

Your Name: Ethan Ochital

Group Members: Ethan Ochital, Marian Zhang, Greg Winner, Priela Safran, and Tafari Attah

Committee Name: Judiciary

### **Part I: Research**

Before a committee of Congress persons presents their bill to the House of Representatives and Senate, they must be well informed about their topic. This requires research. The format attached will allow you to gather your information and present it in an orderly manner.

Each congressperson is responsible for completing this research packet. There are 4 pages, make sure you complete the ENTIRE packet.

You must cite all your work!

At the end you will attach a formal bibliography.

See individual rubrics for grade point requirements.

This packet should be used as a rough draft of your work and your final product must be submitted in a typed format

### **Part I: Topic Overview** (2 Paragraphs)

#### 1. Explain your topic

Capital punishment, also known as the death penalty, is when the government of a country executes a citizen as a punishment for breaking a law and committing a crime. Many countries have abolished the capital punishment, however, the death penalty is still legal in some states in the United States. In the United States, the death penalty is typically only used for murder, however, it can be used for some other violent crimes, especially with a child victim.

Like ordinary crimes, a trial is held to determine the punishment of the defendant, and the defendant can defend themselves. If the court rules to give the defendant the death penalty, the defendant is put on death row. The defendant can also volunteer to be put on death row. Death row is like being put on a waiting list to die. While on death row, the defendant goes through a lot of trials and has every chance to prove his or her self innocent. The defendant lives in a section of prison just for death row inmates. A defendant spends about fifteen years on death row until they are executed.

In the United States, the most common form of execution is lethal injection. Lethal injection is when an overdose of different drugs are injected into a criminal via a shot, resulting in death of the criminal. Other methods of execution are less commonly used such as electrocution, firing squad, gas chamber, and hanging of the criminal.

2. Why does this topic interest you?

Capital punishment interests me because it is a very controversial issue in the United States. The country is split between whether the death penalty should be legal or not and both sides make very interesting points. These arguments lead me to ask very interesting questions, making writing about and researching capital punishment more enjoyable. For example, what does the government do for someone if they are executed and later proved innocent? Also, why does it cost so much to execute someone? How much could some drugs and a few trials possibly cost? Lastly, is the death penalty really being used in racist ways or is it everything just a coincidence?

Capital punishment also interests me because of the way criminals are killed, also leading me to ask questions. For example, which method of execution is the cheapest and why is that method not the only one used? Why are some methods of execution “cruel and unusual” while others are not? In either case, the criminal will end up dying no matter what method of execution is used.

3. What do you think are the current controversies surrounding your topic?

There are many current controversies surrounding my topic. The country is split on whether capital punishment should be legal or not.

A current controversy on my topic is that some people argue that capital punishment is against the eighth amendment. Some people have said that even though somebody has committed murder, they do not deserve to be executed themselves, going against the eighth amendment and Thomas Paine’s natural rights theory, which states that humans have the right to life, liberty, and property. However, others have argued that criminals deserve to be executed because it is equal in punishment to the murder they committed, not going against the eighth amendment.

Another current controversy on my topic is that innocent people are being executed, and many people believe that is why capital punishment should stop. Some people argue that the human life has incredible value and believe that wrongly executing one person is devastating and sets a bad example for the United States. People say that if someone is given a life sentence and later found innocent after their sentencing, they can get out of jail and live again. If someone is given the death penalty, executed, and later found innocent, they cannot be brought back to life. They are dead and nothing can be done. On the other hand, other people believe that if a few people die, it is no big deal. People say that most of the death row inmates are guilty and that many innocent people are taken off death row. People say that just because we killed a few innocent people does not mean we should completely abolish the death penalty.

Lastly, a current controversy on my topic is that the death penalty is being used in racist ways. For example, people argue that a white person is less likely to get the death penalty than someone of another race, which is why it should be abolished.

Almost half of the people executed since 1977 are not white, which some say is too high of a number. However, some people argue that non-white people commit more capital crimes, thus explaining why a lot of non-white people get the death penalty. These are what I believe are the three most apparent controversies surrounding my topic.

