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NEWSMatters

The Death Penalty Right or Wrong?

Introducing NEWSMatters

THE DEATH PENALTY: RIGHT OR WRONG? is one in a series of six NEWSMatters programs. Each 12-15 minute video in the NEWSMatters series examines an issue or topic in the news. The video is supported by a poster pertaining to the topic, a teacher's guide, and regularly updated information on our Web site (www.ku.com). The NEWSMatters program is designed to promote discussion and critical thinking in the classroom. NEWSMatters videos will rarely if ever provide clear-cut conclusions about an issue. Rather, each video's goal is to leave more questions in viewers' minds than answers. The supplementary materials are designed to help focus and direct these questions and to generate thought and debate about the topic. These materials are flexible; that is, you can control the pace and length of each lesson and use any, all, or none of these materials.

NEWSMatters Teacher's Guide
for

The Death Penalty: Right or Wrong?

This activity guide explores the debate surrounding the death penalty in America today. The video reviews the legal framework of capital punishment in America and then poses the following questions: Does the death penalty deter crime? Is the death penalty moral? Is it just? Is the death penalty applied fairly? This activity guide is designed to encourage students to question and contemplate the death penalty debate. Ten of the activities in this guide are designed to be reproduced. Your students can organize and complete these exercises on their own. The other activities are designed for classroom participation and teacher presentation.

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Readiness Activity

(An activity to be done before viewing the video)

This activity will help your students become familiar with some of the important terms and themes in THE DEATH PENALTY: RIGHT OR WRONG? before they watch the video. Divide the class into five groups. Assign each group three of the names and terms listed below. One member of each group should record an agreed-upon definition or description for each name or term and then present these definitions to the entire class for discussion.

“an eye for an eye”

appeal

arbitrary

capital punishment

death row

deterrent effect

Eighth Amendment

Fifth Amendment

Gary Gilmore

moratorium

prosecutor

public defender

Supreme Court

Timothy McVeigh

unguided discretion



Discussion Questions

These questions will help you and your class review important points made in the video. The questions will also give some structure to your discussions about the video. After your students view *THE DEATH PENALTY: RIGHT OR WRONG?*, ask them to comment on these questions. Some questions have specific answers and others are more open-ended. You may wish to use these questions as a springboard for further discussion.

- How does the U.S. compare with other nations in terms of the death penalty?
- Which amendment to the Constitution prohibits “cruel and unusual punishment”?
- Which amendment to the Constitution discusses capital crimes?
- What events during the 1970s changed the legal status of the death penalty in America?
- What evidence do death penalty opponents use to support their belief that capital punishment does not deter crime? Why do death penalty supporters say the death penalty does deter crime? Which arguments do you agree with more? Why?
- In your view, how does the general public opinion that the government needs to “get tough on crime” affect people’s feelings about the death penalty?
- What are some reasons people say the death penalty is applied unfairly in the U.S.? What are some reasons others say it is applied fairly?
- What are some popular opinions about the morality of capital punishment?
- How is the likelihood a criminal will be sentenced to death affected by his or her social status and wealth?
- How does race affect the application of the death penalty in the U.S.?
- You learned in the video that about 75 percent of Americans support the death penalty. What do you think are some reasons for this overwhelming support of capital punishment?
- Do you support or oppose the death penalty? Why?

In colonial America and the young United States, capital punishment was used frequently. Many crimes — including theft, adultery, and even cursing — were punishable by death in some colonies. And before the Civil War brought an end to slavery, slaves could be put to death for almost any crime. It was not until 1897 that rape, treason, and murder became the only federal crimes punishable by execution.

During the 20th century, popular opinion has swung both for and against the death penalty. Early in the century, mob justice sentenced many suspected criminals, particularly African Americans, to death. Lynchings — hangings committed by violent mobs — were common until the 1930s. During the 1960s, however, the death penalty fell out of favor with many Americans. Although juries continued to sentence convicted murderers to death, no people were executed in the United States from July of 1967 until January of 1977.

Two important Supreme Court rulings in the 1970s helped to first uphold and then end this moratorium on the death penalty. In 1972, in the case of *Furman v. Georgia*, the Supreme Court ruled that the “unguided discretion” of juries determining death sentences was unconstitutional. The Court said that juries needed guidelines for determining whether a convicted criminal should be put to death. But in 1976, the Supreme Court ruled in the case of *Gregg v. Georgia* that the death penalty was constitutional under certain circumstances.

