

# **THE DEATH PENALTY**

## **RESOURCE GUIDE**



**AMNESTY INTERNATIONAL USA**  
**HUMAN RIGHTS EDUCATION PROGRAM**

# ACKNOWLEDGEMENTS

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**“For centuries the death penalty, often accompanied by barbarous refinements, has been trying to hold crime in check; yet crime persists.”**

-Albert Camus *Resistance, Rebellion and Death*

**“All of us are worth more than our worst act.”**

- Sister Helen Prejean, author of *Dead Man Walking*

Since 1976, when the U.S. Supreme Court ruled that executions could resume after a four year moratorium, more than 1,050 people have been executed in this country. Approximately 3,370 men and women remain on death row throughout the United States. The goal of this curriculum guide is to encourage students to question the ethics behind the death penalty, which the United States Supreme Court called “cruel and unusual punishment” in its 1972 decision of the *Furman vs. Georgia* case, due to the arbitrary nature of its application. Although many organizations, including Amnesty International, oppose the death penalty on the grounds that it is the ultimate violation of human rights, the goal of this curriculum guide is not to indoctrinate students to oppose the death penalty, but rather to open the topic for discussion in the classroom.

This curriculum guide provides an overview of the Universal Declaration of Human Rights (UDHR), a factual analysis of the death penalty, and a discussion of the human rights issues surrounding the death penalty and the criminal justice system in general. It also includes an array of resources, statistical information and case studies for the students’ consideration.

While the United States is the only remaining Western democracy to employ the death penalty, public support of the practice remains strong. Among the myths surrounding the death penalty are that it deters violent crime, that it costs less than life imprisonment, that victims’ families demand it, and that organized religion justifies and supports its use.

This guide seeks to understand the roots of these myths, to present facts for consideration, and to question cultural ideas of crime and punishment, violence, forgiveness, redemption, prison reform, prison sentencing, the legal system, and the humanity of violent offenders.

Understanding begins with the process of questioning. As you introduce your students to human rights and to the death penalty in particular, keep in mind the following questions which have guided the formation of these lessons:

- What are the root causes of crime?
- What, if any, human rights abuses did the perpetrator suffer before committing a criminal act? What can we as a society do to ensure that these sorts of human rights violations cease to occur?
- What is a proper punishment for a crime?
- Is life in prison more humane than the death penalty?

- Can someone ever be rehabilitated?
- What is the proper balance between consideration of the victim and consideration of the perpetrator?
- How do state-sanctioned executions affect us as a society? Whom do they impact directly?
- Does the death penalty really deter violent crime?
- Why do some regions apply the death penalty more often than others?
- What does it mean to respect a person's human rights even when they have violated someone else's?
- And, most importantly, are we, as Sister Helen Prejean suggests, worth more than the sum of our worst acts?

Few of these questions have readily available answers. This guide moves past the concept of right answers into the more murky and interesting waters of discussion and debate over what it means to be a human being, what it means to have human rights, and what it means to respect and defend human rights for everyone. It is our sincere hope that as you engage in this discussion with your students, the lessons provided here will guide you to additional questions and lessons on human rights, and that you will be motivated to act, and to join us and other human rights organizations in the protection and defense of human rights for all.

In Peace,  
The Human Rights Education Program  
Amnesty International USA

**HOW TO USE  
THIS GUIDE**

Lessons can either stand alone or be used in succession.

Lessons are broken up into two parts. If you are teaching a 50 minute class, stop at the end of each portion of the lesson. If you have more time, move on to the next portion of the lesson. You may also choose to substitute further study activities for other lesson activities.

**JOURNAL  
ACTIVITY**

If you plan to teach the entire death penalty unit, invite students to keep a journal of what they learn. As they learn new words, they should write definitions in their journals. They should also write interesting facts, answers to critical thinking questions, and group work responses. Handouts can be pasted into the journal. Students will also use the journal to keep track of their personal thoughts about the death penalty. You can use the journal as an evaluation tool at the end of the unit, or evaluate journal entries separately as you progress through the lessons.

**TARGET  
AUDIENCE**

The target audience for this resource is high school students. It can also be used in a variety of classroom settings as well as community groups, faith-based groups and AIUSA groups who are looking for a deeper understanding of the issue.

**COMPANION  
CURRICULUM  
OBJECTIVES**

This curriculum guide aligns with the following standards outlined by McREL  
<http://www.mcrel.org/standards-benchmarks/>

- Civics: Level IV, Standards 3, 10, 21, 25, 26, 28
  - Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good.
  - Understands the roles of volunteerism and organized groups in American social and political life.
  - Understands the formation and implementation of public policy.
  - Understands issues regarding personal, political, and economic rights
  - Understands issues regarding the proper scope and limits of rights and the relationships among personal, political, and economic rights.
  - Understands how participation in civic and political life can help citizens attain individual and public goals.
- Economics: Standard 5
  - Understands unemployment, income, and income distribution in a market economy.
- History, United States History: Level IV, Standards 29 & 31
  - Understands the struggle for racial and gender equality and for the extension of civil liberties.
  - Understands economic, social, and cultural developments in the contemporary United States.
- Language Arts: Level IV, Standards 4, 7, 8
  - Gathers and uses information for research purposes.
  - Uses reading skills and strategies to understand and interpret a variety of informational texts.
  - Uses listening and speaking strategies for different purposes.
- Life Skills, Thinking and Reasoning: Standard 1
  - Understands and applies the basic principles of presenting an argument.
- Life Skills, Working with Others: Standard 1
  - Contributes to the overall effort of a group.

# LESSON 1: LEARNING TO SEE THROUGH A HUMAN RIGHTS LENS

<b>QUESTIONS</b>	What is the UDHR? What is capital punishment? Do human rights apply to all people, even those convicted of crimes?
<b>TIME ALLOTMENT</b>	Two 50 minute classes or one 90 minute class
<b>OVERVIEW</b>	Part I provides a brief introduction to human rights as well as a group activity designed to help students evaluate state spending through a human rights lens. According to Books Not Bars, a non-profit organization dedicated to educating and rehabilitating youth offenders, states spend more money to incarcerate people than to educate them. What might happen to crime rates if each state's budget reflected respect for human rights, including the right to education? Part II invites students to share their views about capital punishment and engages them in a discussion about the arbitrary nature of the death penalty through an examination of various scenarios.
<b>OBJECTIVES</b>	STUDENTS WILL BE ABLE TO: <ol style="list-style-type: none"><li>1. Demonstrate an understanding of universal human rights</li><li>2. Create a state budget that reflects respect for human rights</li><li>3. Examine their opinions about the death penalty</li><li>4. Discuss and document their views on the death penalty</li></ol>
<b>RESOURCES AND MATERIALS</b>	<ul style="list-style-type: none"><li>• HANDOUT 1.1: State Budget Worksheet</li></ul>
<b>PROCEDURE</b>	<p>PART I</p> <ol style="list-style-type: none"><li>1. Many organizations such as Amnesty International argue that the death penalty is a violation of human rights. Before exploring that concept more fully in LESSON 2, students need to take a closer look at the human rights framework. Give students five minutes to brainstorm a list of basic human rights that all people need in order to lead a healthy, productive life. Write responses on the board.</li><li>2. Distribute the plain language version of the UDHR, which can be accessed at <a href="http://www.amnestyusa.org/education">http://www.amnestyusa.org/education</a>. Did the class list any rights that are not on the UDHR? Are there rights on the UDHR that are not on the class list?</li><li>3. After reviewing the UDHR, ask students to answer the following questions in pairs or use the questions to generate a class discussion.<ul style="list-style-type: none"><li>• Do the rights listed in the UDHR apply to all people? What rights do criminals have? What rights should they have?</li><li>• What should the government's role be in protecting human rights? Who should qualify for this protection?</li><li>• What happens, or should happen, if a government or international body fails to support or respect a population's human rights?</li></ul></li></ol>

4. Many organizations have noted the fact that more money is spent on developing prisons than is spent on social services such as adequate housing and education (both human rights). What do students think would happen if more money were provided to secure basic human rights for all citizens? Ask students to provide an example, using a specific human right.
5. Divide students into small groups to complete HANDOUT 1.1: State Budget Worksheet. Assign each group one scenario. Allow students 10-15 minutes to formulate responses.
6. When students are finished, a group representative should read the group's scenario and explain their budget to the class. Allow time for the class to respond to the group's assertions.

#### PART II

7. Take an initial poll of students to see how many agree or disagree with the death penalty.
8. In their journals, students will write a paragraph about why they agree or disagree with the death penalty. When students are finished writing, allow volunteers to share their responses. Discuss responses as a class.
9. Write the following questions on the board: What is capital punishment? Who is eligible to be sentenced to death? For what crimes is the death penalty used? By what means are people executed in the United States? Ask students to respond to the questions and to write what they already know about the death penalty in their journals. Discuss responses as a class.
10. The death penalty is often sought in crimes such as murder or treason, but was historically used as a punishment in cases such as rape as well. The process of qualifying crimes (saying that some crimes deserve death while others do not) often leads to arbitrary application of the death penalty. Provide students with the following scenarios and discuss whether or not they think the crime should be eligible for the death penalty. Students should explain their answers:
  - A person plans a terrorist attack against a nuclear power plant, but is not the one who actually implements the plan.
  - A man hires a hit man to kill his wife, but is not there when she is killed.
  - A person tortures and maims someone, but does not kill that person.
  - A woman neglects and habitually abuses her child, resulting in permanent injury to the child, but she does not actually kill the child.

**LESSON 1****LEARNING TO SEE THROUGH A HUMAN RIGHTS LENS****CLOSE**

Ask students to discuss their knowledge of the UDHR with family members and friends. As an optional homework activity, students should answer the following question in their journals: In your opinion, is the death penalty a violation of human rights? Why or why not?

**FURTHER STUDY**

1. Examine your state's current budget. What percentage of your state's budget is spent on prisons? What percentage of your state's budget is spent on social services? In your opinion, does your state's budget reflect a respect for human rights?

**RESOURCES**

Amnesty International – State Profiles  
<http://www.amnestyusa.org/abolish/states/index.html>

Columbia University – Human Rights Section  
<http://ccnmtl.columbia.edu/projects/mmt/udhr/>

Facing History and Ourselves  
<http://www.facinghistory.org/>

Human Rights Educators Associates  
<http://www.hrea.org/>

Human Rights Watch  
<http://www.hrw.org/>

Universal Declaration of Human Rights  
<http://www.udhr.org/>

**DIRECTIONS**

You are on the state budget committee and are in charge of deciding how much money should be given to each of the state's major budget categories: public safety, conservation and environment, economic development, transportation, education, and healthcare. Your budget is \$100 million dollars. Consider your assigned scenario as you decide how much money to put in each category, and think about how your decisions will affect the human rights of all the state's citizens. Be prepared to defend your budget to the class.

**SCENARIO 1**

Last year, because of your state's mandatory minimum sentencing laws, the state prison population rose by 10%, resulting in overcrowding in some of the state's jails. The prison lobbyists recommend that the state build a new prison to ease the overcrowding, but reform campaigners recommend building a new drug treatment facility in the state's capital as well as repealing mandatory minimum sentencing laws. According to a recent study, it costs \$23,000 annually to incarcerate an addict and \$6,800 for long-term residential drug treatment. Voters fear that residential drug treatment will not deter crime as effectively as long prison terms. What do you do?

**SCENARIO 2**

One of your state's major cities wants to build a new stadium to attract more business for the city's struggling tourist industry. If you choose not to build a new stadium, the sports team may choose to go to another city and you will lose a great deal of revenue for area businesses. If you do choose to build the stadium, however, you must cut down on another area of the budget. What do you do?

**SCENARIO 3**

In his campaign address last year, the governor promised to pay for all children under two years of age to receive their recommended vaccinations. In order to pay for the vaccinations, you must take money from other state programs. What do you do?

**SCENARIO 4**

The state teacher's union has asked for a salary increase because few teachers are able to afford adequate housing on their current salary, which is the lowest in the nation. Also, the teachers have asked for better health benefits. The state has already implemented a program to help teachers buy their first homes, but many teachers are still leaving the profession because they cannot make ends meet. Lack of qualified teachers reduces the overall quality of education for students, and you fear a teacher shortage if you do not increase salaries and benefits. In order to meet this demand, however, you must take money from other categories. What do you do?

**SCENARIO 5**

The state lacks enough social workers to handle the increasing public demand for their services. Without access to social workers, many cases of child abuse, domestic abuse, and other important cases will be overlooked. Options to increase the number of social workers include raising the salary of social workers in order to attract and retain more trained professionals and increasing scholarship funds for future social workers at state colleges. In order to meet this demand, you must take money from other categories. What do you do?

## LESSON 2: THE DEATH PENALTY: A VIOLATION OF HUMAN RIGHTS?

<b>QUESTIONS</b>	Is the death penalty a violation of human rights? What are alternatives to the death penalty? How does one determine appropriate punishment for a crime?
<b>TIME ALLOTMENT</b>	One 50 minute class
<b>OVERVIEW</b>	Many organizations, including Amnesty International, argue that one of the reasons the death penalty is unjust is because it is applied arbitrarily. This lesson asks the students to critically analyze sentencing options including the death penalty, and to examine alternative methods of punishment.
<b>OBJECTIVES</b>	STUDENTS WILL BE ABLE TO: <ol style="list-style-type: none"><li>1. Brainstorm alternative sentencing and punishment options for crime</li><li>2. Analyze alternatives to the death penalty</li><li>3. Evaluate whether the death penalty is a violation of human rights</li></ol>
<b>RESOURCES AND MATERIALS</b>	<ul style="list-style-type: none"><li>• HANDOUT 2.1: A Just Punishment?</li><li>• HANDOUT 2.2: You Be The Judge</li></ul>
<b>PROCEDURE</b>	<ol style="list-style-type: none"><li>1. Yesterday's lesson examined ways that state's budgets could reflect respect for human rights while also preventing crime. Today's lesson will take a closer look at the ethics of sentencing once a person is already involved in the criminal justice system. Distribute HANDOUT 2.1: A Just Punishment? Answer one example problem together as a class, and then give students ten minutes to complete this exercise individually.</li><li>2. Divide students into pairs. Students will share their responses and explain why they felt each punishment was just or unjust. They will also share alternative punishment options for scenarios they felt were unjust.</li><li>3. Ask each group to share one response with the class. Discuss responses as a class.</li><li>4. Distribute HANDOUT 2.2: You Be The Judge. Divide students into small groups and assign each group a case study. Each group will read the case study and develop a punishment/rehabilitation plan for the person featured in the case study. (*Note – If you are teaching a 50 minute class, students may need to finish this exercise tomorrow)</li><li>5. When the groups are finished developing their plans, each group will elect a representative to present a summary of the case study and their punishment/rehabilitation plan to the class.</li></ol>
<b>CLOSE</b>	As a final discussion, ask the students if the death penalty is ever a proper punishment for a crime. If so, which crimes? Are there any alternatives to the death penalty?

**HOMEWORK OR  
FURTHER STUDY**

1. In 2005, the United States Supreme Court ruled it is unconstitutional to execute people whose crimes were committed before they were 18. However, many states still allow children to be tried and sentenced as adults, including sentences of life in prison. In the case of school shootings, what do you think is a proper punishment for the shooters? Explain your answer in a one – two page opinion paper.

