

Author: Juanita Spinks

Name of Task/Event: Analyzing Perspectives: A Time to Kill

#### Objectives Assessed

ELA.11.15 integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

ELA.11.20 write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

- introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims and create an organization that logically sequences claim(s), counterclaims, reasons and evidence.
- develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant evidence for each while pointing out the strengths and limitations of both in a manner that anticipates the audience's knowledge level, concerns, values and possible biases.
- use words, phrases and clauses as well as varied syntax to link the major sections of the text, create cohesion and clarify the relationships between claim(s) and reasons, between reasons and evidence and between claim(s) and counterclaims.
- establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

ELA.11.36 demonstrate command of the conventions of standard English capitalization, punctuation and spelling when writing.

- observe hyphenation conventions.
- spell correctly.

#### Description of Task: Day One

Before Day One, students will have viewed the film *Twelve Angry Men*. Students will have already discussed their opinions concerning the guilt or innocence of the accused. On Day One, students will read the first two articles related to the death penalty case of Roger Keith Coleman. The articles are both linked and included in this Performance Task.

#### **No DNA test for executed man**

[http://www.roanoke.com/webmin/news/no-dna-test-for-executed-man/article\\_b727aba7-3774-5c10-893d-687291089432.html](http://www.roanoke.com/webmin/news/no-dna-test-for-executed-man/article_b727aba7-3774-5c10-893d-687291089432.html)

**Virginia Executes Inmate Despite Claim of Innocence** <http://www.nytimes.com/1992/05/21/us/virginia-executes-inmate-despite-claim-of-innocence.html?pagewanted=all>

Students will discuss the two articles and the film *12 Angry Men*. The first part of the discussion will be done in small groups. The teacher will then guide a large group discussion. Teachers can find grouping suggestions in the following link - <http://educationnorthwest.org/sites/default/files/InstructionalGrouping.pdf>. After the

discussion, students will read the final article.

**“Guilty Again!”** [http://spectator.org/47523\\_guilty-again/](http://spectator.org/47523_guilty-again/)

The students will once again discuss the film and articles, first in a small group and then report out to the large group.

#### Description of Task: Day Two

Taking into consideration the film *Twelve Angry Men* and the three articles concerning Roger Keith Coleman, students will write a 2-3 page argumentative essay in which they address claims and counter-claims regarding the death penalty. Students should cite textual evidence from the articles and movie within their essays. For help with citing textual evidence, visit <https://owl.english.purdue.edu/owl/resource/563/01/>. If further instruction is necessary, follow the link provided for assistance teaching claims and counter-claims <https://www.teachinchannel.org/videos/using-socratic-seminars-in-classroom>. Students must demonstrate command of the conventions of standard English. Students will be given the Thinking and Reasoning Rubric when they are given the assignment.

WVDE Rubrics - [Thinking and Reasoning Skills WVDE](#)

## **No DNA test for executed man**

**By Laurence Hammack | Posted: Thursday, October 31, 2002 7:00 pm**

The Virginia Supreme Court rejected the argument that the evidence could be made available for testing under the same law that guarantees a First Amendment right of access to court proceedings.

Refusing to resurrect the case of Roger Keith Coleman, the Virginia Supreme Court turned down a request Friday for DNA testing that would have settled the question of whether the state executed an innocent man.

Four newspapers and Centurion Ministries, an organization that investigates wrongful convictions, had sought access to biological evidence that still exists from the 1981 rape and murder for which Coleman was executed 10 years ago.

Coleman declared his innocence from the electric chair, and questions about the case still linger.

But the newspapers have no legal right to a semen sample that remains in the freezer of a California laboratory, the high court ruled in affirming a decision by Buchanan County Circuit Court Judge Keary Williams.

The court's unanimous opinion rejected the newspapers' argument that the evidence could be made available for testing under the same law that guarantees a First Amendment right of access to court proceedings.

"What the newspapers seek to do in this case is expand the definition of 'access' to include the right to conduct independent testing of evidence in criminal proceedings," Justice Donald Lemons wrote in the court's opinion.

Meg Stone, a Radford attorney who represented The Boston Globe, The Washington Post, The Richmond Times-Dispatch and the (Norfolk) Virginian-Pilot, said she was disappointed but not surprised by the ruling.

The newspapers and Centurion Ministries were exploring their options Friday, which included asking Gov. Mark Warner to order DNA tests of the evidence.

Unless state officials agree to examine the evidence - instead of having it destroyed as they have in other ended capital murder cases - they might encounter problems in recovering it

from California scientist Edward Blake.