On January 17, 1977, Gary Gilmore became the first person put to death in the U.S. following the *Gregg* decision. Gilmore was executed by firing squad in Utah for the murder of a young hotel clerk. Since Gilmore, more than 400 people have been executed in the U.S.

MAKING A TIMELINE

Select a period of 50 years from American history, and make a timeline that highlights different death penalty-related events that occurred during that era. For example, if you select the years from 1650 to 1700, you might want to note that New York colony adopted capital punishment laws in 1665, and you might want to point out the Salem witch trials of 1692 and their deadly results. Feel free to choose any time period from the year 1600 on. Highlight at least five different events on your timeline.

Both people who oppose the death penalty and people who favor it use the Constitution to support their views. Carefully read the Fifth and Eighth Amendments to the Constitution, reprinted here:

The Fifth Amendment:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Eighth Amendment:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

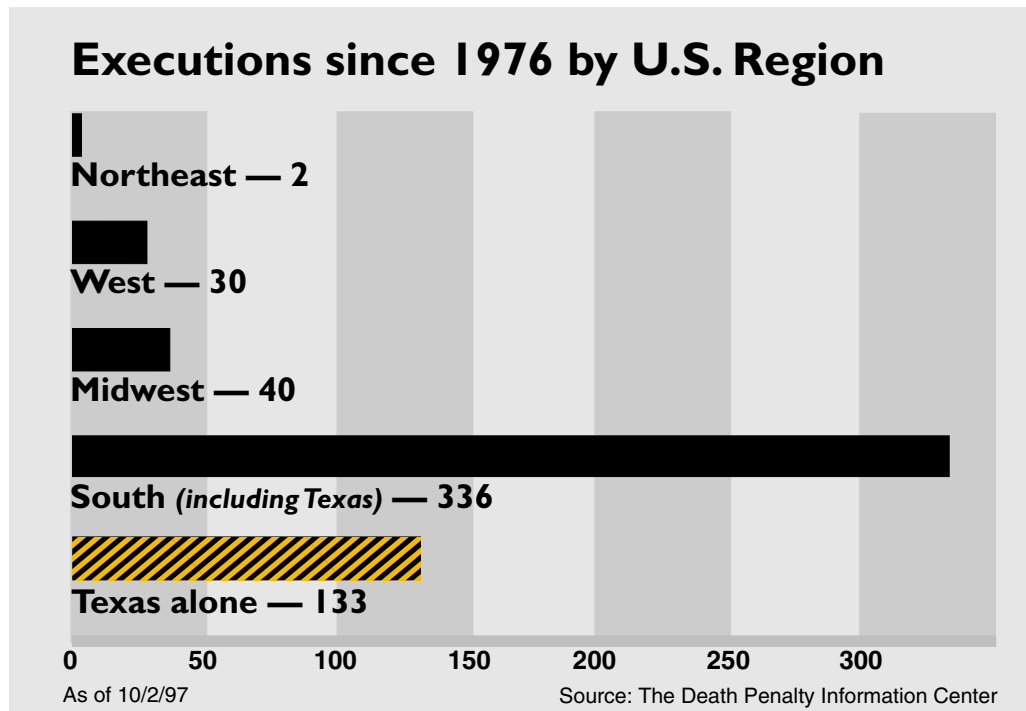
Now, answer the following questions:

- Which of these two amendments do you think people who favor the death penalty use to support their views? Why?

- Which amendment do you suppose is used as support by death penalty opponents? Why?

- Do you think the Constitution provides stronger support for people who oppose the death penalty or for death penalty advocates? Explain your answer.

As this graph shows, more people are executed in some parts of the nation than in others.



In which of the four regions listed on the graph is your state found?

Are there more or fewer executions in your part of the country than in others?

Why do you suppose this is so?

Overall, what do you suppose accounts for the difference in the number of people executed in different parts of the country?

NEWS READING ACTIVITY:

For one week, search your newspaper and watch TV news for stories about the death penalty. Then, answer the following questions:

- What kinds of stories did you find?
- Did you find any stories about capital cases or death penalty issues that relate directly to your state or your part of the nation?
- Overall, what kind of news coverage does the death penalty receive in your state or region?
- What kind of coverage does the death penalty get in national newspapers and on national TV news?

