

Justice Talking Listening Guide
The Death Penalty: Is Justice Being Served?
3/26/07

SHOW SUMMARY

First used in Texas in 1982, lethal injection is the method of execution now authorized in 37 of the 38 states that have the death penalty. But the recent botched execution of Angel Nieves Diaz in Florida raises new questions of whether the method violates the Eighth Amendment's prohibition against cruel and unusual punishment. Join us on this edition of Justice Talking as we take a new look at capital punishment and ask age-old questions about whether the death penalty is appropriate retribution for heinous crimes, whether it deters criminal activity and whether it can be administered in a fair and humane way.



John H. Blume



Deborah Denno



Robert Blecker



Richard Dieter



Bryan Stevenson



Harold Wilson

- Part 1: Justice Talking contributor Brad Linder reports on legislative efforts in New Jersey to abolish the state's death penalty.

- Part 2: Margot speaks with director of the Cornell Death Penalty Project **John H. Blume** about the current state of the death penalty around the country.

- Part 3: Margot interviews **Deborah Denno**, a leading scholar on lethal injection, about the history of that form of execution.

- Part 4: Margot is joined by pro-death penalty advocate **Robert Blecker** and anti-death penalty advocate **Richard Dieter** to debate whether lethal injection is humane or inhumane, and what might be done to improve the capital punishment system.

- Part 5: Margot interviews NYU law professor and director of the Equal Justice Initiative of Alabama **Bryan Stevenson** about how the death penalty disproportionately affects poor people and minorities.

- Part 6: Margot speaks with **Harold Wilson** about his life after he was exonerated from a death sentence.

- Part 7: Margot talks with Supreme Court reporter **Lyle Denniston** about recent cases dealing with the death penalty.



Debating the Value of Victims' Rights Laws

The federal government and every state have laws granting victims of crime certain legal rights. Prosecutors and victims' rights groups say these laws let victims' voices be heard. But defense lawyers argue they threaten the rights of defendants.

Listen to this National Public Radio report here:

<http://www.npr.org/templates/story/story.php?storyId=9907104>



Host Margot Adler

Margot Adler is a National Public Radio correspondent based in NPR's New York bureau. Adler has thirty years of experience as a radio host and reporter and is the author of several books.

DEFINITION OF TERMS

Cruel and Unusual Punishment– This amendment reads, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” The prohibition against cruel and unusual punishment was originally intended to outlaw certain gruesome methods of punishment—such as torture, burning at the stake, or crucifixion—but it has been broadened over the years to protect against punishments that are grossly disproportionate to (meaning much too harsh for) the particular crime. Except for a brief period in the 1970s, the death penalty has not been considered by the U.S. Supreme Court to be cruel and unusual punishment, so Eighth Amendment challenges to the death penalty have focused on the methods used to carry out executions, whether certain offenders (for example, juveniles or the mentally retarded) should be subject to the sentence and whether death sentences are decided in a fair manner and by an impartial jury. The Eighth Amendment’s cruel and unusual provision has also been used to challenge prison conditions such as extremely unsanitary cells, overcrowding, insufficient medical care and deliberate failure by officials to protect inmates from one another.

Lethal Injection - During a lethal injection procedure, an inmate is strapped to a gurney, a padded stretcher normally used for transporting hospital patients. The typical lethal injection consists of three chemicals that an executioner injects into a viable part of the inmate's body (usually the arms) in the following order: (1) sodium thiopental, a barbiturate commonly used as an anesthesia for surgery, which is supposed to induce sleep and the loss of consciousness in about 20 seconds, (2) pancuronium bromide, a total muscle relaxant that, given in sufficient dosages, stops breathing by paralyzing the diaphragm and lungs, and (3) potassium chloride, a drug that induces cardiac arrest and stops the inmate's heartbeat permanently. If all goes as planned, the entire execution takes about five minutes, with death usually occurring less than two minutes after the final injection. However, botched lethal injection executions have sometimes required more than an hour to achieve death. *–definition from Encyclopedia Britannica, www.britannica.com*

From “amicus curiae” to “zoning,” find definitions for the terms of democracy in Justice Learning’s Democracy Glossary at <http://services.justicetalking.org/dg/>.

DISCUSSION QUESTIONS

1. What are the primary problems you see with the system of capital punishment in the United States? What do you think should be done to improve the system?
2. What do you think about the “eye for an eye” principle of criminal justice? How does this affect your view on the death penalty?



“I think that the death penalty is just an easy way out for criminals and putting them to death does not solve anything.” – Caitlin D., Warren Area High School, Pennsylvania

Read other students’ opinions on the death penalty here:
<http://student-voices.org/discussions/discussion.php?DiscussionID=568>