**RESOURCES**

Amnesty International – 100 Death Penalty Case Studies

<http://www.amnestyusa.org/abolish/mentalillness/executions.html>

Center for Community Alternatives: Innovative Solutions for Justice

<http://www.communityalternatives.org>

Families Against Mandatory Minimums

<http://www.famm.org>

RAND Institute for Civil Justice

<http://www.rand.org/icj>

**DIRECTIONS**

Read the following scenarios. Circle the scenarios which, in your opinion, justly punish crimes. If you feel the punishment is unjust, write down an alternative that you think would better fit the crime. Be prepared to defend your answers. *(Note: All of the scenarios outlined below are based on actual cases.)*

1. A Chinese entrepreneur, in a controversial marketing scam to sell black ants (believed to cure arthritis and other ailments in China), conned over **10,000** investors out of a total of \$387 million dollars. **SENTENCE: Death.**
2. A former Enron executive was convicted of corporate fraud that led to thousands of job cuts and **\$2 billion** dollars in lost pensions and benefits. A former Worldcom CEO received a 25-year sentence for a similar crime. **SENTENCE: 24.5 years in prison.**
3. At the age of 16, an athletic and successful white honors student was convicted of attempted burglary. He was non-violent with no criminal history. **SENTENCE: 3 years in a juvenile detention center.**
4. A 19-year-old white male and two friends robbed and killed **2 men**. The 19-year-old participated, but did not pull the trigger. The shooter was sentenced to 25 years in prison in exchange for testimony against his 19-year-old accomplice, who was believed to have masterminded the attack. **SENTENCE: Death.**
5. A 16-year-old Jordanian woman was raped by her brother and convicted of dishonoring her family. **SENTENCE: Death by stoning.**
6. A 25-year-old African American woman with no prior convictions and no history of violence was convicted of selling 2 ounces of cocaine. **SENTENCE: 15 years in prison.**
7. The family of a 21-year-old white man sought mental health treatment for him after he was diagnosed as a paranoid schizophrenic, but were rejected due to lack of insurance coverage. At the age of 25, he killed **5 people**. **SENTENCE: Death.**
8. A 52-year-old white man convicted of killing **48 women**, but suspected of killing more than 70 women, agreed to reveal the location of additional victims' remains in exchange for avoiding the death penalty. **SENTENCE: Life in prison.**
9. Pol Pot, ruler of Cambodia from 1975-1979, implemented political policies that led to the death of over **1 million** people. In 1997, at the age of 72, he was put on trial for his crimes. **SENTENCE: Life on house arrest.**
10. Saddam Hussein, ruler of Iraq from 1979-2003, was convicted of crimes against humanity including the murder of **148 Shiites** in the town of Dujail. **SENTENCE: Death by hanging.**

**DIRECTIONS**

Read your assigned case study below. Develop a punishment/rehabilitation plan for the person featured in your assigned case study that you feel would be just and that would respect the person's human rights. Consider alternatives such as community service, supervised probation and drug treatment in addition to traditional incarceration. Guiding questions are provided below.

**CASE STUDY #1**

Rachel is a 15-year-old daughter of alcoholic parents who divorced six months ago. She primarily lives with her mother and rarely sees her father who moved out of state. Despite having two jobs, Rachel's mother struggles to pay the bills, and Rachel is frequently left in charge of her two younger siblings, ages 5 and 3. Aside from babysitting, Rachel also has a job waiting tables to bring in extra money for the family.

Although she makes straight A's in school and participates in extracurricular activities, she struggles to keep up with both school and family demands. Lately, she has been running away from home. Last month, Rachel was arrested for stealing food and clothes from a local retailer, totaling \$100.

During her trial, Rachel admitted to stealing the merchandise and claimed to want a new start. She acknowledged that it was hard for her to stay on the right track and she was having difficulty coping with her family situation. Based on the information available to you, what do you think Rachel's sentence should be?

**CASE STUDY #2**

Leo is a 9-year-old child of divorced parents who lives with his father, his step-mother, his older brother, and his younger sister, age 7. Most of the time he and his sister get along well, but when they do fight, they are very physical with one another. Despite repeated warnings, Leo often hits his sister and sometimes chases her with sharp objects, such as scissors or knives.

Two months ago, Leo's father called the police because Leo cut his sister's arm with a knife. The judge sentenced him to mandatory family counseling and anger management classes. A month later, however, the police were called for another incident in which Leo attacked his step-mother while his father was out of town. Despite Leo's young age, he has a history of abusive and aggressive behavior. Based on the information available to you, what do you think Leo's sentence should be?

**CASE STUDY #3**

Margo is a 16-year-old who has suffered frequent physical and sexual abuse. She was physically abused by her father, and after her parents divorced, sexually abused by her step-father. When she was 14, she told the school counselor that she was being abused at home and was placed in a foster home. She transferred to a new school, where she did not know anyone and had difficulty making friends.

While in foster care, she began to show signs of depression and attempted suicide last year. Since her suicide attempt, she has become increasingly withdrawn and unhappy. She admits to using cocaine and marijuana regularly and also frequently stays out past curfew.

Last month, Margo stole a car from a nearby grocery store parking lot, drove to the next town, and attempted to purchase a hotel room with a stolen credit card. When she was arrested, she told police that she was trying to run away to a better place. Based on the information available to you, what do you think Margo's sentence should be?

**CASE STUDY #4**

Marina is a 17-year-old honors student who has never gotten into trouble at school. She is president of the student council and plays forward on the school soccer team. Three months ago she received an academic scholarship to Brown University where she plans to study International Relations. Marina is known for her volunteer spirit and spent two months last summer helping rebuild homes in New Orleans.

To celebrate her high school graduation last May, Marina went to a party at her friend's house. Despite her friend's offer to let her spend the night, Marina decided to drive home even though she knew she had had too much to drink. Marina hit a bicyclist, knocking him off his bike onto the street. Frightened, she fled the scene, though she immediately told her parents what had happened when she got home.

After spending three weeks in critical condition, the bicyclist died of closed head injuries. Marina is charged with under age drinking, driving under the influence, hit and run, and vehicular homicide. Based on the information available to you, what do you think Marina's sentence should be?

**CASE STUDY #5**

Marcos, a 15-year-old student with average grades, is from a stable middle class home. Though he enjoys reading and learning outside of school, he has never excelled in the school environment. Because his father is in the military, Marcos and his family move every one to two years. Marcos enjoys seeing new places, but has difficulty making friends at school and never feels that he fits in.

In October, Marcos moved to a new town and started his second new school of the year. Soon after starting the school, Marcos began getting in fights with some of the boys in his class. When questioned about his change in behavior, Marcos claimed he was tired of getting picked on because he was different from the other kids. In January, the school suspended Marcos after he beat up a classmate.

Two months later, Marcos brought his father's Beretta pistol to school to show some of the other students. Though he did not threaten anyone with the gun, word about the gun spread to the administration, and they notified the police. Marcos was expelled from school and charged with felony possession of a gun on school property. Based on the information available to you, what do you think Marcos's sentence should be?

**GUIDING QUESTIONS**

1. What human rights violations, if any, did the defendant experience before committing the crime? (Use the UDHR, the CRC and other human rights documents for support.)
2. What programs or strategies do you think could have prevented the crime?
3. What human rights violations, if any, did the defendant commit? How should he/she be held responsible?
4. What do you think is the proper punishment/rehabilitation strategy in your case study? Why?

## LESSON 3: FACTS VS. MYTH: AN OVERVIEW OF THE DEATH PENALTY

### QUESTIONS

What is the history of the death penalty and what are some common misconceptions about its effectiveness as a form of punishment?

### TIME ALLOTMENT

Two 50 minute classes or one 90 minute class  
\* *Lesson involves research and student presentations*

### OVERVIEW

The previous lesson asked students to determine just punishments for crime. The gravest punishment for a crime is the death penalty, which has historically been used as both a political tool to control the masses, and as a punishment. Today's class will cover a brief overview of the history of the death penalty, including a look at famous historical figures who have been executed, as well as an analysis of popular myths, such as the death penalty being an effective deterrent against future crime. Students will analyze and compare pro and con arguments about the death penalty, and determine which of the popular assumptions about the death penalty are based on fact and which are based on myth.

### OBJECTIVES

STUDENTS WILL BE ABLE TO:

1. Evaluate the historical uses of the death penalty and compare them to modern day applications
2. Determine which assumptions about the death penalty are based on fact and which are based on myth
3. Research and present factual information refuting popular assertions about the death penalty

### PREPARATION

- HANDOUT 3.1 – History of the Death Penalty
- HANDOUT 3.2 – Death Penalty Quiz
- HANDOUT 3.3 – Facts vs. Myth: An Examination of Popular Assertions About the Death Penalty

### PROCEDURE

PART I

1. Ask students to brainstorm famous historical figures who have been executed. Possible answers include: *Socrates, Jesus, Joan of Arc, William Wallace (Braveheart), Marie Antoinette, Mary Queen of Scots and Ethel and Julius Rosenberg. The students may also name groups of people, such as the women executed during the witch trials, or those executed during the Inquisition.*
2. After the students have named a few figures, ask if they know the reasons why each of the people named were executed. *Ex. If the students named Marie Antoinette, they may know that she was beheaded during the French Revolution for the crime of treason.*
3. Ask the students what the cases have in common and what is different about the cases. *Ex. Many of the cases listed above were executions carried out by the state for political purposes. And have been proven over time to be unjust executions. The question then becomes, "Given that state executions have historically been proven unjust, should the state have the power to kill?"*

4. Distribute REFERENCE 3.1: History of the Death Penalty. Review the timeline as a class, pausing to explain the significant events to the class. What did the students find surprising?
5. Distribute HANDOUT 3.2 – Death Penalty Quiz, or use the online version located at: <http://www.amnestyusa.org/abolish/quiz.html> Allow students time to take the quiz. Review the answers as a class. What did the students find most surprising?
6. Ask students to brainstorm the following questions: What are the primary reasons someone might support the death penalty? What are the primary reasons someone might support abolishing the death penalty? Write the answers on the board.

## PART II

7. Divide students into small groups of three and distribute HANDOUT 3.3. Assign each group one of the assertions and the corresponding research question. Using the resource list at the end of this curriculum guide, groups will research their assertion and provide specific and detailed responses to the research question.
8. When all groups have completed their research, a group representative will share their assigned assertion and the answers that the group found. Allow time for the class to ask questions and comment.

**CLOSE**

In their journals, students will write one thing that they learned about the death penalty in class today and their reaction to what they learned.

**FURTHER STUDY**

1. Write a persuasive essay either for or against the death penalty based on the information you have learned in class over the past three days.
2. Watch *Dead Man Walking*, an intimate look at violent crime and the death penalty which follows a death row inmate through his last days. Use the discussion guide developed by Amnesty International to facilitate discussion of the film.
  - <http://www.amnestyusa.org/faithinaction/resourceguidebook.pdf>

**RESOURCES**

Amnesty International – Death Penalty Q&A  
[http://www.amnestyusa.org/abolish/dp\\_qa.html](http://www.amnestyusa.org/abolish/dp_qa.html)

Death Penalty Information Center – Issues  
<http://www.deathpenaltyinfo.org/getcat.php?cid=3>

**1845** – American Society for the Abolition of Capital Punishment founded

**1847** – Michigan becomes the first English speaking jurisdiction in the world to abolish the death penalty

**1952** – Julius and Ethel Rosenberg hanged for selling atomic secrets to the Soviets, becoming the first American citizens to be executed for espionage

**1957** – Alaska and Hawaii abolish the death penalty

**1958** – Delaware abolishes the death penalty

**1964** – Oregon abolishes the death penalty

**1965** – Iowa and West Virginia abolish the death penalty

**1972** – In the case of *Furman vs. Georgia*, the Supreme Court rules that the death penalty statutes are unconstitutional in their current form because the death penalty is arbitrarily imposed. Justice Potter Stewart states that, “These death sentences are cruel and unusual in the way that being struck by lightning is cruel and unusual.” The Court commutes the sentences of the 629 people on death row at the time

**1976** – In the case of *Gregg vs. Georgia*, the Supreme Court rules that the revised death penalty statutes in Georgia, Florida, and Texas are not cruel and unusual because the new statutes provide more specific guidance for when the death penalty should be imposed

**1977** – Gary Gilmore volunteers for death by firing squad in Utah, marking the beginning of the new death penalty era

**1977** - The Supreme Court rules in *Coker vs. Georgia* that the death penalty must be limited to crimes involving murder and can no longer be used as a punishment for rape. Murder, treason, and espionage are now the only federal crimes punishable by death

**1980** – The American Medical Association passes a resolution prohibiting physicians from participating in lethal injections because to do so would violate the physician’s vow to uphold life and do no harm

**1993** – Kirk Bloodsworth of Maryland is the first person freed from death row on the basis of DNA evidence

**1997** – American Bar Association calls for national moratorium on death penalty

**2000** – Governor George Ryan of Illinois declares a moratorium on executions after learning that more people have been exonerated in Illinois than executed, with 13 exonerations and 12 executions

**2002** – The Supreme Court rules in the case of *Atkins vs. Virginia* that executing those with mental retardation is cruel and unusual and applies retroactively to those on death row with mental retardation

**2003** – In light of the Illinois' legislature's failure to implement recommended reforms to the death penalty, Governor Ryan pardons 4 death row inmates and commutes the other 167 death sentences to life in prison

**2003** – The first World Day Against the Death Penalty is commemorated on October 10th with a worldwide call for countries that still practice the death penalty, such as Iraq, China, Saudi Arabia, and the United States to abolish its use

**2004** – The death penalty is declared unconstitutional by Kansas and New York state courts

**2005** – In the case of *Roper v. Simmons*, the Supreme Court rules that executing those who were under 18 at the time they committed a crime constitutes cruel and unusual punishment, sparing the lives of 72 juvenile offenders in the United States. Until this time, the United States led the world in executing child offenders

**2005** – On December 02, Kenneth Boyd of North Carolina becomes the 1,000th person executed in the United States since 1977

**2005** – 94% of all known executions take place in China, Iran, Saudi Arabia, and the United States. Among Western nations, the United States is the only one to retain the death penalty

**2006** – On January 09, the New Jersey assembly passes a bill declaring a moratorium on the death penalty pending the results of an in-depth study of the death penalty

**2006** – The Supreme Court rules unanimously that death row inmates may challenge their state's lethal injection statutes on the basis that lethal injection causes excessive pain and suffering

**2007** – New Jersey abolishes the death penalty

## RESOURCES

Amnesty USA: Faith in Action Resource Guidebook – History of the Abolition Movement  
<http://www.amnestyusa.org/faithinaction/resourceguidebook.pdf>

Death Penalty Information Center – History of the Death Penalty  
<http://www.deathpenaltyinfo.org/article.php?scid=15&did=410#IntroductionoftheDeathPenalty>

PBS NOW – Do No Harm?  
<http://www.pbs.org/now/shows/228/death-penalty.html>

1. How many people are currently on death row in the United States?

- a. 178    b. 3,700    c. 243,000

2. Since 1973, more than 120 people have been released from death rows throughout the country due to evidence of their wrongful convictions.

- True    False

3. What percentage of death row inmates cannot afford to pay for their own attorney?

- a. 55%    b. 75%    c. 95%    d. 100%

4. In a 1990 report, the non-partisan U.S. General Accounting Office found “pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty” in the United States.

- True    False

5. How many foreign nationals are currently on death row in the United States?

- a. None    b. 120    c. 68    d. 970

6. World Day Against the Death Penalty takes place on which day every year?

- a. April 1st    b. October 10th    c. December 7th    d. December 10th

7. In what year did the United States Supreme Court rule that executing persons with mental retardation was unconstitutional?

