

## **Sujet inédit n° 2**

Tout pour réussir le CLES 2 – anglais – 2012613 ; Vuibert ; Pierre COUTURIER

### **Situation**

Vous effectuez un stage au sein de la rédaction d'un hebdomadaire américain à grand tirage. Vous travaillez plus particulièrement avec le responsable du site Internet du journal et allez être modérateur d'un forum consacré à la peine de mort. L'ouverture de ce forum est devenue nécessaire car les débats et les exécutions se sont multipliés au cours des dernières semaines.

### **Tâche écrite**

On vous demande, en guide d'introduction aux discussions du forum, de rédiger la synthèse de plusieurs documents qui seront accessibles aux visiteurs du site. Vous présenterez donc un compte-rendu synthétique et structuré des principales idées avancées dans ces différents documents.

### **Tâche orale**

Vous participerez à une discussion contradictoire avec un(e) autre candidat(e) sur le thème décrit précédemment. Au cours de cette discussion, vous devrez présenter et défendre la position qui vous sera attribuée par tirage au sort.

### **Documents proposés**

Document oral 1 (video) : « Killings raise possibility of expensive death penalty case », 24-Hour News

Document oral 2 (video) : « Death Penalty Exercised: Troy Davis Executed, Supreme Court Denies Protesters Pleas to Halt Process », ABC News

Texte 1 : « Capital Punishment », *The New York Times*, 15 avril 2011 Texte 2 : Tom Chivers, « Why death penalty supporters should be campaigning for Troy Davis to be reprieved », *The Telegraph*, 21 septembre 2011 Texte 3 : « The Price of Death », *The National Catholic Weekly*, octobre 2009

# Activités de compréhension orale

Duree : 30 min

Les deux documents oraux utilises dans cette partie sont accessibles directement sur Internet: [www.youtube.com/watch?v=7yiMPAARJvg](http://www.youtube.com/watch?v=7yiMPAARJvg) et [www.youtube.com/watch?v=GFPaPn3uL4A](http://www.youtube.com/watch?v=GFPaPn3uL4A)

## Document 1 : "Killings raise possibility of expensive death penalty case"

Exercice 1:

Complete the journalist's sentence as she explains why death penalty is so expensive.

For example here in Indiana, those who are on death row are required to have 2 attorneys, attorneys that get paid ..... , and it's a bill the ..... will have to pay.

Exercice 2:

Say whether the following sentences are right or wrong. Tick the correct answer.

	Right	Wrong
There are several motives that can lead to the capital punishment in the USA.		
In many counties, taxes might increase to finance the cost of the death penalty.		

Exercice 3:

Pick up two sentences proving that the death penalty is getting too expensive.

.....  
.....  
.....

Exercice 4:

What does the cost of the capital punishment include?

- 1 .....
- 2 .....
- 3 .....

Exercice 5:

What is the alternative to death penalty?

.....  
.....  
.....

## Document 2: "Death Penalty Exercised. Troy Davis Executed, Supreme Court Denies Protesters Pleas to Halt Process"

Exercice 6:

Complete the following grid with the information on the victim you heard in the video.

MacPhail's job	
Date of his death	

Exercise 7.

Say whether the following sentences are right or wrong. Tick (✓) the correct answer:

	Right	Wrong
People are demonstrating in Georgia to support Troy Davis.		
The MacPhail family now has serious reasons to doubt that the right man was executed.		
Troy Davis was aged 22.		

Exercise 8.

Answer the following questions using explicit quotes from the video.

What are the people demonstrating outside asking for? They shout: .....

Exercise 9.

Why did several witnesses lie in the case?

.....  
 .....

Exercise 10.

Complete this sentence from the video and find the missing words.

The case drew ..... attention. Everyone from the Pope to ..... President Jimmy Carter called for the case to be reviewed.

## Activités de compréhension écrite

Duree : 1 h 15 a 1 h 30

### Texte 1

"Capital Punishment", *The New York Times*, April 15, 2011.

The United States Supreme Court allowed states to reinstate capital punishment in 1976.

States are continuing a trend of executing fewer prisoners and juries are wary of sentencing criminal defendants to die, according to 2010 figures compiled by a group that opposes the death penalty. The 46 executions in 2010 constituted a nearly 12 percent drop from the 52 in 2009, according to the group, Death Penalty Information Center, which produces an annual report on execution trends. The overall trend shows a marked drop when compared with the 85 executions in 2000.