As you learned in **THE DEATH PENALTY: RIGHT OR WRONG?**, many nations in the world make use of capital punishment. The U.S. is the only industrialized, western nation currently practicing execution. However, some other western nations legally allow capital punishment but have not executed anyone in many years. Different nations around the world use the death penalty as punishment for different crimes. Do some research on the death penalty around the world. Write a brief report about the history and status of the death penalty in one of the following nations:

Argentina

Canada

China

France

Great Britain

Iran

Saudi Arabia

South Africa

Venezuela



As you write, try to answer these questions:

1. Does the nation you selected still have the death penalty? If not, when did this nation abolish the death penalty?
2. How many executions were performed in this nation last year? If your answer is “none,” when was the last execution performed in this nation?
3. Overall, do the people of this nation support their government’s policies on capital punishment? Why or why not?
4. Has this nation been criticized for its use of the death penalty? If so, why?
5. What crimes are punishable by death in this nation today? What crimes have been punishable by death in this nation throughout its history?

Death Penalty Personalities *reproducible activity*

Many different individuals have shaped public opinion about the death penalty. Throughout history, the terrible acts of some criminals have led the public to support the death penalty. At other times, seemingly unjust executions have made the public question the morality of capital punishment. All the people listed below have affected the status of the death penalty in some way. Select one of the names or pairs of names from the list and then research that person's or pair's role in the history of the death penalty. Write a brief report about the individual(s) you selected. Discuss why this person or pair is important to the history and debate over the death penalty. Feel free to use extra paper if you need more room.

Ted Bundy

Faye Copeland

Rolando Cruz

John Wayne Gacy

Gary Gilmore

Joseph-Ignace Guillotin

Mumia Abu-Jamal

Timothy McVeigh

George Pataki

Sister Helen Prejean

Ethel and Julius Rosenberg

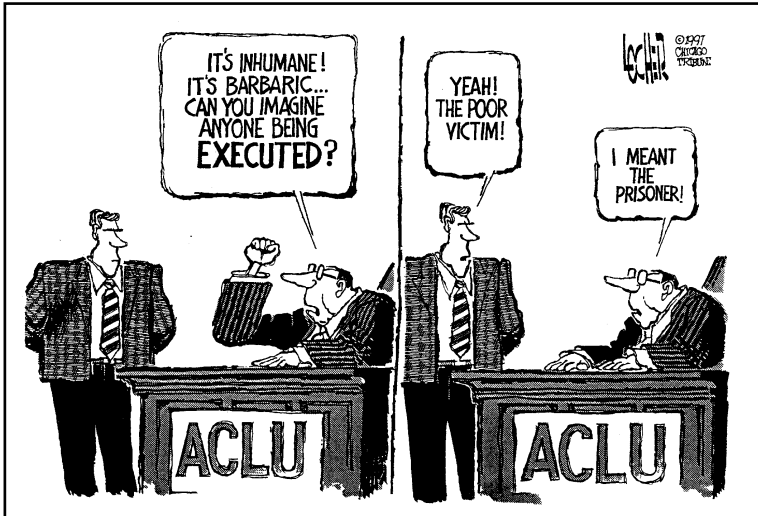
Benjamin Rush

Nicola Sacco and Bartolomeo Vanzetti

Dennis Williams

The Death Penalty in Editorial Cartoons *reproducible activity*

Each of these two cartoons illustrates a different opinion about the death penalty. Use the space below to explain the point each cartoon is trying to make. Do you think the cartoonists make their points effectively? Why or why not? What do these two cartoons say about the death penalty?



Group discussion questions:

- Of these two cartoons, which one do you think makes the most important point about the death penalty in America today? Which cartoon is more persuasive? Why?
- What do you think makes a good or successful editorial cartoon?

Statistics are pieces of information in the form of numbers. Statistics and poll results can be very useful. But statistics can also be confusing and contradictory. If you research the death penalty, you will find many conflicting statistics about capital punishment.

For example, two recent polls came up with contradictory information about the American public's opinion of the death penalty. The first poll asked the question, "Do you favor the death penalty for murder?" Of the people who responded to this question, 77 percent said "yes," while 19 percent said "no." The next poll asked, "Would you support life without parole plus restitution to victims' families as a punishment alternative to the death penalty for individuals convicted of murder?" (In this case, "restitution" is money paid to murder victims' families to help make up for their losses.) When people were asked this question, 44 percent said they would prefer life without parole plus restitution, while 41 percent said they would prefer the death penalty.

- How do you think differences between the questions posed in these two polls affected the polls' results?

- In general, how do you think the results of a poll are affected by the way in which the poll question is asked?

