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### Is the Death Penalty Dying?

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IS THE DEATH PENALTY DYING?

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H290

## IS THE DEATH PENALTY DYING?

Now that fourteen states, almost one-third of our country, have abolished the death penalty, it is causing other states to stop and examine capital punishment and see if the extreme penalty is really the most effective penalty.

Anytime there is a discussion on capital punishment, almost invariably the first argument that will be brought up for capital punishment is that it has great deterrent value. This deterrence applies both to the specific criminal involved, in that he will be executed and will no longer be a possible menace to society, and also to a potential criminal, in that he will see what could possibly happen to him if he follows the same route. The main disagreement with this argument is that there is no way of proving how many potential criminals have been stopped by fear of the death penalty. Of course it is pretty obvious that the executed criminal will not be able to murder again, but who is in a position to say whether or not it deters potential criminals from crime?

Closely associated with the argument of deterrence, is the argument of elimination. Robert H. Dudley (Prosecuting Attorney, Sixteenth Judicial Court, Pocahontas, Arkansas) said in a letter to Walter Wright, (Prosecuting Attorney

in Garland County) that ". . . the vicious murderer of rapist should be put out of the way, not for his misdeeds, and not solely to make an example out of him, but rather for the protection of other innocent people." Wouldn't it be better if the criminal were rehabilitated rather than done away with? This would protect the innocent just as well.

Another argument for capital punishment is that it is the only "just" penalty for the gravest of crimes. This statement seems to defeat the whole supposed purpose of our prison system. The idea of prisons is to get criminals back on the "right track" so that they can live useful lives--not to punish. If this is not the purpose of our prisons, it should be. Of course, this statement is controversial as is the issue of capital punishment. It would seem that the people that believe in capital punishment would probably not agree with this idea of the prison system.

Many people say that it is too taxing on the economy of our government to support criminals, and they should be executed and gotten out of the way. Since when has human life been measured in dollars and cents? If our government can devote half its budget to killing, surely it can devote a small fraction to improving a few lives.

Another argument in the aforementioned letter from Robert Dudley, says that the people believe in the death penalty, and, if it were abolished, citizens would be prompted to take the law into their own hands. This has not proved to be true in any of the fourteen states that have abolished capital punishment.

A lot of people who are in favor of capital punishment

are willing to compromise and say that they do not really believe it to be right, but that there is nothing with which to replace it. Their argument is that long term imprisonment is not effective because there is always hope of release, or in some cases, successful escape. They also maintain that solitary confinement is more cruel than death, which, in some cases, is probably true. The replacement for capital punishment must lie in prison reform. Mrs. Edna Shaver, in a letter to the Arkansas Gazette (January 3, 1967) pretty well outlined the steps necessary to build our prison system into a useful institution. Her first suggestion was that our lawyers and judges be better trained. The prison officials should be well adjusted, well trained, and carefully screened. Prisons should employ a fulltime psychiatrist to heal the "diseased minds." Inmates should not be used as guards, rather guards should be taken from the screened applicants. Schools should be established in prisons to prepare prisoners to be able to secure jobs and live useful lives on the "outside."

With these and other improvements in our present prison system, rehabilitation would provide a replacement for the death sentence.

Rev. Paul G. Palmer, Pastor of the First Presbyterian Church, Little Rock, summed up the argument in a letter to the Arkansas Gazette (December 26, 1966) when he said that with life there is always the possibility of reconciliation, redemption, and rehabilitation. There is not much you can do for the dead.