

History and Controversies of Capital Punishment

Kenny Sarisky

The words “death penalty” or “capital punishment” often bring out strongly emotional opinions. There are not many other issues that bring up this kind of emotion in people. After all, capital punishment has to do with people judging if a fellow person should live or die. But there is a lot more to the death penalty than just a simple right-or-wrong approach. Capital punishment has inspired argument related to its cost, purpose and method. From ancient times to present day, the death penalty has had an intricate and controversial history. This article will explain this history and present quick looks at some recent disputes surrounding capital punishment.

IN THE PAST

Ancient Civilizations

Many old civilizations included some use of the death penalty in their society. In the eighteenth century B.C., the Code of Hammurabi was created. Hammurabi was the king of the city of Babylon at the time, and his code consisted of 282 crimes and their punishments. The code uses *lex talionis*, the idea of “an eye for an eye”, and inflicts the death penalty for twenty-five of the crimes (Steffoff, 2008, p. 20). Ancient Egyptian civilizations around the twelfth century B.C. also used the death penalty. For example, those convicted of an assassination attempt on Pharaoh Ramses III were either put to death or forced into suicide. One harsh method of capital punishment was impalement with a stake, surely a slow and painful death (Dollinger, 2000). The first codified constitution of Athens, known as “Draconian Law” after the man that wrote it, was written in seventh century B.C. to make sure that everyone

knew what all the laws were. Capital punishment was more present than ever in Draconian Law; almost every crime, no matter how petty and harmless, was punishable by death (Ellis & Horne, 1913). The harshness of the code led citizens to say it was written in blood.

England: America’s Inspiration

The laws and civilizations stated above did not have as much of an effect of American death penalty as England did. Therefore, it would be helpful to look at how capital punishment developed and was viewed in England. The Middle Ages was a time of rampant executions in the country. Medieval England was ruled by a monarchy and the people demanded that the crown be swift and brutal in punishing criminals in order to serve the people he ruled. Since no police force or prison system comparable to today existed in the medieval times, a sentence of death was most commonly used. The people criticized officials when criminals were not executed quickly or often enough (McGlynn, 2008). Execution methods included boiling, burning at the stake, drawing and quartering, and hanging. Hanging in public was the most common method, and a public hanging reassured the law-abiding citizens that the government was protecting them by ridding the population of those who threatened social stability.

Determining the guilt of someone was usually done through trials. These trials, to the modern world, seem to have nothing to do with guilt or innocence. Instead of having a jury listen to facts and decide, the accused was assigned a task to perform and the result of that task would either exonerate him or implicate him. One such task was holding a burning rod of iron and then

having the hands bandaged for three days. If the hand wounds were infected after the three days, the person was deemed guilty (McGlynn, 2008). Trial by combat occurred when two parties had a dispute with no other witnesses. They fought each other with the idea that God would lead the innocent person to victory over the guilty person. Clergymen and nobles would often hire “champions” to fight in their place if they ever had to go through a trial by battle (McGlynn, 2008). These champions represented the person who hired him, and if the champion lost, the man he represented was guilty.

But in this time of medieval England, there were a few instances in which the public showed support for scaling back the frequency of the death penalty. In 1278, a man was killed for theft of four pence. The public response was critical over the seemingly harsh sentence for such a petty theft, and a new law was made setting twelve pence as the minimum for a death sentence. There was another instance in which a pregnant woman convicted of theft was not hanged because citizens felt such a punishment was unfair (McGlynn, 2008).

Coming To America

As America was colonized in the 1600s and 1700s, the laws put in place were very similar to those in England. This included the use of capital punishment but did not include all of the methods that the English government used. Out of all of those methods, the colonists viewed hanging as the most humane and used it the most (Bedau, 1997, p. 4). The hangings were still done in the public for all to see, and many people did come to watch. The number of offenses punishable by death in the colonies was, on average, twelve. In England, the number was much greater at around fifty (Costanzo, 1997, p.7).

The different states of the U.S. have different laws in place regarding capital

punishment. Similarly, laws about capital punishment differed depending on the colony. For example, the major Quaker colony of Pennsylvania did not particularly support a death sentence as much as other colonies. Their punishment views stressed reading the Bible and paying penance to God for their actions. Accordingly, Quaker colonies only assigned the death penalty to those convicted of murder or treason. North Carolina made both harboring slaves and inciting slaves to insurrection punishable by death. In Virginia, sentences sometimes depended on whether the offender was white or black. There were five capital crimes for white people and close to seventy for black people (Costanzo, 1997, p. 9).