## **Part II: Preliminary Research** (2 Paragraphs)

You must use the Media Center Model Congress Pathfinder to look for research based on your topic. Use sources such as Ebsco Host Points of View, Issues and Controversies, Gail: Opposing Viewpoints to help start your research

### 1. What is the history/origin of your topic?

The first forms of capital punishment were the guillotine, hanging, and burning at the stake. In 1972, in the case *Furman vs. Georgia*, the death penalty was nullified by the Supreme Court in a 5-4 vote because it violated the 8th Amendment (no cruel or unusual punishment) and the 14th Amendment (citizenship rights and equal protection of the laws). In 1976, in the case *Gregg vs. Georgia*, the death penalty was reinstated in a 7-2 vote. In 1977, Oklahoma was the first state to legalize lethal injection, which was described as more humane, and less expensive than the electric chair. In 1988, in the case *Thompson vs. Oklahoma*, the Supreme Court, ruled that the execution of people the age of 15 or younger violates the 8th Amendment. In 1993, Kirk Bloodsworth is the 1st death row inmate to be pardoned on the basis of post-conviction DNA testing. In 2002, in the case *Atkins vs. Virginia*, the Supreme Court ruled that executing mentally handicapped people violates the 8th Amendment. In 2005, the case *Roper vs. Simmons* ruled that executing anyone under the age of 18 is unconstitutional. In 2014, a lethal injection was botched in Oklahoma and many debates regarding capital punishment were brought back.

### 2. What are the issues/problems regarding your topic?

People claim that capital punishment violates the 8th Amendment. People also claim that it is immoral and furthers violence. Also, some minority had a disadvantage in court while arguing their cases because they had poor lawyers. It has been found a few times that some victims were found innocent after their execution.

## **Part III: Narrow your Focus** (One Paragraph. Preamble: One sentence)

As a group, which specific issue/problem will you focus on?

As a group, we will focus on the cruelties of the death penalty. Although electrocution, the firing squad and hanging are more painful and inhumane than lethal injection, we believe that lethal injection is still cruel. Even though there is less pain when the lethal injection is administered, it is still inhumane. We will try to create an alternative for the death penalty. Although some states already do not use the death penalty, we want to make it a national law to stop executing criminals charged with a federal offense.

Create a Preamble for that issue/problem (one sentence stating on the bill will do)

Creating an alternative for the death penalty.

#### **Part IV: Supportive Arguments—Cite your sources**

What are the three main reasons/arguments that support your topic AND choose the best evidence to support those reasons/arguments?

**1. Main Argument:** The death penalty is not cruel or unusual and does not violate the 8th amendment.

Evidence: In the Baltimore Sun, a newspaper in Baltimore, a study shows that a large majority of the families that had a family member killed by someone who did not get the death penalty, that was a murderer, the family has a trauma for the rest of their lives and becomes a supporter of the death penalty. The goal of the family becomes to make the death penalty legal in all states because of the trauma from their own family. This proves all the families of victims, which is a large number of people all wish the murderer of their family member gets capital punishment.

Evidence #2: The Death Penalty information Center interviewed a man named Frederick Romano, his sister was murdered by a man and his parents goal was to support the death penalty because they think the man who murdered their daughter deserves the pain they cause Romanos parents. This is saying this isn't cruel to get even.

Source #1:

<http://www.baltimoresun.com/news/maryland/bal-md.kane05feb05-column.html>

Source #2: <http://www.deathpenaltyinfo.org>

**2. Main Argument:** If we do not give prisoners the death penalty, they would be put in high security prisons which would cost a lot of money to build. It is cheaper to simply give prisoners the death penalty.

Evidence: In existing high security prisons, it costs about \$90,000 per cell annually, compared to the \$30,000 annually in standard prisons.

