



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
1995 Volume III: The Constitution and Criminal Justice

The Death Sentence Remains a Question

Guide for Curriculum Unit 95.03.09
by Carolyn S. Williams

Recent opinion polls would have us believe that a majority of American citizens support the death sentence for capital offenses. Who is being polled? The court distinguishes two groups of citizens who make up the polled groups. One group is “far removed” from the actual experience of capital punishment and the other group constitutes an “informed public.” Can we, as an informed public, continue to sanction a practice which shows so little regard for human life? Do we, as a nation, draw distinction between the immorality of a capital crime by an average American citizen and the immorality of a capital execution by the American government?

It is my contention that when the punishment for a capital offense is a sentence of death, the government is acting equally irresponsibly with the life of the accused, as the accused did with the life of his victim. I can hold no support for such an irrevocable form of punishment, particularly when justice can be well served through other forms. Without regard for any of the circumstances that relate to the crime, the emphasis first should be the value of human life. That life should not be taken, in the guise of justice.

The unit is planned for seventh grade students who have been identified as gifted and whose core curriculum is Future Studies. In conjunction with a co-teacher, I meet with approximately 25 students in a resource room program one day per week. Due to the structure of the program, this course will run as a mini unit of study for two hours per day over an eighteen-week period.

This unit aims to explore some of the more popular arguments surrounding the system of capital punishment in America, and seeks abolition of the death penalty in support of the more humane punishment of life imprisonment for capital offenders.

The topic of capital punishment is presented as a future problem to which alternatives must be sought. This unit is therefore designed as a course in future problem solving. Students will be offered various tools and techniques for examining the past, evaluating the present and forecasting the future of the system of capital punishment in America.

Students will be asked to make value judgments and use deductive reasoning skills in determining moral issues that are raised within the unit content. They will be invited to use the given tools to challenge and evaluate their own views, as well as those of the Supreme Court, as they examine the landmark decisions that were rendered in the cases of *Furman v. Georgia* and *McClesky v. Kemp*.

I find the topic appealing because it requires examination of the Constitution. It raises questions of right and

wrong, of discretionary judgment and of law-enforcement practices. I feel that students will enjoy the open-ended discussion activities, as well as the drama and video ideas. In all, it makes for interesting debate, which I have outlined within the lesson segment of this unit.

(Recommended for Future Studies/Law, grade 7 gifted; or Criminal Justice, grade 9)

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