

NATIONAL

Maryland Governor Martin O'Malley went to his state legislature in February and made an unconventional argument that is becoming increasingly popular in cash-strapped states: Abolish the death penalty to save money.

O'Malley, a Catholic who has cited religious opposition to the death penalty in the past, is now arguing that capital cases cost three times as much as homicide cases where the death penalty is not sought. "We can't afford that," he said, "when there are better and cheaper ways to reduce crime."

Lawmakers in Colorado, Kansas, Montana, Nebraska, and New Hampshire have made the same argument in recent months as they push bills seeking to repeal the death penalty.

And last month, New Mexico became the most recent state to abolish the death penalty. Its Governor, Bill Richardson, who signed the measure despite having been a longtime supporter of capital punishment, said that cost was a factor in his decision.

Death-penalty opponents, who have long focused on

crimes committed as a juvenile (defined as under the age of 18).

And now, economic realities are forcing even some supporters of the death penalty to rethink their positions.

A 2008 study of Maryland by the Urban Institute concluded that because of appeals, it costs almost \$2 million more for the state to put someone to death than it costs to put a person in prison, even for a life sentence (*see chart, facing page*).

LONG TRIALS, MORE LAWYERS

Capital cases are expensive because the trials tend to take longer, they typically require more lawyers and more-costly expert witnesses, and they are far more likely to lead to multiple appeals. Furthermore, in many states, death-row inmates often spend decades in prison before their appeals are exhausted.

But it doesn't have to be that way, says Kent Scheidegger of the Criminal Justice Legal Foundation, a victim's rights group.

"The cost of keeping a person on death row for 20 years is not a cost of the death penalty; it's a cost of the obstruction

THE COST OF CAPITAL PU

questions of morality or justice, say they are pleased to have allies raising the economic argument.

Thirty-five states have the death penalty on their books; 15 now ban it, including New Mexico and New Jersey, which abolished it in 2007.

FEWER EXECUTIONS

Support among Americans for the death penalty seems to be fading. After years in which solid majorities supported capital punishment, a recent Gallup poll showed the nation about equally divided when life without parole is offered as an alternative.

The number of executions each year in the U.S. has dropped by more than half since its peak of 98 in 1999, to 37 in 2008. At the same time, the death penalty has come under increasing scrutiny. Exonerations of death-row inmates, based on DNA and other evidence, have led to charges that the death penalty is too severe—and final—a punishment.

The courts also have narrowed the death penalty's scope. In 2002, the Supreme Court ruled that executing the mentally retarded violates the 8th Amendment's ban on cruel and unusual punishment. In 2005, the Court decided in *Roper v. Simmons* that it was unconstitutional to execute anyone for

of the death penalty," Scheidegger says. "If cases went from trial to execution in five years, like they do in Virginia, that other 15 years of cost would be gone."

On average, it costs \$23,000 a year to keep someone in prison, according to the Bureau of Justice Statistics. That number varies widely, depending on the state and the level of security of the prison. Death rows are among the most costly.

Scheidegger calls the anticipated savings from abolishing the death penalty a mirage. He says that having the death penalty on the books means prosecutors can offer life sentences in plea bargains and thus avoid trial costs altogether.

Opponents of repealing capital punishment also say it is short-sighted and will result in more crime and greater costs to states down the road. As police departments face budget cuts, the role of the death penalty in deterring crime is more important than ever, they say.

Scott Shellenberger, a prosecutor in Baltimore County, Md., puts it this way: "How do you put a price tag on crimes that don't happen because the threat of the death penalty deters them?" ●

Ian Urbina is a reporter in the Washington bureau of The New York Times. Additional reporting by Patricia Smith.



DEATH-PENALTY
OPPONENTS
ARE USING A
NEW ARGUMENT
FOR TOUGH
ECONOMIC TIMES:
THAT CAPITAL
PUNISHMENT IS
TOO EXPENSIVE

NISHMENT

BY IAN URBINA

THE PRICE OF DEATH

According to a recent study, a death-penalty case in Maryland costs about three times more than a case in which the prosecutor doesn't seek the death penalty. This comparison includes the cost of the trial, appeals, and prison sentences.

DEATH SENTENCE NOT SOUGHT	\$1,103,000
DEATH SENTENCE UNSUCCESSFULLY SOUGHT	\$1,793,000
DEATH SENTENCE	\$3,017,000

SOURCE: THE URBAN INSTITUTE
THE STUDY EVALUATED 1,227 HOMICIDES
THAT OCCURRED IN MARYLAND FROM 1978
TO 1999 IN WHICH THE DEFENDENT WAS ELIGIBLE
TO RECEIVE THE DEATH PENALTY.

