

Close Up on Capital Punishment: Challenging Students' Ideas of Justice

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Capital punishment, still practiced in many countries around the world, represents a highly controversial human rights issue. As citizens of the world, the existence of a diversity of death penalties challenges some of our most cherished and universal values. For social studies educators seeking to move our students toward finding their voice as global citizens, the issue presents an important opportunity for dialogue. By offering our students relevant cases that challenge their understanding of justice, we can help them bridge the gap between the classroom and meaningful social action.

On the World Stage

While some may argue that the scope of sanctioned execution remains widest in developing countries, capital punishment continues to be a highly controversial issue in nations heralded as the “industrialized world.” While most European countries and Canada have abolished the death penalty, one Western nation remains a curious holdout—the United States. U.S. proponents of capital punishment argue that executions have taken a more humane form in recent years. While it is true that many states have abandoned killing methods like the electric chair and gas chamber, there remains significant doubt that “kinder” methods like lethal injection are an improvement. Accounts of Texas’s execution of Raymond Landry, for instance, sound more like macabre horror than swift justice. During the course of his lethal injection, the syringe exploded from the semi-conscious Landry’s vein, “spewing deadly chemicals toward startled witnesses.”¹

Narrowing the Focus

As citizens of a nation that retains the ultimate consequence for criminal behavior—deprivation of life—this is far from a trivial concern for our students. In fact, compelling examples exist within our own communities that serve to bring this global human rights issue within a context of immediate importance to our students. One case, in particular, in Texas, offers a clear example of the danger it poses in a flawed justice system.

Innocence of Cameron Todd Willingham

In December 1991, a man named Cameron Todd Willingham watched his Texas home burn to the ground, consumed by a fire that claimed the lives of his three young children. In the investigation that followed, authorities uncovered several pieces of evidence that led investigators to conclude the fire was not accidental, but had been “intentionally set by human hands.”² Based on

this conclusion, as well as testimony of neighbors, Willingham was arrested and later convicted of the murder of his children. His crimes carried a heavy price: death. In February of 2004, Willingham paid his debt in full. Under the watchful eye of the state and the mother of his children, Willingham was executed by lethal injection. His last words were: “the only statement I want to make is that I am an innocent man convicted of a crime I did not commit. I have been persecuted for 12 years for something I did not do. From God’s dust I came and to dust I will return, so the Earth shall become my throne.”³

If Willingham’s tale had stopped there, it would still be a worthy starting point for an illuminating discussion of capital punishment in any social studies classroom. His story, however, is far from over. During Willingham’s imprisonment, new information rose to challenge the basis of his conviction, including inconsistencies in eyewitness testimony. Amid numerous questions, a scientific review of the initial arson investigation was commissioned—a review that produced disturbing findings. In his report to the Texas Forensic Science Commission, Dr. Craig Beyler noted that the original investigators had “poor understandings of fire science” and “their methodologies did not

comport with the scientific method or the process of elimination.”⁴ Ultimately, according to Dr. Beyler, “a finding of arson could not be sustained.”⁵ These words threaten to throw the question of guilt of Cameron Willingham well within reasonable doubt, and leave us with significant questions concerning the “justice” of his death.

Moving Toward Praxis

This tragic case provides just one example of why capital punishment weighs heavily upon our society’s shoulders. Willingham’s story holds a powerful emotional resonance, forcing us to question the limits of justice in a flawed system. Thankfully, a number of organizations offer the chance for concerned students to stand in defense of their most sacred human right—the right to life.

A prime example is the Innocence Project, a public policy organization dedicated to exonerating the wrongfully accused through new investigative methods. Through its efforts to promote DNA testing and scientific investigation, hundreds of convictions have been overturned, restoring freedom and the right to life to the wrongfully accused. On a global scale, groups like Amnesty International work tirelessly to monitor, track, and report executions worldwide. Without their efforts, our understanding of the realities of capital punishment would be far more ambiguous.

Most importantly, organizations like these provide an avenue for active participation and volunteerism in the struggle of miscarried justice. This kind of positive action must be the ultimate goal of any classroom dialogue on issues

like capital punishment. After all, education is only the first step toward global citizenship—a road that can culminate in our students’ appreciation of their own right to life as well as that of their fellow human beings. ■

Notes

1. Roger Hood, *The Death Penalty: A Worldwide Perspective*, 3rd ed. (Oxford: Oxford University Press, 2002), 101.
2. David Grann. “Trial by Fire,” *The New Yorker*, (September 9, 2009).
3. Ibid.
4. Craig L. Beyler, “Analysis of the Fire Investigation Methods and Procedures Used in the Criminal Arson Cases Against Ernest Ray Willis and Cameron Todd Willingham,” <http://www.docstoc.com/docs/10401390/>.
5. Ibid.

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CLASSROOM ACTIVITIES

Discussion Questions

- **What legal implications might the execution of a person later proved to be innocent have in the United States?**
- **Would the family members of a wrongfully executed person be entitled to restitution? Can the state be held liable?**
- **What responsibility would we hold as civic participants in the community that has executed an innocent person?**

Research Opportunities

The Willingham case discussed in the article promises to redefine the nature of the debate over capital punishment in the United States. Students should be encouraged to track the reactions of the Texas government—especially those of its governor and courts—as the debate continues to evolve. Potential sources include major media outlets and the provided online resources.

Setting Ground Rules

In both their research and classroom discussions, students must be encouraged to view this controversial issue through the lenses of legality and ethics. Often, arguments based on emotion or subjective understandings of morality can prevent truly effective and educative discourse.

WEBSITES

The Innocence Project www.innocenceproject.org

Amnesty International www.amnesty.org/en/death-penalty

Death Penalty Information Center www.deathpenaltyinfo.org/