- a. 1929    b. 1973    c. 2002    d. There has never been such a ruling.

8. In what year did the Supreme Court rule that executing juveniles was unconstitutional?

- a. 1953    b. 1985    c. 2005    d. There has never been such a ruling.

9. California taxpayers have paid more than \$250 million for each of the state’s 11 executions.

- True    False

10. Which state still uses the electric chair?

- a. Nebraska    b. Connecticut    c. Texas

**ANSWER KEY**

1. 3,700
2. True
3. 95%
4. True
5. 120
6. October 10th
7. 2002
8. 2005
9. True
10. Nebraska

**DIRECTIONS**

Assign each group an assertion and its corresponding question(s) to research. Students can use the resource list at the end of this curriculum guide as a starting point for their research. When the students have completed their research, a group representative will present the group's findings to the class.

**1) Assertion:** “The death penalty is necessary to get tough on crime. It is the only effective deterrent to violent crimes such as rape and murder.”

**Research Question:** Is the death penalty an effective deterrent to violent crime? Provide specific data and examples to support your answer.

**2) Assertion:** “The death penalty is demanded by and carried out in the name of the victims’ families.”

**Research Questions:** Do all victims’ families desire the death penalty? Is vengeance for victims’ families the primary determining factor in sentencing someone to the death penalty? If not, what are the reasons someone might be sentenced to death? Provide specific data, examples, and/or stories to support your answer.

**3) Assertion:** “The only just punishment for the most heinous crimes, such as those committed by Jeffrey Dahmer and Timothy McVeigh, is death. The death penalty should be retained for these extremely violent offenders.”

**Research Question:** Is the death penalty always used to punish the most heinous crimes? Research the sentences for the BTK killer, the Green River killer, and Charles Manson.

**4) Assertion:** “I don’t want my tax dollars to go towards incarcerating convicted killers. Executing murderers costs less than incarcerating them.”

**Research Question:** Is it more cost effective to execute someone or to incarcerate that person? Provide specific figures.

**5) Assertion:** “The American justice system is the best in the world and offers proper safeguards against mistakes.”

**Research Questions:** Have innocent people been convicted or executed in the United States? Provide one to two specific case studies. What case abuses or other factors resulted in wrongful conviction?

**6) Assertion:** “Other countries still use the death penalty, so the United States should have that option as well.”

**Research Questions:** Which countries still use the death penalty and for what crimes? Why did the European Union abolish the death penalty? Provide specific data and examples to support your answer.

**7) Assertion:** “We live in a different world than people of other generations. Society is much more dangerous now. We must retain the death penalty in order to protect ourselves, and also to punish terrorists or others who want to harm us.”

**Research Questions:** What punishments have terrorists received in American courts? Provide specific data, examples, and cases to support your answer.

**8) Assertion:** “Executing someone by lethal injection provides that person with a merciful and painless death, which is more than he or she provided for the victim.”

**Research Questions:** Is lethal injection painless? Provide specific data, examples, and cases to support your answer.

**9) Assertion:** “The American justice system may not be perfect, but it is one of the best in the world. Though some mistakes have been made, the system is generally fair. People who are convicted of the death penalty are the most despicable members of society and deserve to die.”

**Research Questions:** What populations are most likely to receive a death sentence? Do all states use the death penalty? Provide specific data, examples, and figures to support your answer.

**10) Assertion:** “Criminals that commit murder need to be removed from society so that we will all be safer. The only way to make sure people are safe is to give murderers the death penalty. Too many criminals get parole these days.”

**Research Questions:** How many people convicted of murder get out on parole? Does life without parole guarantee that the convicted person will never harm society again? Provide specific data, examples, and figures to support your answer.

**Adapted from:** Faith in Action Resource Guidebook

<http://www.amnestyusa.org/faithinaction/resourceguidebook.pdf>

# DISCRIMINATION IN THE APPLICATION OF THE DEATH PENALTY:

## LESSON 4: RACE AND MENTAL ILLNESS

### QUESTIONS

Does the death penalty disproportionately affect certain minority groups?  
Has there been a historical bias in the application of the death penalty?  
What, if any, has been the impact of the discriminatory application of the death penalty on certain groups?

### TIME ALLOTMENT

This lesson consists of an overview lesson (Part I) and 2 mini-lessons (Parts II & III). It should be taught over one 90 minute class if possible, allowing approximately 20 minutes for the overview and 35 minutes for each mini-lesson.

### OVERVIEW

Amnesty International has long argued that the death penalty is applied in a discriminatory way in the United States in that it disproportionately affects certain groups of people, particularly black men. Amnesty also argues that the use of the death penalty in the US fails to recognize the specific needs and characteristics of certain groups, including the mentally ill. This lesson examines notions of discrimination, and explores how certain groups are discriminated against in the application of the death penalty.

### OBJECTIVES

STUDENTS WILL BE ABLE TO:

1. Analyze the effects of the death penalty on certain groups
2. Demonstrate an understanding of relevant historical biases
3. Consider whether the death penalty should be reformed or abolished
4. Discuss how discrimination is a violation of human rights

### RESOURCES AND MATERIALS

- HANDOUT 4.1 – Historical overview: race-based killings of defendants
- HANDOUT 4.2 - The legal process of death penalty cases (flow chart)
- HANDOUT 4.3 - Race and the death penalty: the human impact
- HANDOUT 4.4 - Case study (Panetti v Quarterman)
- HANDOUT 4.5 - Mental illness and the death penalty: personal accounts

### PROCEDURE

PART I: OVERVIEW LESSON: DISCRIMINATION

1. The day before the lesson, ask the students to find a song, an article or something from the media that shows discrimination. It can be about discrimination, or it can be something in which the students identify discrimination.
2. At the beginning of the class, ask the students to share their piece with the person next to them (students who have found a song should share the lyrics). Give them a couple of minutes to discuss what they found and explain why it is an example of discrimination. Then ask volunteers to share their pieces and ideas with the class. Keep a list on the board of some of the key terms/ ideas discussed.
3. Start a discussion around the question: What is discrimination? Ask the students for their ideas and ask them to develop an agreed upon definition (the

ideas already on the board might serve as a guide). Example: Discrimination is treating a person differently. This is usually based on characteristics such as race, age, sex or religion.

4. Game: “I spy”. Ask the students to brainstorm places or situations where they “spy” or can imagine “spying” discrimination. You might guide them by suggesting they think of examples at school or at home. Examples:
  - I spy discrimination at my mom’s job. She told me that women hardly ever get to be managers in her office; it’s always men who get the good jobs.
  - I spy discrimination on the soccer field at lunch. The kids won’t let the new boy from England play soccer because they say everyone from Britain has mad cow disease. They think if he plays he might pass it on.
5. Explain to the students that discrimination is banned under international law and international standards such as the UDHR. Help them to recall some of the main points of the UDHR that they learned in Lesson One, and then emphasize that everyone is entitled to these rights without discrimination. Highlight Article 2 of the UDHR:

*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

6. Now encourage the students to think about and discuss whether there might be situations where discrimination is ok. “Positive discrimination” is where people are treated differently on the basis of a particular characteristic in order to help that person and to make up for some disadvantages they face. Can the students think of examples where it might be ok to deliberately treat someone differently because of their race, sex etc?

Students might think of examples such as:

- Engineering colleges that give scholarships only to girls. This clearly treats girls differently than boys, but the purpose is to encourage girls to study an area that has traditionally been dominated by males.
- The owner of a restaurant wants to hire someone to do home deliveries in the local area by bike. A woman with a physical handicap that prevents her from riding bikes applies for the job. The owner feels he cannot offer her the job because of her handicap. Essentially the owner is discriminating against the woman on the basis of her handicap by not offering her the job, but in some cases this might be ok if it is the person cannot fulfill the “inherent” responsibilities of the job. (However, perhaps in this case the owner could be flexible and let the woman drive her car on the delivery route instead of riding a bike, so that she can do the job and not be disadvantaged).

7. Minority rights: Everyone in the world has human rights. These rights are usually referred to as “individual rights.” However, not only individuals have rights - groups also have rights. “Group rights” are usually for minority groups or groups who have been traditionally marginalized and discriminated against. Like rights for individuals, these rights are intended as universal and inalienable. Ask the students to think about which groups might have rights, and how discrimination has occurred against them both in the past and today. Compile their ideas into a list at the front of the room.

Students might think of examples such as:

- Women’s rights. These are rights specifically for women to help them in areas like work, where they have been disadvantaged for a long time. These rights are principally protected and advanced by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which 185 countries (over 90% of UN countries) are signatory.
- Indigenous group rights. Some indigenous groups have rights such as land rights, where they can claim ownership to pieces of land that they traditionally owned but had been taken away during colonization.
- Disability rights: these are rights for disabled people to help them overcome disadvantages in areas such as work and the use of public facilities. Laws and Conventions such as the UN Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities help to protect these rights.

After the list is finished, discuss as a class why it might be important to look after the needs and rights of certain groups.

#### PART II: RACE AND THE DEATH PENALTY

1. Historical Uses (lynching): Ask the class if anyone knows what lynching is and which group/s were most affected by it. Give the students 5 minutes to read and fill out HANDOUT 4.1.
2. Without offering further background information, discuss with the students whether they think the US has advanced since lynching in its treatment of racial minorities who commit crimes. Do they think, for example, that the criminal justice system treats black and white defendants the same?
3. Ask the class to guess how many whites compared to blacks have been executed under the death penalty. After they’ve offered their ideas, tell them the following statistics:
  - In January 1999, 46.75% of those on death row were white and 42.24% were black.

However, there is evidence to show that often the imposition of the death sentence depends on the ethnic background of the defendant and the victim:

- The likelihood of a death sentence is 4 times higher for cases with white victims than for cases with black victims
- The likelihood of a death sentence is 11 times higher in cases in which blacks killed whites than for cases where whites killed blacks
- “Race is more likely to affect death sentencing than smoking affects the likelihood of dying from heart disease.” (Amnesty International report, *Killing with Prejudice: Race and the Death Penalty in the USA*).

4. Highlight that today in America there are still clear links between people sentenced to death and race. As late as 1994, former US Supreme Court Justice Blackmun said *“Even under the most sophisticated death penalty statutes, race continues to play a major role in determining who shall live and who shall die.”* Some of the students might want to discuss here why this is the case; if so, encourage the students to exchange their ideas. If the students do not seem to have developed these ideas yet, move onto point 5.
5. To understand where and how discrimination occurs in the death penalty process, ask the students to work in pairs, using the flow chart in HANDOUT 4.2. The flow chart looks at the different steps in a trial process and who the main actors are. Using this flow chart, students should consider how discrimination against racial groups might occur along these different steps and what the sources of discrimination might be.
6. After regrouping, have students share their ideas, and identify the main places discrimination can occur. This may look something like:
  - (i) *Prosecutors*: In most states that have the death penalty, it is local district attorneys who decide whether to seek the death penalty in particular cases. Giving local attorney’s this discretion, and not having objective standards for filing charges, might give room for racial discrimination.
  - (ii) *Jurors*: Jurors are of course regular people who may be subject to misconceptions and prejudices that affect their ability to offer unbiased, just verdicts. Also, studies have shown that in many cases involving black defendants, prosecutors have created all white juries to increase the likelihood of conviction and death sentence.
  - (iii) *Prejudicial representation*: Almost all the people who have committed crimes that can be punishable by death are impoverished and are forced to rely on court-appointed lawyers as their defense. Given the low standards of court-appointed attorneys, it is possible that attorneys may be openly bigoted or lack cultural sensitivity towards minority groups. This would affect the attorney’s ability to properly defend their clients.
  - (iv) *Judges*: Despite the assumption that judges should proceed over matters in an impartial way, trial judges in the US are mostly elected officials who may not be neutral in their administration, despite their position.

7. Additional reading: Give the students HANDOUT 4.3 - Race and the death penalty: the human impact, to read in their own time. Ask them to imagine they are Archbishop Desmond Tutu and are writing an article on the Beazley case- what would the headline of their article be? (Note: Archbishop Tutu is a human rights defender and a noble peace prize winner. He is an important and inspirational person for students, and we would encourage you to teach your students about his work. Perhaps start by asking if anyone knows of Archbishop Tutu and then see if any of the students would like to research his work and report back to the class.

See <http://www.moreorless.au.com/heroes/tutu.html> for more details on his work.)

### PART III: MENTAL ILLNESS AND THE DEATH PENALTY

1. 'Mental illness' refers to conditions such as schizophrenia, bipolar disease, brain damage and post traumatic stress disorder. Today there is no law in the United States that prevents mentally ill offenders from being executed. It is estimated that 5-10% of people on death row have a serious mental illness. Their mental illness may have existed before the crime, or developed while the offender was in prison.

Ask the students to brainstorm what sort of challenges and disadvantages mentally ill people may face (1) before committing a crime and (2) while imprisoned. Students may come up with responses such as:

- mentally ill people often don't get the health care they need.
- mentally ill people often have trouble getting jobs.
- mentally ill people might not be able to represent their needs very well during their case.
- mentally ill people might face stigmatization and discrimination by police or jurors during their trial.

2. Give HANDOUT 4.4 (Panetti v Quarterman) to the students and allow them time to read through it.

3. Having read the case study, ask the students to form small groups. Within their group they should consider the example of Panetti and discuss their responses to some or all of the following discussion questions:

- Article 3 (UDHR): *Everyone has the right to life, liberty and security of person.*
- Article 5 (UDHR): *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

Does the execution of mentally ill people disregard either of these articles?

- Can severely mentally ill people be held responsible for their actions?

Should they be?

- Should courts take into account the harsh discrimination and stigmatization that mentally ill people often face, and how this might affect their capabilities and judgment?

- Some people argue that those who commit a serious crime like murder must have had some kind of mental illness in the first place. Banning the execution of mentally ill will effectively mean no one will be able to be executed under the death penalty. Do you agree with this argument? If you do, is it necessarily a bad thing?

4. Additional reading: Give the students HANDOUT 4.5 - Mental Illness and the Death Penalty: Personal Accounts, to read in their own time. Ask the students to prepare for the next class a half- page written response on how they felt about the death penalty for mentally ill people after reading these families accounts. Did they feel more sympathy towards the defendant? Did they agree with the pleas of the family members?

**CLOSE**

As a take home activity, students should answer the following question (approx. 2 pages): Imagine you are a lawmaker and have the power to make any reforms to the death penalty system you choose. What changes would you make to ensure the system is more equitable and just? Focus your response on one group, either a racial minority group or mentally ill people.

**RESOURCES*****Race and the death penalty***

Amnesty International, "The Death Penalty is Racially Biased".

[http://www.amnestyusa.org/Fact\\_Sheets/The\\_Death\\_Penalty\\_is\\_Racially\\_Biased/page.do?id=1101091&n1=3&n2=28&n3=99](http://www.amnestyusa.org/Fact_Sheets/The_Death_Penalty_is_Racially_Biased/page.do?id=1101091&n1=3&n2=28&n3=99)

Amnesty International, "Killing with Prejudice: Race and the Death Penalty in the USA."

<http://web.amnesty.org/library/Index/ENGAMR510521999>

Amnesty International, "USA: Death by discrimination: the continuing role of race in capital cases." <http://web.amnesty.org/library/index/engamr510462003>

Subcommittee on Civil and Constitutional Rights, "Racial Disparities in Federal Death Penalty Prosecutions 1988-1994." March 1994.

<http://www.deathpenaltyinfo.org/article.php?scid=45&did=528>

***Mental Illness and the death penalty***

Amnesty International USA, "Cruel and Inhumane: Executing the Mentally Ill."

