

## *8th Amendment: The Death Penalty: Teacher's Guide*

**Grade Level:** 9-12

**Curriculum Focus:** U.S. History

**Lesson Duration:** One to two class periods

### **Program Description**

Travel to Huntsville, Texas, the execution capital of the world and the frontline of one of America's most polarizing political issues – the death penalty. Listen as protesters and supporters discuss capital punishment. Learn the history of the death penalty in the U.S., and follow the account of a death row inmate's final hours.

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### **Onscreen Questions**

Part I – Before watching the video

- A 1976 U.S. Supreme Court decision declared the death penalty constitutional. As you watch the program, note the arguments for and against this form of punishment.
- Consider your own opinion of the death penalty. Is it cruel and unusual punishment, or is it a penalty that fits the crime?

Part I – After watching the video

- The 8th Amendment to the constitution prohibits "cruel and unusual punishment." What constitutes such punishment?
- Discuss controversial issues related to capital punishment, such as executing a person who may later be found innocent.

Part II – Before watching the video

- The controversial issue of capital punishment generates strong feelings. Think about your views on capital punishment.
- As you watch the program, consider the moral, economic, and political factors that influence someone's opinion about the death penalty?

Part II – After watching the video

- The method of execution varies among states that uphold the death penalty. Discuss whether lethal injection is less "cruel and unusual" than electrocution.
  - Do you think the method of execution is relevant to the debate over the death penalty?
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## Lesson Plan

### Student Objectives

- Define capital punishment.
- Discuss the positions for and against the death penalty discussed in the video.
- Write a mock editorial for a Huntsville, Texas, paper to defend or denounce the death penalty.

### Materials

- *8th Amendment: The Death Penalty* video and VCR
- Computer with Internet access
- Paper
- Pens and pencils

### Procedures

1. Ask students to use what they learned in the video to define capital punishment. (A punishment in which a convicted criminal faces execution, such as by lethal injection. A criminal must be convicted, the jury must recommend the death penalty in the punishment phase of the trial, and the judge must agree with the recommendation.) Do all states allow capital punishment? (No) Do any other Western countries have a death penalty? (No)
2. Next, discuss some of the positions cited in the video. What are the arguments that support the death penalty? (Example: The death penalty is appropriate retribution for taking someone's life; the death penalty is a deterrent to future murders.) What are arguments against the death penalty? (Example: The death penalty is cruel and inhumane, regardless of the crime; the death penalty does not deter or prevent future murders; the possibility of executing someone who is innocent is too great.)
3. Explain to students that they will be writing a mock editorial for the local paper in Huntsville, Texas. Featured in the video, Huntsville is known for its high number of executions. Students can choose which side to defend. They may also wish to assume a persona directly related to a scheduled execution, such as a victim's brother, defense attorney, an inmate's mother, or an anti-death penalty demonstrator.
4. Allow enough class time or assign the editorials as homework. Provide the following sites for students to use in their research:

#### Neutral Sites

- The Death Penalty Information Center: Arguments For and Against  
<http://deathpenaltyinfo.msu.edu/c/about/arguments/contents.htm>
- Issues and Controversies: Death Penalty  
<http://www.facts.com/cd/i00015.htm>



- Bureau of Justice Statistics Capital Punishment Statistics  
<http://www.ojp.usdoj.gov/bjs/cp.htm>
- Capital Punishment (Internet Encyclopedia of Philosophy)  
<http://www.utm.edu/research/iep/c/capitalp.htm>
- Capital Punishment: Life or Death  
<http://www.cwrl.utexas.edu/~tonya/spring/cap/group1.htm>

### Pro-Death Penalty

- Pro-Death Penalty  
<http://www.prodeathpenalty.com/>
- The New American: Capital Punishment  
[http://www.thenewamerican.com/focus/cap\\_punishment/index.htm](http://www.thenewamerican.com/focus/cap_punishment/index.htm)

### Anti-Death Penalty

- ACLU: Death Penalty  
<http://aclu.org/death-penalty/>
- The National Coalition to Abolish the Death Penalty  
<http://www.ncadp.org/>

5. Make enough copies of the students' editorials for everyone in the class. As a homework assignment, have students read their classmates' essays. The next day, have students try to summarize the arguments for and against the death penalty. Why is this such a difficult issue to resolve? Ask students if they envision the death penalty gaining or losing support in different states in the coming years.

## Assessment

Use the following three-point rubric to evaluate students' work during this lesson.

- **3 points:** Students were highly engaged in class discussions, and they wrote comprehensive and thoughtful editorials that include several relevant facts and quotes.
- **2 points:** Students participated in class discussions, and they wrote somewhat comprehensive editorials that include some facts and at least one quote.
- **1 point:** Students participated minimally in class discussions, and they wrote simplistic editorials that include few or no facts or quote.

## Vocabulary

### **capital punishment** (death penalty)

*Definition:* A punishment in which a convicted criminal faces some form of execution, such as lethal injection

*Context:* In order for capital punishment to be considered, a criminal must be convicted, and both the jury and the judge must agree on this type of sentence.

### **Eighth Amendment**

*Definition:* The Eighth Amendment of the U.S. Constitution states that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

*Context:* From 1972 to 1976, capital punishment was ruled unconstitutional by the Supreme Court, citing that the death penalty was cruel and unusual punishment under the Eighth Amendment.

## Academic Standards

### **Mid-continent Research for Education and Learning (McREL)**

McREL's Content Knowledge: A Compendium of Standards and Benchmarks for K-12 Education addresses 14 content areas. To view the standards and benchmarks, visit link:

<http://www.mcrel.org/compendium/browse.asp>

This lesson plan addresses the following national standards:

- Civics – Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights; Understands the formation and implementation of public policy
- Language Arts – Writing: Uses the general skills and strategies of the writing process, Gathers and uses information for research purposes

### **The National Council for the Social Studies (NCSS)**

NCSS has developed national guidelines for teaching social studies. To become a member of NCSS, or to view the standards online, go to <http://www.socialstudies.org>

This lesson plan addresses the following thematic standard:

- Power, Authority, and Governance

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## Support Materials

Develop custom worksheets, educational puzzles, online quizzes, and more with the free teaching tools offered on the Discoveryschool.com Web site. Create and print support materials, or save them to a Custom Classroom account for future use. To learn more, visit

- <http://school.discovery.com/teachingtools/teachingtools.html>

