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## Guest columnist: There is no true justice in death penalty

Eric Edgerton, GUEST COLUMNIST 11:57 a.m. ET Jan. 16, 2017



On Jan. 10, self-avowed white supremacist Dylann Roof, who was convicted of the murder of nine African-Americans while they prayed, was sentenced to death. His sentence should come as no surprise to those familiar with the overwhelming amount of polling data showing majority support for the death penalty. One need look no further than the comments section of any article on the Dylann Roof saga to see that support for the ultimate criminal punishment is alive and well.

Our uniquely American affinity for the death penalty is tragic for the simple reason that capital punishment is both morally and intellectually indefensible. When subjected to any level of academic scrutiny, the common arguments in support of the death penalty: deterrence, fairness and closure for victims' families, quickly crumble. Now more than ever, on the heels of what many would call a model death sentence, it is worth examining the sad fact that there is no logical argument in support of capital punishment.

The only argument that attempts to claim a measurable societal benefit to retaining the death penalty goes as follows: the death penalty should be kept because its very existence deters would-be murderers. If this "deterrence" argument strikes you as ascribing an uncomfortable amount of logic to the process by which one person decides whether to murder another, you can probably already see why it fails. In a 2006 meta-analysis of the many different ways in which researchers have sought to measure the deterrent effect, if any, of the death penalty, professors from Yale and the University of Pennsylvania concluded that "[n]one of these approaches suggested that the death penalty has large effects on the murder rate. Year-to-year movements in homicide rates are large, and the effects of even major changes in execution policy are barely detectable." It is accordingly unsurprising that, when surveyed, 88 percent of the leading criminologists in the United States stated that death penalty was not "a deterrent to the commitment to murder."

Most commonly, death penalty supporters rely on the difficult to quantify assertion that there is just something inherently fair about a murderer being punished by death. The "eye for an eye" argument is premised upon the belief that all human life is equal, and that the fair punishment for killing another is for murderers themselves to be killed. While this defense is perhaps morally righteous in the abstract, it fails to hold up in practice. The flaw in this argument stems from the fact that American justice systems are woefully incapable of treating all life as equal. Focusing just on North Carolina, researchers at UNC have concluded that "[a] defendant is significantly more likely to get the death penalty if the victim is white rather than non-white." Specifically, the UNC study found that the odds of a defendant being sentenced to death were 3.5 times higher if their victim was white. The "eye for an eye" argument falls apart rather quickly in the context of a justice system that arbitrarily treats blue eyes as more valuable than brown.

The last of the common pro-death penalty arguments is that the punishment is necessary in order to afford the families of victims a sense of closure. As recently seen in testimony from the Dylann Roof trial, however, not all families of victims are in favor of their family members' killer being put to death. Notwithstanding recent research from Marquette University that challenges the idea that executions can provide a sense of closure, there is undeniably some subset of individuals who both want to see, and will derive some sense of satisfaction out of seeing their loved ones' killers put to death. Their interests must be weighed against the dramatically increased litigation costs that accompany capital cases. According to researchers at Duke University, "[t]he extra cost per execution of prosecuting a case capitally is more than \$2.16 million." A separate Duke study concludes that it costs North Carolina taxpayers roughly \$11 million annually to continue to use the death penalty.

Taking all available facts together, the question becomes whether it is logical to retain a form of punishment that is administered in a racially biased manner, yields no generalized social benefits, and costs taxpayers a small fortune, solely for the purpose of indulging the fraction of Americans who both lose a loved one to murder, and wish to see that loss repaid by another death. Because I cannot believe that a majority of Americans are so morally bankrupt as to answer that question in the affirmative, I am left to conclude that the continued majority support for the death penalty is due to a pervasive ignorance of the issue. Until that changes, each death sentence meted out, even Mr. Roof's, provides another occasion to reflect on the sad state of affairs that is the American use of capital punishment.

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