

VOICES FROM THE FUTURE

Liberty and Justice

Caitlin Morgan

“... nor cruel and unusual punishments be inflicted.” As citizens we must constantly look at our Bill of Rights and live up to it. We should always question if practices in our country are just and American. The death penalty demonstrates that we are failing in both these areas.

The death penalty is unconstitutional. The Bill of Rights protects all American citizens from injustices perpetrated by the government. As early as 1792, Benjamin Rush wrote that “The United States have adopted . . . peaceful and benevolent forms of government. It becomes them therefore to adopt their mild and benevolent principles. An execution in a republic . . . is an offering to monarchy . . . who delights in murder.” In states that have the death penalty, the government becomes the executioner. So instead of upholding it, the governments execute the purpose of the Bill of Rights. Capital punishment destroys individuals’ rights.

Capital punishment is unusual. In fact, America remains the only industrialized nation administering it. If other, poorer nations can handle the burden of paying for the upkeep of prisons, then America, the wealthiest and most powerful nation in the world, can carry it as well. We concern ourselves about human rights around the world. We were appalled that the Taliban shot suspected criminals. Essentially, though, shooting a person and electrocuting one is the same thing – it is taking a human life.

As a nation we have already decided that killing is cruel because punishment for a capital crime is death. Killing is the act of willfully taking someone else’s life. That is exactly what the death penalty does. The business of killing the killer strikes me as totally hypocritical. Yes, the murderer committed the crime first, and execution is a punishment, but ultimately the murderer dies, just as the victim did.

Studies show that 68% of capital punishments are in error. The U.S. knows this and yet still allows this injustice to contin-

ue. “No person shall be . . . deprived of life, liberty, or property without due process of law . . .” states the Fifth Amendment. Yet executing an innocent person is not due process, so this is another amendment that the death penalty breaks. Knowing that we violate these amendments and execute the wrong person requires us to question seriously whether capital punishment is worth keeping.

The United States is about equality. Take a look at the death penalty and it is clear that equality is an American belief being brushed aside. In the Supreme Court decision *Furman vs. Georgia* the majority ruled capital punishment unconstitutional, and a few of the judges said there was the “. . . appearance of racial bias against black defendants.” From 1930 to 1967, 90% of the people executed for rape were black. Given the prejudices against African Americans, these numbers make me skeptical as to whether all executed were guilty. Racial bias is real, so institutions that allow racists to use that hate against someone else must be eliminated. The struggle for equality has not ended just because segregation has.

The death penalty tramples America’s soul. America is about liberty: the liberty to express ourselves, to speak our minds, to practice our religions, to be ourselves. It includes a sense of freedom in knowing that the Bill of Rights protects us and ensures our freedom. The Fifth Amendment guarantees everyone’s right to due process. But when someone is dead, she is not in a position to appeal, even if she is not guilty. When one knows she is going to die, she cannot feel free and empowered to act on her own behalf.

The death penalty is not American. Murder is evil, and so is capital punishment. But America is not. America is about justice, liberty, and equality. These ideals are destroyed by the death penalty. As Fredrick Douglass said, “The problem is whether the American people have loyalty enough, honor enough, patriotism

enough, to live up to their own constitution . . .” To live up to our country, all we must do is live up to our constitution.

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