Beccaria’s Influence in England and America

In 1764, Enlightenment thinker Cesare Beccaria wrote On Crimes and Punishments in which he called for the abolition of the death penalty. Until this time, a man dying for his crime was seen as just and no one had really spoken out against it. He stated that since man did not create himself, he did not have the right to destroy a life (Tuttle, 1961, p. 2). Beccaria expected to make enemies with his views but remarked that if he helped even one innocent man avoid death, that man’s gratitude would be worth making some enemies (Maestro, 1973, p. 464). Some took a liking to his views, such as England’s Jeremy Bentham and Sir Samuel Romilly and America’s Benjamin Rush.

Bentham was a theorist in the philosophy of law and had his thoughts about capital punishment affected by Beccaria’s arguments. It was the late eighteenth century when Bentham set forth his arguments about the death penalty and the public, once again, heard an opinion that differed from the status quo (Tuttle, 1961, p.3). Like Beccaria, he received heavy criticism and disagreement from the public.

Whereas the English citizens believed that death was the best punishment for a murderer, Bentham argued that one who takes the life of another would be more dismayed by solitary confinement, hard labor, and a long imprisonment (Tuttle, 1961, p.3). He also stated that once dead, there was no chance for rehabilitation for the criminal.

Romilly utilized the arguments of both Beccaria and Bentham to make changes to the English penal system in the early 1800s. Death was handed down as a sentence for many crimes, and Romilly saw a problem with that. In essence, he wanted England to have a justice system that was swift and more humane. In 1806, he joined the Parliament and got the death penalty removed as punishment for pick-pocketing in 1808. Also around this time, the Quakers formed a group that was willing to support Romilly's work against capital punishment (Tuttle, 1961, p.4). He led the charge for bills to get rid of the death penalty in cases of theft, believing that a lesser and more swift form of punishment would deter thieves. By the end of his life in 1818, Romilly had eliminated the death penalty as punishment for pick-pocketing, vagrancy by soldiers and sailors, and stealing from cloth makers (Tuttle, 1961, p.5). This was not very much, but as expected, he faced stiff opposition from others in Parliament.

Beccaria's words travelled across the Atlantic and hit the shores of America. Benjamin Rush took Beccaria's words to heart and delivered a speech in Philadelphia in 1787. Some influential Philadelphia citizens gathered at Ben Franklin's house to hear Rush argue against executions (Costanzo, 1997, p.9). Rush's stance was that the death penalty was an unlawful use of power by the state and was one of the earliest Americans who opposed it. He wrote a paper also calling for an end to the death penalty in America and relied on

Beccaria's abolitionist stance (Maestro, 1973, p. 466). With the support of those he persuaded, Rush's words led the Pennsylvania attorney general to propose the "degrees of murder" in 1793. Still in place today, the degree system distinguished different types of murder and made only "first degree" murder punishable by death. As mentioned above, Pennsylvania had a large Quaker presence, and this degree system was a sort of compromise between the abolitionist Quakers and people who wanted to keep capital punishment fully in place (Bedau, 1997, p. 4). Rush also preached against public executions, although this idea did not win over the public as much. Hangings, the preferred method of the time, could sometimes result in either the criminal slowly suffocating or being decapitated. But almost fifty years would pass before a state would end public executions. New York passed a law in 1835 that brought the hanging inside a prison yard or behind a wall out of view (Bedau, 1997, p. 5). The practice of lynching, an unofficial form of capital punishment, peaked during the late nineteenth century and continued into the early twentieth century (Banner, 2002, p. 229).

CAPITAL PUNISHMENT CASES

The United States Supreme Court has made many rulings that relate to the constitutionality and scope of the death penalty. Until 1962, the Court maintained that the Eighth Amendment of the Constitution, which says that no citizen shall endure cruel and unusual punishment, did not apply to the states. The Court therefore rejected state inmates' appeals since the Amendment did not apply to them. Even after the Court applied the Eighth Amendment to the states, the Justices ruled it was more about protecting against extreme punishments such as burning at the stake and crucifixion (Steiker, 1999, p. 126).

