



5th Thailand High-School National Debating Championship

การแข่งขันโต้วาทีภาษาอังกฤษระดับมัธยมศึกษาแห่งประเทศไทย ครั้งที่ ๕
ซึ่งอัญพระราชนัดดาสมเด็จพระเทพรัตนราชสุดาฯ สยามบรมราชกุมารี



Research Pack - By Peejay

This House believes that we should apply the death penalty to all drug traffickers

Drug: Definition

drug [[drug](#)]

noun (*plural* drugs)

Definition:

1. illegal substance: an often illegal and sometimes addictive substance that causes changes in behavior and perception and is taken for the effects

(source: MSN Encarta)

Traffic: Definition

traf·fic [[tráfíik](#)]

noun

Definition:

1. business of transportation: the business of transporting goods or people

2. trade: illegal trade in goods such as drugs or weapons

3. negotiations: dealings or negotiations between people

(source: MSN Encarta)



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This is a debate about both the death penalty AND society's assessment of the harm drug traffickers bring to all its citizens. Arguing that the death penalty is an acceptable form of punishment in the justice system is therefore not enough; one must also argue that those who engage in the trafficking of drugs are committing such a serious offense against society that no other penalty is adequate. So, even if the adjudicator agrees that the death penalty may be acceptable for serial killers, for instance, he/she may not agree that these drug traffickers merit this level of punishment.

The Proposition, therefore, must show that not only is the death penalty a necessary element of the criminal justice system, for purposes such as justice and crime deterrence, but that all drug traffickers are committing crimes so grave as to justify this penalty. An analysis of the notions of "justice" and the purpose of the criminal justice system is necessary. The Proposition side must show that those who deal in drugs are harming a significant sector of society, including young people who are most vulnerable to its effects, and that drugs are causing severe harm to the fabric of society. The Proposition must argue that drug dealers are just as guilty as murderers and other vicious criminals, because their drugs cause the deterioration of the drug users' health (including eventual death for many) as well as the destruction of the users' families, as many of those around these drug users are also severely affected physically (because many drug users' become violent and commit domestic abuse), financially (because drug users tend to spend too much money on drugs or fail to make money because they're too busy doing drugs) and emotionally (because of the strain of seeing a loved one be destroyed by drugs, or having that loved one's feelings towards you change for the worse because of the effects of drugs). The Prop side may also mention that the penalty is an effective deterrent against future crimes. Some countries (ex. Singapore) have imposed this penalty amid great media coverage, and this has served to elevate the awareness of those seeking to enter these societies that they should not even attempt drug trafficking, or else face the ultimate price. The Prop side must argue that this could serve as a disincentive to potential drug dealers, discouraging them from even attempting to deal drugs in the first place, therefore leading to a net positive effect on society.

The Opposition has a number of options in this debate: 1) It may choose to challenge the concept of the death penalty itself (saying that no crime deserves this punishment, and that this is an unnecessary penalty that is against public morals and achieves no proper purpose); 2) It may choose to question whether this crime deserves this penalty (saying that drug traffickers should be given other forms of punishment instead, such as life imprisonment); and/or 3) It may choose to question the consequences of the penalty on society (saying that it has no net positive benefits or does not act as a deterrent, but instead causes clear harms). For the Opposition to win, it must show that there is a clear, significant reason why the Death Penalty is either ineffective, unjust or harmful (or any combination of the three), so that any supposed benefit gained from having the penalty is clearly offset. The Opposition may also decide to propose a counter-plan by saying that there is a better way to dealing with these criminals, or to deter this crime, other than this penalty. These proposals could include increasing the police presence in high drug-traffic areas, giving life imprisonment (instead of death) to these criminals, and/or providing more funding for anti-drug use education in schools, to discourage young children from trying drugs. Lastly, the Opposition can mention that this penalty sends the wrong message to the young people of society, and makes society a vengeful, vicious society that does not care for the basic human right to life. Over-all, therefore, the Opp side should say that the Death Penalty has net negative effects for society.

As always, this research pack is not meant to be exhaustive. You are encouraged to do your own research, and to find facts, examples and other forms of data that you feel may help you win.

Good luck! ๔



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(source: International Herald Tribune, www.iht.com)

Indonesian court upholds death penalty for drug offenses

By Peter Gelling

Tuesday, October 30, 2007

JAKARTA: The Constitutional Court of Indonesia upheld the death penalty for serious drug offenses Tuesday, dimming hopes of a reprieve for three Australians facing execution for trying to smuggle heroin off the resort island of Bali.

Lawyers for the three men, members of a group of Australians convicted of drug offenses known as the Bali Nine, had hoped a successful constitutional challenge would add weight to their final appeal to the Supreme Court, which had previously escalated their sentence from life imprisonment to death. Should that appeal fail, their last available avenue would be a direct plea to Indonesia's president.

The Constitutional Court ruled 6 to 3 that a 2000 constitutional amendment upholding the right to life did not apply to capital punishment. The court added that the right to life had to be balanced against the rights of victims of drug trafficking.

Lawyers representing the three Australians and two Indonesians also facing capital punishment for drug offenses filed the challenge with the Constitutional Court last January. Three other Australians on death row here had hoped that a constitutional ruling might lead to a review of their case.

Three other Australians are serving between 20 years and life for their involvement in the smuggling ring. The so-called Bali Nine were arrested in 2005 for trying to smuggle 8.2 kilograms, or 18 pounds, of heroin into Australia from Bali.

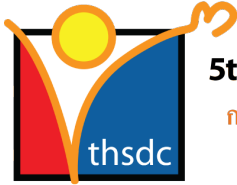
The death penalty is not an uncommon punishment for drug trafficking in Southeast Asian countries like Indonesia, Singapore and Malaysia. At the beginning of this year, 134 people, including 34 foreigners, were on death row in Indonesia, the vast majority for drug-related crimes, according to government statistics. In 2004, two Thai citizens were executed in Indonesia on drug charges.

The Australian government, a staunch opponent of capital punishment, has usually pleaded for clemency for its citizens facing execution abroad.

Last year, Prime Minister John Howard and Foreign Minister Alexander Downer appealed to the Singaporean government in the case of a Melbourne resident, Nguyen Tuong Van, who was eventually put to death for smuggling heroin.

Recently, Downer said that if the Constitutional Court did not rule in the Australians' favor and final appeals were rejected, he would approach the Indonesian president, Susilo Bambang Yudhoyono.

Yudhoyono, however, has shown no sign of wavering on the death penalty. Earlier this year, despite an international outcry, he went ahead with the executions of three Christians convicted of inciting religious violence on the island of Sulawesi. Numerous members of the president's cabinet have also voiced support for the death penalty.



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Although few expected the Constitutional Court to abolish capital punishment altogether, opponents of the death penalty were hoping for a ruling that might lead to a review of all pending death penalty cases, including those of the three men found guilty in the 2002 bombings in Bali that left 202 people dead. The three have exhausted their appeals and are to go before a firing squad in the coming month.

