Capital Punishment: Society’s Self-Defense
by Amber Young

Just after 1:00 a.m. on a warm night in early June, Georgeann, a pretty college student, left through the back door of a fraternity house to walk the ninety feet down a well-lighted alley to the back door of her sorority house. Lively and vivacious, Georgeann had been an honor student, a cheerleader, and Daffodil Princess in high school, and now she was in the middle of finals week, trying to maintain her straight A record in college. That evening, several people saw Georgeann walk to within about forty feet of the door to her sorority house. However, she never arrived. Somewhere in that last forty feet, she met a tall, handsome young man on crutches, his leg in a cast, struggling with a brief case. The young man asked Georgeann if she could help him get to his car, which was parked nearby. Georgeann consented. Meanwhile, a housemother sleeping by an open window in a nearby fraternity house was awakened by a high-pitched, terrified scream that suddenly stopped. That was the last anyone ever heard or saw of Georgeann Hawkins. Her bashed in skull and broken body were dumped on a hillside many miles away, along with the bodies of several other young female victims who had also been lured to their deaths by the good looking, clean-cut, courteous, intelligent, and charming Ted Bundy.

By the time Ted Bundy was caught in Utah with his bashing bar and other homemade tools of torture, he had bludgeoned and strangled to death at least thirty-two young women, raping and savaging many of them in the process. His “hunting” trips had extended into at least five Western states, including Washington, Oregon, Idaho, Utah, and Colorado, where he randomly selected and killed his unsuspecting victims.

Bundy was ultimately convicted of the attempted kidnapping of Carol DeRonche and imprisoned. For this charge he probably would have been paroled within eighteen months. However, before parole could be approved, Bundy was transferred to a jail in Colorado to stand trial for the murder of Caryn Campbell. With Bundy in jail, no one died at his hands or at the end of his savagely swung club. Young women could go about their lives normally, “safe” and separated from Ted Bundy by prison walls. Yet any number of things could have occurred to set Bundy free—an acquittal, some sympathetic judge or parole board, a psychiatrist pronouncing him rehabilitated and safe, a state legislature passing shorter sentencing or earlier parole laws, inadequate prison space, a federal court ruling abolishing life in prison without any possibility for parole, or an escape.

In Bundy’s case, it was escape—twice—from Colorado jails. The first time he was immediately caught and brought back. The second time Bundy made it to Florida, where fifteen days after his escape, he bludgeoned and strangled Margaret Bowman, Lisa Levy, Karen Chandler, and Kathy Kleiner in their Tallahassee sorority house, tearing chunks out of Lisa Levy’s breast and buttocks with his teeth. Ann Rule, a noted crime writer who became Bundy’s confidant while writing her book
The Stranger Beside Me, described Bundy’s attack on Lisa Levy as like that of a rabid animal. On the same night at a different location, Bundy sneaked though an open window and so savagely attacked Cheryl Thomas in her bed that a woman in the apartment next door described the clubbing as seeming to reverberate through the whole house for about ten seconds. Then, three weeks later, less than forty days after his escape from the Colorado jail, Bundy went hunting again. He missed his chance at one quarry, junior high school student Leslie Ann Parmenter, when her brother showed up and thwarted her abduction. But Bundy succeeded the next day in Lake City where he abducted and killed twelve-year-old Kimberly Diane Leach and dumped her strangled, broken body in an abandoned pig barn.

The criminal justice system and jails in Utah and Colorado did not keep Margaret Bowman, Lisa Levy, Karen Chandler, Kathy Kleiner, Cheryl Thomas, Leslie Ann Parmenter, or little Kimberly Leach safe from Ted Bundy. The state of Florida, however, with its death penalty, has made every other young woman safe from Ted Bundy forever. Capital punishment is society’s means of self-defense. Just as a person is justified in using deadly force in defending herself or himself against a would-be killer, so society has a right to use deadly force to defend itself and its citizens from those who exhibit a strong propensity to kill whenever the opportunity and the urge arise.

However, while everyone wants a safe society, some people would say that capital punishment is too strong a means of ensuring it. Contemporary social critic Hendrick Hertzberg often attacks the death penalty, using arguments that are familiar, but not compelling, to those who do not share his absolute value-of-life position. For example, in one article he tries to paint a graphic picture of how horrible and painful even the most modern execution methods, such as lethal injection, are to the prisoner (“Premeditated”). Elsewhere he dismisses the deterrence argument as “specious,” since “[n]o one has ever been able to show that capital punishment lowers the murder rate” (“Burning” 4). But the Florida death penalty has, in fact, made certain that Ted Bundy will never again go on one of his hunting trips to look for another woman’s skull to bash or body to ravage. A needle prick in the arm hardly conjures up images of excruciating pain so great as to be cruel and unusual. Thousands of good people with cancer and other diseases or injuries endure much greater pain every day until death. Therefore, waiting for death, even in pain, is more a part of common life experience than a cruel or unusual punishment.