The late 1960s did not have many executions; it appeared that the United States was moving away from the use of capital punishment (Crew, 2001, p. 114). A decade later in the 1970s, two cases reached the Supreme Court that had a profound impact on capital punishment at the time and how it operates today. *Furman v. Georgia* was decided in 1972 and *Gregg v. Georgia* was decided in 1976. In a very short summary, the first case brought the enforcement of the death penalty to a halt, and the second case reinstated it. But that simple sentence does not give the necessary amount of attention to this important time in history.

William Furman, a poor, uneducated, mentally ill black man, was found guilty of murder and sentenced to death after only one day of jury deliberation (“Furman,” 2011). With the support of some death penalty opponents, Furman’s attorney got the U. S. Supreme Court to hear the case on the grounds that the jury’s broad discretion on whether to impose the death penalty was unconstitutional (Steffoff, 2008, p. 18). The appeal was based on the “cruel and unusual punishment” section of the Eighth Amendment. The argument was that such a serious sentence should be given only if a jury has been properly instructed and does not have too much discretion in the matter (Coenen, 2004). In cases that were similar, one jury might give the death penalty whereas the other jury might give a long prison sentence. At the time, poor minorities were far more likely to receive the death penalty as opposed to a middle-class white man. A study in 1941 revealed thirty-two percent of black defendants received a death sentence as opposed to thirteen percent of white defendants (Boger and Unah, 2001).

After deliberation, the Supreme Court handed down a ruling that stopped executions in the United States. The

decision of the Court did not find the death penalty itself to be unconstitutional, but rather said the way in which it was administered was “arbitrary and capricious.” Three justices, in their opinion, noted the lack of specific guidelines set forth allowed the jury to give the death penalty based on their own prejudices, which the Court considered cruel and unusual under the Eighth Amendment (“Furman,” 2011). Two concurring justices believed the death penalty was always cruel and unusual and went against the evolving standards of decency of the American people (Steiker, 1999, pp. 126-127). For the first time in American history, no execution could lawfully be carried out.

States attempted to revise their laws to meet the Court’s guidelines for capital punishment in order to legally enforce it again. Georgia did this by establishing a two-step trial for capital cases. Step one was a phase in which the defendant was either found guilty or not guilty of the crime. If the defendant was found guilty, he moved on to the second phase. The judge would instruct the jury about how they would decide if the death penalty was appropriate for the case. At least one aggravating factor would have to be present for the death penalty to be eligible, and they would be weighed against mitigating factors. Aggravating factors make the jury lean toward a harsh sentence while mitigating factors lead a jury toward a more lenient sentence. If the defendant is given the death penalty by the jury, the case would automatically be appealed to the state supreme court to make sure the sentence was not given arbitrarily (Crew, 2001, p. 117). This act of having a guilt phase and penalty phase is also known as a “bifurcated trial” and is still used today.

This new way of giving the death penalty was challenged in *Gregg v. Georgia* in 1976. In a 7-2 decision, the justices

upheld the statute under which Troy Gregg was sentenced to death. Since thirty-five states rewrote their death penalty laws after *Furman*, the Court clearly saw the states wanted to continue having capital punishment. The Court then looked at whether not the sentence was arbitrary and capricious. However, with the specific guidelines, two-step trial, and automatic appeal, it would have been difficult to argue this new sentencing method was arbitrary (Crew, 2001, p. 118). As mentioned above, the Court in *Furman* did not say the death penalty was illegal, so all the states needed to do was change the way in which it was administered.

How Much Does It Cost?

The idea of man deciding to take another man's life in the name of justice is not something to be taken lightly. As expected, there is much debate over the United States' use of capital punishment. Though it is a life-and-death situation, a factor in the debate is the cost of an execution. Overall, it is much cheaper to house an inmate in prison until he dies than it is for the state to execute him. This is because a trial for a capital crime is much more complex and time-consuming than other criminal trials at every stage of the legal process (Costanzo, 1997, pp. 62-63). Various experts are consulted, investigations and jury selections can take quite long to complete, and many court motions and appeals are filed. Having the two-part bifurcated trial means more time spent in court and allows more motions to be made by both the prosecution and defense. If one excludes the cost of the trial, as some proponents do, then capital punishment would be cheaper than a life sentence since there would be no inmate to house (Grant & Meyer, 2003, p. 412). When New Mexico abolished capital punishment in 2009, it cited the cost as one of the reasons (New, 2009). As states cut back on their budgets in these economic

times, perhaps more states will choose to end their capital punishment system.