ARMED & UNDERAGE



WRITING PROMPT

Script a public service announcement for TV about the use of children in conflicts around the world. Encourage your audience to take action and to learn more about this issue. Create a storyboard with visual elements to accompany your script.

DEBATE

Support or refute: Developed nations like the U.S. have a responsibility to ensure that children are not used as soldiers in any part of the world.

DISCUSSION QUESTIONS

Why has soldiering become a way of life

for children in many countries?
Why are the children who are being recruited not protected by adults and by their governments?

How might international organizations help child soldiers return home? Why is this so difficult?

Had you heard of this problem before reading this article? Why do you think it gets so little attention in the

media?

How did reading this article affect your views about wars in distant countries?

FAST FACT

Thousands of children have come out of combat in the last five years as conflicts ended or eased in countries such as Angola, Liberia, and Sierra Leone, but thousands more have been drawn into conflicts in places like Sudan and Chad.

WEB WATCH

www.child-soldiers.org

The Coalition to Stop the Use of Child Soldiers explores where and why children are used in combat, and what is being done to end it.

CRITICAL THINKING

In 1989, the U.N. passed the Convention on the Rights of the Child—the first legally binding international instrument that focuses on the human rights of children.

→ What rights do you think children should be guaranteed?

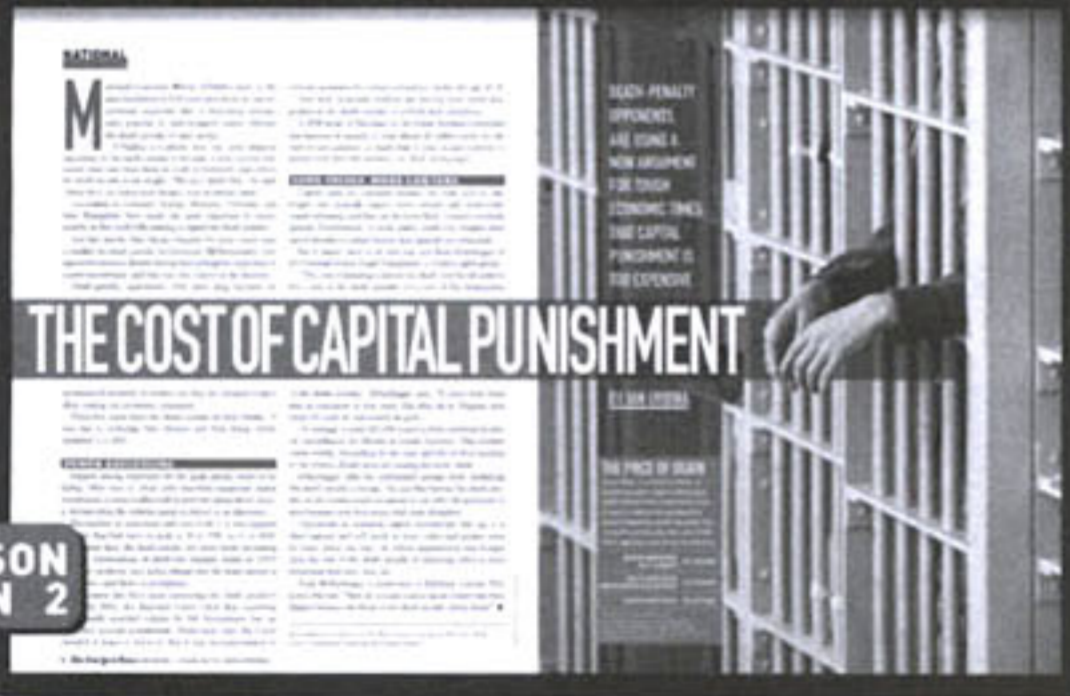
Thousands of children worldwide have become involved in armed conflicts in countries where there is no infrastructure in place to protect them.

→ Why are children so often forced to serve as soldiers?

→ What might be some of the consequences for these children, and for their countries as a whole?

NATIONAL

THE COST OF CAPITAL PUNISHMENT



punishment (see Web Watch), and use your findings and information from the article to write an editorial for your local newspaper for or against the death penalty.

DEBATE

Support or refute: The death penalty's effectiveness in reducing serious crimes, like murder, outweighs its economic costs.

DISCUSSION QUESTIONS

The death penalty is sometimes applied to federal crimes like treason, terrorism, and espionage. Why do you think these

crimes may be punishable by death?

Do you agree with those who say eliminating the death penalty will result in an increase in crime? Why or why not?

Are you surprised that the U.S. is one of the few industrialized democracies that still has capital punishment? Why do you think this is so?

What might account for changes over time in public support for the death penalty?

Why do states get to determine whether or not to use the death penalty?

FAST FACT

According to Amnesty International, in 2008, China had the most executions worldwide—1,718—followed by Iran (346), Saudi Arabia (102), and the United States (37).