Rudi Satrio, a legal expert at the University of Indonesia, who had filed a brief to the court recommending a 10-year waiting period for executions in case new evidence should come to light, said he was not surprised by the court's decision, considering Indonesia's tough stance on drug offenses.

"Narcotics are a big problem here, I am not surprised at the court's decision," Satrio said. "But maybe if a challenge is brought in the future to the Constitutional Court about the death penalty in general, not just in terms of drug offenses, maybe we will see some change. And any change at all would force the lower courts to review all death penalty cases."

(source: Medical News Today, www.medicalnewstoday.com)

Death Penalty For Drug Offences Violates Human Rights, Australia

10 Dec 2007

As six young Australians sit in a Bali jail awaiting execution, the International Harm Reduction Association, along with the Australian Drug Foundation (ADF) argues that executions for drug offences violate international human rights law.

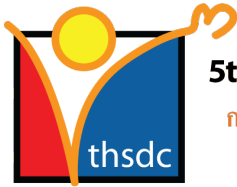
In the wake of failed appeals by the six members of the "Bali Nine" sentenced to death, a new report released today finds that the death penalty for drug offences is a major violation of human rights. The report, *The Death Penalty for Drug Offences: A Violation of International Human Rights Law*, has been published by the London-based International Harm Reduction Association (IHRA), which is affiliated with the ADF.

Professor Nick Crofts, Deputy Chairman of IHRA, in releasing the report has called upon the Rudd Government to strongly advocate in all regional and international forums for the abolition of the death penalty.

"On this, International Human Rights Day, the new Federal Government has a perfect opportunity to begin rebuilding Australia's pre-eminent role as a world leader in championing the cause of human rights," he said.

"It is the perfect opportunity to begin to set to rights Australia's abysmal record over the years of the Howard government, which was silent or complicit in multiple human rights violations - including delivering the Bali nine to the Indonesian government, knowing that they would face the death penalty." Of the nine Australian nationals currently being held in Bali, six are on death row, having been convicted of drug trafficking. An appeal by three of them against their death sentences failed last month.

While the number of countries practicing capital punishment has steadily decreased over the past twenty years, the IHRA report highlights that the number of death penalty states expanding capital crimes to include drug offences has steadily increased. Of the 64 countries that retain capital punishment, half apply the death penalty to drug-related offences. In many of these countries the death penalty may be applied to people convicted for possession of illicit drugs, not only to those convicted for trafficking offences.



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In 2001, for example, over fifty people were publicly executed in China for drug-related crimes at mass rallies, at least one of which was broadcast on state television. Most of these deaths go unnoticed by the international media.

Under the International Covenant on Civil and Political Rights (ICCPR), the use of capital punishment, while not prohibited outright, is restricted in several ways. One of the key restrictions is that the death penalty may only be applied for the "most serious crimes". Both the UN Human Rights Committee and the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions have stated that drug offences do not constitute "most serious crimes" under the ICCPR, and that executions for such offences are therefore in violation of international human rights law. Less than a month ago, a UN General Assembly panel adopted a resolution calling for the total abolition of the death penalty around the world.

Bill Stronach, CEO of the Australian Drug Foundation, has also called for the new Australian Government to take a strong stand on human rights violations:

"The UN human rights system has stated definitively that drug-related crimes do not constitute death penalty offences. Executions for drug offences therefore violate international human rights law, and the international community, including Australia, must bring pressure to bear upon states to end this illegal practice.

"While progress towards the abolition of capital punishment is a significant success of the human rights movement, the expansion of capital punishment for drug offences during that same period can only be seen as a dramatic failure."

About IHRA

The International Harm Reduction Association (IHRA) is a leading international non-governmental organisation promoting policies and practices that reduce the harms from all psychoactive substances, harms which include not only the increased vulnerability to HIV and hepatitis C infection among people who use drugs, but also the negative social, health, economic and criminal impacts of illicit drugs, alcohol and tobacco on individuals, communities and society. You can find out more at <http://www.ihra.net>.

About HR2

In 2007, IHRA established HR2, the Harm Reduction & Human Rights Monitoring and Policy Analysis Programme. HR2 leads the organisation's programme of research and advocacy on the development of harm reduction programmes and human rights protections for people who use drugs in all regions of the world. You can find out more at <http://www.ihra.net/HR2>.

(source: MSN Encarta)

Why the Death Penalty Should be Abolished

By Lawrence C. Marshall

On September 23, 1998, Anthony Porter sat in his cell on death row in an Illinois prison while the hours ticked away toward his scheduled execution. In two days, Porter was scheduled to be injected with lethal



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poison as punishment for the 1982 murder of a man and a woman in a Chicago park. Just 48 hours before the execution, a *stay* (a temporary suspension of the sentence) was granted based on questions about Porter's mental competency.

While the lawyers were arguing about that issue, a team of journalism students from Northwestern University began to examine the case against Porter and to interview various witnesses who had testified against Porter or otherwise might know information about the murders. After several months of investigation, a chilling truth emerged: Anthony Porter was completely innocent and had nothing to do with the killings. Rather, the students discovered, the real killer was a man named Alstory Simon, who confessed on videotape after his wife admitted that she was with him when he killed the victims. In addition, the key witness who had testified against Porter in 1982 now admitted that he had not seen the face of the shooter and had testified against Porter because the police pressured him to do so.

In February 1999, based on these new facts, which took more than 16 years to emerge, Anthony Porter was released and Alstory Simon was charged with murder. Illinois came within 48 hours of killing an innocent man. Porter escaped death only because he was lucky enough to obtain a last-minute stay for an assessment of his mental competence, giving the students time to discover the evidence that cleared him.

Looking at cases such as Anthony Porter's is critical in assessing the death penalty because it allows us to move beyond the theoretical debate, which will never be resolved. The general moral question of whether government has the right to punish wrongdoers by killing them has long plagued philosophers and theologians. Supporters of the death penalty often argue with those who oppose it about the implications of certain verses in scripture and about the general question of whether people forfeit their right to life when they commit murder. Similar moral arguments focus on whether it is ever legitimate to execute someone for a crime committed as a juvenile or to execute the mentally impaired. Many opponents argue, moreover, that it is senseless for government to kill to show that killing is wrong.

These are critical issues, but in the modern debate about the death penalty in the United States, these issues may be beside the point. For no matter what one believes about the *abstract* question of whether capital punishment is appropriate, the *concrete* realities show conclusively that the death penalty as administered in the United States is inconsistent with any reasonable view of justice and morality. Examining actual death penalty cases provides insight into the harsh realities of the death penalty. The death penalty mistakenly condemns some innocent defendants, it is applied unequally on the basis of race, and it is arbitrary in the sense that it is secured almost exclusively against people who are very poor. When these facts are balanced against the purported values of capital punishment, it is clear that the inevitable defects of the system far outweigh any of its theoretical benefits.

