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Understanding the death penalty system

Capital punishment, otherwise known as the death penalty, is the government authorization to execute an individual as punishment for a crime. For this to occur a death sentence must be appointed whereby the person is executed utilizing lethal injection, electrocution, firing squad, gas chamber, and hanging depending on what is declared constitutional by the state government. Crimes punishable by death include mass murder, terrorism, rape, crimes against humanity, and genocide.

Lauren Gill's periodical, "*Fighting for life on Death Row*" discusses the achievements of the anti-death penalty organization Project Hope, formed by inmates, and their goal to abolish the death penalty in Alabama. Gill covers the government's negligence to reform prison values and the inadequate representation given to defendants in Alabama. She brings to light the many flaws within the criminal justice system by providing real cases where inmates were denied a fair trial due to lack of ample representation. She focuses on the death penalty in the United States and how financial status plays a major role in deciding the fate of an individual. Gill also covers exoneration cases where despite being released from death row the accused still endure many hardships in their day to day life.

Lauren Gill, a journalist for the site, The Appeal, aimed towards publishing original pieces focuses on writing articles about the death penalty, prisons, and jails. Her pieces have

been published on multiple platforms, one being in the magazine, *The Nation*. Her piece “*Fighting for life on Death Row*” allows us to gain insight into the inner workings of the criminal justice system and how it needs improvement. Through her article she presents the issues behind the injustices that take place in many states where capital punishment is legal. She brings into question the ethics behind allowing the government to decide whether the life of a human is valuable despite their crimes. In her article, she’s reaching out to various groups of people from low-income backgrounds, different races, political parties, and those whose stance on capital punishment may waver. She uses legal terms like “prosecutorial misconduct” (Gill 23), “moratoriums”(Gill 23), “federal appellate processes” (Gill 24), and “post-conviction” (Gill 24) indicating that her audience is aware of the legal processes which take place in court to some degree.

Gill elicits emotion from the audience through her use of language when depicting the inmates and their hardships. By placing them in this light she’s able to make the audience sympathize with the inmates on death row. She transitions from a neutral tone to a sympathetic one by referring to the organization as “a group that accomplishes providing emotional support for its members, but also by offering legal resources and guidance.” (Gill 25) This indicates that most of the inmates lacked the appropriate defense to have a fair trial which is why by forming Project Hope they were able to gain the fair defense they should have received in the first place. Throughout the article, Gill’s tone becomes indignant due to her growing distaste with how the “most egregious feature of Alabama's death-penalty regime is the anemic trial representation it provides for poor defendants.” (Gill 25) By stating this she’s communicating to the audience her disapproval of how low-income inmates are neglected, and their rights ignored. This is dangerous because once this mindset is normalized, we are accepting that every convicted individual without ample defense is deserving of death. With this, we can understand that Gill

aims to expose how the death penalty is inequitable in the United States because it is “a system that seems to have been designed to snare people who are poor, of color, or intellectually disabled.” (Gill 23) By providing these first-hand accounts of the inadequate representation experienced by death row inmates, Gill’s purpose is to elicit responses from individuals in Alabama in the hopes of igniting change within the public’s perception of capital punishment.

Gill’s expansive knowledge about the criminal justice system combined with her master’s degree in journalism ensures her credibility to create a well-informed opinion about the death penalty. Although not explicitly stated, Gill implies her stance as anti-capital punishment because of her firm belief that “Adequate legal representation is rare; prosecutorial misconduct is rampant” (Gill 23) this clearly indicates her opinion that the criminal justice system is flawed, and she acknowledges that factors such as income and race play major roles in sentencing the accused. She ends the article with the quote ‘the public don’t care. The public’s mentality in the South is, ‘Kill ‘em all and God will sort ‘em out.’ (Gill 26) By choosing to end the article this way, the author produces a much rawer and more personal piece as we are left with the inmate’s feelings of hopelessness and dread that his death is inevitable. She does this intending to shift public perception of the death penalty and illicit change.

Source 2

In the NCDAP blog post “*The Pursuit of Capital Punishment for Dylann Roof is a Step Backward*” Wade Henderson expresses his disapproval of the death penalty and the efforts he goes through to ensure that every inmate receives adequate representation and goes on to discuss the actions taken to do so.