WEB WATCH

www.deathpenaltyinfo.org

The Death Penalty Information Center provides state-by-state information regarding capital punishment.

CRITICAL THINKING

Capital punishment is included in one of the first written codes of law, King Hammurabi's code, from Babylonia, around 1750 B.C. It included the phrase "an eye for an eye."

→ What does this phrase mean, and why might modern

supporters of capital punishment invoke it? What are some arguments for and against the "eye for an eye" philosophy?

→ Why do you think capital punishment has been in use for so long?

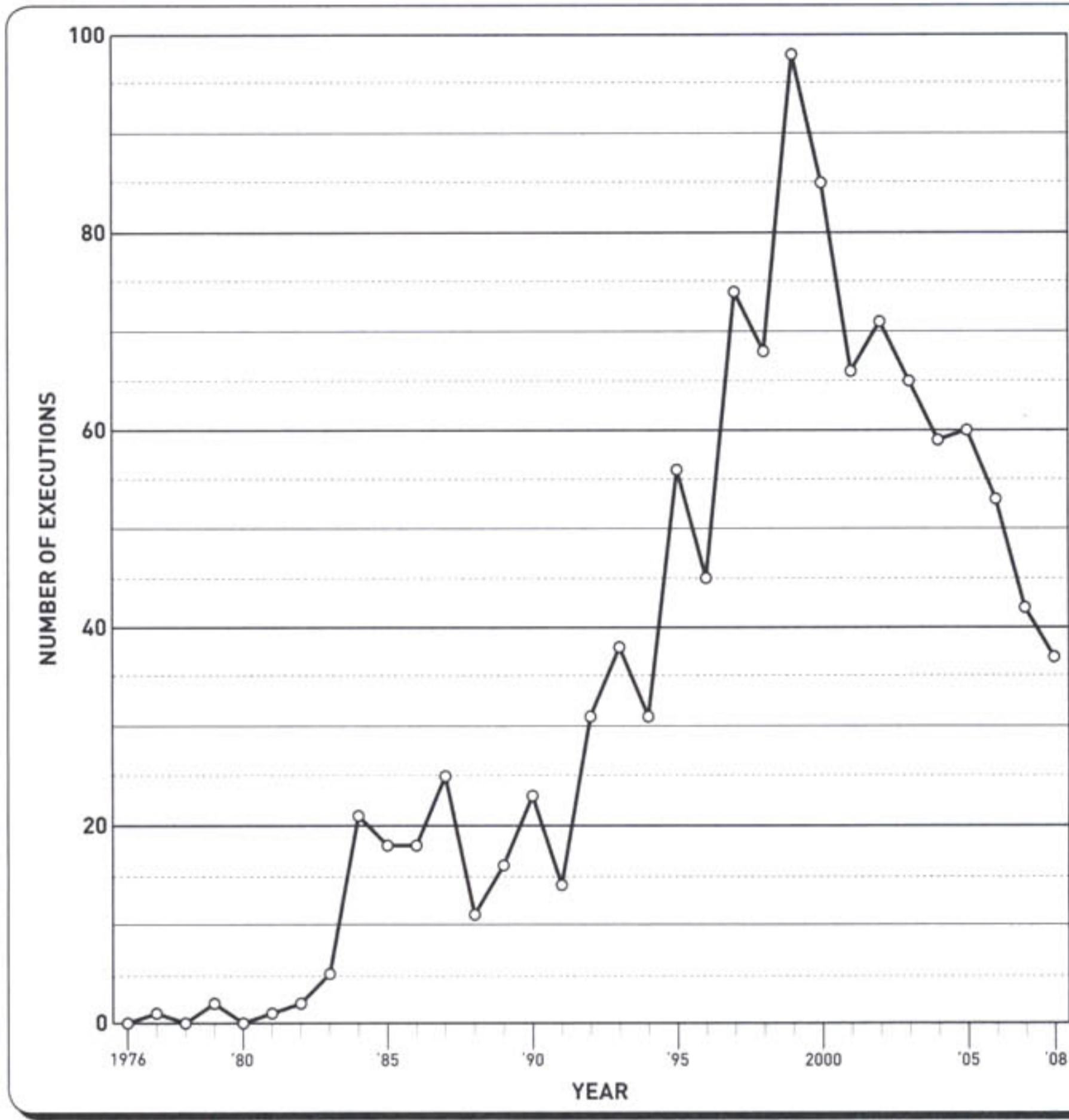
WRITING PROMPT

Research your state's current and past position on capital

CAPITAL PUNISHMENT, BY THE NUMBERS

The debate over capital punishment in America goes back to the first execution in the Jamestown Colony in Virginia in 1608—and hasn't let up since.