In the California Commission for the Fair Assessment of Justice done in 2008, California's death penalty system was found to cost \$137 million per year. The Commission predicted that if California instituted lifetime incarceration, the cost would dramatically drop to \$11.5 million ("Death," 2011). The difference in cost between housing a general population prisoner and a death row inmate is around \$90,000, which works out to be \$63.3 million per year ("High," 2008). The American Civil Liberties Union found one death penalty trial came with a \$10.9 million price tag, and others have been in the multi-million dollar range ("High," 2008). San Quentin Prison's former warden wrote that the money saved by abolishing capital punishment could be used for programs designed to help the at-risk communities that many offenders come from (Woodford, 2008).

Data about the budget for executions have been gathered from many states. A study done in Kansas in 2003 estimated the median cost of a capital trial at about \$1.26 million. That is 70% more than the \$740,000 median cost of a comparable non-capital trial ("Death," 2011). A Tennessee report identified death penalty trials as costing 48% more than life imprisonment trials in 2004 ("Death," 2011). Research by the Urban Institute from Maryland in 2008 showed a more drastic cost of \$3 million per capital trial. ("Death," 2011). Florida put two men to death in 2009 with an average cost of \$24 million per execution (Mears, 2009).

OPPOSING VIEWS

The Legal Procedure

Proponents of capital punishment would like a more streamlined court system that would speed up the trials. They argue that

unnecessary and time-consuming delays lead to the higher costs (Mears, 2009). Also stated is that the death penalty can be used in plea-bargaining to avoid a costly trial. For example, a prosecutor would use the threat of a possible death sentence to persuade a defendant to plead guilty to a lesser crime and face life imprisonment instead. Opponents see the delays as safeguards that work to prevent violations of rights or wrongful convictions. Opponents see the high cost of capital trials and executions as a waste when the life-without-parole option is cheaper (Costanzo, 1997, p. 69).

No system is perfect, and the capital punishment system is no exception. It is criticized as being too slow, sometimes taking ten years between the imposition of a death sentence and the execution (Schmallegger, 2009, p. 408). Again, death penalty supporters would like some of the proverbial red tape to be cut away to expedite the execution process. In 1991 and 1995 respectively, the Supreme Court did away with repeated filings by an inmate for the sole purpose of delaying his execution and required more than just new evidence to rehear his case (Schmallegger, 2009, p. 408). Those two acts served to stop the common practice of filing an appeal solely for the reason that the inmate would put off his punishment.

Does the Death Penalty Deter?

Deterrence is one reason that capital punishment exists. The idea relates to the psychology theory of punishment, which states that an action leading to an undesired result will keep people from performing the action. From this, the thought is that such a severe punishment as death will discourage people from committing murder. Proponents of the death penalty often point to deterrence to build support for their beliefs, while opponents point to studies that seem to prove otherwise.

Research in 1975 seemed to indicate that every execution led to seven or eight fewer murders (Grant & Meyer, 2003, p. 412). The thought was that the murder rate dropped when criminals realized they could potentially have their life taken from them as punishment. In England, a similar study concluded that each execution prevented four murders (Travis, 2001). Also, prosecutors and judges have stated that in the testimony of people accused of crimes, the accused admitted to planning his crime in a way so he would not receive a death sentence. If one excludes the cost of the trial, as some proponents do, then capital punishment would be cheaper than a life sentence since there would be no inmate to house (Grant & Meyer, 2003, p. 412).

Opponents bring up just as much evidence that no sort of deterrence effect exists. Of all the Western countries, the United States is the only one to still use the death penalty yet has the highest homicide rate in the industrialized world. A study by the United Nations in 1998 found no proof that capital punishment lowered crime rates (Robinson, 2005). In 1996, states with capital punishment laws had an average murder rate of 7.1 per 100,000 people, while states that abolished capital punishment had an average murder rate of 3.6 per 100,000 (Travis, 2001). With both sides of this argument having seemingly valid claims, it is difficult to establish how large a factor deterrence is in this debate.

It seems quite reasonable that the deterrence effect would come into play. Why would someone commit a crime that would lead to his or her own demise? The potential rewards of the crime would have to far outweigh the risk of a death sentence. But the reality is if someone is going to commit a capital crime, the fates of others who have committed the same crime probably do not cross the person's mind. A man can kill somebody out of revenge, for

personal gain, or because he is afflicted with some sort of disorder, but society will seek revenge against him through capital punishment in an effort to set an example.