Author of the blog post, Wade Henderson, president and CEO of the Leadership Conference on Civil Rights thoroughly talks about the case involving Dylann Roof, the man behind the Emanuel

African Methodist Episcopal church. His audience is those who are against the death penalty because he states “those who champion civil rights should not celebrate this moment” (Henderson) and “supporters of racial equality and equal treatment under the law” (Henderson) meaning that his blog post is aimed at individuals whose position on the death penalty might be biased.

The author’s tone is earnest and forthright because he acknowledges the controversy surrounding this case but also isn’t hesitant in expressing the injustice behind the belief that every execution must be carried through. For example, he states “At first glance, the notion of a white man facing the death penalty for murdering black people in the South — in a killing inspired by the murderer’s racist views — may seem like a marker of racial progress. It isn’t.” (Henderson) Immediately this tells us that his attitude on the subject is to not allow any prejudice to distort his view on this subject. His purpose is to ensure that “supporters of racial equality and equal treatment under the law should support Roof’s offer to plead guilty and serve a sentence of life without the possibility of parole.” (Henderson) Essentially, he believes that despite the heinous crime committed, even an individual like Dylann Roof deserves ample defense.

The genre is a blog post on a website for the organization called the *National Coalition to Abolish the Death Penalty* because it’s a website contributed by families affected by the death penalty and victims of the death penalty system it feels very personal and provides firsthand experiences. The medium is an online blog post and can be accessed on the internet on their website.

The author’s stance is firmly against the death penalty as the language he uses communicates that “death penalty suggests that its application to Roof would only pave the way for future cases in which the death penalty is invoked to harm the very community on which he

inflicted so much pain.” Henderson understands that to the public, the death penalty should apply to Dylann Roof but he makes the point that by condoning this action this will only result in damaging effects in the long term.

Source 3

Craig Haney’s academic journal “*Exoneration and wrongful condemnations: Expanding the zone of perceived injustice in death penalty cases*” dissects the corruption within death penalty cases in the United States. Haney analyzes how certain behaviors and beliefs which allow people to overcome their profound psychological barriers against murder heavily influence death penalty sentences. He goes into depth emphasizing the importance of differentiating between factual, legal, and moral guilt in order to identify the appropriate action in context with each case. He addresses the bias and unreliability of the criminal justice system when determining criminal responsibility and the effect this has on the number of wrongful executions authorized. Haney also touches upon the impact that the media and news outlets have on swaying the public towards agreeing with a pro-capital punishment agenda.

The genre is an academic journal as it is heavily descriptive and scrutinizes the death penalty system in a transparent manner while also citing other research papers throughout the journal. Haney uses print as his medium which was published in the *Golden Gate University Law Review*, which produces scholarly writing on an array of legal topics, including constitutional law, criminal procedure, immigration law, contract law, and administrative law. The journal provides thorough and consistent reasoning along with multiple references to other research papers ensuring his article is properly substantiated.

Craig Haney, an American social psychologist most recognized for his work on the study of capital punishment and the psychological influence of incarceration published multiple

journals and books that focus on determining what roles perception and belief about crime and punishment have on impacting legal justice and objectivity. Published in the *Golden Gate University Law Review*, Haney's journal "Exoneration and wrongful condemnations: Expanding the zone of perceived injustice in death penalty cases" provides a more profound understanding behind the public's view of the death penalty and brings attention to the concept that exonerated cases are outcomes of a heavily flawed system. Haney's targeted audience in the journal is other scholars who are familiar with legal issues and criminal justice students. Haney refers to "laypersons (or scholars)" (Haney 136) as himself when introducing a new concept, he wants to communicate. The language Haney uses consists of a fair amount of legal terminology like "factually innocent" (Haney 132), "factual guilt"(Haney 139), "liability crimes" (Haney 136), "malice aforethought" (Haney 136), "premeditation and deliberation" (Haney 136) indicating that his readers must possess competent knowledge concerning the law and the intricacies of the death penalty system.