In 1976, the U.S. Supreme Court ended what was essentially a four-year moratorium on the death penalty, which grew out of concerns it had about how consistently the sentence was being imposed across the nation. When executions resumed, the number generally rose each year until 1999, when it began dropping as a result of constitutional challenges, its less frequent use by prosecutors, additional state bans on the death penalty, and a longer appeals process for those on death row.



This graph shows the number of executions in the U.S. every year since 1976, when a Supreme Court ruling essentially lifted a moratorium on capital punishment.

ANALYZE THE GRAPH

- In what two years were the numbers of executions the same?
 - a 1980 and 1983
 - b 1987 and 1990
 - c 1992 and 1994
 - d 2003 and 2005
- The year with the most executions saw about _____ times as many as 10 years earlier.
 - a 3
 - b 4
 - c 5
 - d 6
- Texas is responsible for 435 executions in this 32-year period, the most of any state. This number is closest to the total from
 - a 2002-2008.
 - b 1996-2001.
 - c 1984-1995.
 - d 1976-1983.
- According to Amnesty International, 102 people were executed in Saudi Arabia in 2008. The U.S. executed about _____ percent of that number.
 - a 37
 - b 42
 - c 45
 - d 50
- In which year were there about one-fourth the number of executions of those in the year with the most executions?
 - a 1987
 - b 1995
 - c 2003
 - d 2007

Discussion Questions

- Why do you think public sentiment has turned against the death penalty since 1999? What, if anything, might make the poll numbers rise again?
- California, Texas, and Florida are currently the states with the highest numbers of death row inmates, respectively. Why do you think some states consistently seek the death penalty for their most violent offenders, while others do not?
- What do you think shapes a person's views on an issue as contentious as the death penalty?
- Do you support the death penalty? Why or why not? Does the high cost of capital punishment influence your answer? Explain.

SOURCE: DEATH PENALTY INFORMATION CENTER

GAME SHOW

● **USE** with articles identified.

The statements are answers to questions (modeled after the TV show *Jeopardy!*).

Students must answer in the form of questions.

● **DIVIDE** the class into teams.

● **READ** the statements.

● **CALL** on the first team with a hand raised.

CORRECT ANSWER = 10 points

WRONG ANSWER = -10 points

(And another team may respond for the same chance to gain or lose 10 points.)

STATEMENTS TO READ

CORRECT RESPONSE

ARMED & UNDERAGE

① Children in this country have been forced to fight in, and against, a brutal rebel group called the Lord's Resistance Army.

What is the Democratic Republic of the Congo?

② Anyone under this age who is a member of an armed group is generally considered a child soldier.

What is 18 years old?

③ In Afghanistan, children are reportedly used as suicide bombers by this group.

What is the Taliban?

④ Most of the world's child soldiers are on this continent.

Where is Africa?

⑤ This children's organization works with human rights groups to get child soldiers back to their families.

What is UNICEF?

THE COST OF CAPITAL PUNISHMENT

① The number of states that have abolished the death penalty.

What is 15?

② This state abolished the death penalty in 2007, the first state to do so in a generation.

What is New Jersey?

③ This scientific type of evidence has led to the exoneration of death-row inmates.

What is DNA evidence?

④ Defendants do this when they ask a higher court to overturn a lower court's decision.

What is appeal?

⑤ According to a 2008 study in Maryland, a capital case costs about this much more than a case in which the death penalty is not sought.

What is \$2 million?

ANSWER KEY

QUIZ 1 ▷ PAGE TE 5

- ① [d] they are impoverished or separated from their families.
- ② [b] often pressed into duty as cooks and messengers
- ③ [c] Their families encourage them to defend themselves and their countries.
- ④ [a] were used in World War II by Germany.
- ⑤ [b] are often traumatized.
- ⑥ Answers will vary.

QUIZ 2 ▷ PAGE TE 5

- ① [b] Demographic shifts
- ② [b] Islam came peacefully to the country, rather than by force.
- ③ [a] he lived there as a child.
- ④ [d] It is one of the world's largest emitters of greenhouse gases due to its many factories.
- ⑤ [c] experiencing a downturn in its commodity exports.
- ⑥ Answers will vary.

QUIZ 3 ▷ PAGE TE 6

- ① [c] Being barred from singing at the White House
- ② [a] Eleanor Roosevelt
- ③ [b] the organization that owned it would allow only white artists to perform there.
- ④ g, b, f, e, a, j, i, c, d, h
- ⑤ [d] Martin Luther King Jr. gave his "I Have a Dream" speech.

GRAPH EXERCISE ▷ PAGE TE 4

- ① [c] 1992 and 1994
- ② [d] 6
- ③ [b] 1996-2001.
- ④ [a] 37
- ⑤ [a] 1987

ONLINE TEACHER TOOLS PASSWORD: president