Jurors, too, show a continuing preference for the alternative of punishing criminal defendants with sentences of life without parole. Juries handed out 114 death sentences in 2010, slightly higher than the 112 death sentences in 2009, and 50 percent fewer for the current decade than in the 1990s – before the widespread availability of life without parole sentences for juries in capital cases. One contributing factor in the low number of executions nation-wide is the shortage of one of the three drugs used in most lethal injections – the barbiturate sodium thiopental. Several states have postponed executions because of the scarcity of the drug. Some states face the looming expiration of their only doses and are scrambling to obtain usable vials from other states as execution dates approach. Others, by proposing alternate drugs that are not part of standard protocols, have given defendants new grounds to seek delays in court.

Until recently, states that use the drug got it from a domestic supplier, Hospira Inc. But the company stopped making the drug in 2009 because of manufacturing problems and announced this in 2011 that it would stop selling the drug altogether. International pressure on suppliers by groups opposed to the death penalty has further restricted access to the drug. Manufacturers in Europe do not want to supply the drug if it will be used in executions. Sodium thiopental is highly restricted under federal law and a shortage has caused disarray as states pursue a desperate and sometimes furtive search that might run afoul of federal drug laws. Recently released documents emerging from lawsuits in many states reveal the intense communication among prison systems to help one another obtain sodium thiopental, and what amounts to a legally questionable swap club among prisons to ensure that each has the drug when it is needed for an execution. In Texas, which carries out more executions than any other state, the controversy is focused on the proposed switch from sodium thiopental to pentobarbital.

The two drugs are barbiturates, but sodium thiopental has been commonly used as an anesthetic in hospitals. Pentobarbital has a few medical uses in humans, but is often used by veterinarians to anesthetize or euthanize animals. It has also been used in physician-assisted suicide in Oregon and in Europe. Opponents of the death penalty object to either drug. Some say thiopental can wear off too quickly, allowing inmates to feel pain. Others object to using pentobarbital, because it is so infrequently used in humans.

#### **A One-Drug Intravenous Lethal Injection**

In 2009 Ohio prison officials executed a death row inmate, Kenneth Biros, with a one-drug intravenous lethal injection, a method never before used on a human.

Death penalty opponents have argued that Ohio's method, and specifically its backup plan of using intra-muscular injection has not been properly vetted by legal and medical experts and that since it has never been tried out on humans before, it is the equivalent of human experimentation.

But the United States Supreme Court refused to intervene and the procedure went largely as planned.

Even as the use of capital punishment has ebbed, one trend has emerged among judges. The number of fervent

lonely dissents by judges on behalf of death row inmates has noticeably increased in the last decade, compared with previous years, according to a review of death penalty opinions by *The New York Times* and confirmed by experts in the field.

In dozens of capital cases, appeals court judges, some of whom have ruled in favor of the death penalty many times, have complained that Congress and the Supreme Court have raised daunting barriers for death row prisoners to appeal their convictions, and in many cases the judges have taken on their colleagues. A majority of Americans support the death penalty, with 64 percent of those surveyed by Gallup in 2010 favoring it and 29 percent opposed.

## Texte 2

**Tom Chivers, "Why death penalty supporters should be campaigning for Troy Davis to be reprieved", *The Telegraph*, September 21, 2011.**

I tell you what. if I supported the death penalty, I would want to make damn sure that everyone who went to the chair, or the chamber or the gurney or the noose, was guilty.

In a perverse way, you'd think it'd be more important for the pro- death penalty lot than us antis. I think it's wrong for the state to kill anybody in cold blood, innocent or guilty; it's a barbaric hangover from an Old Testament morality. But if you support the death penalty, surely you want it to be credible – a terrible judgment passed down upon the guilty, not a savage lottery of murder. On that basis, I would imagine that supporters of the death penalty would be up in arms about the killing – scheduled for later today – of Troy Davis, a 42-year-old Georgia man who was convicted 20 years ago for the 1989 murder of an off-duty police officer, Mark MacPhail. Davis was denied clemency by the Georgia parole board yesterday.

There were nine witnesses in the case who identified Davis as the killer. Of those nine, seven have since recanted all or part of their testimony. One, Dorothy Ferrell, signed an affidavit in 2000 saying she felt under pressure to identify Davis because she was herself on parole. She wrote: "I told the detective that Troy Davis was the shooter, even though the truth was that I didn't know who shot the officer." Another, Darell Collins, signed an affidavit in 2002 recanting his testimony and stating that the police scared him into falsely testifying by threatening to charge him as an accessory. At a federal hearing in 2010, the prosecution witness Antoine Williams said that he did not know who shot MacPhail and that he had signed police statements he was unable to read because he was illiterate. Two others, Jeffrey Sapp and Kevin MacQueen, said at the same hearing that Davis had not confessed to them, despite saying as much in the original trial. In all six have said that the police threatened them if they did not identify Davis as the killer.

