Blacks also were not always given attorneys and their sentences were worse than the white man would have received. Blacks were more likely to be given the death penalty and sometimes the death penalty would be different than the white man's. For example, being burned at the stake was common for blacks. In the court room, whether in the northern or southern states, judges would address blacks in disrespectful ways. Many times they were addressed as "boy" or "missy" to undermine their testimony. Even through the early 1970's, practices like these and not being represented were common in most levels of the criminal justice system.

In the 1980's, blacks accounted for over 1/4 of those arrested for burglary, 61% arrested for robbery, about 45% for homicide, and 46% were charged with forcible rape. Those numbers seem unreal when you consider blacks are roughly 12% of the United States population. Because of these figures and others like them, people feel our criminal justice system is racist and this includes the death penalty.

Anthony G. Amsterdam refers to the death sentences imposed in Georgia's 2,484 murder cases between 1973 - 1979 to make his point that there is racism in our criminal justice system. He points out that, although less than 40% of Georgia's homicide cases involve victims, in 87% of the cases in which a death sentence is issued, the victim is white. White victim cases are almost eleven times more likely to have a death sentence than are black victim cases.

When the race of the defendant is looked at, 22% of black defendants who kill white victims are sentenced to death; 8% of white defendants who kill white victims are sentenced death; 1% of black defendants who kill black victims are sentenced to death; and 3% of white

defendants who kill black victims are sentenced to death. Amsterdam also notes that out of about 2,500 Georgia homicide cases, only 64 involve killings of black victims by white defendants, so the 3% death sentencing rate is a total of two death sentences over a 6 year period. Murderers of white victims are still being sentenced to death 4.3 times more often than those murderers of black victims today. Amsterdam gives one last statistical bit of information. Since Georgia passed its present statute in 1973, 11 murderers have been executed, 9 of the 11 were black, and 10 of the 11 had white victims. He closes his argument with this question, "Can there be the slightest doubt that this revolting record is the product of some sort of racial bias rather than a pure fluke?" (Monk, 1989, pg. 144 - 145).

William Wilbanks disagrees with Amsterdam. He believes that the thought of criminal justice as racist is a myth. Wilbanks says a lot depends on whom you ask. If black are asked about capital punishment and the criminal justice system, they will say it is racist. If whites are asked the same question, they will say it is not. Some whites even believe the justice system is giving black breaks so it cannot be accused of racism.

Wilbanks states that at one time there was racial discrimination, but it has now declined. Who is sentenced also depends on where geographically the person is sentenced. Some states can be harsher or more lenient than others. Rural and urban courts also play a role in the sentencing. Wilbanks says if the legal variable were looked at by people, they would see that there is no black/white discrimination. The one fact that Wilbanks pointed out which I found the most interesting is that black judges gave harsher sentences to black defendants than to whites and judged them more harshly than white judges would. Some I guess this would mean, if there was racism, it is more from blacks themselves than whites. A side question is: Could this be more a matter of money, with the poor getting the harsher judgement?

III. Pros and Cons.

Besides the feeling that capital punishment is wrong because of racism, some object to capital punishment for other reasons. Many people feel that in cases of murder the sentence should be life in prison instead. They argue that one death has already occurred and that family is in great sorrow. They don't understand why the state would want to put another family through the same torment.

People also warn against the risk of executing an innocent person. It is bad enough sentencing a man to prison and years later finding he is innocent. The state pays him money and apologizes as if that makes it any better. The man's life is already disrupted and his reputation ruined. How could the state make up for putting an innocent man to death? Instances are rare, but it does happen. Some people also believe capital punishment goes against the 8th and 14th amendments, "cruel and unusual punishment". These proponents say that, after all the appeals and the wait on death row, the criminal goes through some sort of change. They aren't the same person they were at the time of the crime. They should be saved from being put to death.

Many people who favor capital punishment take the religious stand, they say that life is sacred, and the criminals who murder, rape, and kidnap do not respect the sanctity of life. Those who use a religious argument quote Exodus 21:23-24, "life for life, eye for eye, tooth for tooth". The Bible specifically gives the government the right to take the life of one who has taken the life of another.

One big argument used is that by having the death penalty we can make examples out of people who receive the death penalty. It is hoped that such examples will deter others from such crimes. This has not been proven, however. There is no evidence that there are lower numbers of capital crimes in states with the death penalty than those without it. On the other hand, the comparative rarity of capital punishment

can be cited as the reason it fails to be an effective deterrent.

People for and against capital punishment use four terms to make their points. The first is deterrence. This means to make an example out of one to scare others away from doing the same or worse act. Retribution is the second. Proponents state that the criminal should die for his horrible act so the public will not matters into its own hands. Opponents of capital punishment argue the opposite and say there is no connection between lynching and capital punishment.