[http://www.amnestyusa.org/Fall\\_2005/Cruel\\_and\\_Inhumane\\_Executing\\_the\\_Mentally\\_Ill/page.do?id=1105184&n1=2&n2=19&n3=354](http://www.amnestyusa.org/Fall_2005/Cruel_and_Inhumane_Executing_the_Mentally_Ill/page.do?id=1105184&n1=2&n2=19&n3=354)

Amnesty International, "The execution of mentally ill offenders".

<http://web.amnesty.org/library/index/ENGAMR510032006>

CNN, "High Court: Juvenile death penalty unconstitutional". 1 March 2005.

<http://www.cnn.com/2005/LAW/03/01/scotus.death.penalty/index.html>

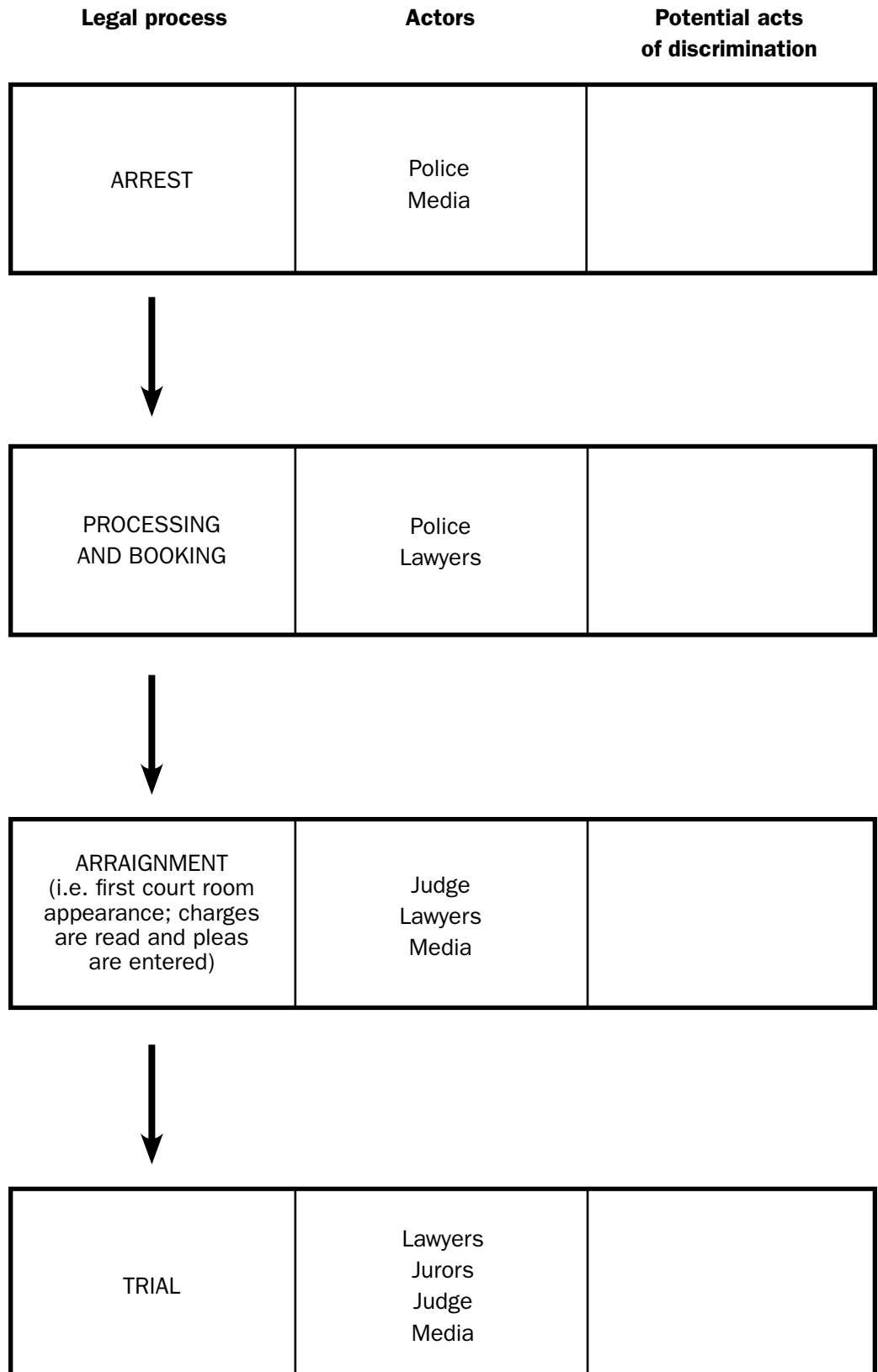
*Panetti v Quarterman*, 06-6407 (2007).

**“May their souls rest easy  
Now that lynching is frowned upon  
And we’ve moved on to the electric chair.”**

– Ani Difranco, Fuel

1. Black defendants in the United States have been victims of executions for over \_\_\_\_ years.
2. Historically, the most common form of killing those accused of crimes in the United States was \_\_\_\_\_. Lynching is a form of mob violence that usually involves the illegal \_\_\_\_\_ of defendants. It was particularly prominent in the US from the mid-19th to the mid 20th Centuries.
3. The \_\_\_\_\_ also used lynching during this period against people- usually black men or \_\_\_\_\_ - who had been accused of raping or assaulting white people.
4. Lynching unquestionably affected black people in a \_\_\_\_\_ way: of the 4,743 people who were lynched in the US from 1882-1968, \_\_\_\_\_ were black.
5. While the given reasons for lynching were commonly murder, rape and assault, some argue that the real reason was to \_\_\_\_\_ blacks who violated Jim Crow etiquette (i.e. the legal \_\_\_\_\_ of blacks and whites in many public places) or engaged in \_\_\_\_\_ activity with whites.
6. Lynching can be seen as part of the larger picture of racial \_\_\_\_\_ in the United States during that period. Black people and other minority groups were not considered to have the same rights as white people and were openly discriminated against in \_\_\_\_\_ and public places. This overt discrimination continued until the passage of the \_\_\_\_\_ of 1964.

Klu Klux Klan	Civil Rights Act	schools	88%	150
disproportionate	separation	hanging		punish
economic	Jews	inequality		lynching



**Archbishop Desmond Tutu's appeal for clemency for Napoleon Beazley, May 2002.**

*"Americans do not seem to think about the concrete, visceral impact that executions have on the African American community in cases like Napoleon's, where there seem to be many indications that race was a factor in his sentencing... I beg you to think of the degrading effect of Napoleon's sentence, under such circumstances, on the African American community in general and the Grapeland community and his family in particular."*

**US Senator in Congress 18 March 2003, following the execution of Juan Raul Garza.**

*"Today, more than two years after the US Department of Justice released a survey showing geographic and racial disparities in the federal death penalty system, we still do not have an explanation of why who lives and who dies in the federal system appears to relate to the colour of the defendant's skin or the region of the country where the defendant is prosecuted... Today, with the execution of Mr. Jones, our federal criminal justice system has taken a step backward. Our goals of fairness and equal justice under law were not met, and the American people's reason for confidence in our federal criminal justice system was diminished."*

**SHORT EXERCISE**

Imagine you are Archbishop Desmond Tutu and you are writing an article on the Beazley case. What would the headline of your article be?

**HEADLINE**


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**GLOSSARY**

*Degrade* – to harm, to lower in dignity

*Diminish* – to reduce

*Disparity* – a difference, a gap

*Visceral* – primitive, instinctive

Scott Panetti was sentenced to death in 1995 for the murder of his mother-in-law and his father-in-law. Panetti had a long history of mental illness, including schizophrenia. Before the crime he had been in hospital for his illness 11 times. At the time he committed the murders, he claims that he was under the control of an auditory hallucination and that divine intervention meant that his victims did not suffer. He also claimed that there were demons laughing at him while he left the scene of the crime.

There was much indecision about whether Panetti was in fact fit to stand trial. In the first hearing on this issue, the jury could not reach a verdict. In the second hearing Panetti's lawyer claimed that he had not had any useful communication with Panetti in the past two years because of his client's delusional thinking. However the prosecutor's psychiatrist testified that Panetti was fit to stand trial and the jury agreed.

During the trial Panetti waived his right to a lawyer, instead choosing to defend himself. He pleaded not guilty by reason of insanity. Panetti dressed as a cowboy during the proceedings and apparently rambled throughout the trial. He called as witnesses Jesus Christ and President John F. Kennedy. Witnesses called it "a joke" and "a circus."

Ultimately the federal court found that Panetti knows he committed the two murders and knows the reasons the state has given for his conviction, therefore he is competent to be executed. Critics of the sentence argue that although Panetti knows the state's reasons for executing him, he still believes the true reason for his execution is that he preaches the gospel.

While the case was before the Supreme Court it became clear to the Court without question that Panetti is mentally ill. What is uncertain is whether his particular mental illness means that his execution is unconstitutional under the 8th Amendment, which prohibits cruel and unusual punishment.

#### BREAKING NEWS

On June 28, 2007 the Supreme Court found that Panetti could not be executed. The Court said that lower courts should have considered psychiatric evidence about his mental illness. It also said that Panetti could not understand the connection between his crime and his sentence. In his dissent, Justice Clarence Thomas said that Panetti should be executed because he had petitioned the federal courts twice in his case and the law allows only one petition.

Do you agree with the Supreme Court or with Justice Thomas' argument in this case? Explain your answer.

**"Mental illness reduces his personal culpability for his acts, rather than increases it. If his violence was the result of illness, then punishing him for his violence is the same as punishing him for his illness"**

- Amnesty International report *USA: The execution of mentally ill offenders*

**"The stark realities are that many death row inmates were afflicted with serious mental impairments before they committed their crimes and that many more develop such impairments during the excruciating interval between sentencing and execution"**

- US Supreme Court Justice, 24 June 1991.

#### FOR DISCUSSION

Consider the following quotes and how they affect your thoughts on the death penalty:

**Thomas Provenzano was executed in Florida on 21 June 2000.  
Shortly before he was killed, his sister wrote:**

*"I have to wonder, where is the justice in killing a sick human being? I know that the death of a loved one is an incredibly awful experience – particularly when the cause of death is murder. But the horror of losing a loved one to execution is all but ignored by this society. Why? Must this society pick and choose who to feel sympathy for? Does this indifference to inmates' families somehow make executions more tolerable? Despite what one may feel about the concept of the death penalty, it must be remembered that it is a deliberate, but avoidable act of homicide that always leaves a grieving family in its wake. It never brings a victim back to life. And, even death penalty proponents now concede the fact that it does not deter others from committing violent crimes.*

*I tried to get help for Thomas when he first started having these problems, but we were denied the help he needed. We could not afford private hospitalization. The only way I could get help for him without his permission was if he did something violent. Eventually he did do something violent, but instead of being offered help, he was sentenced to death.*

*We need intervention programs so that people like myself can find help for a loved one who is mentally ill – before they harm either themselves or an innocent person. If my brother had been properly treated years ago, he wouldn't be on death row now. More importantly, the three people he harmed would still be whole.*

*Try to remember me at 6pm...this Tuesday. That is when the State will deliberately take the life of my mentally ill brother, despite the fact that other alternatives exist. That is when I will join the ranks of Florida citizens who have lost a loved one to unnecessary violence."*(154)

**James Colburn was executed in Texas on 26 March 2003.  
His sister told Amnesty International:**

*"As a child, James was very good, but when he reached puberty that's when we started seeing differences in him. He became very isolated, not into the family at all, real withdrawn, he was scared of everybody, he was in constant fear... He would say this little man would eat out of his stomach... The little demon would tell him what to do. He said that one time it told him to kill my grandmother, which was like his mother, and he said he had to leave the house for about a week to fight the voices. He was 16.*

*When my parents' insurance wouldn't cover him after [he was] 18, he didn't have insurance coverage. But James himself tried to check himself in to Tri County [hos-*

pital] in Conroe. James begged for help. He had been in Galveston mental hospital, he had been at one here in Houston. He had been in a lot of different facilities, but when he turned 18 and the insurance was cut off, we begged for help, begged for help... My grandparents and my parents drained their finances pretty much trying to help him. He tried himself, he went to the Tri County, he himself wanted help, and they, you know, just pushed him out on the street, give him his SSI [social security] check, and just push him out there, and he was scared in society. He likes being in confined places, because he feels like he can fight those voices off if he is by himself.

My brother – I'm going tell you honestly – everybody pushed him away because when you would meet him, it would look like he was looking straight through you, and he was scared, and he never smiled. He was just constantly scared. I remember taking him numerous times to places trying to get him jobs as a dishwasher and everything else and everybody was just scared of him. And he never hurt anybody up until this day, up until when he did this to Peggy Murphy, he never hurt anyone. In his previous convictions, you see, my brother never hurt anyone, he was never violent. But I think he committed this crime because he knew he'd be locked away, he thought for the rest of his life.

My mother called me at home, and I was living in an apartment at the time, and she said 'Tina you need to get the Conroe Courier and look at the front page'. And I went and got it and I seen what happened...this is what it had come to. He's committed such a desperate crime because he's so... he just needs help, he's so desperate. Nobody helped him. Nobody helped him. Nobody."

### SHORT EXERCISE

For the next class, prepare a one page essay on how you feel about the death penalty for mentally ill people after reading these families accounts. Does understanding the history of a defendant with a mental illness change your perspective? Did you feel more sympathy towards the defendants? Do you agree with the pleas of the family members?

## LESSON 5: CHILDREN'S RIGHTS AND THE DEATH PENALTY

### QUESTIONS

How has the death penalty historically affected children in the United States? How does it continue to affect children around the world? Does the execution of people for crimes they committed under the age of 18 constitute a violation of the rights of children?

### TIME ALLOTMENT

45 minute class

### OVERVIEW

Until 2005, the United States executed people for crimes they committed under the age of 18. Amnesty International has long argued that this is a breach of international human rights law and, more specifically, violates the rights of children. This lesson examines: the rights of children, how these rights have been violated by the death penalty, the landmark case that ended this practice in the United States and how young offenders might be more justly punished.

### OBJECTIVES

STUDENTS WILL:

1. Learn about the rights of children, particularly those pertaining to capital punishment
2. Demonstrate an understanding of how the death penalty has been used historically for children in the United States
3. Consider how just and effective the death penalty is for children, and what might be some alternatives

### RESOURCES AND MATERIALS

- HANDOUT 7.1- Abbreviated version of the Convention on the Rights of the Child
- HANDOUT 7.2- Historical overview of the execution of people for crimes committed under the age of 18
- HANDOUT 7.3- Case study (Roper v Simmons)
- HANDOUT 7.4- Children and the death penalty: personal account

### PREPARATION

The Convention on the Rights of the Child (CRC) is the principle document outlining States' responsibilities to children. Teachers should familiarize themselves with the basic points of the Convention so that they are able to lead class discussions through a rights-based framework (see HANDOUT 7.1 for Amnesty's Abbreviated Version of the Convention on the Rights of the Child).

1. Start the lesson by brainstorming with the students which rights they know children have, keeping a list on the board. Once the students have put forward all their ideas, give them HANDOUT 7.1- Abbreviated version of the Convention on the Rights of the Child, and allow them time to read it. Note which rights are missing from the list on the board and add them. Rights 4 and 30 (the inherent right to life and the right to not be subject to capital punishment) should be highlighted as particularly important to this lesson.  
(For interested students, a complete version of the Convention can be found at <http://www.unhchr.ch/html/menu3/b/k2crc.htm>).