Nine people have also signed affidavits stating that Sylvester "Redd" Coles, a friend of Davis's who was there the night MacPhail was killed, in fact committed the murder. At the 2010 hearing a witness, Anthony Hargrove, testified that Mr Coles had confessed the killing to him. Of the two witnesses who have not recanted their testimony, one is Mr Coles. Mr Coles was the first person to tell the police that Troy Davis was the shooter. There was no physical evidence linking Davis to the murder and the murder weapon was never found. As *The New York Times* reports in an editorial this morning, "the grievous errors in the Davis case were numerous, and many arose out of eyewitness identification". The police re-enacted the crime with four witnesses were present, giving them with group memory of the supposed events rather than individual ones; some witnesses saw Davis's photo before being shown the identification lineup images, and Davis's lineup image was on a different background. The lineup was administered by an investigating police officer, who could (deliberately or otherwise) easily influence the witnesses. I'm not saying that Davis is innocent. I don't know. But it is painfully clear that there is, by any standard, "reasonable doubt" about the conviction; enough for His Holiness the Pope and for Archbishop Desmond Tutu to appeal for clemency, as well as 51 members of Congress, President Jimmy Carter, Britain and the EU, and a former FBI director. Yet no reprieve has been granted.

Troy Davis will, barring dramatic intervention, die today.

It would be far from the first time a major travesty of justice took place on death row. Last year Rick Perry, Governor of Texas and now a front-runner for the Republican nomination for President, granted a posthumous pardon to Tim Cole, who died of an asthma attack on death row after spending 13 years there for rape before being exonerated by DNA evidence. In total, according to a study by the Northwestern University School of Law Center on Wrongful Convictions, at least 39 executions have been carried out in the face of serious doubts over their guilt; more than 15 have been exonerated while on death row since 1992.

We already know that the death penalty in America is disproportionately likely to be used against black people (a 2007 study conducted by Yale University School of Law found that black people in Connecticut are three times as likely to receive the death penalty than white people in cases where the victim is white) and the poor than against white or rich people who have committed the same crime. But it would be nice to think that those people are, as well as being poor and black, demonstrably guilty. That seems like a reasonable criterion.

If you are pro-death penalty, you should be shouting twice as loud as the rest of us about the imminent murder of Troy Davis. Otherwise, you can't claim to be supporting a stark but necessary act of justice. You're just a fan of killing people in general. There are words for people like that. None of them are nice.

### Texte 3

**"The Price of Death", *The National Catholic Weekly*, October 2009.**

Public support for capital punishment in the United States has declined in recent years for several reasons, one of which is botched executions. The most recent occurrence was in September in an Ohio prison, where Romell Broom was to be put to death by lethal injection.

Technicians spent two hours attempting to reach a vein on Mr. Broom's arms and legs before they finally gave up and sent him back to his cell on death row. It was the third botched execution in the state over the past four years. Yet instead of declaring a moratorium on the practice, Gov. Ted Strickland simply postponed the execution of Mr. Broom and two other condemned men in order to allow officials to revise the protocols for lethal injections. Even in states where executions are carried out as planned, the often grisly circumstances lead some people to wonder why the United States supports the death penalty, one of the few developed countries that still does so.

During the current recession, revenue-starved states are looking closely at the cost of capital punishment. According to the nonprofit Death Penalty Information Center in Washington, D.C., death penalty cases typically require huge expenditures, partly because of re-trials to correct prior errors. California's Commission on the Fair Administration of Justice, for example, has estimated that the state is spending \$138 million a year on the death penalty. For the 670 people on its death row, the state spends \$90,000 per inmate per year in addition to the \$34,000 annual cost of incarcerating a prisoner serving a life sentence. Death row inmates wait four years on average before being assigned an attorney for their first appeal, which amounts<sup>10</sup> to an added expenditure of \$360,000 per inmate even before the appeal is under way. Lawmakers, forced by the budget crisis to make cuts in basic services like schools, law enforcement, health care and libraries, must rethink such outlays for capital punishment.