Blake said Friday that he would refuse to comply with any order from Virginia to return the evidence. "It belongs to me," said Blake, who conducted post-trial tests for Coleman's lawyers in 1990 after a judge ordered the sample sent to him from a Virginia crime lab.

Those tests bolstered the case against Coleman but did not conclusively link him to the crime.

Blake said he can now use more sophisticated testing that would definitively prove or disprove Coleman's guilt, assuming the evidence has not deteriorated. Considering that Virginia has destroyed such evidence in other cases following executions, Blake said he would refuse to surrender it.

"It's a fundamental violation of everything a democracy stands for to destroy evidence," he said.

"The fact that this kind of ruling came from a court in Virginia, where many of our founding fathers were from, is simply shameful," he said. "If the Supreme Court justices can't understand that, then they are unfit to serve this democracy."

Although Blake maintains that the evidence - a tiny drop of fluid stored in a vial - is his work product, he said he would not test it himself without the approval of a court.

It was unclear Friday whether Virginia will attempt to recover the evidence.

Attorney General Jerry Kilgore said he will talk with officials at the state lab and with police investigators before deciding what action to take.

What is clear, Kilgore said, is that Coleman's case should finally be put to rest more than two decades after he raped and killed his sister-in-law.

"Wanda McCoy was brutally raped and murdered in 1981," Kilgore said. "You have to have some finality to this for her friends and family."

Had the Supreme Court allowed the tests, it could have produced national repercussions in the debate on capital punishment. Although DNA has been used to free a number of men from death row, there has never been a case in the United States in which it determined that an innocent person was put to death.

Even if the tests confirmed Coleman's guilt, his supporters argued, it would enhance public confidence in the court system.

The Supreme Court disagreed, raising concerns about the precedent it might set for testing in other cases.

"We have no difficulty concluding that permitting testing of this type would not play a significant positive role in the functioning of the judicial process," the opinion stated.

"I find that to be nonsensical," said Jim McCloskey of Centurion Ministries, "and it befuddles me."

*Staff writer Michael Sluss contributed to this report.*

May 21, 1992

# Virginia Executes Inmate Despite Claim of Innocence

By PETER APPLEBOME,

JARRATT, Va., May 20

Roger Keith Coleman, a troubled coal town loner whose claims of innocence focused international attention on the death penalty, was executed late tonight by two jolts of current in Virginia's electric chair here.

Eleven years after the rape and murder of his sister-in-law in Grundy, Va., Mr. Coleman today took and failed an extraordinary polygraph test, was denied two appeals by the United States Supreme Court and was executed after eating a dinner of pepperoni pizza, fudge cookies and a 7-Up soft drink.

Mr. Coleman, 33 years old, spent most of today with his girlfriend, Sharon Paul. He was divorced by his wife, Patricia, after his 1982 conviction for the murder of her sister, Wanda F. McCoy.

Mr. Coleman's execution was delayed a half-hour pending deliberations by the United States Supreme Court. He walked into the chamber at 11:26 P.M. and was strapped into the electric chair by six guards a minute later as a prison chaplain lightly kissed his head. At 11:29 the first of two 1,750-volt charges was administered, a process that left smoke billowing from his right leg. He was pronounced dead at 11:38 P.M.

Witnesses described him as calm and composed. He strode forcefully into the chamber and read a final statement in a clear, crisp voice.

Mr. Coleman said: "An innocent man is going to be murdered tonight. When my innocence is proven I hope Americans will recognize the injustice of the death penalty as all other civilized nations have."

But Brad McCoy, who found his wife's bloody body after she was murdered in 1981, said justice had been done. Mr. McCoy, 31, had driven six hours to be at the the state prison here during the execution of the man convicted of killing her. Publicity Campaign

Outside the prison, Mr. McCoy said, "Roger was his own executioner by the act of his own hands. He's not going to be able to hurt anyone again."

His death, which followed a blizzard of television appearances, including an appearance on the "Donahue" program that was broadcast today, ended a legal and public relations marathon that brought the bespectacled former coal miner from obscurity to international attention.

Supporters of Mr. Coleman say the case highlighted the flaws of a legal system more interested in finality than justice, which failed to fully examine the evidence of a man who may have been innocent. Critics say Mr. Coleman and his lawyers conned much of the press into making a martyr out of a depraved killer whose guilt was overwhelmingly supported by the evidence.

He became the 18th inmate executed this year, more than in all of 1991 and the 175th since the death penalty was reinstated by the Supreme Court in 1976. He became the 14th person executed in Virginia since 1976.