2. Take a poll in the class: is it legal for minors to be executed?  
For those students who answer no, ask them if they know when it became illegal.

3. Historical overview: Understanding the history and progress of child executions in the US is very important, particularly given the United States' unique, often isolated position on this issue.

Give the students HANDOUT 7.2 and allow them time to read over some brief historical facts.

**DISCUSSION**

Ask the students how they feel about the United States' record of using the death penalty against minors. Do they agree with the United States' position up until 2005? Why? Why not?

**DISCUSSION QUESTIONS**

4. Ask the students to read HANDOUT 7.3 (*Roper v Simmons*). Follow the reading with a class discussion based on the following questions.
  - a. Article 37 of the Convention on the Rights of the Child says: Neither capital punishment nor life imprisonment will be imposed for offenses committed by persons below 18 years of age. Do you agree with this principle? Why or why not?
  - b. Should children be treated differently from adults in the criminal justice system?
  - c. Are people under 18 more likely to be rehabilitated in the long term than adults?
  - d. Consider the two following slogans: "old enough to kill, old enough to die" and "do an adult crime, do adult time." Do you agree with these statements? Why or why not?
  - e. Some people argue the age limit should be changed to 16- does that seem fair? What might the effects of a lower age limit be?
  - f. What do international law/standards say about the treatment of children? How are these standards different to US laws previous to 2005? And today?
  - g. How do you think executing children impacts communities?
  - h. Is a sentence of life imprisonment without parole (an alternative to the death penalty) a more just option than the death penalty? Is it more likely to allow minors the opportunity to rehabilitate?
  
5. There has been a lot of discussion in the US about how to punish those youth responsible for school shootings. Ask the class for their views. Do they believe that the death penalty or life in prison would be appropriate in these instances? Or time in prison with an emphasis on rehabilitation? Or something else? Does it depend on the circumstances of the case and the individual offender? Support discussion amongst the class, encouraging students to think about some of their answers to the questions above- such as whether children should be treated differently to adults in the criminal justice system- when framing their answers.

6. **Class Debate:** When it comes to the death penalty, minors should not be excused from execution because of their age. They should face the same consequences for their actions as adults.

Divide the class into 2 groups, 1 group for and 1 against the topic. Give them 5-7 minutes to discuss and prepare the main arguments for their side. Let them choose one representative from each side to present their team's arguments to the class and debate the issue with the opposing representative (8-10 minutes). Wrap up by highlighting the current laws and standards on this issue, both in the US and internationally.

7. Give the students HANDOUT 7.4 (interview excerpt), to read in their own time. They should write a one page piece, explaining whether they agree that the death penalty causes more pain than it's worth because it "widens the circle of grief" for the families of defendants and their communities.

**CLOSE**

As an extension activity, assign the following to students:

Research a real case in a country other than the US where a person was executed for a crime they committed under the age of 18. Write a summary of this case, including the facts of the case- what the crime was, when it took place and so on. Is the death penalty for minors still legal in this country? Also give your views on the fairness of the punishment, and whether you would have ordered a similar punishment if you had been the judge on this case.

**RESOURCES**

Amnesty International, "On the wrong side of history: children and the death penalty in the USA."  
<http://web.amnesty.org/library/Index/ENGAMR510581998>

*Roper v Simmons*, 543 U.S 551 (2005)

<http://www.amnestyusa.org/page.do?id=1091116>

This declaration stems from the understanding that childhood is entitled to special care and assistance. A child, as defined by the CRC is every human being under the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

- A. Every child has the right to grow up in a family environment: an atmosphere of happiness, love and understanding. [Preamble]
- B. The rights of every child shall be ensured without discrimination of any kind, irrespective of the child's or his or her parent's race, color, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status. [Article 2]
- C. The family, responsible for the growth and well-being of the child, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community. [Article 3]
- D. Every child has the inherent right to life. [Article 6]
- E. Every child shall have the right from birth to a name, the right to acquire a nationality, and the right to know and be cared for by his parents. [Article 7]
- F. Every child has the right to preservation of his or her identity. [Article 8]
- G. Every child who is separated from his parents has the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. [Article 9]
- H. Every child has the right to leave any country, including their own. [Article 10]
- I. Every child has the right to express his/her own views freely in all matters affecting them. [Article 12]
- J. Every child has the right to freedom of expression, thought, conscience, religion, association and peaceful assembly. [Article 13, 14, 15]
- K. Every child has the right to privacy, and has the right to protection of the law in case of interference or attacks on said privacy. [Article 16]
- L. Every child has the right to access information and material from a diversity of national and international sources, especially those aimed at the promotion of his/her social, spiritual and moral well-being and physical and mental health. [Article 17]
- M. Children of working parents have the right to benefit from child-care services and facilities for which they are eligible. [Article 18]
- N. Every child has the right to protection from all forms of abuse, physically or mentally, as well as against neglect and negligent treatment. [Article 19]
- O. Every child temporarily or permanently deprived of his/her own family environment has the right to special protection and assistance provided by the state. [Article 20]

- P. Every child who is seeking refugee status has the right to receive appropriate protection and humanitarian assistance. [Article 22]
- Q. Every mentally or physically disabled child has the right to enjoy a full and decent life, in conditions which ensure dignity and promote self-reliance. [Article 23]
- R. Every child has the right to the highest attainable standard of health and to facilities for the treatment of illness and the rehabilitation of health. [Article 24]
- S. Every child has the right to benefit from social security, including social insurance. [Article 26]
- T. Every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. [Article 27]
- U. Every child has the right to education on the basis of equal opportunity, and such education will be directed to the development of the child to their fullest potential. [Article 28, 29]
- V. Every child has the right to enjoy his/her own culture, to profess and practice his/her own religion and to use his/her own language. [Article 30]
- W. Every child has the right to engage in play, recreational activities, and to participate freely in cultural life and the arts. [Article 31]
- X. Every child has the right to be protected from economic exploitation, and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to his or her health and development. [Article 32]
- Y. Every child has the right to be protected from the illicit use of narcotic drugs, and from being used in the illicit production and trafficking of such substances. [Article 33]
- Z. Every child has the right to be protected from all forms of sexual exploitation and sexual abuse. [Article 34]
- AA. Every child has the right to be protected from abduction, sale, traffic and all other forms of exploitation for any purpose. [Article 35]
- BB. Neither capital punishment nor life imprisonment will be imposed for offenses committed by persons below 18 years of age. [Article 37]
- CC. Every child has the right to protection during times of war, that children under the age of fifteen are not recruited into armies and do not take direct part in the hostilities. [Article 38]
- DD. Every child has the right to prompt access to legal and other assistance. [Article 39]
- EE. Every child alleged as or accused of having infringed the penal law has the right to be presumed innocent until proven guilty. [Article 40]

**HISTORICAL OVERVIEW OF THE EXECUTION OF PEOPLE FOR CRIMES COMMITTED UNDER THE AGE OF 18**

1. The first recorded instance of a child being executed in the US was in \_\_\_\_\_. Thomas Graunger was executed in Massachusetts for a crime he committed at 16.
2. Since that time, over 350 years, people have continued to be killed for crimes they committed as juveniles. Approximately \_\_\_\_\_ of those executed on death row have fit into this category, \_\_\_\_\_ people in total.
3. The US' insistence on using the death penalty for children \_\_\_\_\_ overwhelming global consensus about the rights of children. In the 1990s, the US was one of the few countries in the world (along with Iran, Nigeria, Saudi Arabia, Yemen, the Democratic Republic of Congo, China and Pakistan) that executed people for crimes they committed as children.
4. Because of its use of the death penalty for minors, the US failed to uphold key principles under the International Convention on Civil and Political Rights (ICCPR) and the \_\_\_\_\_.
5. The US has ratified the ICCPR, but it reserved the right to impose the death penalty for crimes committed by those under 18. This clearly undermines the spirit of Article 6(5) of the Convention which states that "sentence of death shall not be imposed for crimes committed by persons below eighteen years of age... ."
6. While the US has not ratified the CRC (it stands in this position only alongside \_\_\_\_\_ ) it has stated that if it were to ratify the Convention, it would reserve the right to ignore Article 37(a) of the Convention: "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age."
7. The most recent execution in the US of a person for a crime committed under the age of 18 in the US was in \_\_\_\_\_.
8. In 2005, a major Supreme Court ruling was handed down which found this practice to be \_\_\_\_\_ under the 8th Amendment, which prohibits cruel and unusual punishment.

Somalia	1642	unconstitutional
contradicted	1 in 50	364
2003	Convention on the Rights of the Child (CRC)	

**FACTS**

Simmons and his accomplice were convicted for the 1993 murder of Shirley Crook in Missouri. A jury found that the pair had pushed Crook off a railroad trestle while she was still alive, her hands tied with electric cable and duct tape.

At the time of the crime, Simmons was 17 years old and his accomplice was 14 years old.

The guilt of Simmons was not in question.

However, Simmons' lawyers argued that as a youth Simmons suffered from psychological abuse and physical beatings. They also argued that the death penalty for persons who were under 18 when they committed the crime is unconstitutional because of the 8th Amendment protection against cruel and unusual punishment.

**THE RULING**

The Court found that public opinion ("national consensus") had evolved against the execution of juvenile defenders. The Court also found that the punishment was unconstitutionally cruel under the 8th Amendment. Therefore the sentence to death was overturned and Simmons received life imprisonment without parole.

According to Justice Anthony Kennedy who wrote on behalf of the Court, juveniles have a lack of maturity and sense of responsibility compared to adults. "When a juvenile commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

\*\* The effect of this ruling was that the death sentences of around 70 people who had committed crimes under the age of 18 were declared invalid. As a result, states in the US can no longer seek the death penalty for minors.

**Ms Jeanne Bishop's pregnant sister and brother-in-law were murdered in the basement of their home by a 16 year old boy.**

*"Six months later, this teenager from a local high school came to the police and said "I know who did this" and turned him in. It was this kid who lived a few blocks away, he was 16 when he did it... So he wasn't eligible for the death penalty because Illinois, unlike other states, doesn't allow juveniles to be executed..."*

*After he was convicted and sentenced, the first question [the press] asked me was "Well, aren't you disappointed that he didn't get the death penalty." That staggered me; that was the first time that I spoke out against the death penalty, publicly, after my sister's murder. I said 'no' - I mean she loved life, she believed in it, she valued it.... she would never want her memorial to be the death of another human being, she would never want more bloodshed to be the thing by which we honored her life.*

*Beyond that I really feel that I wouldn't inflict on my worst enemy the grief that was inflicted on us by him... I can't imagine saying 'your son took my sister's life' - he had a brother and a sister, perfectly normal kids - 'so now I'll take your son's or your brother's life as my revenge'. I don't see the point of that except widening the circle of grief to include them.*

*I also don't want anything in common with him. I just think how cold he must have been to commit the murders and I think that's the kind of mercilessness that we're showing by executing people. You know, by saying 'at such-and-such a time, on such-and-such a day, we're going to end your life, we're going to strap you down to a table and inject your veins with poison and kill you.'"*

**SHORT EXERCISE**

Consider the quote from above: *"I can't imagine saying 'your son took my sister's life... 'so now I'll take your son's or your brother's life as my revenge'. I don't see the point of that except widening the circle of grief to include them."*

Write a one page piece, explaining whether you agree that the death penalty causes more pain than it's worth because it "widens the circle of grief" for the families of defendants and their communities.

## LESSON 6: HOW DOES THE DEATH PENALTY AFFECT COMMUNITIES?

<b>QUESTIONS</b>	How does state sponsored violence impact communities?
<b>TIME ALLOTMENT</b>	Two 50 minute classes or one 90 minute class
<b>OVERVIEW</b>	Students will analyze a case study about Rainey Bethea, the last man who was publicly executed in the United States, and will discuss whether or not executions should be publicized. In the second part of the lesson, students will complete a worksheet exercise to examine the concepts of retributive and restorative justice. Finally students will use role play to consider how the death penalty affects various members of a community, and the role different stakeholders play in achieving justice and peace within communities.
<b>OBJECTIVES</b>	STUDENTS WILL: <ol style="list-style-type: none"><li>1. Debate how state sponsored violence impacts communities</li><li>2. Analyze how the death penalty impacts communities</li><li>3. Develop an understanding of the concepts of retributive and restorative justice</li><li>4. Explore the death penalty from various community perspectives through role play</li></ol>
<b>PREPARATION</b>	<ul style="list-style-type: none"><li>• HANDOUT 5.1 – Rainey Bethea: The Last Public Execution</li><li>• HANDOUT 5.2 – Retributive and Restorative Justice<ul style="list-style-type: none"><li>• WORKSHEET (A) Retributive Justice In Practice</li><li>• WORKSHEET (B) Restorative Justice In Practice</li></ul></li><li>• HANDOUT 5.3 – Role Play and Scenarios</li></ul>
<b>PROCEDURE</b>	<p>PART I</p> <ol style="list-style-type: none"><li>1. Ask students the <b>essential question</b> of the lesson: “How does violence by the state (not restricted to the death penalty) impact communities?” <i>Ex. Warfare affects communities by separating families, contributing to a culture of violence, and modeling the idea that some problems can only be solved through violent means. It is interesting to note that many high profile killers, such as Timothy McVeigh [OK City Bombing], John Muhammed [Washington area sniper], and Kenneth Lee Boyd [the thousandth person executed since the death penalty was reinstated in 1976] were all veterans. McVeigh used the term “collateral damage” to refer to the children killed in the Oklahoma City bombing, which is the same term the military uses to refer to civilians killed in war time. Other examples of state violence include slavery, torture, police brutality, and genocide.</i></li><li>2. Distribute HANDOUT 5.1 – Rainey Bethea Students will read the case study individually and answer the reading comprehension questions at the end. Discuss student responses as a class. (Refer to the Reference section at the end of the handout to access a photo gallery of the hanging. Also, refer to EXTENSION ACTIVITY 1 for additional material about this topic).</li><li>3. After being convicted of the Oklahoma City Bombing in 1995, Timothy McVeigh was executed by lethal injection on closed circuit television for family members</li></ol>

of victims who could not fit into the viewing room in the execution chamber. Debate followed over whether or not executions should be televised. Ask the students if they think executions should be televised. How do you think televised executions would affect the community? *Proponents of the death penalty believe televised executions would increase the death penalty's effectiveness as a deterrent. Opponents of the death penalty believe televised executions would lead to more rapid abolition of the death penalty.*

#### PART II

1. Begin by having students brainstorm different ways to achieve justice. Pose the question, "What are some ways justice is served when a crime is committed?" Responses may include: Someone is arrested and goes to court, someone is put in jail, the person may have to do community service, and a person may be sentenced to death.
2. After brainstorming, introduce the concepts of retributive and restorative justice by saying, "There are two main ways to approach punishment..."

#### FOR THE TEACHER

The **retributive** method has the main function of punishing people for their crimes. Punishment is used as a means to reestablish equilibrium in social order. This method is also described as "an eye for an eye" means of justice, and is most likely familiar to students. The retributive method frames crime as a violation of the state, defined by law breaking and guilt.

The **restorative** method, while not being completely free of punishment, has two main functions, to rehabilitate, and to repair the harm caused or revealed by criminal behavior. Ideally this method involves all the stakeholders of a community, and frames crime as a violation of people and relationships.