Religious Justification

Religion might be brought up as a justification for capital punishment, especially in Islamic countries where the religion is the motivation behind punishment. No Middle Eastern country has abolished capital punishment, and crimes forbidden by Allah carry a mandatory penalty of death (Travis, 2001). The Qur'an also mentions the death penalty, saying that a man taking another man's life is like taking the lives of all men; in other words, murder is a crime against everyone ("Does," 2008). Muslim countries enforcing Sharia, God's law, have the most crimes punishable by death. A few countries do not use the death penalty but still retain it in their laws ("Does," 2008). From a Christian view, the Bible references the death penalty many times and the distinction is made between murder and a legal taking of life. But different translations and interpretations can lead to disagreements among Christians over what a passage actually means. Because of the differences, opinions of capital punishment vary within the religion. For example, the Lutheran Church: Missouri Synod does not object to the death penalty while the United Methodist Church does ("Religion," 2010). Hinduism and Buddhism are religions that stress forgiveness and respecting fellow humans. Mohandus Gandhi, a well-respected figure in the Hindu community, said, "An eye for eye only ends up making the whole world blind" (Peace, 2009). Tenzin Gyatso, a Dalai Lama of the Buddhist faith, believes that all criminals have the possibility to improve and correct their behavior. He mentions the amount of violence and killing seen on television to show how misguided we have become regarding human values

(Gyatso, 1999). With such finality as death, how can the offender be allowed to be rehabilitated and make up for what he or she did? He appealed to the world to end capital punishment. The words of the two important people conform to a view against the death penalty.

CONTROVERSIES

DNA Evidence

Advances in science and technology have led to improved evidence-analyzing techniques for analyzing evidence. Hair or blood from a 15-year-old crime scene can be looked at again and might give a different outcome from the first time it was examined. At the time of the trial, DNA testing may not have been as common or reliable as it is now. For example, a single strand of hair could be destroyed in the DNA testing process but not produce a conclusive result. This would essentially be a waste of the evidence and it could not be retested. Today's demand for DNA tests has backlogged many labs. In 2005, The Texas Department of Public Safety crime lab handled between 2,500 and 3,000 DNA cases each year (Handwerk, 2005). This, combined with a lack of public funding for such tests, means the wait times for the results are much more than the hour it takes on popular television shows.

DNA analysis of evidence has certainly been used in capital trials and appeals. In 2000, Illinois governor George Ryan put a hold on executions in the state. Since the Supreme Court lifted the national moratorium in 1976, Illinois had executed twelve people and released thirteen, some of them based on DNA-related evidence (McCuen, 2000). Ryan was a death penalty supporter but believed those numbers meant something was wrong with the system. Even with the reformed trial process, the capital punishment system is still subject to human error. Bad lawyers, incorrect

eyewitness accounts, forced confessions, mishandled evidence can lead to and innocent person being convicted of a capital crime. A small piece of hair could have been the key piece of evidence in someone's murder conviction, but if a DNA test proves it belonged to someone else then the conviction would be based on false evidence. Though this does not mean the person was innocent, it does mean that a new trial may be needed to examine all other evidence other than the hair (Thornburgh, 2010). While the use of DNA testing does not conclusively find guilt or innocence, it has proved to be invaluable to those are now out of prison due to a test.

Media Influence

The media corporations are tasked with providing the public with an unbiased source for the happenings of the world. But the media system, like that of capital punishment, is not perfect. Certain parts of a story can be stressed or omitted in order to spin the news toward a specific audience or to make the story seem like something it isn't. It is well known that a person with a liberal political view most likely opposes capital punishment while a person with a conservative political view most likely supports it. Any news station or newspaper that leans to the liberal or conservative side will shape the story to fit the political views of their readers or viewers.

One example is Ronnie White, a black judge nominated for the federal system. In the confirmation stage, some objected to White since he had a strong anti-capital punishment record, which included voting to spare a convicted murderer. When his nomination was rejected, the media reported that it was due to racial issues instead of looking at his death penalty stance. (Irvine & Kincaid, 2000).

Another example comes from an Associated Press headline in 2005. An appeals court had just looked at case with a

man convicted of murdering a two-year-old and sentenced to death. The appeals court ruled that he was entitled to a new trial as a result of incompetent counsel in the first one. The AP's headline for the story was "Child Killer's Death Penalty Overturned." This seems to imply that a court took away a death sentence for a child killer even though they really just awarded a new trial because of legal error (Elliott, 2005).