His case raised issues about the fairness of the death penalty that seem certain to persist at a time there are more than 2,500 inmates on death rows around the country and the courts have made clear their intentions of speeding up the pace of executions. 'Every Opportunity'

Gov. L. Douglas Wilder, who had said on Monday that he would not halt the execution, said the polygraph test, which he ordered today, indicated that the state was willing to do whatever was necessary to insure that Mr. Coleman was treated fairly.

"This removes any shred of doubt relevant to Virginia's providing every opportunity for those tried in our system to have fairness," Governor Wilder said. He added that he was not surprised by the polygraph results, which found that Mr. Coleman was "not truthful on the pertinent questions" relating to the crime.

Mr. Coleman's defenders, saying that the stress of an impending execution would make it virtually impossible for anyone to pass the test, said their decision to request the polygraph was a desperate gamble with no bearing on his guilt or innocence.

"How could he have passed it?" said Henry Heller, one of about 40 people protesting the planned execution in front of the state Capitol this afternoon. "A polygraph is a measure of stress. If Roger Coleman is not under a lot of stress, who is?"

Jim McCloskey, the Presbyterian minister whose Centurion Ministries works to free convicted prisoners it believes to be innocent, said: "The entire deck was stacked against him. If you're sitting wired to that machine on the day of your execution and if you don't pass the polygraph you know you're going to die, just imagine any of us being in that situation." He said Mr.

Coleman had slept 10 hours in the last three days. Not an Infallible Device

The polygraph measures certain physiological responses, and a decision as to whether a subject is lying or telling the truth is up to the instrument's operator. Most machines in common use measure changes in blood pressure, respiration and the galvanic response, an increased electrical conductivity across the palms or fingers.

Testers question their subjects compare their physiological responses while answering mundane queries, like their names or the date, to what happens when they are asked about the crimes they are accused of committing.

No reputable manufacturer of polygraphs guarantees infallible results, even when used by an expert. Results can be affected by alcoholism, drugs, brain injuries, amnesia and other conditions. But it is not clear whether the stress of impending execution would affect results, or indeed if a polygraph has ever been used before in such circumstances.

Because of their doubtful reliability, lie detectors are used in criminal cases mainly to help exonerate suspects rather than to convict them. Although there is no general acceptance of lie detector evidence in court, there have been instances of the use of such evidence in lower courts.

Final Denial of an Appeal

The Supreme Court denied Mr. Coleman's motion for a stay of execution minutes before the execution. Mr. Coleman's request that the High Court order a rehearing of the case became moot. Those same motions had also been rejected by the United States Court of Appeals for the Fourth Circuit.

The request for a stay was forwarded to Chief Justice Rehnquist, who presides over the Fourth Circuit and then to the full Court, where five votes would have been needed to approve a stay. The petition for a rehearing went to the full court automatically and four votes would have been needed for approval, a Court spokesman said.

At a dinner party at the Canadian Embassy in Washington tonight, Chief Justice William H. Rehnquist and Associate Justice Anthony M. Kennedy were repeatedly called from the table. While President Bush and Prime Minister Brian Mulroney ate dinner, the Justices huddled at one end of the dining room and in an anteroom, presumably discussing the possibility of a stay with colleagues on the telephone.

The polygraph test was an extraordinary response to the public attention focused on the case. On

television programs, like the "Donahue" program taped Tuesday and aired in most national markets today, and in newspapers and magazines, Mr. Coleman and his lawyers have pressed their claim that he is innocent.

Proponents say his sentence reflects inadequate counsel and unrepresented evidence and that the Federal courts have refused to hear an appeal. They have said another man, who was said to have boasted of the crime, was the real killer. Family Vigil

In the Appalachian Mountains about a mile from where Mrs. McCoy was killed in Grundy, Va., Mr. Coleman's family carried out a vigil into the night, clinging desperately to rumors and slender hopes until they were told that Mr. Coleman was dead.

For a brief time joy and excitement surged through the dozens of cousins, aunts and uncles when news of the delay in the execution flashed across a television screen. Bouncing nervously and twisting a tissue in her hands, Mr. Coleman's mother, Mary Hulslander, and an aunt and uncle crowded around a telephone trying to reach his lawyer.

"If they think somebody's done something wrong to where they have to kill them, why can't they just put them in jail for the rest of their lives?" Mrs. Hulslander asked. ----- Man Executed in Texas

Special Report

# Guilty Again!

The never-ending saga of Roger Keith Coleman.