3. Distribute HANDOUT 5.2 – Retributive and Restorative Justice. Give students approximately 5 minutes to review both pages. After introducing and explaining the two methods, ask students if they can think of any examples of retributive or restorative justice from a news story, their communities or television program to develop a better understanding of each.
4. Distribute WORKSHEET A to one half of the class and WORKSHEET B to the other half. After each student has completed their worksheet, have students divide into groups A and B, and discuss their answers with their group. After students complete their work have each group choose a group reporter to share the group's thoughts with the class. Record students' views on the blackboard divided under groups (A) and (B). Continue by opening up the discussion to the entire class, asking students to reflect upon the group's experience.

## PART III

5. After discussing how executions affect the general public, and the two main methods of punishment, students will now have an opportunity to further consider how the death penalty impacts the family members of the victims, the family members of the accused, the accused themselves, and the larger community of stakeholders. Distribute HANDOUT 5.3: Role Play and Scenarios. Divide students into small groups. Each member of the group will be assigned a different role. Before students break into groups, ask students to reflect upon their roles and to answer the discussion questions listed for their role. In groups, students will discuss the case from the perspective of each role.
6. When students have completed the group work, ask students to reflect upon the group's experience, making sure all groups have a chance to speak.

**CLOSE**

How can the state promote a peaceful society? Students can respond either as a class or individually in their journals.

**FURTHER STUDY**

1. The hanging of Saddam Hussein was intended to be a private affair so as to diminish his importance and stature. According to official reasoning, if Hussein were given a public execution, he might become a martyr in the mind of the public. Photos and videos of the execution, taken with a cell phone, were leaked to the press and posted on the internet, causing furious debate over public execution. What effect did Hussein's execution have on the public both here and abroad? Did the images of the execution change public perception of Hussein or of the death penalty? Refer to the CNN special for more information and resources: <http://www.cnn.com/2006/WORLD/meast/12/29/hussein/index.html>
2. After the Oklahoma City Bombing in 1995, which killed 168 people, Bud Welch was devastated to learn that his daughter, Julie-Marie, had been killed in the blast. Similarly, Bill McVeigh was shocked to hear that his son, 29-year-old Gulf War veteran Timothy McVeigh, was responsible for the bombing. Initially, Welch, like 81% of the American population, wanted McVeigh to die in exchange for the pain and suffering he caused hundreds of families. Over time, however, he came to believe that punishing violence with more violence was not the path forward. To take the first steps toward forgiveness and reconciliation, Welch drove across the country to meet Bill McVeigh. To learn more about the meeting, refer to the following websites:  
<http://www.americancatholic.org/Messenger/Apr2000/feature2.asp>  
<http://www.time.com/time/magazine/article/0,9171,986531,00.html>

Students will stage a dramatic interpretation of the meeting followed by a discussion of forgiveness and reconciliation.

3. After 9/11, many people wanted revenge for the terrorist attacks. Others thought that more violence would only divide the nation. The Thread Project was created to demonstrate a peaceful, interconnected, and united world rather than one separated by fear and suspicion. This hopeful project has inspired thousands and has helped people to heal from the trauma of 9/11. To learn more about the project, visit: <http://www.threadproject.com>.

Students will craft their own small scale cloth panel from threads that hold meaning to them. Student work can be displayed at local community centers in order to promote hope and peace within the community.

**RESOURCES**

Images of the Death Penalty

<http://www.langleycrations.com/photo/deathpenalty/huntsville/index.html>

Stories From Death Row

<http://www.ccadp.org/inmatewritings.htm>

Murder Victims Families for Human Rights

<http://www.mvhr.org>

Restorative Justice Online

<http://www.restorativejustice.org>

**Historical Perspective:**

In 1830, Connecticut abolished public hangings and most other Northeastern and Western states did the same by 1860. Public hangings remained legal in the South, however, where public lynching was also growing in frequency and popularity (Banner 154). By the turn of the century, even Southern states had abolished public execution, except in the case of rape. The sentence for rape in many Southern states was 10 to 20 years in prison or death. White men were primarily given jail time, while black men were traditionally hanged for the same crime.

**The Crime:**

In 1936, Rainey Bethea was convicted of raping and murdering 70 year old Mrs. Edwards, his former employer, in Owensboro, KY. Evidence against him included his muddy footprints at the scene, a ring he left near her bed, and his fingerprints. Despite the perverse nature of the crime, public attention was centered more on the executioner than on Bethea, as his execution was to be the first in history to be carried out by a female. Florence Thompson, who inherited the job of sheriff after her husband passed away, was expected to execute prisoners as part of her job description. At the last moment, however, she appointed someone else to execute Bethea, disappointing spectators and journalists who had hoped to witness a historic first, a woman hanging a man.

**“The Execution Festival”:**

Bethea's execution, like other hangings of the time, drew a crowd estimated between ten and thirty thousand, many of whom camped overnight at the execution site. The day of the execution, vendors sold hot dogs and lemonade to people dressed in their finest clothes. Throughout the execution, spectators loudly jeered Bethea, and some rushed to tear pieces of the execution hood before he was pronounced dead. Other souvenir hunters grabbed pieces of the noose to remember the occasion. Because of the media and public outcry regarding the hanging, Bethea's became the last public execution in America.

**Public Outcry:**

One of the most frequently cited reasons for abolishing public executions at that time was the belief that executions promoted “emotions of pity, humanity and sympathy, which incline [the observers] to take the part of the sufferer, and to blame those who inflict the suffering upon him” (as qtd. in Banner 148). Magazines and newspapers noted the phenomenon, stating that observers often sided with the criminal against the state, forcing the justice system to question whether or not public executions were effective in deterring crime. Also, critics believed that witnessing public executions increased the likelihood that spectators would themselves commit violent crime. Today, sanitized executions carried out behind closed doors are limited to few viewers. Once barred from public executions, spectators began to convene at trials instead, causing the media to sensationalize court reporting in order to meet public demand for tales of crime and punishment.

**COMPREHENSION  
QUESTIONS:**

1. Why do you think rape was the only crime for which public hanging was still legal in Kentucky in 1936?
2. According to the case study above, do you think public executions were an effective deterrent against murder or rape? Give two details from the passage to support your answer.
3. What effect did public hangings have on spectators?
4. Why did Kentucky abolish public executions following the hanging of Bethea?

**CRITICAL  
THINKING  
QUESTIONS**

5. If the death penalty is intended to be a public rejection of violent crime, why are only a few viewers allowed to witness the event?
6. Do you think executions should be publicized? Why or why not?

**REFERENCES**

Banner, Stuart. *The Death Penalty: An American History*. Harvard University Press: Cambridge, 2002. "The Last Public Execution in America" NPR. May 01, 2001. [Photo Gallery and Radio Interviews]  
<http://www.npr.org/programs/morning/features/2001/apr/010430.execution.html>

**Retributive Justice** means the punishment should fit the crime. In practice, this system punishes severe crimes more harshly than minor crimes, but those who favor this method differ about how harsh or soft the system should be overall.

**Retributive Practices and Programs will respond to crime by:**

1. Identifying and apprehending criminals
2. Primarily involving law enforcement, judicial proceedings, and media
3. Applying sentencing that may include probation periods, community service, jail time, and the death penalty

**Some of the programs and outcomes typically identified with retributive justice include:**

- Psychological evaluations and institutionalization
- Community service or probationary periods
- Varying terms of imprisonment
- Life in prison, with or without parole
- The death penalty

**Three principles that form the foundation for retributive justice:**

1. Justice requires that we punish those that commit crimes.
2. To some degree, the punishment should fit the crime. Murderers should be executed in retribution for their crimes and such retribution serves justice for murder victims and their survivors.
3. People are subject to laws and some cannot be rehabilitated. The government has put laws and safeguards in place to make sure sentencing is informed and just.

**Retributive programs are characterized by four key values:**

1. **Retribution:** Something is done or given to a person as punishment for a crime they have committed. The retribution serves as justice for victims.
2. **Deterrence:** Retribution, such as the death penalty for convicted murderers, deters others from committing crimes for fear that they will be punished.
3. **Pragmatism:** The death penalty costs less and is more efficient than rehabilitating or restoring people to participatory, useful lives or life imprisonment.
4. **Humanitarianism:** Punishing a few to provide a safe and secure environment for society as a whole is justifiable. In this view, the value of human life is seen to be honored by the punishment of a murderer.

**Restorative Justice** is not completely free of punishment, but arguably has a larger scope than retributive justice. It is informed by a society's desire to rebuild social trust, to rehabilitate, to repair the harm caused or revealed by criminal behavior, and to restore a person back to a useful and contributory life. The strategies of restorative justice are not limited to legal accountability alone, but rather best accomplished through cooperative processes that include all stakeholders.

**Practices and programs reflecting restorative purposes will respond to crime by:**

1. Identifying and taking steps to repair harm,
2. Involving all stakeholders, which may include; the accused, the family of the accused, the victim, the victim's family, law enforcement, attorneys, social services and community members, and
3. Transforming the traditional relationship between communities and their governments in responding to crime.

**Some of the programs and outcomes typically identified with restorative justice include:**

- Victim/offender mediation
- Conferencing
- Circles Community service
- Victim assistance
- Ex-offender assistance
- Restitution
- Community service

**Three principles that form the foundation for restorative justice:**

1. Justice requires that we work to restore those who have been injured.
2. Those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish.
3. Government's role is to preserve a just public order, and the community's is to build and maintain a just peace.

**Restorative programs are characterized by four key values:**

1. **Encounter:** Create opportunities for victims, offenders and community members who want to do so to meet to discuss the crime and its aftermath
2. **Amends:** Expect offenders to take steps to repair the harm they have caused
3. **Reintegration:** Seek to restore victims and offenders to whole, contributing members of society
4. **Inclusion:** Provide opportunities for parties with a stake in a specific crime to participate in its resolution

**SOURCES**

<http://www.restorativejustice.org/intro>

<http://justice.uaa.alaska.edu/death/issues.html#retribution>

The 2006 Richmond spree murders took place during a 7-day period in January 2006 in Richmond, Virginia, and claimed the lives of 7 people. After the arrest of the perpetrators, Ricky Javon Gray and Ray Joseph Dandridge, two more murders as well as an assault were linked to one or both of the men. The case received intense media attention due to the brutal and random nature of the crimes.

In the early afternoon of January 1, 2006, Kathryn, Bryan, Stella, and Ruby Harvey, a family of four, were found beaten, slashed and bound with electrical cord and tape in the basement of their burning house in the Woodland Heights district of Richmond, Virginia.

Kathryn Harvey, 39, was the co-owner of a popular local toy shop called “World of Mirth” in the Carytown district of Richmond. Bryan Harvey, 49, was an indie musician of note. Their daughters Stella and Ruby were 9 and 4, respectively. Bryan and Kathryn died of blunt-force trauma to the head, Stella of smoke inhalation and blunt-force trauma to the head, and Ruby of stab wounds to her back, one of which punctured her lung.

- August 17, 2006: A jury finds Gray guilty on five capital murder charges after four days of trial and 30 minutes of deliberation.
- August 22, 2006: The jury recommends the death penalty for the murders of Stella and Ruby Harvey and life in prison for the three remaining charges after 12 1/2 hours of deliberation.
- September 19, 2006: Dandridge pleads guilty to three counts of capital murder as a part of an agreement to serve life in prison without parole for the deaths of the Tucker-Baskerville family.
- October 23, 2006: The judge sentences Gray to death.

### CRITICAL THINKING QUESTIONS

1. How effective do you think the retributive justice method was in this case towards providing justice to the victims and their families?
2. Do you think either the life in prison and death sentences given in this case will cause potential murderers to think twice before killing for fear of losing their life or spending life in prison?
3. Should the jury have considered any alternative sentences for these men, or was the punishment justified due to the cruel and heinous crimes committed?
4. What, if anything, does Dandridge have to offer a community as he spends his life in prison? Do you think he can be rehabilitated?
5. What role does the community play after these two men have been sentenced? To the victims’ families, the families of the convicted, to themselves?
6. In what ways might the retributive justice method benefit a community? Are there some ways in which it could cause harm?
7. How strongly do you agree or disagree with the following statement?

*Crime is a violation of the state, defined by lawbreaking and guilt. Justice determines blame and administers punishment in a contest between the offender and the state directed by systematic rules.*

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- October 23, 2006: The judge sentences Gray to death.

### CRITICAL THINKING QUESTIONS

1. Do you think the restorative method of justice would be effective in delivering justice to the families given the brutality of the crimes?
2. Can people who murder children be rehabilitated or lead a participatory life?
3. Who would the restorative method benefit the most; the convicted, the victim’s family, the community, and why?
4. What types of things might Dandridge do, along with serving life in prison? What stakeholders should be involved in these recommendations?
5. In what ways might the restorative justice method benefit a community? Are there some ways in which it could cause harm?
6. Restorative justice in practice strives to get active participation from all local stakeholders when dealing with crime. Who are some of the stakeholders when a crime is committed; an individual is apprehended and subsequently sentenced?
7. How strongly do you agree or disagree with the following statement?

*Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim and families of victims, the offender, and the community in a search for solutions which promote repair, reconciliation, and reassurance.*

<b>DIRECTIONS</b>	<p>Prepare role cards with different perspectives prior to activity. Divide the class into groups made up of five to seven students. Students can have more than one role, or a pair of students can share a role depending on class size. Assign one of the following roles to each member of the group and distribute the correlating role card. Students will read their roles individually and reflect on discussion questions about their role before meeting as a group. As a group, students will discuss how the death penalty affects communities from the perspective of their assigned person.</p>
<b>EXTENSION ACTIVITY</b>	<p>When the students have finished discussing the essential question, they will stage a dramatic interpretation that uses each of the roles. For example, each of the group members could be interviewed for a talk show focusing on the issues of crime and punishment. Each group will then present their dramatic interpretation to the class.</p>
<b>DETAILS OF THE CASE</b>	<p>26-year-old Robert Delacroix is accused of attacking 17-year-old Anita Delrose in the parking lot of a movie theatre after a late night movie. Police believe she was grabbed on her way to her car after the movie, robbed, beaten, and left for dead. Anita died of closed head injuries sustained after being repeatedly hit in the head with a heavy metal object. Anita was a member of her school's drama team, played basketball, and had many friends. Always kind to others, Anita is remembered by friends and family for her constant smile and loving nature. After a long trial, a jury finds Robert Delacroix guilty of her murder and sentences him to death by lethal injection.</p>
<b>PERSPECTIVES</b>	<ul style="list-style-type: none"> <li>Jury Member</li> <li>Family Member of Anita</li> <li>Family Member of Robert</li> <li>Community Member Where Crime Occurred</li> <li>Death Row Inmate</li> <li>Human Rights Defender</li> </ul>

**1. JURY MEMBER**

In order to become a member of the jury, you have undergone a lengthy review process by both the defense and prosecution attorneys. You have stated that you are open to sentencing someone to the death penalty. You have listened to long, often confusing testimony from police, expert witnesses, family members, and the accused, and are convinced that the defendant, 26 year-old Robert Delacroix, is guilty. When you deliberate with the other jurors, you realize that ten of them believe he is guilty and should be sentenced to death. You also believe he is guilty, but you have doubts about the death penalty. You do not want to be the person who causes the jury to deadlock, however. What do you do?

