

EPISODE 10: READER'S CHOICE PODCAST – PART II

Introduction

Hello and welcome to the Death Penalty Information Center's podcast, exploring issues related capital punishment. This is the second of two episodes where we answer questions submitted by readers of our weekly newsletter. You can find part one of our Readers Choice Podcast on our website at www.deathpenaltyinfo.org. In this edition, we will be addressing public opinion and the death penalty.

Can you discuss some of the sociological and criminological theories that support the death penalty?

One such theory is that the death penalty serves as a deterrent to murder. The Supreme Court acknowledged in *Gregg v. Georgia* (the 1976 case that reinstated the death penalty nationwide) that the death penalty potentially has some deterrent effect, and allowed the states to use their own judgment in deciding whether the deterrent effect actually exists. The death penalty is actually carried out in very few cases in comparison to the number of murders, making the deterrent effect difficult to measure. Some sociologists believe that if another harsh punishment, such as life imprisonment without the possibility of parole is applied, it will deter potential murderers to the same or greater extent as the death penalty.

Another theory in support of the death penalty is that it is a just form of retribution - that the defendant's life must be taken because they took the life of the victim. While everyone may have a right to life the criminal gave up their right to life when they killed, just as any convict gives up certain rights when they break the law. On the other hand, many people believe that revenge is not an appropriate societal response, and life imprisonment without the possibility of parole can serve as an equally effective punishment, while sparing the person's life and guarding against executing an innocent person.

Neil from England asked if the death penalty in the US would have more likely been stopped if the supposedly 'soft' option of lethal injection had not become available. In other words, if the electric chair and the gas chamber had been retained, would more Americans be abolitionist?

Average citizens are not as engaged in the debate about the method of execution as they are about the fairness of the death penalty and the risks of mistake. That being said, it is probably true that the death penalty would be harder to defend if the electric chair and the gas chamber were still used. Some courts have struck down these older methods as cruel and unusual, so it's not clear that they could be retained even if legislators chose them.

A Ph.D. student from Australia asked: Why do you think America is the only 'Western' country that retains the death penalty?

America is made up of 50 decision-making bodies. Some, 15 states, have chosen to abolish the death penalty, while 35 states retain it. The U.S. is slowly abandoning the death penalty through less death sentences, fewer executions, and there is the likelihood that more states will repeal the death penalty in the near future. It has taken more time here because it is more of a local decision.

With the growing use of privately run prisons, do you think that executions will ever be 'outsourced' in this way?

No, the death penalty is probably too sensitive an area to be turned over to private contractors. That would only make it more controversial and likely to be abolished.

Do you have reports on the overall cost of death penalty since its re-implementation in 1976?

We are not aware of any studies that cover the cost of the death penalty across the United States since 1976. More often, you will find state studies that look at their respective death penalty systems over a specific period of time. A conservative estimate puts the cost of each execution at \$3 million. Since there have been over 1,200 executions since 1976, that represents a cost of \$3.6 billion.

Will we see an increase in the application of the death penalty any time in the future? Will there be an ever increasing amount of men (and women) on death row, or will the rate remain at a high level and the cost of housing them continue to drain the budget of every state that has it on its books?

The size of death rows across the United States are actually decreasing. As of January 1, 2010, there were a total of 3261 inmates on death row in the United States. Around the same time in 2009, there were 3297. It is impossible to predict where the death penalty will be in the coming years, although trends indicate a decline in the use of the death penalty nationally. In 2009, there were 112 new death sentences, roughly one-third of the number in the 1990s and the lowest number since the death penalty was reinstated. Many states are considering legislation to repeal the death penalty. The number of executions is also lower than 10 years ago.

What do you see as the future of the death penalty globally?

Internationally, a resolution was introduced at the UN General Assembly, which called for a moratorium on the death penalty around the world. 107 countries voted in favor of the resolution, while 38 countries voted against it and 36 abstained. In 2007, a similar resolution received 104 votes in favor and 54 votes against. The increase in positive votes, along with a decrease in negative votes both indicates an international trend away from the use of the death penalty. Around the world, the death penalty is not in heavy use, with only a handful of countries –China, Iran, Iraq, Saudi Arabia, and the United States, – accounting for roughly 90% of all known executions.