Meanwhile, the number of executions has dropped. The 37 executions in 2008 mark a 14-year low, underscoring a downward trend that reflects a change in public opinion. Although a Gallup poll last year found that a majority still supports capital punishment, support declined from 69 percent in 2007 to 64 percent in 2008 – a significant contrast with 1994, when 80 percent of Americans supported it. Support drops whenever the alternative is proposed of a life sentence without the possibility of parole. Most polls show that support for such life sentences is about the same as support for the death penalty.

Belatedly proven innocence has become an increasingly important factor in the shift of public opinion. Since 1973, when executions became legal again after a seven-year moratorium, the number of exonerations has risen to 138 – eight of them in this year alone. Most of those exonerated were members of racial minorities; 42 percent of prisoners on death rows around the country are black. Race is a factor in the imposition of the death penalty: studies over the past two decades have shown that people convicted of killing whites were three times more likely to be sentenced to death than those convicted of killing blacks.

Even justices of the U.S. Supreme Court have expressed opposition to capital punishment. Former Justice Harry Blackmun, who in the 1970s voted to allow the death penalty, said just before his retirement in 1994, "I will no longer tinker with the machinery of death." In 2008 Justice John Paul Stevens called the death penalty "the pointless and needless extinction of life." And in a speech in 2001 former Justice Sandra Day O'Connor observed that "the system may well be allowing some innocent defendants to be executed." Consider the case of Cameron Todd Willingham, who was executed in 2004 having set a fire that killed his family; afterward, however, experts found no evidence of arson at his home. In 2002 the Supreme Court ruled on the basis of "evolving standards of decency" that the execution of juveniles violated the Eighth Amendment's prohibition against cruel and unusual punishment. On the same basis it ruled against executing those with mental retardation. These proactive steps limit the use of the death penalty.

The Catholic Church in the United States has long been opposed to capital punishment. As early as 1980, the U.S. bishops voted to declare their opposition. Pope John Paul II emphasized the universal church's opposition in his 1995 encyclical *Evangelium Vitae*. And in a speech at Emory University in Atlanta on Oct. 7, Archbishop Wilton D. Gregory noted that one longstanding argument – that capital punishment serves a deterrent purpose – has been largely discredited by recent studies. It is time for the nation to conclude once and for all that in our civilized society there is no place for capital punishment.

Exercise 1:

What are the 4 reasons indicated in the texts explaining why many States can't use the capital punishment as often as they would like to or as they used to?

.....  
.....

Exercise 2:

What expressions or sentences from the texts tend to prove that the number of executions has been decreasing over the past years?

Example: "a nearly 12 percent drop", "a marked drop"

.....  
.....

Exercise 3:

In the case of Troy Davis, why does the journalist claim that there is a "reasonable doubt"?

1 .....  
2 .....

Exercise 4:

What passages from the texts show that the death penalty may not affect all citizens equally?

- 1 .....
- 2 .....

Exercise 5:

Say whether the following sentences are right or wrong. Tick (✓) the right box.

	Right	Wrong
It is said that, being dissuasive, the death penalty is necessary.		
As State prisons have less and less drugs to prepare lethal injections, they are less and less likely to help each other and to provide other prisons that would need doses for a coming execution.		
In Texas, a man was pardoned by the Governor after his execution, because scientific tests (had) revealed he was not guilty.		

Exercise 6:

Read the following sentences from the texts and tick the answer that best explains its meaning.

- 1. The overall trend shows a marked drop...  
 a significant drop    a slight drop
- 2. Several States postponed...  
 cancelled    delayed
- 3. Some States are scrambling to obtain...  
 are hoping    are rushing

Exercise 7:

Answer the following questions using quotes from the texts.

- 1. Why are some people strongly opposed to the use of certain drugs in the making of the lethal injection?

.....

.....

- 2. What categories of people have been excluded from the death penalty sentences?

.....

.....

## **Activités de production écrite**

Durée : 45 min a 1 h

You are in charge of a web forum dealing with the death penalty in the USA. As an introduction to the comments of your readers, you have been asked to write an organised summary of those documents. People will then be able to react and post comments (250–300 words).

## **Activités de production orale**

Durée : 10 a 15 min

### **Situation**

You are discussing with one of your colleague, also working on the death penalty forum. You are talking about the decrease in the number of executions.

You will use information from the documents you have been studying to discuss, negotiate, and reach a compromise according to the role assigned to you.

### **Role A**

You believe that less and less people are being sentenced to death and executed because it's a global trend revealing a change in people's mind. More and more Americans believe that the capital punishment should be abolished.

### **Role B**

You believe that the decrease is only due to the context and is only temporary. According to you, Americans are strongly attached to death penalty.