The third point that proponents also argue is that the economy has to be considered. They feel it is cheaper to execute a criminal than to feed and take care of him in prison on a life sentence. Opponents say this isn't true because all the appeals cost the state. All the appeals the criminal is allowed to make ends up costing more than giving them life in prison. Opponents also believe that a lot of prisoners can support themselves and if we use capital punishment we should execute all prisoners who cannot support themselves to save the state money. Of course, this remark is outrageous and that's the point they are trying to make.

The fourth argument for capital punishment is that it protects society from dangerous criminals. The convicted criminal insures that he will not commit that or any other crime again. The opponents answer to that is rehabilitation programs in jails which teach the criminal show to get along in society so they will no longer be a threat to it. These programs are not effective, however, the majority of the time.

Doing research for this paper really made me think about where I stand on this issue. I decided that I am for capital punishment and think people need to have more reverence for life. Only God has a right to take someone's, not murderers. God gives the government authority to punish the murderer. Also people argue that capital punishment is "cruel and unusual punishment", but humane is life in prison? Is there even

such a thing as “life” in prison? Most states give everyone a right for parole if his conduct is good, that means a murderer can be out walking the streets, when he should not even be alive, this includes those who are convicted to life in prison! The average is about twenty years in prison if a criminal has been sentenced to life. Capital punishment could also be cheaper than supporting someone in jail, if limits were put on how many times a person could appeal. Bills keep coming to the attention of the legislature, only allowing each criminal one appeal on a death sentence. I also don't feel racism is an issue in capital punishment. On the other hand, we must make every effort to assure that our courts treat all fairly, even though the poor who cannot afford an army of expensive lawyers.

Throughout the years many people have fought for their beliefs. Our founding fathers wrote in the Declaration of Independence that “all people have certain inalienable rights among them, life”. Whatever your opinion on capital punishment is, all of us need to work to assure the life and well being of the United States citizens.

Смертна кара відома людству з давніх часів. Люди могли, наприклад, отримати таку кару за продаж пива (Закони Хамурапі) чи за крадіжку ключей від виною підвала іншої людини (Закони раннього Риму). У 15 віці в Англії за 7 злочинів була встановлена смертна кара. Зараз смертна кара встановлена в багатьох країнах за дуже небезпечні злочини, наприклад, вбивство та державна зрада. Також змінювались засоби виконання цієї кари. Наприклад, раніше злочинців вішали, кидали у кипуче масло або до диких тварин тощо. Сучасні засоби виконання цієї кари — це ростріл, газова камера, електричний стілець та особливі ін'єкції.

Смертна кара — це актуальна проблема і для Сполучених Штатів. Ще у 18 віці в Америці почалася дискусія з приводу смертної кари і багато людей вважали цю кару негуманною до люди-

ни. Перший законопроект по скасуванню смертної кари в Америці був розроблений у 1848 році і деякі штати, починаючи з цього часу, вже відмінили цю кару за деякі злочини. Практично з цього часу смертна кара у ряді штатів була, за винятком південних штатів, поступово замінена на довічне позбавлення волі. Смертна кара у цих штатах була залишена лише за різні види вбивства та державну зраду. Смертна кара відмінялась не тільки завдяки якимось суспільно-правовим дослідженням, а досить часто, наприклад, у разі якихось публікацій у пресі, які писали про “невмілість” виконання цієї кари. “Провинність” правослухняних людей у застосуванні цієї кари стала ще “меншою”, коли почали застосовувати більш “гуманні” види виконання смертної кари. Так, у 1880 році почав застосовуватися електричний стілець, а у 1924 році - отруйний газ. Але процес відміни смертної кари продовжувався. Деякі південні штати відмінили смертну кару у 50-х та 60-х роках нашого століття. Північні штати, на відміну від південних штатів не “поспішали” скасовувати смертну кару. У цих штатах практично до 50-х років нашого століття ще застосовувалось лінчування. До цього потрібно додати, що тільки одна третина була білі злочинці. Ця проблема досить часто пов'язується з проблемою расизму. Наприклад, на протязі багатьох років темношкірі злочинці не мали права мати захисника і покарання призначалось їм більш тяжким, ніж білим злочинцям. До цих злочинців також частіше застосовувалась смертна кара і засоби її виконання були більш жорстокими. Наприклад, спалення на вогнищі застосовувалось до темношкірих злочинців. Причому навіть до 70-х років нашого століття у судах як північних та і південних штатів не уважне ставлення до темношкірих злочинців було, можна сказати, офіційно установленим порядком. Це дозволяє американським фахівцям (Anthony G. Amsterdam), котрі проводять спеціальні дослідження, вважати, що у такій системі юрисдикції “зберігаються” елементи расизму. Інші