Haney's purpose is to argue against a broken system that undermines the value of life and chooses who receives an opportunity at fair representation. For instance, he explicitly states "In this article I argue that despite the very serious nature and surprisingly large number of these kinds of exonerations, revelations about factually innocent death-sentenced prisoners represent only the most dramatic, visible tip of a much larger problem that is submerged throughout our nation's system of death sentencing." (Haney 132) He wants the audience to gain the impression that exoneration cases are merely surface-level dilemmas in comparison to the threat the current death penalty poses. He maintains an informative tone throughout the journal as he often refers to other academics like James Liebman, Carole and Jordon Steiker, Professor Elizabeth Scott and Laurence Steinberg just to name a few. He does this in order to establish the credibility of his research and set a formal tone for the article as the individuals he's referencing are all experts in

their field. The shift occurs when he expresses concern for how “In many cases, the sensationalized details of the crime became the defendant's one-dimensional social identity—a total description of his personhood—as though he had no potentially humanizing life experiences outside of his criminal behavior.” (Haney 147) Haney criticizes the media’s portrayal of death penalty cases indicating that they desensitize people to the harsh reality death row inmates are forced to undergo.

His background in psychology and extensive research conducted on the influence of beliefs on the perception of the death penalty ensures a fair and well-constructed opinion. Craig Haney’s stance on the issue against the death penalty system as he’s aware of the many cases where “erroneous death sentence occurs whenever a person is sentenced to die who, if he had been subjected to a fairer and less biased legal system and decision-making process, would have been sentenced to life instead.” (Haney 141) the author believes that there is something fundamentally wrong with the death penalty system due to its internal bias against those who lack appropriate defense.

Source 4

Washington Post reporters Delvin Barrett and Mark Berman’s article, “*Justice Department plans to restart capital punishment after long hiatus*” covers the recent cease of moratoria and the resume of federal execution under the Trump administration and the justice department’s decision to shift from three-drug lethal combination to only pentobarbital when carrying out executions. The article provides both sides of the issue from the belief that the death penalty system is dangerously flawed to those who believe that executions must be carried out in all death penalty cases. The article discusses the nationwide divide this caused among

republicans and democrats and within the federal government itself following the recent change in policy.

Devlin Barrett, a *Washington Post* reporter with a focus on National security and law enforcement uses his skills as a successful author to bring attention to the new changes enforced by the Trump administration in the article “Justice department plans to restart capital punishment after long hiatus” he wrote with Mark Berman, a criminal justice news reporter for the *Washington post*. The audience they target consists of casual *Washington Post* readers. The language they use tells us that they assume their audience is partially aware of the new policy and any details surrounding the topic, as they provide additional explanations for policies that might be new to the audience. For instance, when they introduced that “The Justice Department announced Thursday that it plans to resume executing prisoners awaiting the death penalty, ending almost two decades in which the federal government had not imposed capital punishment on prisoners.”(Barrett, Berman) This tells us that they assume the audience is composed of individuals who aren’t experts regarding criminal justice issues but are merely aware of the recent changes. From this we can see that their stance is impartial because they’re not pushing any ideals onto the audience, instead, they’re allowing them to think for themselves.

Barrett and Berman’s tone throughout the article is formal and objective, they don’t include any bias or provide any indication at attempting to persuading the audience. Their purpose is purely to provide information for the audience and allow them to form their own opinions on the issue by giving both sides of the argument. For example, they quote Attorney General William Barr’s statement that “The Justice Department upholds the rule of law - and we owe it to the victims and their families to carry forward the sentence imposed by our justice system” (Barrett, Barmen) but also provide the anti-death penalty argument that “the federal death penalty is arbitrary, racially-biased, and rife with poor lawyering and junk science”

(Barrett, Berman) this tells us that they want their audience to be conscious of both sides and be aware of the context surrounding this issue.

The medium of the article was published in online through the *Washington post* and its genre is a news article because it contained many quoted references and was structured in a manner where the most important information was introduced first and the additional facts or details were provided in the body while the end of the article consisted of extra information that would be useful to the audience.

Of the sources analyzed, Craig Haney, Delvin Barrett, and Mark Berman offer extensive research for the argument against the death penalty. The differences being their tones and purpose for their articles. From Craig Haney's journal we can see that he explicitly states his claim as one of arguing against the death penalty and in Barrett and Berman's article, they're only establishing facts and reasoning from both sides. Lauren Gill, Wade Henderson, and Craig Haney all support the same belief that the death penalty system is faulty and biased.

Sources

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