Racial Bias

Many opponents of capital punishment oppose it because of the claim that the system is unfair to minorities. Ninety-eight percent of district attorneys in states with capital punishment laws were white in 1998, while only one percent was black ("Facts," 2011). Since 1976, there have been two hundred forty-nine black people executed for killing a white person, but fifteen white people executed for killing a black person ("Facts," 2011). Over a five-year period in the 1990s, the chance of receiving the death penalty was three and a half times greater when the victim in the crime was white (Boger and Unah, 2001). Even though the Supreme Court found the revised death penalty statutes constitutional in *Gregg*, opponents claim that statistics like those above indicate that a racial bias exists today.

METHOD

It goes without question that today's society would not tolerate some of the older methods of execution. Evolving standards of decency in regard to the Eighth Amendment would not allow an inmate to be impaled on a pole to die. Currently, the United States can execute people by lethal injection, electrocution, hanging, gas chamber, and firing squad (Schmallegger, 2009, p. 408). Most states will use death by a lethal combination of injected drugs since it is viewed as the most humane, but the inmate may be able to choose by which

method he dies. Lethal injection involves three drugs injected one after the other. The first drug puts the inmate to sleep, the second stops breathing, and the final one stops the heart (Descriptions, 2010). One of the concerns is that the first drug will not put the convict to sleep, leading to pain when the other drugs are injected.

Until recently, the first drug most commonly used was sodium thiopental. The only U.S. company that made the drug disapproved of its use in the lethal injection process and ceased production earlier this year. Instead of delaying their capital punishment, some states procured the drug but did not disclose where they obtained it. Multiple lawsuits were filed claiming the drugs might be counterfeit and unsafe (Drug, 2010). If the drugs were from a foreign country and not evaluated by the Food and Drug Administration, they could cause enough pain to be considered cruel and unusual punishment. Some states have simply switched to a similar drug instead of trying to legally obtain sodium thiopental. Pentobarbital is best known for euthanizing animals but is now being adopted as the first drug in the lethal injection process. Oklahoma, Ohio, and Texas have made the switch to pentobarbital, and the first two have carried out executions using the new drug (Grissom, 2011).

Overview

With a topic like capital punishment, the information available can be overwhelming. It has kept the same name yet changed its appearance over the thousands of years of its use. The public spectacle for all to see has now become a more private affair. Methods that seem deplorable by today's standards are long gone, replaced by a more civilized society with a more humane method. A long list of capital crimes has been whittled down to a handful. It was once supported by an

overwhelming majority and now has a fiery debate about it. Death penalty laws will surely continue to be shaped and modified as the United States criminal justice system moves forward.

References

- Bedau, H. (1997). *The death penalty in America: current controversies*. New York, NY: Oxford University.
- Boger, J., and Unah, I. (2001, April 16). *Race and the death penalty in North Carolina*. Retrieved March 17, 2011, from <http://www.deathpenaltyinfo.org/race-and-death-penalty-north-carolina>
- Coenen, D. T. (2004). *Furman v. Georgia*. *New Georgia Encyclopedia*. Retrieved February 19, 2011, from <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2931>
- Costanzo, M. (1997). *Just Revenge*. New York, NY: St. Martin's.
- Crew, B. (2001). The death and resurrection of capital punishment. In Johnson, J. (Ed.), *Historic U.S. Court Cases: An Encyclopedia, Volume 1* (pp. 114-119). New York: Routledge
- Death penalty cost*. (2011). Retrieved March 16, 2011, from <http://www.amnestyusa.org/death-penalty/death-penalty-facts/death-penalty-cost/page.do?id=1101084>
- Descriptions of execution methods*. (2010). Retrieved March 16, 2011, from <http://www.deathpenaltyinfo.org/descriptions-execution-methods#injection>
- Does Islam support the death penalty?* (2008). Retrieved March 17, 2011, from <http://deathpenalty.procon.org/view.answers.php?questionID=001180>
- Dollinger, A. (2000). *Law and order in ancient Egypt*. Retrieved March 10, 2011, from http://www.reshafim.org.il/ad/egypt/law_and_order/index.html
- Drug shortage throws US executions into disarray*. (2010, October 24). Retrieved March 17, 2011, from <http://deathpenaltynews.blogspot.com/2010/10/drug-shortage-throws-us-executions-into.html>
- Elliot, D. (2005). *Media bias and the death penalty*. Retrieved March 16, 2011, from <http://deathpenaltyusa.blogspot.com/2005/01/media-bias-and-death-penalty.html>
- Ellis, E., & Horne, C. (1913). What is Draconian law? In *The Story of the Greatest Nations and the World's Famous Events* (Vol. 1). [Publisher and city unavailable].
- Facts about the death penalty*. (2011). Retrieved March 17, 2011, from <http://www.deathpenaltyinfo.org/documents/FactSheet.pdf>
- Furman v. Georgia*. (2011). Retrieved March 09, 2011, from <http://www.enotes.com/supreme-court-drama/furman-v-georgia>
- Green, M. (2010). *History of the death penalty & recent developments*. Retrieved March 13, 2011, from <http://justice.uaa.alaska.edu/death/history.html>
- Grissom, B. (2011, March 16). Retrieved March 17, 2011, from <http://www.deathpenaltyinfo.org/lethal-injection-texas-switches-new-drug-next-execution-approaches>