**QUOTES  
FROM  
JURORS**

- 1) A juror from the Scott Peterson case reflects on reviewing the coroner's photos of Laci and Scott's unborn child. Scott Peterson was charged with murdering both. "I cried. I got emotional. I said, 'His daddy did this to him.' " All the jurors agreed the trial and deliberations were, "a very emotional experience."
- 2) Jurors from the case of John Allen Mohammed, the Washington sniper responsible for killing several people in the D.C. area reflect on the sentencing process. "Juror Elizabeth Young told the news conference she had mixed feelings about capital punishment and had asked for more information on it during deliberations. 'It's possible that I'll become an anti-death penalty activist, but for now I felt it was my duty as a juror to sentence Muhammad to death,' Young said, adding that it was 'the seriousness of the crime' and 'the opinions of the other jurors' that swayed her decision.' Jury foreman Heather Best-Teague told reporters Monday that the hardest part about recommending death for Muhammad was 'the fact that he has children. I know what it would be like not to ever be able to see mine again.'"

**QUESTIONS**

1. How strongly will your decision be influenced by your prior views about crime and the death penalty?
2. How strongly do you think you will be influenced by the other jurors' opinions?
3. If you vote for the death penalty, how do you think you will feel when you read about the defendant's execution?
4. Lawyers do not allow people to serve on juries if they are strongly for or against the death penalty. Do you believe this is fair? Under these guidelines, would you be allowed to serve on a jury in a capital murder case?
5. How do you think spending five to six months listening to daily testimony in a capital murder case will affect you?
6. If you were unable to apply the death penalty in this case, what might be an appropriate alternative? What would the defendant's future look like? What might he/she have to contribute to society?

**2. FAMILY  
MEMBER OF  
VICTIM**

You are the (mother, father, sister, brother, grandmother, grandfather, aunt, uncle) of Anita Delrose. After a long trial, a jury finds 26-year-old Robert Delacroix guilty of her murder and sentences him to death. How do you feel?

**QUOTES**

- 1) Cristina Lawson has been on both sides of the death penalty. Her father was beaten to death when she was 9 years old, while years later, her husband was convicted of killing a woman and sentenced to the death penalty. After watching his execution, she reflected on the effect the deaths have had on her life. "When I was growing up, I believed my father's killers should fry for what they did. And although I was devastated at the thought of losing my husband, I believed he should die for what he did, too. But my feelings changed after witnessing the execution, seeing how violent it is, and being pushed out the door when a minute hadn't even gone by after he was dead. Walking outside to all the death penalty supporters yelling at us, it hit me: my kids and I were being punished too."
- 2) Bill Jenkins, whose 16 year old son was shot during an attempted burglary at the fast food restaurant where he worked, asked that his son's murderer not be sentenced to the death penalty. "The death penalty brings neither peace nor healing to the injured parties and the resulting upheaval and re-victimization at all levels of its implementation have far greater consequences than are ever brought to light. As a society, we have to decide: do we perpetuate a system of punishment that is of questionable social value and can never be perfected, or do we remove its traumatizing impact from our criminal justice system altogether? The answer will in large measure define who we are as people."

**QUESTIONS**

1. What do you think your first reaction would be as a family member of a murder victim?
2. As a family member, do you think you would have mercy on the accused murderer?
3. Cristina Lawson has been on both sides of the death penalty debate, both as a family member of a murder victim and the wife of a murderer. What does she mean when she says that she feels that she and her children are being punished too?
4. Many families of murder victims think that seeing the murderer executed will complete their healing process, but seeing the execution can be another stage of victimization. What do you think would help you heal?
5. Would it be possible to channel the emotional stress and pain of losing a loved one, towards challenging poverty, substance abuse, inequality, and crime within your community, rather than the execution of an individual?

### 3. FAMILY MEMBER OF ACCUSED

You are the (wife, mother, father, sister, brother, aunt, uncle, grandmother, grandfather) of 26-year-old Robert Delacroix, convicted of killing 17-year-old Anita Delrose during an attempted mugging. Though Robert has often been in trouble with the law, you always hoped that he would change and get his life together. After a lengthy trial during which you had to testify about his character, you are emotionally exhausted. A month ago you found out that Robert had been sentenced to death. Though you support the death penalty in theory, you find it hard to believe that Robert has been sentenced to death. Will you support Robert while he is on death row?:

### QUOTES

- 1) Celia McWee, whose daughter was murdered in 1979, experienced both sides of the criminal justice system when her son was sentenced to death for murdering another man. He was executed in 2004 for his crime. "When they call you and say your child has been murdered, you don't know anything about what happened. You don't know if she suffered or if she tried to get help. That's how it was with my daughter. But with my son, I knew that the day was coming. I knew that he was going to be killed. I don't know how to explain to you that when the state executes someone, they are killing someone's child."
- 2) In 1997, Felicia Draughon's brother was sentenced to death for shooting a store clerk during a robbery. "I was 16 when it happened... The last time I touched my brother I happened to just brush his back where he was sitting during the trial... I was a character witness at his sentencing... That'll probably be the last time I touch my brother before he's executed.... It's been almost 12 years now, it's just now sinking in... I've just now started to have the nightmares... I woke up crying because I was dreaming of my brother's execution... I'm paying his funeral payment right now each month, you know, its pretty sick and depressing..."

### QUESTIONS

1. What is your reaction when you hear Robert has been sentenced to death?
2. Though you love Robert, you have acknowledged he is guilty of murder. How does his guilt affect your relationship? How might it affect your feelings about yourself?
3. If you supported the death penalty before Robert's case, do you think you would still be in favor of it now that you know someone on death row?
4. The prison where Robert is being held is over five hours away from your house. Due to financial limitations, you can only visit him 2-3 times per year. Would you want to visit Robert? Why or why not?
5. Do you believe that Robert can be rehabilitated? If he does undergo a change of heart, do you think his growth as a person should warrant a reconsideration of his sentence?

**4. COMMUNITY  
MEMBER  
WHERE CRIME  
OCCURRED**

You live in the town where 26-year-old Robert Delacroix murdered 17-year-old Anita Delrose while she was returning to her car after seeing a late night movie. You might have known Anita or Robert well, or not known either one of them at all. Consider the crime from the perspectives of various community members. How do you think the murder will affect the community as a whole?

**QUOTES**

- 1) When neighbors and community members found out that scout leader and church member Dennis Rader was the infamous BTK Killer who had terrorized Wichita, Kansas, for decades, many could not believe it. Others were shocked that someone who looked so normal could be capable of such horrific crimes. Pat Morris, an administrator at Wichita State University where Rader obtained a degree in criminal justice said, "I felt sick."
- 2) Members of the Amish community where Charles Roberts killed 5 girls and then himself at a local school were saddened by the crimes, but have shown incredible mercy, forgiveness, and community spirit in the ensuing months. They tore down the old school where the murders occurred and have built a new school together as a community. Neighbor Jessica Moyer, a mother of two, stated, "I'm happy that they're moving on and they can rebuild. But I guess it's not a surprise considering how they acted when it happened- they forgave right away."

**QUESTIONS**

1. How might you react to the murder if you used to be Robert's teacher, pastor, neighbor, girlfriend, or best friend?
2. How might you react to the murder if you were Anita's teacher, pastor, neighbor, boyfriend, or best friend?
3. How might you react to the murder if you lived in the neighborhood where the crime occurred? If you had been with Anita that night? If you had been to the movies that night?
4. In what ways might your perception of "justice" change, in light of Robert's sentence, depending on which community perspective you take?
5. What would be some ways to establish the principles of trust, security and confidence in your community?
6. Can the process of healing and transforming a community identity forgo the tools of truth and forgiveness? Does putting someone to death guarantee either? Does reconciliation?

**5. DEATH ROW  
INMATE**

You have been convicted of murdering Anita Delrose. Several months ago you were sentenced to die and have been living on death row since your sentencing hearing. When you first arrived, you went through several stages of grief, including denial and anger. Now you are trying to make the best of the life that you have left. You are not allowed any physical contact with outsiders or visitors. All your meals are served through a slot in your cell door. Once a week, you are allowed to walk around the prison yard. All of the people you meet and befriend are scheduled to die. What do you do?

**QUOTES**

- 1) Glen Cornwell, author of the book *The Perfumed Grave*, is currently living on San Quentin's death row. He wrote the following reflection shortly before one of his friends was executed. "Living in this place I call, 'The Perfumed Grave,' puts me in the unusual position of being one of the very few people who has a friend that is about to be murdered. It's odd when you think about it, usually the survivors of victims of violent crimes find out about the incident after it happens, which is more than likely followed by shock, anger, grief, and finally resolve. But here in the Grave, I've spent literally years, laughing, eating, working out, and basically living with people, who statistically speaking, will die in prison."
- 2) Richard Gamache is currently living on San Quentin's death row. "Refuse to lose. Given my set of circumstances, that might seem excessively optimistic. But, just because I am condemned to death doesn't mean I have to stop living. As simplistic an ideal as that may seem it took seven years of loneliness, isolation, and an ever decreasing resolve to realize. Now that I am aware that living is more than just being alive its time to do something about it. Its time to take the 'bull by the horns' and . . . live!"

**QUESTIONS**

1. What might your reaction be when the jury sentences you to death?
2. What is your reaction when you see death row for the first time?
3. What are some of the stages of emotion you might feel during the first few months in prison?
4. What do you want to do with your life now? What do you see as important? Does your life matter anymore?
5. Do you ever think of Anita or her family? How might you help them heal?
6. What would a useful and participatory life look like?
7. Do you have any rights in prison?

## 6. HUMAN RIGHTS DEFENDER

You believe that defining the death penalty as a human rights issue is a critical first step in ending its practice. The United States is party to a number of international human rights treaties that outlaw capital punishment, including the International Covenant on Civil and Political Rights (ICCPR). However, the U.S. has isolated itself to some extent from the most direct effects of these treaties through reservations or by invoking domestic law (for example, despite ratifying the ICCPR, the US reserved the right to impose the death penalty for crimes committed by those under 18). Nevertheless, the U.S. is committed to the underlying human rights principles of these treaties, and these instruments can serve as a starting point for reforming and restricting the death penalty from a human rights perspective. You firmly believe that the death penalty is the ultimate, irreversible denial of human rights. You work tirelessly to abolish its practice, and end the cycle of violence created by a system riddled with economic and racial bias, and tainted by human error.

## QUOTES

- 1) “The death penalty fulfills a preventive function, but it is also very clearly a form of revenge. It is an especially severe form of punishment because it is so final. The human life is ended and the executed person is deprived of the opportunity to change, to restore the harm done or compensate for it. Before advocating execution we should consider whether criminals are intrinsically negative and harmful people or whether they will remain perpetually in the same state of mind in which they committed their crime or not. The answer, I believe, is definitely not. However horrible the act they have committed, I believe that everyone has the potential to improve and correct themselves. Therefore, I am optimistic that it remains possible to deter criminal activity, and prevent such harmful consequences of such acts in society, without having to resort to the death penalty.”

– *His Holiness, Tenzin Gyatso, The Fourteenth Dalai Lama*

- 2) “While all New Yorkers have an investment in reducing violence in our state, a flawed and unworkable death penalty statute does not make anyone safer. Instead it risks executing the innocent, is prohibitively expensive to administer, has no value as a deterrent, subjects murder victims’ families to years of excruciating appeals, and diverts limited public resources away from other valuable crime-fighting measures.”

– *David Kaczynski, Executive Director of New Yorkers Against the Death Penalty*

## QUESTIONS

1. What human rights does the death penalty violate when an individual is sentenced to death?
2. What might be some human rights violated for members of a community when a crime is committed?
3. Do you think there are conflicting rights between different stakeholders (mainly the accused, the victim and the community)?
4. Why do you think the United States remains within a minority with regards to the applying the death penalty?
5. What benefits does a human rights perspective offer a community as it strives to achieve peace and safety for all of its members?

## LESSON 7: DEATH PENALTY ACTIVISM

<b>QUESTIONS</b>	Which groups are currently involved in death penalty activism and why are they involved?
<b>TIME ALLOTMENT</b>	One 50 minute class
<b>OVERVIEW</b>	This lesson seeks to identify the reasons that various groups are involved in the struggle to abolish the death penalty. When students understand the diversity of groups and their reasons for participating, they will begin to appreciate the gravity of the death penalty. Hearing from activists on the front lines and learning about recent case studies will broaden the students' understanding of death penalty activism and the importance of abolition.
<b>OBJECTIVES</b>	STUDENTS WILL: <ol style="list-style-type: none"><li>1. Identify prominent groups involved in death penalty activism.</li><li>2. Listen to voices of abolition activists.</li><li>3. Analyze current death penalty cases in the United States and abroad.</li><li>4. Develop a community rebuilding/peaceful community project.</li></ol>
<b>PREPARATION</b>	<ul style="list-style-type: none"><li>• HANDOUT 6.1: <i>The Exonerated</i></li><li>• HANDOUT 6.2: Death Penalty Abolition Activists</li><li>• HANDOUT 6.3: Organization Description</li><li>• HANDOUT 6.4: Community Restoration – Working Together for a More Peaceful Society</li></ul>
<b>PROCEDURE</b>	PART I <ol style="list-style-type: none"><li>1. <i>The Exonerated</i>, a play by Erik Jensen and Jessica Blank which was recently made into a film, tells the stories of six exonerated survivors of death row. Pulled from over 40 interviews with the exonerated, the stories in the film detail what these innocent people had to endure in the 2 to 22 years they spent on death row. Distribute HANDOUT 6.1: "The Exonerated." Students will read the article individually and journal their reactions.</li><li>2. Share student reactions to the article as a class. Use the discussion questions to generate class discussion. (If you have additional time, refer to Extension Activity #1).</li><li>3. The exonerated are not the only ones involved in abolition work. Ask students to brainstorm which groups might be involved in efforts to abolish the death penalty and why they might be involved in that work. Examples include faith-based groups, families of murder victims, human rights organizations such as Amnesty International, the American Bar Association, families of the incarcerated, and the American Society of Anesthesiologists.</li><li>4. Assign each group to research one organization from RESOURCE 6.2: Death Penalty Abolition Activists. Each group will answer the questions about its</li></ol>

assigned organization. When the groups have finished researching, a group representative will present the group's findings to the class. Discuss details the students found surprising or interesting.

**CLOSE**

Ask students to return to their initial journal entry about the death penalty. In their journal, they will respond to the following question: How have your initial views on the death penalty changed over the course of the lesson?

**EXTENSION  
ACTIVITY**

1. Each of the lessons discussed ways that violence impacts communities. Ask the students to brainstorm ways that they see violence manifested in their communities. What are the causes of violence in their communities? What organizations are already working to curb the effects of violence? What can students do to help foster a more peaceful community?
2. Distribute HANDOUT 6.3: Community Restoration – Working Together for a More Peaceful Society. Divide students into small groups. (This handout can also be done individually). Students will work through the questions on the handout to develop a project which will foster a more peaceful and connected community in their school, neighborhood or city.
3. Students will share the ideas they developed in their small groups. Did any of the ideas overlap? How could the groups work together to create more wide-spread and lasting change in the community? What projects do the students plan to put in action? What kind of support do they need to get their ideas off the ground? Whom should students contact to get active?
4. Students will meet in groups again after presenting to answer questions 7-10 of HANDOUT 6.3.

**FURTHER STUDY**

1. Host a school screening of the film *The Exonerated*. For tips on hosting the screening and a copy of the movie discussion guide, refer to pages 44-45 of Amnesty International's Faith in Action Resource Guidebook  
<http://www.amnestyusa.org/faithinaction/resourceguidebook.pdf>
2. For students who are interested in getting involved in death penalty activism, refer them to the Amnesty International Death Penalty homepage.  
<http://www.amnestyusa.org/abolish/index.do>
3. Assign students to implement one community restoration/community building project.