By William Tucker – 1.16.06

Something happened in the middle of Samuel Alito's triumphant hearings in the Senate last week that shouldn't be allowed to slip by.

On Thursday, just as the hearings were winding up, results came back from a Toronto laboratory that DNA testing had affirmed once again that Roger Keith Coleman, executed in 1992 by Virginia for the rape and murder of his sister-in-law, was indeed guilty of the crime.

Two weeks before, Virginia's outgoing Democratic Governor Mark Warner -- who appears to have Presidential ambitions -- consented in one of his last acts in office to test once again the sperm sample found within 19-year-old Wanda McCoy's body. The liberal press was beside itself with anticipation, certain the results would blow up in the middle of the confirmation hearings. On Wednesday, CNN carried the following breathless report:

WOLF BLITZER: Really an amazing story coming up. More than a decade after the execution, the state of Virginia will soon learn whether it put an innocent man to death. DNA tests are pending that could clear Roger Coleman's name once and for all. CNN's Randi Kaye is joining us from the capitol in Richmond, she has more. Randi, tell our viewers what's going on.

RANDI KAYE, CNN CORRESPONDENT: Wolf, this is a very important test. If it goes Roger Coleman's way, if the DNA does not match, this would be the first time that a man who has been executed is exonerated.

As late as Thursday morning, Senator Patrick Leahy was throwing the case in Judge Alito's face, telling him, "We're finding in Virginia now and other cases it appears that there's a possibility a number of innocent people were executed."

Then the results came back -- astonishing, perhaps, only to those TV reporters who, in their usual "in-depth analysis," had no idea what they were talking about. The Coleman case is in fact one of the most bizarre episodes in the history of American journalism, escaping notice probably only because it is indistinguishable from so many other cases. It's a perfect example of how the wandering moralists of the media overrun established institutions with their crusading myopia and staggering naivete.

HERE, FOR EXAMPLE, IS THE WAY *Time* magazine reporter Jill Smolowe explained the

Coleman case on May 18, 1992, when *Time* ran a cover story on Coleman the week before his execution under the headline, "Must This Man Die?"

Here is a story as twisted as the thin bands of highway that corduroy the mountainous tip of southwestern Virginia, a remote pocket of mining country where the river runs black with coal dust in the spring. This much can be stated with certainty: on the night of March 10, 1981, in the town of Grundy [pop. 1300], a young woman named Wanda Fay McCoy was raped, stabbed twice in the chest and slashed across the neck with such force that the gash, 4 in. wide and 2 in. deep, cut almost to her spinal cord. When her husband Brad returned home, he discovered Wanda lying on the floor in a warm pool of blood.

Because there was no sign of forced entry, police had quickly theorized that McCoy knew her attacker. Her husband said she had kept the door locked since receiving a series of obscene phone calls the previous year. She would only open the door for three people in town. One of them was Coleman, who was married to Wanda's younger sister. As *Time* told it:

Coleman had the misfortune of having a record and lacking a convincing alibi. He had served time from 1977 to 1979 for attempted rape, which helped persuade police they had found Wanda's killer. A month later, they arrested him. A year later, there was a four-day trial. The evidence -- or lack of it -- raised doubts about his guilt. But after three hours of jury deliberation, Coleman was found guilty of rape and murder, and sentenced to death.

A simple explanation, right? Bunch of hillbillies, small-town prejudices, inept cops thinking they got the right man just because he was an obvious candidate. Scopes trial, lynchings -- all that stuff. What do you expect from small-town America?

Now enter the heroine of our story, 28-year-old Kathleen "Kitty" Behan, an associate at the high-powered Washington law firm of Arnold & Porter, who took over Coleman's appeals on a pro bono basis. Behan, dazzled by the chance of impressing her colleagues and carving out a movie-star role for herself, became obsessed with the case. She missed an appeals deadline by one day, which didn't say much for her legal talents but -- paradoxically -- became a fire alarm in the press. A man was going to die because his lawyers missed a filing by one day! "Coleman might very well be innocent, yet the Supreme Court has used this arbitrary rule that he can't take advantage of habeas corpus just because it wasn't technically filed correctly," Congressman Don Edwards, then the Democratic chairman of the House Judiciary Committee, told *Time*. "That is really shocking."