Propensity to Condemn Innocent Defendants

Since 1972, 76 men and 2 women have been officially exonerated after having once been sentenced to death in the United States. During the same period, 504 people have been executed, meaning that for every 7 people executed, 1 condemned defendant has been exonerated. Some of these 78 people spent more than 15 years on death row before their innocence was established. Yet even so, these 78 are the lucky ones, because evidence of their innocence emerged in time to save their lives. We have no way of knowing how many innocent defendants were not so lucky—they were executed and the evidence of their innocence may never emerge. Nor do we have any way of knowing how many people on death row today will be executed before the truth can emerge about their innocence. We do know, however, that almost all of the 78 people who were freed benefited from some extraordinary stroke of luck: the timely confession of the actual killer, the timely discovery of material that could be subjected to deoxyribonucleic acid (DNA) testing, or some other near-miraculous development. They were freed despite the legal system's efforts to kill them, not as a result of the legal system's efforts to help them uncover the truth.



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In the late 18th century, French statesman Marquis de Marie Joseph Lafayette summed up his view on the death penalty with the following words: “Till the infallibility of human judgment shall have been proven to me, I shall demand the abolition of the death penalty.” Two centuries later, it remains clear that human institutions of justice remain remarkably fallible. In some cases, these errors are caused by innocent mistakes, as in the case of a witness who honestly, but mistakenly, believes that he saw the defendant at the crime scene. In other cases, the errors have more sinister roots, as in cases where courts have found that police officers, prosecutors, or expert witnesses fabricated evidence against a defendant or hid evidence that proved a defendant’s innocence. No matter what the source of the error, however, it is inevitable that innocent people will be put to death if capital punishment continues to be administered.

Discriminatory Application on the Basis of Race

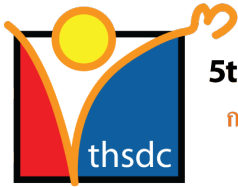
The racism that is inherent in the modern application of the death penalty in the United States has a long historical pedigree. For example, in the 19th century, Virginia had five capital crimes for whites and 70 capital crimes for blacks. Rape was a capital crime for blacks but was not for whites. Study after study shows that although the system is not as openly racist as it once was, the racial characteristics of the defendant and the victim continue to play a dominant role in determining whether a defendant will be given a sentence of death. As United States Supreme Court Justice Harry Blackmun declared in the Court’s 1994 decision in *Callins v. Collins*, “race continues to play a major role in determining who shall live and who shall die.”

The issue of race infects the death penalty system at two major junctures. First, the local prosecutor has very broad discretion in deciding whether to seek the death penalty in any murder case. Second, if the prosecutor chooses to seek the death penalty and secures a conviction against the defendant, a jury or judge is required to evaluate all of the details of the defendant’s life, including the facts of the murder, to determine whether the defendant shall live or die. The role that race plays in both of these decisions is unmistakable. In cases where a defendant is charged with killing a white victim, prosecutors are far more likely to seek the death penalty, and juries and judges are far more likely to impose it, than in cases where a defendant is charged with killing a member of a minority group. In a sophisticated study of 2,400 Georgia cases, published in 1983, University of Iowa law professor David Baldus determined that after controlling for the many variables that make some cases worse than others, defendants who were convicted of killing white victims were 4.3 times more likely to be condemned to death than similarly situated defendants whose victims were not white.

Similarly, a number of studies have shown that all other things being equal, prosecutors are much more prone to seek and secure the death penalty against a black defendant than against a white defendant. For example, in 1998 Baldus published a study of death penalty cases in Philadelphia, Pennsylvania, from 1983 to 1993, showing that even after controlling for all other differences in the nature of individual cases, black defendants were 3.9 times more likely to receive the death penalty than other defendants. In 1989 the General Accounting Office of the United States, in a report titled “Death and Discrimination: Racial Disparities in Capital Sentencing,” concluded that findings such as these are “remarkably consistent across data sets, states, data collection methods, and analytic techniques.”

According to the Death Penalty Information Center, in Washington, D.C., statistics show that “race is more likely to affect death sentencing than smoking affects the likelihood of dying from heart disease.” In a country that is supposed to be committed to “equal justice under the law,” it should be unthinkable to perpetuate a system in which defendants are being killed on the basis of race.

Arbitrary Application Against the Poor



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Those familiar with the real workings of capital punishment have been known to comment that if you don't have the "capital," you get the "punishment." This biting observation reflects a cruel reality of America's death penalty: It is imposed almost exclusively on very poor people who are without the resources to defend themselves adequately. Stephen Bright, director of the Southern Center for Human Rights, in Atlanta, Georgia, has written that "it is not the facts of the crime, but the quality of legal representation, that distinguishes" between cases where the death penalty is imposed and similar cases where it is not. There are countless stories of defense lawyers who slept through death penalty hearings, were drunk throughout the trial, failed to conduct even a rudimentary investigation into the background of the defendant, and even used racial epithets to describe their own clients during trial. The common denominator in these cases is that the defendant is too poor to hire competent counsel who can mount a fair fight for the defendant's life.

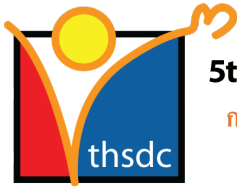
Even though the courts have tried to reduce the arbitrariness of deciding who will be executed, arbitrariness remains pervasive. Some poor people receive wonderful representation from public defenders or lawyers willing to represent them for no fee. Many others, however, never stand a chance because the lawyers who are appointed to represent them are overworked, underfunded, inexperienced, and in some cases simply incompetent. Some states pay only \$1,000 or \$2,000 to lawyers whose ability to thoroughly investigate a case and a defendant's background often determines whether the defendant lives or dies. This means that a lawyer who chooses to spend the number of hours required to provide adequate representation is often paid less than minimum wage.

In a 1992 survey conducted by the *Philadelphia Inquirer*, the very officials in charge of the system reported that they would not want to be represented in traffic court by many of the lawyers upon whom capital defendants are forced to depend. Of course, the prosecution is not hampered by any such limitations and generally has unlimited access to investigators, experts, lawyers, and other resources with which to pursue its case. It is unreasonable to expect justice to prevail when there is such a gross disparity of power between the parties to the trial.

