

Opening Statement

Good afternoon.

In 1607, the first European settlement in North America was established in Jamestown, Virginia. One year later, the colonists there carried out their first legal execution of one Captain George Kendall, who was convicted of being a Spanish spy. Four years after that - in 1612 - Virginia governor Sir Thomas Dale enacted what are known as the Divine, Moral and Martial Laws, which provided the death penalty for offenses such as stealing grapes, killing chickens, and trading with Indians. Since the earliest times of European influence in America, capital punishment has been recklessly applied to salve a people's fears - fears of survival, fears of the unknown, fears of wrongdoing. It is one thing to punish people wrongly, such as out of fear rather than from proof of wrongdoing, but at least wrongful punishment such as imprisonment can be righted with freedom, restitution, and so on. But the death penalty is the one punishment that, if applied wrongly, cannot be made right. It is cruel, it is unusual, and it has no place in a society based upon the rule of law.

Primary Arguments

1. **Unconstitutional** - it violates the 8th amendment protection against "cruel and unusual punishment." No less an authority than former Supreme Court justice William Brennan said as much in 1976 when he noted that *"Death is not only an unusually severe punishment, unusual in its pain, in its finality, and in its enormity, but it serves no penal purpose more effectively than a less severe punishment.."* (procon.org)
2. **Applied to those wrongly convicted** - Rolando Cruz, Charles Irvin Fain, Ray Krone, Ryan Matthews, Curtis McCarty, and Earl Washington, former death row inmates exonerated by DNA evidence, wrote: *"In each of our cases, juries heard evidence they believed was overwhelming and proved our guilt beyond doubt. Prosecutors, judges or governors rejected our initial pleas for DNA testing. Each of us sat on death row, wondering whether the truth would come out before we were executed. And each of us was spared when the irrefutable science of DNA proved that we were innocent...[if] we had never been granted DNA testing, we might not be alive today."* (innocence project, Yeshiva University)
3. **Does not deter crime** - 88.2% of polled criminologists do not believe that the death penalty is a deterrent (Michael L. Radelet, PhD, Sociology Professor and Department Chair at the University of Colorado-Boulder, wrote in 2009). According to former US President Jimmy Carter, "The homicide rate is at least five times greater in the United States than in any Western European country, all without the death penalty. Southern states carry out more than 80 percent of the executions but have a higher murder rate

than any other region. Texas has by far the most executions, but its homicide rate is twice that of Wisconsin, the first state to abolish the death penalty."

Rebuttal

1. **DNA testing is more accurate** - not only does it help to exonerate those wrongly convicted, but it helps to convict the actual perpetrators. According to Stewart Taylor of the Brookings Institution, DNA evidence has cleared "some 15 death-row inmates and almost 200 other men convicted of murder or rape, mostly since the late 1990s."
2. **Religion** - while most religions make allowance for capital punishment, we have a system in the U.S. which tries to keep the state and the church separate. The attitudes of religion shouldn't affect our view.
3. **Cost** - The cost of trying a capital case averaged over \$350,000 back in 2010; that was **eight times** as much as a life-without-parole case. Even keeping convicts alive in prison costs about half as much as going through the Constitutional processes required to put them to death.
4. **Safety** - As of 2012, "More than 3500 men and woman have received [life without parole] in California since 1978"; the only ones who've been released? Those who were proved innocent! The convicts don't get out, period.

<p>Opening Statement Briefly summarize your position.</p>	
<p>Primary Arguments What are the main points you want to make, and what evidence supports them?</p> <p>Arguments should be clear and concise, and evidence should be reliable and irrefutable (when possible). Use of propaganda techniques may be appropriate.</p>	
<p>Rebuttal Anticipate counterarguments to your claims and prepare to refute them.</p> <p>You have to make some guesses here, but try to think of all the possibilities.</p>	
<p>Closing Statement Restate/rephrase why your position is right and why your opponent is wrong. Make your final statement count!</p>	

