

About the Death Penalty Teacher Overview

from <http://deathpenaltyinfo.msu.edu/>

This teacher overview describes exploratory curricular materials about the death penalty, divided into four sections. "Jump to" links within each description jump directly to that part of the site, or you can return to this top menu.

- Arguments For and Against the Death Penalty
- Stages in a Capital Case
- History of the Death Penalty
- Methods of Execution

Arguments For and Against the Death Penalty

This is perhaps the most substantial part of the site with regard to the philosophical, ethical, and judicial issues concerning capital punishment. It is composed of four arguments:

1. The Death Penalty Prevents Future Murders
2. A Just Society Requires the Death Penalty for the Taking of a Life
3. The Risk of Executing the Innocent Precludes the Use of the Death Penalty, and
4. The Death Penalty is Applied Unfairly and Should Not be Used.

Each of these arguments is balanced with rebuttals and expert testimony from both sides. Printed copies of this section will be an extremely useful resource for the teaching of capital punishment. Parts of this section require the Flash 3 plugin, which is included in Netscape 4 or higher and Internet Explorer 4 or higher. Earlier versions of both browsers may need to download the Flash plugin from Macromedia at: <http://www.macromedia.com/downloads>.

Stages in a Capital Case

This portion of the site offers an interactive exploration of eight stages in a capital case. The stages are: pre-trial, guilt phase trial, penalty phase trial, direct appeal, state post-conviction review, federal habeas corpus, clemency, and execution. Each of these stages is further divided into subsections that go into the details of each phase of the process. This section may be of particular use to those wishing to explore the judicial system and its functions in Civics or U.S. Government classes. This section requires the Flash 3 plugin, which is included in Netscape 4 or higher and Internet Explorer 4 or higher.

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History of the Death Penalty

The section on the history of the death penalty is included to provide historical context and a sense of the past and present issues surrounding it. The history here provides names, dates, and philosophical positions as a starting point for further research. The section is divided into the six principal headings. (Note: More detail is given to this summary since it may be used as an introduction to one of the units provided.)

1) History

Under this topic heading a brief summary of the history of early death penalty laws, with an emphasis on the death penalty in America. It begins by identifying the early death penalty laws and their codification, from the Code of King Hammurabi (18th century B.C.) to the reforms of Great Britain's death penalty from 1823 to 1837. Given the influence that Great Britain had on American social thought, the dispositions and debates regarding the death penalty carried over. The laws regarding punishment by death varied from colony to colony, and several examples are given.

2) Early Questions About the Death Penalty

This section deals with the opposition to and support of the death penalty in America during Colonial Times. It provides the names of significant individuals who addressed the issue of the death penalty and a brief description of their positions. The issues of deterrence, crimes punishable by death, the "brutalizing effect," and revisions in the law are raised.

3) Changes in Death Penalty Laws

In the Nineteenth Century many states began to reduce the number of their capital crimes. They began to build more penitentiaries, where executions were moved away from the public eye. This section sketches the history of death penalty reform, identifies the states that abolished the death penalty, lists the crimes punishable by death, and notes the introduction of new methods of execution, particularly the electric chair. By the early and mid-Twentieth Century, six states had outlawed the death penalty and three others had limited its use to treason and first-degree murder of law enforcement officials. Global historical dynamics, such as the Russian Revolution, shifted public opinion; consequently five of the six states reinstated the death penalty by 1920. In addition, more humane forms of execution were sought. The gas chamber is given as an example. This section traces the ebb and flow in the use of the death penalty and gives supporting data.

4) Constitutionality of the Death Penalty in America

The social turbulence in America during the 1960s brought challenges to the fundamental legality of the death penalty. The constitutionality of the death penalty under the 5th, 8th, and 14th Amendments was called into question and debated.

Arguments against the death penalty as "cruel and unusual" punishment and issues of social justice (i.e., who is qualified to serve on the jury of a death penalty case) are raised through actual capital cases. Arguments for suspending the death penalty based on arbitrary sentencing, and reinstating the death penalty based on state statutes to end arbitrariness, are given. Sentencing guidelines and procedural reforms are addressed, again using case precedents. The ten-year moratorium on executions ended in 1977, with the execution of Gary Gilmore. That same year lethal injection was introduced.

5) Limitations on the Death Penalty

This section deals with limitations on the use of the death penalty imposed within the United States, specifically with regard to mental illness and mental retardation, race, and juveniles. Cases are presented for each of these populations. Using this section in conjunction with the state by state data and statistics section of the site can help identify patterns, especially with regard to race.

6) Current Death Penalty Issues

The last subsection of the History section deals with particular compelling issues and social populations. They are: Innocence (specifically, evidence of innocence); Public Support (historical fluctuations in public opinion according to Gallup surveys); Religion and the death penalty (differences between denominations and their support or opposition to the death penalty); Women and the Death Penalty (women have constituted only 3% of U.S. executions); The Federal Death Penalty (the federal employment of the death penalty for murder of a government official, kidnapping resulting in death, running of a large-scale drug enterprise, and treason. In addition, this section addresses streamlining the death penalty process and the risk of executing innocent defendants.); International Views (presently, over half of the countries in the international community have abolished the death penalty either in law or practice. The United Nations Human Rights Commission passed a resolution supporting a worldwide moratorium on executions in 1999 and called on those that have not abolished the death penalty to restrict its use. A list of countries with and without the death penalty is provided.); and Sources (a list of sources from which this section was written is provided. These sources also provide avenues for further research on the issues presented).

Methods of Execution

There are five methods of execution currently used in the United States: hanging, firing squad, electrocution, gas chamber, and lethal injection. This part of the site offers technical descriptions of each of these methods, which states use each form, and detailed descriptions of what actually happens to the inmate as a result of being put to death with each method. These detailed descriptions often escape the public discourse about capital punishment.

The state by state summaries lists all states which currently have the death penalty as a means of punishment, the year in which the death penalty was reenacted, the year of the first execution after the reenactment, a history of the methods used, and the current method(s) now in use. In addition to this information, summaries of particular facts about individual states, and in some cases recent news, is also provided.