

ENGLISH LANGUAGE AND COMPOSITION

SECTION II

Total Time – 2 hours

Question 1

(Suggested time—40 minutes. This question counts for one-third of the total essay section score.)

Directions: The following prompt is based on the accompanying seven sources.

This question requires you to synthesize a variety of sources into a coherent, well written essay. Synthesis refers to combining the sources and your position to form a cohesive, supported argument and accurately citing sources. *Your argument should be central; the sources should support this argument. Avoid merely summarizing sources.*

Remember to attribute both direct and indirect citations.

Introduction

The death penalty or execution is the sentence of death upon a person by the state as a punishment for an offence. Crimes that can result in a death penalty are known as capital crimes or capital offences. Execution of criminals and political opponents has been used by nearly all societies both to punish crime and to suppress political dissent. In most places that practice capital punishment, it is reserved for murder, espionage, treason, or as part of military justice. In some countries sexual crimes, such as rape, adultery and incest, carry the death penalty. The use of the death penalty is a debate filled with controversy.

Assignment

Read the following sources (including the introductory information) carefully. Then write an essay in which you develop a position considering the issues of death penalty. Synthesize at least three of the sources for support.

You may refer to the sources by their titles (Source A, Source B, etc.) or by the descriptions in the parentheses.

Source A (cartoon)

Source B (Liptak)

Source C (Fitzpatrick)

Source D (Budziszewski)

Source E (Week Magazine)

Source F (Love)

Source G (U.S News)

Source A

Death Penalty

<http://newsblogs.chicagotribune.com/taking-a-stantis/2011/09/death-penalty-no-comprende.html>



Source B

Liptak, Adam. "Does the Death Penalty Save Lives? New Debate "
New York Times. 18 Nov 2007. Web 03 May 2013.

<http://www.nytimes.com/2007/11/18/us/18deter.html?pagewanted=all&r=0>

For the first time in a generation, the question of whether the death penalty deters murders has captured the attention of scholars in law and economics, setting off an intense new debate about one of the central justifications for capital punishment. Does Capital Punishment Have a Deterrent Effect? New Evidence From Post-moratorium Panel Data, by Hashem Dezhbaksh, Paul H. Rubin and Joanna M. Shepherd (*American Law and Economics Review* 2003) Deterrence Versus Brutalization: Capital Punishment's Differing Impacts Among States, by Joanna Shepherd (*Michigan Law Review*, November 2005) Prison Conditions, Capital Punishment and Deterrence, by Lawrence Katz, Steven D. Levitt and Ellen Shustorovich (*American Law and Economics Review* 2003) Getting Off Death Row: Commuted Sentences and the Deterrent Effect of Capital Punishment, by H. Naci Mocan and R. Kaj Gittings (*Journal of Law and Economics*, October

2003) Capital Punishment and Capital Murder: Market Share and the Deterrent Effects of the Death Penalty, by Jeffrey Fagan, Franklin E. Zimring and Amanda Geller (Texas Law Review, June 2006). According to roughly a dozen recent studies, executions save lives. For each inmate put to death, the studies say, 3 to 18 murders are prevented. The effect is most pronounced, according to some studies, in Texas and other states that execute condemned inmates relatively often and relatively quickly. The studies, performed by economists in the past decade, compare the number of executions in different jurisdictions with homicide rates over time — while trying to eliminate the effects of crime rates, conviction rates and other factors — and say that murder rates tend to fall as executions rise. One influential study looked at 3,054 counties over two decades.

Source C

Fitzpatrick, Laura. "The Death Penalty: Racist, Classist and Unfair"
Time. 03 May 2013

<http://www.time.com/time/nation/article/0,8599,1967233,00.html>

Some two-thirds of Americans support the death penalty, but few are forced to confront it on a daily basis. As an appellate lawyer in Texas — which leads the U.S. in executions — David Dow has represented more than 100 death-row inmates over the past two decades. In *The Autobiography of an Execution*, he recounts what it's like to do the job and then come home to his family and his dog. He talked to TIME about why he keeps doing the work, the problem with juries and what it's like to look murderers in the eye.

You call the capital-punishment system "racist, classist [and] unprincipled," but say you feel sympathy for people who support the death penalty. How can the two coexist?

On a regular basis, I'm sitting face to face with murderers. When I imagine sitting face to face with somebody who might have injured somebody I love or care about, I can imagine wanting to injure that person myself. I used to support the death penalty. [But] once I started doing the work, I became aware of the inequalities. I tell people that if you're going to commit murder, you want to be white, and you want to be wealthy — so that you can hire a first-class lawyer — and you want to kill a black person. And if [you are], the odds of your being sentenced to death are basically zero. It's one thing to say that rich people should be able to drive Ferraris and poor people should have to take the bus. It's very different to say that rich people should get treated one way by the state's criminal-justice system and poor people should get treated another way. But that is the system that we have.