Comparing Costs to Benefits

Supporters of capital punishment tend to accept many of these facts about flaws in the death penalty system. They argue that abolishing the death penalty because some innocent people will be killed (or some minorities or poor people will be unfairly sentenced to death) is tantamount to abolishing life-saving vaccines on the grounds that several people die each year of complications from vaccinations. The problem with this analogy is that unlike vaccines, the death penalty does not provide enough value to justify the taking of innocent life. Unlike vaccines, the death penalty does not save lives. There is absolutely no evidence that the death penalty deters murder any better than a sentence of life imprisonment without possibility of parole. The evidence that the death penalty does not deter murder is so clear that hardly any proponent of capital punishment tries to support the death penalty on those grounds. Instead, the primary argument advanced in support of capital punishment tends to be that the death penalty provides society the opportunity to show how much it values innocent human life by invoking the ultimate punishment against those who take innocent life. It is perverse, however, to maintain a system that will inevitably kill innocent people in the name of showing how much we care about innocent life.

Proponents of the death penalty also assert that the injustices associated with the application of capital punishment are not unique to capital cases and that remedying the effects of race, poverty, and error would require dismantling our entire criminal justice system. No one would assert, they argue, that we should get rid of jails because some people are wrongly imprisoned. So why, they ask, should we abolish capital punishment based on the problems discussed above?



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The answer to this question is simple. We cannot survive as a society without prisons. Chaos would rein. We, therefore, must tolerate prisons even as we recognize the risks associated with wrongful convictions and arbitrary or racist sentencing schemes. We could, however, easily survive without the death penalty, just as most of our international allies survive quite well (and experience far less violence than we do) without the death penalty. Indeed, the United States remains alone among Western democracies in its continued use of the death penalty.

Ultimately, pragmatic opposition to capital punishment can be boiled down to the three words that the United States Supreme Court sometimes invokes when granting relief to a death row inmate: “Death is different.” Knowing what we do about the fallibility of human institutions, and about the pernicious kinds of hatred and discrimination that often drive human judgment, we should not be taking it upon ourselves to make the monumental decision to kill a fellow human being.

About the author: Lawrence C. Marshall is a professor of law at Northwestern University in Evanston, Illinois, where he teaches courses in civil and criminal procedure, constitutional law, and legal ethics. He served as a law clerk in the Supreme Court of the United States to Associate Justice John Paul Stevens. He has represented several death row inmates who were exonerated and is the director of the National Conference on Wrongful Convictions and the Death Penalty.

Why the Death Penalty Is a Necessary and Proper Means of Punishment

By Paul G. Cassell

The death penalty has long been available as a punishment for the most aggravated murders in the United States. Since the birth of our nation, it has been an accepted fixture in our country’s criminal codes. Capital sentences are expressly recognized in the Constitution of the United States, which provides for the taking of “life, liberty, or property” with due process of law. The president, the Congress of the United States, the Supreme Court of the United States, and the overwhelming majority of the American people support capital punishment. The federal government and about 40 states provide for capital sentences, as do the laws of many other countries. This widespread support for the death penalty rests on the important societal goals served by executing the most terrible murderers. Nothing in the arguments by those opposing the penalty gives a reason for retreating from these principles.

Reasons for the Penalty

Criminal justice systems impose punishments for at least three important reasons: just punishment, deterrence, and incapacitation. Capital punishment furthers each of these goals more effectively than do long terms of imprisonment.

Just Punishment

Perhaps the most important goal of a criminal justice system is to impose just punishment. A punishment is just if it recognizes the seriousness of the crime. “Let the punishment fit the crime” is a generally accepted and sound precept. In structuring criminal sentences, society must determine what punishment fits the premeditated taking of innocent human life. To be proportionate to the offense of cold-blooded murder, the penalty for such an offense must acknowledge the inviolability of human life. Murder differs from other crimes not merely in degree; murder differs in kind.



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Only by allowing for the possibility of a capital sentence can society fully recognize the seriousness of homicide. Indeed, to restrict the punishment of the most aggravated murders to imprisonment conveys a deplorable message. Many other crimes, such as serious drug trafficking and sexual offenses, are currently punished with lengthy sentences, and in some cases, life prison terms. Without a death penalty, the criminal law's penalties will essentially "top out" and will not differentiate murder from other offenses. Only if the sentencing structure allows for a substantially greater penalty for murder will the range of penalties fully reflect the seriousness of ending the life of an innocent human being.

Those who would abolish the death penalty sometimes caricature this argument and portray capital sentences as nothing more than revenge. But this view misunderstands the way in which criminal sentences operate. Revenge means that private individuals have taken the law in their own hands and exacted their own penalty. Capital sentences are not imposed by private individuals, but rather by the state through a criminal justice process established by the people's elected representatives. In most of this country, there is a strong consensus that for some of the most heinous murders, the only proportionate sentence is a capital sentence. A system that imposes such sentences, after carefully following constitutionally prescribed procedures, is not exacting revenge but imposing just punishment.

Deterrence

The death penalty is also justified because of its deterrent effect, which saves the lives of innocent persons by discouraging potential murderers. Logic supports the conclusion that capital punishment is the most effective deterrent for premeditated murders. A capital sentence is certainly a more feared penalty than a prison term. The lengths to which convicted murderers go to avoid imposition of this sentence clearly demonstrates this fact, as do interviews with prison inmates. To be sure, the death penalty does not deter all murders. But because a capital sentence is more severe than other penalties, it is reasonable to assume that its existence will lead at least some potential murderers to decide against risking execution. As the Supreme Court has observed, "There are carefully contemplated murders, such as the murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act."

This logical inference is fully supported by anecdotal evidence. For example, in states that impose the death penalty, some robbers have reported that they did not use a gun while committing the robbery because of the possibility of a death sentence if a shooting occurred. On the other hand, in states without death penalties, kidnapping victims have reported their abductors coolly calculating to kill them because it would make no difference in the prison time they would serve if caught.

Statistical studies also support the conclusion that the death penalty deters. Perhaps the best study of the issue was conducted by Professor Stephen K. Layson, an economist at the University of North Carolina at Greensboro. Layson compared the number of executions in the United States with the number of homicides from 1933 to 1977. Based on a sophisticated statistical analysis controlling for other variables, he found that on average, each execution deterred approximately 18 murders. His finding is buttressed by a growing body of criminal justice data showing that enhanced punishment has a deterrent effect in a wide variety of settings. Indeed, the premise that enhanced penalties will avert crimes is fundamental to our criminal justice system and is routinely accepted in less emotionally charged contexts.

Opponents of the death penalty respond to such studies by pointing out that some states with the death penalty have a higher homicide rate than states that do not impose capital punishment. Such arguments reveal little, because states with the most serious crime problems are probably the ones that have chosen to implement capital punishment. Opponents also cite some studies suggesting that the death penalty does not produce lower homicide rates. But death penalties are reserved for aggravated murders committed in an especially cruel and atrocious manner. The deterrent effect of death penalties on these



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crimes may not be revealed in aggregate homicide statistics, which consist mostly of less aggravated murders.