**THE EXONERATED**

*Wrongly convicted, they sat on death row for years. Extraordinary legal measures saved their lives. A new play confronts us with their nightmares.*

**By Amy Goldwasser**

Oct. 20, 2000 | Erik Jensen says tickets are waiting for George W. Bush at will call for a unique New York production later this month. “The reason we have an open invitation for George W. Bush and his wife to come to the show – there are two free tickets available, any night – is because we don’t think he has any idea what effect what he’s done 145 times has on individuals who were, in fact, innocent.”

“The Exonerated,” a play by Jensen and Jessica Blank, is a series of intersecting monologues culled from their 40 interviews with former death-row inmates who were eventually proven innocent and released. Like the 88 Americans who were wrongfully convicted in capital crimes and have been exonerated since 1973, the play’s 12 subjects (“just like in a jury,” says Blank) were freed through an appeals process that left them imprisoned on death row for as long as 20 years.

“Each of these cases was an exception,” Blank says. “They were not overturned due to the normal workings of the system. These people were freed because of a crusading lawyer working pro bono or a group of journalism students, with the funding of a university, who dug back into a closed case or an investigative reporter who didn’t let someone’s story die in the public eye for 10 years.”

This is Blank and Jensen’s first production together; they’re getting married in June. Actors and writers, both starred in the just-wrapped independent film “At the End of the Day,” and Jensen appears regularly on NBC’s “Deadline.” The show’s rotating cast of actors will include Tim Robbins, Charles Dutton, Edie Falco, David Morse, Martha Plimpton and Vincent D’Onofrio. All participants in “The Exonerated” are volunteers who Blank and Jensen rallied to the cause. Amnesty International USA and other death-penalty activists are on its advisory board.

“These stories speak for themselves,” says Blank. “If people’s hearts are open and they hear these stories, it’s our belief with this issue that they cannot, will not be able to, leave the theater being adamantly and unquestioningly pro-death penalty. They will be moved to question things very deeply, and if that happens, we’ve done our job.”

Their job is a tough one, particularly should the Republican presidential candidate decide to join the audience.

Since Bush began his tenure as governor of Texas in 1994, he has put 145 convicts to death. Kerry Cook was almost one of them. Cook, a former bartender, was on death row

from 1978 (a year after the death penalty was reinstated) to 1997. With a number of appeals pending, Cook came within 11 days of execution – and saw 141 fellow death row prisoners die.

Cook was convicted of the 1977 murder of Linda Jo Edwards, a college student who was having an affair with her married professor. Cook had met her just once – at which time he'd left a fingerprint on the doorframe of her apartment.

Three months after their meeting, police stormed the club in which Cook was bartending and arrested him. Because the well-known nightclub had gay clientele, investigators came up with the theory that Cook was a “degenerate homosexual” who hated women, alleging that was why the body had been brutalized as it had.

On the way to jail, one of the lead investigators asked Cook if he “had wings,” effectively threatening to push him out of the plane. At the trial, a fingerprint “expert” claimed he could date Cook’s fingerprint to be 12 hours old, to the precise time of the murder. He later confessed that it’s impossible to date a fingerprint.

Finally in 1996, the Texas Court of Criminal Appeals reversed Cook’s conviction, stating that “prosecutorial and police misconduct has tainted this entire matter from the outset.” Before his final appeal, in 1997, Cook took a no-contest plea to a reduced murder charge and was released. DNA tests conducted two years later matched semen found in the victim to the married professor, proving Cook’s long-maintained innocence.

Jensen describes Cook’s character in the play as “a 19-year-old in a 44-year-old’s body; everything in the world is brand new to him.” He addresses the audience, recalling the DNA results coming in: “They said that would be the final nail in Kerry Cook’s coffin. Instead, it finally took the nail out.”

“When people talk about the death penalty,” Jensen says, “they always bring up the victims and the crimes. Well, in releasing the people our show is about, the states have admitted that they never harmed the victims or committed the crimes. What we’re trying to do with these innocent men and women is explore the three dimensionality of their experience, not just their incarceration, not just them getting sentenced to death and what that was like, but what their lives are like after as well.”

Prosecutors have never pursued the new lead in Edwards’ murder. “It’s my belief that going after the actual killer would open them up to all sorts of legal ramifications,” says Jensen. “It would be embarrassing for the state of Texas.”

Cook’s is the only case from Texas that appears in the play. “Very few people are exonerated in Texas,” Jensen says. Indeed, Gov. Bush’s state has freed only seven people from death row, accounting for a mere 8 percent of the total number of exonerated in the nation – by contrast, Texas carries out 35 percent of U.S. executions. As of last week, 47

percent of all executions this year were in Bush's domain. By the end of the year, Texas is expected to have executed 50 inmates, which would bring its body count to more than all other death-penalty states combined.

The sheer number of executions in Texas, plus the disproportionately low percentage of Texas death-row inmates who are exonerated (3 percent compared to the national average of 14 percent) makes Bush's continued claim that Texas has never executed an innocent man or woman a cold and fuzzy one.

Bush asserted his role in capital punishment during the final presidential debate. "My job is to ask two questions, sir. Is the person guilty of the crime? And did the person have full access to the courts of law? And I can tell you looking at you right now, in all cases those answers were affirmative."

But in Cook's case, "full access to the courts of law" meant a court-appointed defense lawyer who was paid \$500 by the state. "And in Texas, you get what you pay for," Cook says in the play.

One of the few safety nets that exists for those wrongly convicted is the window of time between death sentence and execution, when they have the opportunity to appeal. But that crucial window has been closing.

In 1996, President Clinton pushed through Congress what is perhaps the most innocent-be-damned legislation on capital punishment: the Effective Death Penalty Act, which cuts the appeals process by about two-thirds. "Had the act been in effect then, they could have killed Kerry four times," says Jensen. "This is crucial to our play," says Blank, "because it takes about seven years on average in these cases of innocence for the innocence to come out. With the Effective Death Penalty Act cutting that window down to two, three, four years, it puts us at a huge risk of executing innocent people."

In one of the most egregious executions in history, Jesse Tafero was put to death by electric chair by the state of Florida in 1990 – two years before his wife's conviction for the same crime was overturned. Flames erupted from Tafero's head, and executioners had to pull the switch three times to stop his breathing. State officials attributed the display to "inadvertent human error"; someone had substituted a synthetic sponge for the proven natural one.

Tafero's exonerated wife, Sonia "Sunny" Jacobs (who will be played by Susan Sarandon), is the only female former death-row inmate featured in the play. (Blank and Jensen also included the stories of four wives and girlfriends of the exonerated.) Jacobs and Tafero were sentenced to death in Florida in 1976 for the murder of two policemen at a highway rest stop.

A third codefendant received a life sentence after pleading guilty and testifying against Jacobs and Tafero. He – the state’s star witness – was the actual killer.

Largely because a filmmaker friend and the horror of Tafero’s execution drew attention to her case, Jacobs’ conviction was overturned on a federal writ of habeas corpus in 1992, and she was released following the discovery that the chief witness for the prosecution had given false testimony.

By the time she was released, her husband wasn’t the only loss Jacobs had suffered: Both of her parents had been killed in a plane crash en route to visit her in jail. She addresses the audience with some of the most unsettling lines in “The Exonerated”: “I’ll just give you a moment to reflect: From 1976 to 1992, just remove that entire chunk from your life, and that’s what happened.”

Being sentenced to death for a crime one didn’t commit is almost too hideous to imagine. “What we heard over and over again in our interviews was, ‘I didn’t know that this kind of thing could happen,’ or ‘I kind of knew from reading about it in the newspaper, but you don’t really believe it until it touches your life,’” says Blank.

“One of the things we’re trying to do is give people a way to connect with what this is, very directly, and in a way that’s heartfelt and human and full – without having to go through it themselves.”

While those who favor the death penalty in this country are still in the majority, popular opinion is waning. A recent national Harris Poll found that support for the death penalty has dropped to 64 percent this year (from 71 percent in 1999 and 75 percent in 1997). It also revealed that 94 percent of Americans believe that some innocent people have been convicted of murder.

“If the system had been allowed to work how it normally works,” Blank says, “with state-provided defense attorneys, etc., all of our subjects would be dead. Every single one.”

The play, directed by Bob Balaban (who appeared in the recent film “Best in Show”) premieres with three benefit performances (Oct. 30, Nov. 6, Nov. 9) at the Culture Project at 45 Bleecker Theater in New York. Half of the proceeds for these shows will go to the exonerated people whose stories appear within. The other half will go to organizations working to overturn wrongful convictions: the Center on Wrongful Convictions, the Innocence Project and Centurion Ministries (a New Jersey pro bono law organization).

It runs one hour and 15 minutes – the time it would take for Bush to review five clemency appeals.

Goldwasser, Amy. “*The Exonerated*.” Salon 20 October 2000  
<http://archive.salon.com/news/feature/2000/10/20/exonerated/>

**COMPREHENSION  
AND DISCUSSION  
QUESTIONS**

1. What does the word exonerated mean?
2. Why does Erik Jensen want George W. Bush to see *The Exonerated*?
3. According to the article, what are the primary reasons that the exonerated were wrongfully convicted?
4. Who helped the exonerated with their cases?
5. How long did Kerry Cook spend on death row in Texas?
6. For what crime was Cook convicted? What evidence was presented to prove his guilt?
7. What eventually proved Cook was innocent?
8. Was Linda Edward's real killer ever identified? Was he ever prosecuted?
9. Why do you think fewer people are exonerated in Texas than in any other state?
10. According to the article, if President Clinton's Effective Death Penalty Act had been in place at the time of Cook's imprisonment, the state could have executed him four times. Long prison terms between the date of sentencing and the date of execution also result in extended suffering for victims' families and increased legal cost to the state. Should the Effective Death Penalty Act be repealed? Why or why not?
11. In your opinion, is the potential for executing innocent people enough to warrant a moratorium on the death penalty? What legal reforms do you think would decrease the amount of wrongful convictions?

1. American Bar Association: Death Penalty Representation Project  
<http://www.abanet.org/deathpenalty/>
2. American Civil Liberties Union: Moratorium Project  
[http:// www.aclu.org/capital/index.html](http://www.aclu.org/capital/index.html)
3. American Society of Anesthesiologists  
<http://www.asahq.org/news/asanews063006.htm>
4. Amnesty International – Death Penalty Campaign  
<http://www.amnestyusa.org/index.do>
5. Canadian Coalition Against the Death Penalty  
<http://www.ccadp.org>
6. Citizens United for Alternatives to the Death Penalty  
<http://www.cuadp.org/>
7. Equal Justice USA  
<http://ejusa.org/>
8. European Union in the United States  
<http://www.eurunion.org/legislat/Deathpenalty/deathpenhome.htm>
9. The Innocence Project  
<http://www.exonerate.org/>
10. Journey of Hope  
<http://www.journeyofhope.org/pages/index.htm>
11. Murder Victims’ Families for Reconciliation  
<http://www.mvfr.org/>
12. Murder Victims’ Families for Human Rights  
<http://www.murdervictimsfamilies.org/>
13. International Justice Project  
<http://www.internationaljusticeproject.org/>
14. Lamp of Hope Project  
<http://www.lampofhope.org/>
15. People of Faith Against the Death Penalty  
<http://pfadp.org/>



1. Identify issues or problems you see in your community, school, or neighborhood that you would like to see changed and improved.
2. Select one of the above issues you can help to change or improve. Brainstorm a list of projects you could start to address the issue. Projects could include, hosting speakers from the community at your school, fostering community partnerships, forming a volunteer group, volunteering with a local community organization, cleanup projects, sponsoring a community garage sale to raise awareness and money for a cause, or organizing a meeting between students and community groups to build partnerships and increase youth participation in the community.
3. Choose three projects from the above list to discuss as a group. What are the pros and cons of each project?
4. Choose the project your group agrees will be most effective. Discuss specific steps you must take to implement the project. Who will be responsible for each step?
5. What support do you need to complete the project? Whom could you ask for this support?
6. If you implement this project, how will the community benefit?
7. Share your project with the class. What was the class reaction to the project idea?
8. How could you use student suggestions to improve the project?
9. What ideas did you get from listening to other groups?
10. Do you plan to implement this project?

## GLOSSARY

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1. **Abolition** – The movement to end the death penalty and remove it as a form of punishment in the American criminal justice system
2. **Economic Justice** - Providing people the opportunity to receive living wages, enjoy equitable standards of living, and reducing poverty. Economic justice ensures that people's economic human rights are respected. Respect for economic rights will more than likely reduce some of the root causes of crime.
3. **Exonerated** – Cleared of all charges and set free
4. **Mandatory Minimums** – Many states require a standard minimum sentence for drug charges, such as 15 years for cocaine possession. Mandatory minimums do not take prior behavior, character, or situation into account.
5. **Prison-Industrial Complex** – This term refers to the fact that state contractors and underemployed regions see prisons as a form of economic stability and opportunity, and are therefore not truly concerned with reducing crime or rehabilitating prisons. Reducing the need for prisons reduces the need for those state jobs and lucrative contracts.
6. **Punitive Justice** – Punitive justice seeks to punish someone for wrongdoing, without rehabilitation.
7. **Recidivism** – The act of someone repeating the same crime after being released, resulting in re-arrest and re-introduction to the criminal justice system. Purely punitive justice systems typically have high rates of recidivism because this system of justice does not address underlying social ills which contribute to crime.
8. **Rehabilitation** – To rehabilitate someone means to restore that person back to a complete and useful life. For many prisoners, the opportunity for education, living wages, and full human rights would not only rehabilitate them, but would prevent recidivism and encourage community growth. Rehabilitation seeks to teach people to be helpful rather than harmful to society.
9. **Restorative Justice** – Restorative justice seeks to punish, but also to help rehabilitate people and reintegrate them back into society.
10. **Retributive Justice** – A method of justice that means the punishment should fit the crime. In practice, this system punishes severe crimes more harshly than minor crimes.
11. **Stakeholder** – A person that has an interest or investment in an organization or institution.
12. **Sustainable Development** – The sustainable development movement seeks to build community cohesiveness through equalizing wages, creating equitable standards of living, encouraging laws which reflect economically and environmentally sound principles, and reducing the consumption of natural capital for short term benefit.

## FEEDBACK FORM: THE DEATH PENALTY CURRICULUM GUIDE

We greatly value your input and guidance in our work. If you have recently used one of our resources, we would love to hear your feedback. Please complete this form and mail it to the *Human Rights Education Program at AIUSA, 5 Penn Plaza, 16th Floor, New York, NY 10001* or just email us your comments to **education@aiusa.org**.

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Email: \_\_\_\_\_

Age level of learners: \_\_\_\_\_

**1.** In what kind of educational setting did you use this material?

Please check one:

High School    College/University    Community Group    Home School

**2.** Where did you first hear about this curriculum guide?

Please check one:

AIUSA website    Friend    Colleague    HRE Newsletter    *The Fourth R*

**3.** Have you taught about human rights issues prior to using this curriculum guide?

Please check one:    Yes    No

**4.** Why did you choose to use this curriculum guide?

\_\_\_\_\_

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**5.** What did you find to be most beneficial/helpful about this curriculum guide?

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**6.** What did you find to be least beneficial/helpful about this curriculum guide?

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**7.** Which part of the curriculum guide seemed to resonate the most with your learners?

\_\_\_\_\_

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**8.** Did you teach the entire curriculum or only certain sections? if you only used sections, please describe which ones and why you decided to use them. \_\_\_\_\_

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**9.** Would you be interested in using other curriculum guides produced by the HRE department at AIUSA? Please check one:    Yes    No

**10.** Additional comments/feedback: \_\_\_\_\_

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