Source D

Budziszewski. *"Capital Punishment: The Case for Justice,"* "Death Penalty. September 2004. Web. 03 May 2013

<http://deathpenalty.procon.org/view.resource.php?resourceID=00200>

"Society is justly ordered when each person receives what is due to him. Crime disturbs this just order, for the criminal takes from people their lives, peace, liberties, and worldly goods in order to give himself undeserved benefits. Deserved punishment protects society morally by restoring this just order, making the wrongdoer pay a price equivalent to the harm he has done. This is retribution, not to be confused with revenge, which is guided by a different motive. In retribution the spur is the virtue of indignation, which answers injury with injury for public good... Retribution is the primary purpose of just punishment as such... rehabilitation, protection, and deterrence have a lesser status in punishment than retribution."

Source E

"The Death Penalty: On the way out?" *Week* 9 Oct 2009: n. pg. Web. 03 May 2013.

<http://theweek.org>

The following is taken from an online magazine article.

After the "sickening spectacle" of a botched execution, Gov. Ted Strickland suspended the death penalty in the state of Ohio.

"Enough," said The Hartford Courant in an editorial. "The death penalty is a national embarrassment," and if any further proof were needed, it was provided a few weeks ago in Ohio. Prison technicians there trying to execute convicted murderer Romell Broom by lethal injection struggled to find a usable vein, repeatedly sticking needles into his bruised and bleeding arms and legs for two horrifying hours. Broom cried out in pain when the needles hit bone, and even tried to assist the bumbling executioners in finding a vein before they had no choice but to return a traumatized, weeping prisoner to his cell. Broom was a killer, but the "sickening spectacle" of his botched execution was a reminder of why a government shouldn't punish one horrific crime with another.

Gov. Ted Strickland has since suspended executions in Ohio, said The New York Times, but a better response would be a permanent, nationwide ban. Executions are not only immoral—they're absurdly expensive. Because of years of legal appeals, and the added cost of keeping prisoners on "death row," it cost Maryland, for example, \$186 million to execute five prisoners over two decades. So make it cheaper, said Ed Okonowicz in the Wilmington, Del., News Journal. After being sentenced to death, most murderers spend years, often decades, appealing their verdicts through taxpayer-funded court proceedings, while the families of their victims wait in agony for justice. Rather than banning the death penalty, we should be "fast-tracking executions."

Source F

Love, David. *"How America's death penalty murders innocents"* The Guardian. 21 May 2012. Web. 03 May 2013

<http://www.guardian.co.uk/commentisfree/cifamerica/2012/may/21/america-death-penalty-murders-innocents>

The US criminal justice system is a broken machine that wrongfully convicts innocent people, sentencing thousands of people to prison or to death for the crimes of others, as a new study reveals. The University of Michigan law school and Northwestern University have compiled a new National – a database of over 2,000 prisoners exonerated between 1989 and the present day, when DNA evidence has been widely used to clear the names of innocent people convicted of rape and murder. Of these, 885 have profiles developed for the registry's website, exonerationregistry.org.

The details are shocking. Death row inmates were exonerated nine times more frequently than others convicted of murder. One-fourth of those exonerated of murder had received a death sentence, while half of those who had been wrongfully convicted of rape or murder faced death or a life behind bars. Ten of the inmates went to their grave before their names were cleared.

The leading causes of wrongful convictions include perjury, flawed eyewitness identification and prosecutorial misconduct. For those who have placed unequivocal faith in the US criminal justice system and believe that all condemned prisoners are guilty of the crime of which they were convicted, the data must make for a rude awakening.

"The most important thing we know about false convictions is that they happen and on a regular basis ... Most false convictions never see the light of the day," said University of Michigan law professors Samuel Gross and Michael Shaffer, who wrote the study.

Source G

Nelson, Steven. *"Death Penalty Sought for James Holmes"* US News. 01 April 2013. Web. 03 May 2013

<http://www.usnews.com/news/newsgram/articles/2013/04/01/death-penalty-james-holmes-aurora-shooting>

Colorado prosecutors announced Monday that they intend to seek the death penalty against James Holmes, the man accused of murdering 12 people during a July 2012 screening of "The Dark Knight Rises" at an Aurora, Colo., movie theater.

"For James Eagan Holmes, justice is death," Arapahoe County District Attorney George Brauchler during a court hearing Monday, the Denver Post reports.

The youngest victim of the theater shooting was 6-year-old Veronica Moser-Sullivan, who died while watching the movie with her pregnant mother, who survived after suffering a miscarriage.