- Gyatso, T. (1999). Message supporting a global moratorium on the death penalty. Retrieved December 1, 2011 from <http://www.counterpunch.org/1999/08/29/message-supporting-a-global-moratorium-on-the-death-penalty/>
- Handwerk, B. (2005, April 8). *DNA frees death row inmates, brings others to justice*. Retrieved December 3, 2011, from http://news.nationalgeographic.com/news/2005/04/0408_050408_tv_dnadeath.html
- High cost of the death penalty*. (2008). Retrieved March 15, 2011, from <http://www.deathpenalty.org/article.php?id=42>
- Irvine, R. & Kincaid, C. (2000, July 10). Retrieved March 17, 2011, from <http://www.aim.org/media-monitor/media-bias-over-the-death-penalty/>
- Maestro, M. (1973). A pioneer for the abolition of capital punishment: Cesare Beccaria. *Journal of the History of Ideas*, 34(3), 463-468.
- McCuen, B. (2000, May 3). *Does DNA technology warrant a death penalty moratorium?*, Retrieved December 4, 2011, from http://speakout.com/activism/issue_briefs/1231b-1.html
- McGlynn, S. (2008, April). Violence and law in medieval England. *History Today*, 58, 53-59. Retrieved February 25, 2011.
- Mears, B. (2009, October 20). *Study: States can't afford death penalty*. Retrieved March 16, 2011, from http://articles.cnn.com/2009-10-20/justice/death.penalty_1_death-row-population-suitable-vein-executions?_s=PM:CRIME
- New Mexico governor repeals death penalty in state*. (2009). Retrieved November 30, 2011, from http://articles.cnn.com/2009-03-18/justice/new.mexico.death.penalty_1_penalty-trial-death-row-death-penalty-information-center?_s=PM:CRIME
- Peace quotes*. (2009). Retrieved December 1, 2011 from <http://www.bluesforpeace.com/peace-quotes.htm>
- Poll shows growing support for alternatives to the death penalty*. (2010). Retrieved March 16, 2011, from <http://www.deathpenaltyinfo.org/pollresults>
- Religion and the death penalty*. (2010). Retrieved March 17, 2011, from <http://www.deathpenaltyinfo.org/religion-and-death-penalty>
- Robinson, B. (2005, November 08). *Support and opposition*. Retrieved March 16, 2011, from <http://www.religioustolerance.org/execut4.htm>
- Schmallegger, F. (2009). *Criminal justice today*. Upper Saddle River, NJ: Pearson
- Steffoff, R. (2008). *Furman v. Georgia: Debating the death penalty*. Tarrytown, NY: Marshall Cavendish Benchmark.
- Steiker, J. (1999). Cruel and unusual punishment. In Newman, R. (Ed.), *The Constitution and its Amendments* (pp. 125-130). New York: Macmillian Reference USA.

Thornburgh, N. (2010). *DNA testing casts doubt on Texas man's execution*. Retrieved December 3, 2011 from <http://www.time.com/time/nation/article/0,8599,2031034,00.html>

Travis, M. (2001). *The death penalty: A live issue?* Retrieved March 15, 2011, from <http://homepages.ihug.co.nz/~tptbst/me/writing/dp.htm>

Winick, Bruce J. (2009). The Supreme Court's evolving death penalty jurisprudence: Severe mental illness as the next frontier. *Boston College Law Review*, 50, 785-858.

Woodford, J. (2008, October 02). *California warden now believes that executions don't make us safer*. Retrieved March 17, 2011, from <http://www.deathpenalty.org/article.php?id=294>