The conflicting studies indicate that the deterrent power of the death penalty can never be proven with absolute certainty. But given the inherent logic behind the deterrent power of capital punishment, to fail to impose such penalties is a risky gamble with innocent human lives. Quite simply, if capital punishment deters, innocent persons will die if society fails to impose capital sentences. Because of the substantial reasons for predicting that the death penalty will deter some murders, respect for human life demands that society carry out the penalty.

Incapacitation

Capital punishment also serves to effectively prevent murderers from killing again. This incapacitation effect is particularly important because of the continuing risk posed by those who have already taken a human life. For example, according to data from the Bureau of Justice Statistics, of 52,000 state prison inmates serving time for murder in 1984, an estimated 810 had previously been convicted of murder. Had some of these murderers been given the death penalty for their first murders, innocent people would have been spared. The next most serious penalty, life imprisonment without the possibility of parole, leaves prison guards and other prisoners at risk. Indeed, without the death penalty, a murderer serving a life term has, in effect, a license to kill. Such lifers can literally get away with murder, because no incremental punishment can be imposed on them. A prisoner serving a life term may also escape from prison or obtain parole or executive clemency. Only a capital sentence can permanently end the threat to others posed by the most serious murderers.

Flaws in the Arguments for Abolition

Many of the arguments against the death penalty rest on challenges to the way that it is currently administered. These arguments are not really against the death penalty, but rather against other features in the criminal justice system, such as the way that defense counsel are appointed or the way juries decide criminal cases. Whatever one thinks about these other issues, they shed little light on capital punishment. More generally, it is not unjust to impose the death penalty on a murderer who deserves it simply because another murderer has escaped justice. Some murderers who deserve to be executed will never be caught, still others will never be convicted, and others will escape with a lesser penalty. The fact that these murderers fortuitously escape the death penalty, however, does not alter the justice of imposing it on other murderers who deserve it.

Racial Bias

Occasionally the charge is made that the death penalty is administered in a racially biased fashion. But the empirical evidence does not reveal any discrimination against black defendants facing the death penalty. The Bureau of Justice Statistics in 1984 compiled the relevant data on the performance of the criminal justice system. About 48 percent of all murderers were black, but about 42 percent of those sentenced to death were black. In other words, a lower percentage of black murderers receive the death penalty than white murderers. The reason for this difference is that in general, homicides by white murderers are slightly more aggravated than those by black murderers. This data is strong evidence that the nation's tragic history of discrimination against blacks in the criminal justice system has no relevance to the current administration of capital punishment.



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Recognizing that the data fail to support a claim that black murderers are more likely to be executed, opponents of the death penalty have recently shifted to the claim that those who murder whites are more likely to be executed than those who murder blacks. At first glance, this might be viewed as an argument for expanding capital punishment to ensure that black victims receive justice no less than white victims. But in any event, this purported effect of the race of the victim disappears when the relevant circumstances of individual murders are considered. Many black-on-black murders are committed during altercations between persons known to each other, circumstances not typically thought to warrant a death sentence. On the other hand, black-on-white murders (and to a lesser extent, white-on-white murders) are more often committed during the course of robberies or other serious felonies, circumstances often prompting a capital sentence. In a careful analysis of the alleged effect of the race of the victim, a federal district court in Georgia found that racial effects disappeared when variables controlling for such relevant factors were added in.

Risk to the Innocent

Sometimes the claim is made that the possibility of executing an innocent person requires the abolition of the death penalty. This claim gives excessive weight to what is a minute risk in maintaining capital punishment while ignoring the much larger and countervailing risks in abolishing capital punishment.

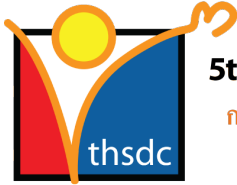
The risk that an innocent person might be executed is minuscule. Our contemporary system of capital punishment contains an extraordinary array of safeguards to protect innocent defendants, including in many jurisdictions appointment of specially qualified counsel at the trial level and multiple appeals through both the state and federal courts. Before any sentence is carried out, the governor of the state typically will carefully examine the case to make sure that the murderer deserves a death penalty. In light of all of these safeguards, it would be extraordinary if an innocent person were to be executed. And, indeed, there is no credible, documented case of an innocent person being executed in this country for at least the last 50 years.

While no innocent person has been shown to have died in recent memory as a result of capital punishment, innocent people have died because of our failure to carry out capital sentences. In a number of documented cases, murderers have been sentenced to death only to escape these sentences in one way or another. Some of these murderers have gone on to kill again.

The horrific case of Kenneth McDuff starkly illustrates this. Sentenced to death for two 1966 murders, he narrowly escaped execution three times before his death sentence was commuted to a prison sentence in 1972. Ultimately released in 1989, McDuff proceeded to rape, torture, and murder at least nine women, and probably many more. After the television show *America's Most Wanted* aired a program about him, McDuff was arrested in 1992, convicted, and given two death sentences. Based on cases such as McDuff's, it is quite clear that innocent people are more at risk from a criminal justice system that fails to carry out death penalties than from one that employs them.

The death penalty is vital to carrying out the mission of the criminal justice system. It is just punishment for the deliberate taking of innocent human life. It prevents some murders through its deterrent effect and prevents other murders by permanently incapacitating the most dangerous killers. It is therefore no surprise that capital punishment receives such broad support in the United States.

About the author: Paul G. Cassell is a professor of law at the University of Utah College of Law in Salt Lake City, where he teaches criminal procedure, victims' rights, and related subjects. He served as a law clerk on the Supreme Court of the United States to Chief Justice Warren E. Burger and as both an associate deputy attorney general and an assistant United States attorney in the Department of Justice. He has testified several times before Congress on issues relating to the death penalty.



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(source: The White House Initiative for Educational Excellence for Hispanic Americans, www.yic.gov)

Specific Drugs and Their Effects

Drug Name: **Alcohol**

Drug Type: Depressant

Facts for Parents: 25% of 8th graders have admitted to being intoxicated at least once.

Other Names: Beer, wine, liquor, cooler, malt liquor, booze

How Consumed: Orally

Effects: Addiction (alcoholism), dizziness, nausea, vomiting, hangovers, slurred speech, disturbed sleep, impaired motor skills, violent behavior, fetal alcohol syndrome, respiratory depression and death (high doses).

Drug Name: **Amphetamines**

Drug Type: Stimulant

Facts for Parents: Chronic use can induce psychosis with symptoms similar to schizophrenia.

Other Names: Speed, uppers, ups, hearts, black beauties, pep pills, capilots, bumble bees, Benzedrine, Dexedrine, footballs, biphphetamine

How Consumed: Orally, injected, snorted, or smoked

Effects: Addiction, irritability, anxiety, increased blood pressure, paranoia, psychosis, depression, aggression, convulsions, dilated pupils, dizziness, sleeplessness, loss of appetite, malnutrition. Increased risk of exposure to HIV, hepatitis, and other infectious diseases if injected.

Drug Name: **Metamphetamines**

Drug Type: Stimulant

Facts for Parents: Some users avoid sleep 3 to 15 days.