Of course, the possibility of mistakenly executing an innocent person is a serious concern. However, our entire criminal justice system is tilted heavily toward the accused, who is protected from the start to the end of the criminal justice procedure by strong individual-rights guarantees in the Fourth, Fifth, Sixth, and Seventh Amendments of the U.S. Constitution. The burden of proof in a criminal case is on the government, and guilt must be proved beyond a reasonable doubt. The chances of a guilty person going free in our system are many times greater than those of an innocent person being convicted. Those opposed may ask, “How do we know that the number of innocent people found guilty is really that low?” The number must be low because when the scandal of an innocent person being convicted comes to light, the media covers it from all angles. The movie The Thin
Blue Line is an example of such media attention. In addition, the story of The Thin Blue Line is illustrative in that the U.S. Supreme Court caught the error and remanded the case, and Randall Adams is no longer subject to the death penalty.

If, however, such a mistake should occur in spite of all the protections guaranteed to the accused, such an innocent death would certainly be tragic, just as each of the nearly 50,000 deaths of innocent people each year on our highways is tragic. As much as we value human life, we inevitably weigh and balance that value against social costs and benefits, whether we like to admit it or not. If the rare, almost nonexistent, chance that an innocent person might be executed is such a terrible evil as to require abolition of capital punishment, then why don't we also demand the abolition of automobiles as well? Because we balance the value of those lives lost if traffic accidents against the importance of automobiles in society. In doing so, we choose to accept the thousands of automobile deaths per year in order to keep our cars. It is interesting to note that even opponents of capital punishment, like Hertzberg, do not demand abolition of the automobile, which leads to the observation that even they may not be at the extreme, absolute end of the life-value scale, where preservation of like takes precedence over all other social concerns.

Just as we, as a society, have decided that the need for automobiles outweighs their threat to innocent life, we can decide that capital punishment is necessary for the safety and well-being of the general populace. The most legitimate and strongest reason for capital punishment is not punishment, retribution, or deterrence, but simply society's right to self-defense. Society has a right to expect and demand that its government remove forever those persons who have shown they cannot be trusted to circulate in society, even on a limited basis, without committing mayhem. First degree murderers, like Bundy, who hunt and kill their victims with premeditation and malice aforethought must be removed from society permanently as a matter of self-defense.

Having made that decision, there are only two alternatives available—life in prison or death. We base our approval or disapproval of capital punishment as an option on fundamental values and ideals relating to life itself, rather than on statistics or factual evidence. Most of us are a long way from the extreme that considers life to have no value; instead, we crowd more closely to the other side, where life is viewed as inviolable. However, few in our society go so far as to believe that life is sacrosanct, that its preservation is required above all else. Our founding fathers wrote in the Declaration of Independence that all men are endowed by their Creator with inalienable rights, including "life, liberty, and the pursuit of happiness." However, there is no indication that life was more sacred to them than liberty. In fact, Patrick Henry, who would later be instrumental in the adoption of the Bill of Rights to the U.S. Constitution, is most famous for his defiant American Revolutionary declaration, "I know not what course others may take, but as for me, give me liberty or give me death!"

The sentiment that some things are worse than death remains pervasive in this country, where millions of soldiers and others have put themselves in harm’s way and even sacrificed their lives to preserve and defend freedom for themselves or for the people they leave behind. Many people will readily or reluctantly admit to their willingness to use deadly force to protect themselves or their families from a
murderer. The preservation of life, any life, regardless of everything else, is not an absolute value that most people in this country hold.

In fact, many prisoners would prefer to die than to languish in prison. While some might still want to read and expand their minds even while their bodies are confined, for those who are not intellectually or spiritually oriented, life in prison would be a fate worse than death. Bundy himself, in his letters from prison to Ann Rule, declared, "My world is a cage," as he tried to describe "the cruel metamorphosis that occurs in captivity" (qtd, in Rule 148). After his sentencing in Utah, Bundy described his attempts to prepare mentally for the "living hell of prison" (qtd. in Rule 191). Thus, some condemned prisoners, including Gary Gilmore, the first person to be executed after the U.S. Supreme Court found that Utah's death penalty met Constitutional requirements, refused to participate in the appeals attempting to convert his death sentence to life in prison because he preferred death over such a life. In our society, which was literally founded and sustained on the principle that liberty is more important than life, the argument that it is somehow less cruel and more civilized to deprive someone of liberty for the rest of his or her life than just to end the life sounds hollow. The Fifth Amendment of the U.S. Constitution prohibits the taking of either life or liberty without the due process of law, but it does not place one at a higher value than the other.

The overriding concerns of the Constitution, however, are safety and self-defense. The chance of a future court ruling, a release or parole, a pardon, a commutation of sentence, or an escape—any of which could turn the murderer loose to prey again on society—creates a risk that society should not have to bear. Lisa Levy, Margaret Bowman, Karen Chandler, Kathy Kleiner, Cheryl Thomas, and Kimberly Leach were not protected from Bundy by the courts and jails in Utah and Colorado, but other young women who were potential victims are now absolutely protected from Bundy by the Florida death penalty.

The resolutions of most great controversies are, in fact, balancing acts, and capital punishment is no exception. There is no perfect solution; rather, the best answer lies on the side with the greatest advantages. It comes down to choosing, and choosing has a price. Capital punishment carries with it the slight risk that an innocent person will be executed; however, it is more important to protect innocent, would-be victims of already convicted murderers. On balance, society was not demeaned by the execution of Bundy in Florida, as claimed by Hertzberg ("Burning" 49). On the contrary, society is, in fact, better off with Ted Bundy and others like him gone.

WORKS CITED