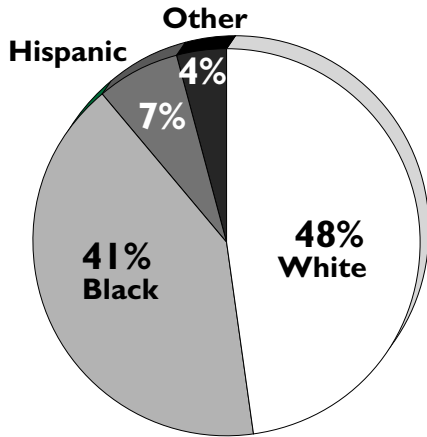
- Make up your own poll question about the death penalty and take a poll of your classmates. Create a chart or graph to show the results of your poll. Compare your question and results with those of your classmates. As you compare results, think about the differences among the questions you and your classmates asked each other as well as the differences in your results.

Your poll question:

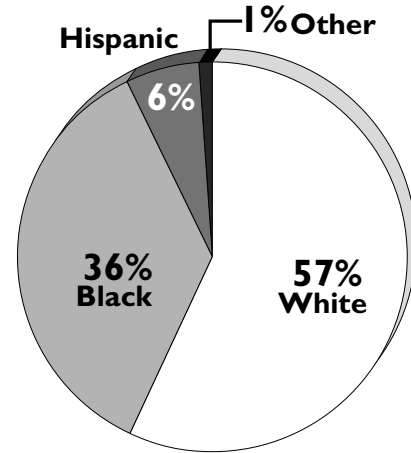
Your poll results:

These pie graphs show different information about the race of people involved in capital crimes. Use the graphs to answer the questions below.

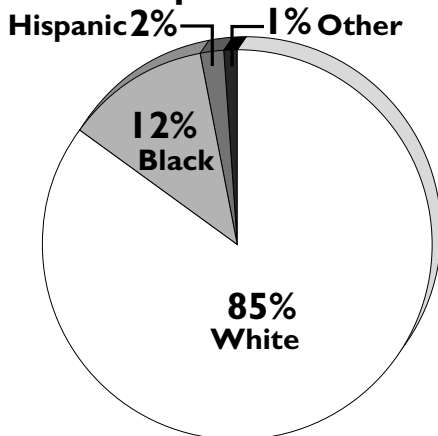
Race of Death Row Inmates



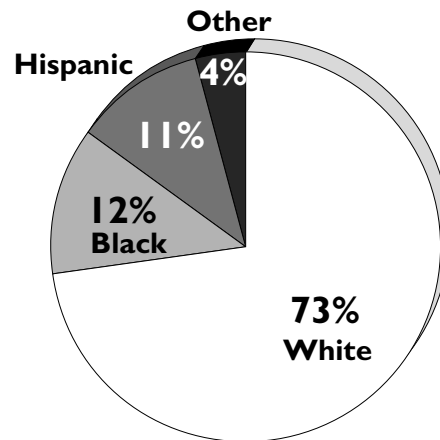
Race of People Executed



Race of Victims in Capital Cases



Race of U.S. Population



Source: The Death Penalty Information Center

- By percentages, what is the racial makeup of death row?
- By percentages, what is the racial makeup of the United States?
- What race are most people who are executed?
- What race are most victims in death penalty cases?
- What do these statistics tell you about the criminals and victims in death row cases? How can you interpret and explain these statistics?
- Does any of the information presented in these four charts surprise you? Why or why not?
- What else can you learn by comparing the information in these four charts?

Throughout history, the death penalty has had many outspoken supporters and opponents. Among the most well-known are John Stewart Mill, who favored capital punishment, and Albert Camus, who opposed it. From your library, obtain a copy of Mill's "Speech in Favor of Capital Punishment,"* which was given during the debate over an 1868 English bill to ban capital punishment. Also get a copy of Camus's essay "Reflections on the Guillotine,"** written in reaction to France's use of the guillotine as a method of execution. After you read these two works, answer the following questions:

1. In general, why does Mill support capital punishment?
2. In general, why does Camus oppose capital punishment?
3. In what respects do the debates in which Mill and Camus were engaged seem similar to the debate about the death penalty in the United States in the 1990s? In what ways are these debates different from today's debates?
4. Both Mill and Camus contrast life imprisonment and the death penalty. What does each man have to say about the comparison between capital punishment and life imprisonment?
5. How does each man's argument reflect the historical period in which it was written?
6. Which of these two men do you agree with more? Why?

*Mill's speech is available in *The Death Penalty: Opposing Viewpoints*, Greenhaven Press, 1991.

**Camus's essay is available in *Resistance, Rebellion, Death*, Knopf, 1960.