Other Names: Speed, meth, crank, crystal, ice, fire, croak, crypto, white cross, glass. "Ice" is the street name for the smokeable form.

How Consumed: Orally, injected, snorted, or smoked

Effects: Addiction, irritability, aggression, hypothermia, stroke, paranoia, psychosis, convulsions, heart and blood vessel toxicity, hallucinations, arrhythmia, formication (the sensation of insects creeping on or under your skin).



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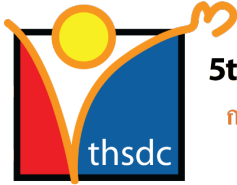


Drug Name: Ecstasy
Drug Type: Stimulants
Facts for Parents: Ecstasy is popular at all-night underground parties (called raves) and is the most common designer drug.
Other Names: XTC, Adam, MDMA
How Consumed: Orally
Effects: Psychiatric disturbances, including panic, anxiety, depression, and paranoia. Muscle tension, nausea, blurred vision, sweating, increased heart rate, tremors, hallucinations, fainting, chills, sleep problems, and reduced appetite

Drug Name: Ritalin
Drug Type: Stimulant
Facts for Parents: Some children buy or steal from their classmates
Other Names: Speed, west coast
How Consumed: Tablet is crushed, and the powder is snorted or injected.
Effects: Loss of appetite, fevers, convulsions, and severe headaches. Increased risk of exposure to HIV, hepatitis, and other infections. Paranoia, hallucinations, excessive repetition of movements and meaningless tasks, tremors, muscle twitching.

Drug Name: Herbal Ecstasy/Ephedrine
Drug Type: Herbal Ecstasy, Cloud 9, Rave Energy, Ultimate, Xphoria, and X
Facts for Parents: The active ingredients in Herbal Ecstasy are caffeine and ephedrine.
How Consumed: Orally
Effects: Increased heart rate and blood pressure. Seizures, heart attacks, stroke, and death.

Drug Name: Designer Drugs
Drug Type: Stimulants
Facts for Parents: Changing the molecular structure of an existing drug or drugs to create a new substance creates Designer drugs.
Other Names: Synthetic heroin, goodfella
How Consumed: Injected, sniffed, or smoked.
Effects: Instant respiratory paralysis. Potency creates strong possibility for



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overdose, many of the same effects as heroin.

Drug Name: Cocaine
Drug Type: Stimulant
Facts for Parents: Cocaine is a powerfully addictive drug. Heavy use may produce paranoia, hallucinations, aggression, insomnia, and depression.
Other Names: Coke, snow, nose candy, flake, blow, big C, lady, white, snowbirds.
How Consumed: Snorted or dissolved in water and injected.
Effects: Addiction, pupil dilation, elevated blood pressure and heart rate. Increased respiratory rate, seizures, heart attack, insomnia, anxiety, restlessness, irritability, increased body temperature, death from overdose.

Drug Name: Crack
Drug Type: Stimulant
Facts for Parents: A cheaper form of cocaine that may be more addicting.
Other Names: Rock, freebase
Effects: Same as cocaine

Drug Name: Heroin
Drug Type: Opiates
Facts for Parents: Heroin users quickly develop a tolerance to the drug and need more and more of it to get the same effects, or even to feel well.
Other Names: Smack, horse, mud, brown, sugar, junk, black tar, big H, dope.
Effects: Addiction. Slurred speech, slow gait, constricted pupils, droopy eyelids, impaired night vision, nodding off, respiratory depression or failure, dry itching skin, and skin infections. Increased risk of exposure to HIV, hepatitis, and other infectious diseases if injected.

Drug Name: PCP
Drug Type: Hallucinogens
Facts for Parents: Marijuana joints can be dipped into PCP without the smoker's knowledge.
Other Names: Angel dust, ozone, rocket fuel, peace pill, elephant tranquilizer, dust.
How Consumed: Snorted, smoked, orally, or injected.
Effects: Hallucinations. Out-of-body experiences, impaired motor coordination, inability to feel physical pain, respiratory attack, disorientation, fear, panic, aggressive behavior. Increased risk of exposure to HIV, hepatitis, and other infectious diseases if injected.



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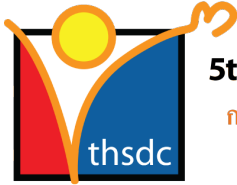
Death.

Drug Name: **LSD (Lysergic Acid Diethyl amide)**
Drug Type: Hallucinogen
Facts for Parents: LSD is the most common hallucinogen. LSD tabs are often decorated with colorful designs or cartoon characters.
Other Names: Acid, microdot, tabs, doses, trips, hits, sugar cubes.
How Consumed: Tabs taken orally or gelatin/liquid put in eyes.
Effects: Elevated body temperature and blood pressure, suppressed appetite, sleeplessness, tremors, chronic recurring hallucinations.

Drug Name: **Mushrooms**
Drug Type: Hallucinogens
Facts for Parents: Many mushroom users purchase hallucinogenic mushroom spores via mail order.
Other Names: Shrooms, caps, magic mushrooms.
How Consumed: Eaten or brewed and drunk in tea.
Effects: Increased blood pressure, sweating, nausea, hallucinations.

Drug Name: **Inhalants**
Facts for Parents: Hundreds of legal household products can be sniffed or huffed to get high. All inhalants can be toxic. Other Names: Laughing gas, whippets, aerosol sprays, cleaning fluids, solvents.
How Consumed: Vapors are inhaled
Effects: Headache, muscle weakness, abdominal pain, severe mood swings and violent behavior, nausea, nose bleeds; liver, lung, and kidney damage; dangerous chemical imbalances in the body, lack of coordination, fatigue, loss of appetite, decreases in heart and respiratory rates, hepatitis, or peripheral neuropathy from long-term use.

Drug Name: **Marijuana**
Facts for Parents: The average age of first use is 14. Can be smoked using homemade pipes and bongs made from soda cans or plastic beverage containers.
Other Names: Weed, pot, reefer, grass, dope, ganja, Mary Jane, sinsemilla, herb, Aunt Mary, skunk, boom, kif, gangster, chronic, 420.
How Consumed: Smoked or eaten.
Effects: Bloodshot eyes, dry mouth, impaired or reduced comprehension,



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altered sense of time, reduced ability to perform tasks requiring concentration and coordination --such as driving a car, paranoia, intense anxiety attacks, altered cognition, making acquisition of new information difficult; impairments in learning, memory, perception, and judgment; difficulty speaking, listening effectively, thinking, retaining knowledge, problem solving.

Drug Name: **Steroids**

Facts for Parents: Steroid users subject themselves to more than 70 % potentially harmful side effects.

Other Names: Rhoids, juice

How Consumed: Orally or injected into muscle

Effects: Liver cancer Sterility, masculine traits in women and feminine traits in men, aggression, depression, acne, mood swings.