Source:

[http://www.forbes.com/2006/04/15/prison-supermax-ross\\_cx\\_jr\\_06slate\\_0418super.html](http://www.forbes.com/2006/04/15/prison-supermax-ross_cx_jr_06slate_0418super.html)

**3. Main Argument:** If someone is executed for committing murder, they cannot harm society again and do something worse. For example, someone may commit a crime,

and if they are simply sent to jail for a little while, they could get out and do something much worse, like what happened to the Twin Towers in New York City, but worse. Also, if they are sentenced to a life sentence, the prisoner might be smart and escape, and can do something worse as well. The death penalty is a safe and 100% effective way to keep someone from hurting society again.

Evidence: In a published article from *Slate Magazine*, it said that in 1993, 14,305 prisoners escaped out of 780,357 inmates. Even though this is such a small number, it only takes a small group of those people to commit a crime like 9/11.

Source:

[http://www.slate.com/articles/news\\_and\\_politics/explainer/2001/02/how\\_often\\_do\\_prisoners\\_escape.html](http://www.slate.com/articles/news_and_politics/explainer/2001/02/how_often_do_prisoners_escape.html)

## **Part V: Opposing Argument—Cite your sources**

What are the three main reasons/arguments opposing your topic AND choose the best evidence to support those reasons/arguments?

### **1. Main Argument: Racial disparities**

Evidence: In 1990 a report from the General Accounting Office concluded that "in 82 percent of the studies [reviewed], race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty, i.e. those who murdered whites were more likely to be executed than those who murdered blacks. National surveys conducted by the U.S. Department of Justice find that while African Americans may be subject to traffic stops by police at similar rates to whites, they are three times as likely to be searched after being stopped.

Sources: <http://deathpenalty.org/article.php?id=54>  
<http://www.deathpenaltyinfo.org/race-and-death-penalty>

### **2. Main Argument: Innocent people are sometimes wrongly executed.**

Evidence: Cameron Todd Willingham was convicted of setting fire to his three kids intentionally and then was executed but it was later found out that it was only by accident. In 1989, Carlos DeLuna was executed for the stabbing of a Texas convenience store clerk. Almost 20 years later, Chicago Tribune uncovered evidence that shows DeLuna was likely innocent. The Griffin brothers, two black men, were convicted of the murder of a white man. The reason they were convicted is because Monk Stevenson, another black man suspected of committing the murder, pointed to the brothers as having been responsible. He later admitted the reason he blamed them is because they were wealthy, and he assumed they had the money to beat the charges.

Source:

<http://stories.avvo.com/crime/murder/8-people-who-were-executed-and-later-found-innocent.html>

### **3. Main Argument: So much money is spent on executing prisoners**

Evidence: In 2000 a fiscal impact summary from the Oregon Department of Administrative Services stated that the Oregon Judicial Department alone would save \$2.3 million annually if the death penalty were eliminated. It is estimated that total prosecution and defense costs to the state and counties equal \$9 million per year.

Source: <http://oadp.org/facts/13-reasons>

**Part VI: Government Spending** (One Paragraph).

“To create a new program, the government normally gets the money either by cutting funds to an existing program OR by raising taxes.” The budget has two large spending categories, **mandatory** and **discretionary**. Mandatory spending is required by law on specific programs. After those programs are paid for, the president and Congress may use the remaining money for discretionary spending on programs they choose. Each year, roughly 30 percent of the federal budget is in discretionary spending.  
(Note-taking format done with your group)

A: Indicate whether your Bill’s spending will be discretionary or mandatory?

Our bill’s spending will be mandatory because murder is a serious felony.

B: Indicate the Department/Agency Budget Source and any other information you may have found that will provide government spending information:

Funding will be provided by the United States Department of Justice. The Department of Justice receives roughly between 27 billion and 30 billion dollars each year. Funding will come from the budget that in the past was used to administer the lethal injection and fines paid by organizations and individuals who violate this law. The bill proposes maximum security prisons. There will only be a few in each region. That will be determined by the amount of states in each region that already do not use the death penalty. Maintaining the prisons should cost between 1.5 million and 3 million dollars because there will be nine additional prisons added to the amount of prisons there already are.

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