Drug Name: **Tobacco**

Facts for Parents: 1 in 5 12th graders is a daily smoker. How Consumed: Cigarettes, cigars, pipes, smokeless tobacco (chew, dip, and snuff).

Effects: Addiction, heart disease, cancer of the lung, larynx, esophagus, bladder, pancreas, kidney, and mouth. Emphysema and chronic bronchitis, spontaneous abortion, low birth weight.

(source: The New York Times, www.nytimes.com)

The New York Times

States With No Death Penalty Share Lower Homicide Rates

September 22, 2000

By RAYMOND BONNER and FORD FESSENDEN

The dozen states that have chosen not to enact the death penalty since the Supreme Court ruled in 1976 that it was constitutionally permissible have not had higher homicide rates than states with the death penalty, government statistics and a new survey by The New York Times show.

Indeed, 10 of the 12 states without capital punishment have homicide rates below the national average, Federal Bureau of Investigation data shows, while half the states with the death penalty have homicide rates above the national average. In a state-by-state analysis, The Times found that during the last 20 years, the homicide rate in states with the death penalty has been 48 percent to 101 percent higher than in



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states without the death penalty.

The study by The Times also found that homicide rates had risen and fallen along roughly symmetrical paths in the states with and without the death penalty, suggesting to many experts that the threat of the death penalty rarely deters criminals.

"It is difficult to make the case for any deterrent effect from these numbers," said Steven Messner, a criminologist at the State University of New York at Albany, who reviewed the analysis by The Times. "Whatever the factors are that affect change in homicide rates, they don't seem to operate differently based on the presence or absence of the death penalty in a state."

That is one of the arguments most frequently made against capital punishment in states without the death penalty — that and the assertion that it is difficult to mete out fairly. Opponents also maintain that it is too expensive to prosecute and that life without parole is a more efficient form of punishment.

Prosecutors and officials in states that have the death penalty are as passionate about the issue as their counterparts in states that do not have capital punishment. While they recognize that it is difficult to make the case for deterrence, they contend that there are powerful reasons to carry out executions. Rehabilitation is ineffective, they argue, and capital punishment is often the only penalty that matches the horrific nature of some crimes. Furthermore, they say, society has a right to retribution and the finality of an execution can bring closure for victims' families.

Polls show that these views are shared by a large number of Americans. And, certainly, most states have death penalty statutes. Twelve states have chosen otherwise, but their experiences have been largely overlooked in recent discussions about capital punishment.

"I think Michigan made a wise decision 150 years ago," said the state's governor, John Engler, a Republican. Michigan abolished the death penalty in 1846 and has resisted attempts to reinstate it. "We're pretty proud of the fact that we don't have the death penalty," Governor Engler said, adding that he opposed the death penalty on moral and pragmatic grounds.

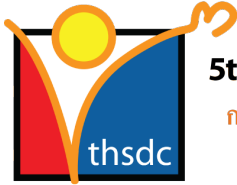
Governor Engler said he was not swayed by polls that showed 60 percent of Michigan residents favored the death penalty. He said 100 percent would like not to pay taxes.

In addition to Michigan, and its Midwestern neighbors Iowa, Minnesota, North Dakota and Wisconsin, the states without the death penalty are Alaska, Hawaii, West Virginia, Rhode Island, Vermont, Maine and Massachusetts, where an effort to



Nico Toutenhoofd for The New York Times

John O'Hair, Detroit's district attorney, opposes the death penalty despite the city's high homicide rate.



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reinstate it was defeated last year.

No single factor explains why these states have chosen not to impose capital punishment. Culture and religion play a role, as well as political vagaries in each state. In West Virginia, for instance, the state's largest newspaper, The Charleston Gazette, supported a drive to abolish the death penalty there in 1965. Repeated efforts to reinstate the death penalty have been rebuffed by the legislature.

The arguments for and against the death penalty have not changed much. At Michigan's constitutional convention in 1961, the delegates heard arguments that the death penalty was not a deterrent, that those executed were usually the poor and disadvantaged, and that innocent people had been sentenced to death.

The arguments for and against the death penalty have not changed much. At Michigan's constitutional convention in 1961, the delegates heard arguments that the death penalty was not a deterrent, that those executed were usually the poor and disadvantaged, and that innocent people had been sentenced to death.

"The same arguments are being made today," said Eugene G. Wanger, who had introduced the language to enshrine a ban on capital punishment in Michigan's constitution at that convention. The delegates overwhelmingly adopted the ban, 141 to 3. Mr. Wanger said two-thirds of the delegates were Republicans, like himself, and most were conservative. Last year, a former state police officer introduced legislation to reinstate the death penalty. He did not even get the support of the state police association, and the legislation died.

In Minnesota, which abolished capital punishment in 1911, 60 percent of the residents support the death penalty, said Susan Gaertner, a career prosecutor in St. Paul and the elected county attorney there since 1994. But public sentiment had not translated into legislative action, Ms. Gaertner said. "The public policy makers in Minnesota think the death penalty is not efficient, it is not a deterrent, it is a divisive form of punishment that we simply don't need," she said.

In Honolulu, the prosecuting attorney, Peter Carlisle, said he had changed his views about capital punishment, becoming an opponent, after looking at the crime statistics and finding a correlation between declines in general crimes and in the homicide rates. "When the smaller crimes go down — the quality of life crimes — then the murder rate goes down," Mr. Carlisle said.

Therefore, he said, it was preferable to spend the resources available to him prosecuting these general crimes. Prosecuting a capital case is "extremely expensive," he said.

By the very nature of the gravity of the case, defense lawyers and prosecutors spend far more time on a capital case than a noncapital one. It takes longer to pick a jury, longer for the state to present its case and longer for the defense to put on its witnesses. There are also considerably greater expenses for expert witnesses, including psychologists and, these days, DNA experts. Then come the defendant's appeals, which can be considerable, but are not the biggest cost of the case, prosecutors say.



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Mr. Carlisle said his views on the death penalty had not been affected by the case of Bryan K. Uyesugi, a Xerox copy machine repairman who gunned down seven co-workers last November in the worst mass murder in Hawaii's history. Mr. Uyesugi was convicted in June and is serving life without chance of parole.

Mr. Carlisle has doubts about whether the death penalty is a deterrent. "We haven't had the death penalty, but we have one of the lowest murder rates in the country," he said. The F.B.I.'s statistics for 1998, the last year for which the data is available, showed Hawaii's homicide rate was the fifth-lowest.

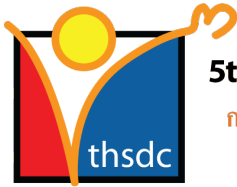
The homicide rate in North Dakota, which does not have the death penalty, was lower than the homicide rate in South Dakota, which does have it, according to F.B.I. statistics for 1998. Massachusetts, which abolished capital punishment in 1984, has a lower rate than Connecticut, which has six people on death row; the homicide rate in West Virginia is 30 percent below that of Virginia, which has one of the highest execution rates in the country.

Other factors affect homicide rates, of course, including unemployment and demographics, as well as the amount of money spent on police, prosecutors and prisons.

But the analysis by The Times found that the demographic profile of states with the death penalty is not far different from that of states without it. The poverty rate in states with the death penalty, as a whole, was 13.4 percent in 1990, compared with 11.4 percent in states without the death penalty.

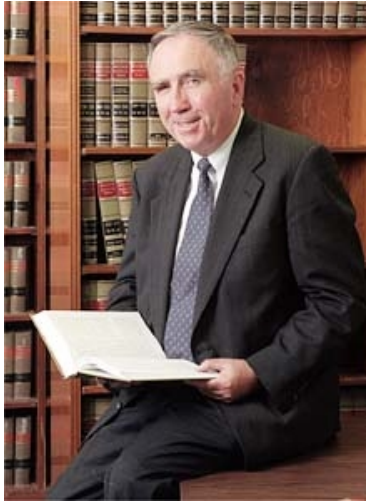
Mr. Carlisle's predecessor in Honolulu, Keith M. Kaneshiro, agrees with him about deterrence. "I don't think there's a proven study that says it's a deterrent," Mr. Kaneshiro said. Still, he said, he believed that execution was warranted for some crimes, like a contract killing or the slaying of a police officer. Twice while he was prosecuting attorney, Mr. Kaneshiro got a legislator to introduce a limited death penalty bill, but, he said, they went nowhere.

In general, Mr. Kaneshiro said, Hawaiians fear that the death penalty would be given disproportionately to racial minorities and the poor.



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ซึ่งอัญพระราชนัดดาสมเด็จพระเทพรัตนราชสุดาฯ สยามบรมราชกุมารี



The New York Times
E. Michael McCann of
Milwaukee County opposes
executions even after
prosecuting Jeffrey L. Dahmer.

In Milwaukee, the district attorney for the last 32 years, E. Michael McCann, shares the view that the death penalty is applied unfairly to minorities. "It is rare that a wealthy white man gets executed, if it happens at all," Mr. McCann said.

Those who "have labored long in the criminal justice system know, supported by a variety of studies and extensive personal experience, that blacks get the harsher hand in criminal justice and particularly in capital punishment cases," Mr. McCann wrote in "Opposing Capital Punishment: A Prosecutor's Perspective," published in the *Marquette Law Review* in 1996. Forty-three percent of the people on death row across the country are African-Americans, according to the NAACP Legal Defense and Educational Fund.

The death penalty also has been employed much more often when the victim was white — 82 percent of the victims of death row inmates were white, while only 50 percent of all homicide victims were white.

Supporters of capital punishment who say that executions are justified by the heinous nature of some crimes often cite the case of Jeffrey L. Dahmer, the serial killer who murdered and dismembered at least 17 boys and men, and ate flesh from at least one of his victims.

Mr. McCann prosecuted Mr. Dahmer, but the case did not dissuade him from his convictions on the death penalty. "To participate in the killing of another human being, it diminishes the respect for life. Period," Mr. McCann said. He added, "Although I am a district attorney, I have a gut suspicion of the state wielding the power of the death over anybody."

In Detroit, John O'Hair, the district attorney, similarly ponders the role of the state when looking at the death penalty.

Borrowing from Justice Louis E. Brandeis, Mr. O'Hair said: "Government is a teacher, for good or for bad, but government should set the example. I do not believe that government engaging in violence or retribution is the right example. You don't solve violence by committing violence."

Detroit has one of the highest homicide rates in the United States — five times more than New York in 1998 — but Mr. O'Hair said bringing back the death penalty is not the answer.

"I do not think the death penalty is a deterrent of any consequence in preventing murders," said Mr. O'Hair, who has been a prosecutor and judge for 30 years. Most



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homicides, he said, are "impulsive actions, crimes of passion," in which the killers do not consider the consequences of what they are doing.

Nor, apparently, do the people of Detroit see the death penalty as a way of cutting crime. Only 45 percent of Detroit residents favored capital punishment, a poll by EPIC/MRA, a polling organization in Lansing, Mich., found last year; in Michigan over all, 59 percent favored executions, which is roughly the level of support for the death penalty nationally.

To illustrate the point that killers rarely considered the consequences of their actions, a prosecutor in Des Moines, John Sarcone, described the case of four people who murdered two elderly women. They killed one in Iowa, but drove the other one across the border to Missouri, a state that has the death penalty.

Mr. Sarcone said Iowa prosecutors were divided on the death penalty, and legislation to reinstate it was rejected by the Republican-controlled legislature in 1997. The big issue was cost, he said.

Last year in Michigan, Larry Julian, a Republican from a rural district, introduced legislation that would put the death penalty option to a referendum.

But Mr. Julian, a retired state police officer, had almost no political support for the bill, not even from the Michigan State Troopers Association, he said, and the bill died without a full vote. The Catholic Church lobbied against it.

State officials in Michigan are generally satisfied with the current law. "Our policies in Michigan have worked without the death penalty," said Matthew Davis, spokesman for the Michigan Department of Corrections. "Instituting it now may not be the most effective use of people's money."

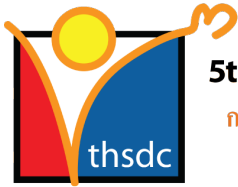
Today in Michigan, 2,572 inmates are serving sentences of life without parole, and they tend to cause fewer problems than the general prison population, Mr. Davis said.

They are generally quieter, not as insolent, more likely to obey the rules and less likely to try to escape, he said. Their motivation is quite clear, he said: to get into a lower security classification. When they come in, they are locked up 23 hours a day, 7 days a week, and fed through a small hole in the door. After a long period of good behavior, they can live in a larger cell, which is part of a larger, brighter room, eat with 250 other prisoners, and watch television.

One thing they cannot look forward to is getting out. In Michigan, life without parole means you stay in prison your entire natural life, not that you get out after 30 or 40 years, Mr. Davis said.

In many states, when life without parole is an option the public's support for the death penalty drops sharply. "The fact that we have life without parole takes a lot of impetus from people who would like to see the death penalty," said Ms. Gaertner, the chief prosecutor in St. Paul.

In most states with the death penalty, life without parole is not an option for juries. In



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Texas, prosecutors have successfully lobbied against legislation that would give juries the option of life without parole instead of the death penalty.

Mr. Davis said a desire "to extract a pound of flesh" was behind many of the arguments for capital punishment. "But that pound of flesh comes at a higher price than a lifetime of incarceration."

Mr. O'Hair, the Detroit prosecutor said, "If you're after retribution, vengeance, life in prison without parole is about as punitive as you can get."