Never fear. The habeas corpus petition only covered "Constitutional rights," which in contemporary legal terms means the endless stream of technicalities that can be raised to challenge a conviction -- the warrant was written on the wrong form, a word was misspelled, the defense lawyer was wearing a tie that offended the jury, he was seen drinking in a bar late

one night and was therefore incompetent. Here, let *Time* tell it:

Often those most in need of help -- the poorest and least educated -- get the shoddiest representation. They may be defended by court-appointed lawyers who are either young and inexperienced or old and broken down....Where once the Supreme Court protected defendants from dumb or lazy lawyers, now defendants pay the price for attorneys' mistakes. "It means," says Esther Lardent, director of the American Bar Association's Post-Conviction Death Penalty Representation Project, "the worse someone's trial lawyer is, the less likely they are to get review."

Actually, the worse someone's trial lawyer, the *better* your chances of appeal, since "incompetent representation" is always the first issue raised by the hundreds of "death penalty projects" and law school clinics that are litigating every scheduled execution in the country. But let's move on.

Absent the technicalities route, Arnold & Porter was forced to appeal "actual innocence" (imagine that!), arguing that Coleman didn't commit the crime. That was no problem. As *Time* reported:

Coleman is not on death row because some witness claimed to see him murder Wanda McCoy. Or because someone saw him enter her house. Or because his fingerprints were found in the house, on her body or on a murder weapon. He is not even in trouble because someone offered a plausible motive for Coleman's wanting his sister-in-law dead. The case against Coleman is built solely on circumstantial evidence: bits of hair, blood, semen that may be his, but then again may not.

As with so many liberal screeds, it is difficult here to know where to begin. In the first place, thank god Coleman was not convicted by "witnesses" who claimed to see him entering McCoy's isolated home in the early darkness when the murder took place. (Coleman had reported for work but was told his shift was cancelled and had some free time.) As police, lawyers, and judges are well aware, eyewitness testimony is the *least* reliable form of evidence. Unfortunately it is also the most convincing to juries. In the instances where an innocent person has been wrongly convicted of a crime -- and there are definitely such cases -- it is almost always because some sincere or fired-up witness has come before the jury swearing he or she saw the defendant at the crime scene.

What *Time's* Smolowe calls "circumstantial" evidence was actually *physical* evidence -- the very best kind. (Circumstantial evidence would be if Coleman were unable to account for the time in which the crime took place -- which in fact he could not.) DNA technology had not been developed at the time, but contemporary testing of the "hair, blood and semen" all pointed at Coleman. Two pubic hairs found on the victim's body matched Coleman's in every significant respect. Blood found on a pair of jeans Coleman had worn was type O, matching McCoy's

blood. In addition, the person who left his sperm was a "Type B secretor," meaning his blood leaks into bodily fluids. That matched with only 6 percent of the population.

What is most staggering is Smolowe's assertion that there was *no motive for the slaying*. More than half the murders in this country are committed during the course of a rape or robbery. The motive for these "felony murders" is always the same -- to prevent the witness from identifying the criminal. If Coleman had raped his wife's sister, would he have any reason for wanting to keep her from testifying? Would he have had any reason for *not* wanting her to identify him? The disingenuousness of liberal reporters is sometimes beyond belief.

AS COLEMAN'S 1992 EXECUTION DATE drew near, DNA technology was improving rapidly. Behan arranged for further testing on the sperm sample -- with disastrous results. Coleman's DNA matched the sperm sample to a probability of 98 percent. Combined with the match of blood types -- an entirely separate criterion -- this made the match one in 1,200. In the entire small mining town, there was probably only one person with the murderer's genetic profile -- Coleman.

No matter, Behan had another approach -- "somebody else did it." At this point, Behan had been joined by Jim McCloskey, described by *Time* as an "independent investigator...renowned for tracking down lost or overlooked evidence that has often led to the freeing of convicted murderers." Actually, McCloskey is a former Wall Street executive who took a theology degree at Princeton in 1983 and then founded Centurion Ministries, "a non-profit organization whose singular mission is to liberate from prison and vindicate individuals who are completely innocent of crimes for which they have been convicted and imprisoned." (It has found 14 such cases since 1983.)

A few days after the murder, a neighbor of the McCoys had found a plastic bag stuffed with blood-soaked sheets, two cowboy shirts, and a pair of scissors. Stupidly, he threw the bag into the garbage rather than turning it over to the police. Convinced the evidence would exonerate Coleman, Behan and McCloskey hired a backhoe to excavate the entire town dump. They did find a small section of the sheet but it was unusable as evidence. Undaunted, Behan began publicly accusing another Grundy man of the murder, based on hearsay reports of "confessions" that everybody involved denied.

Despite these fumbling efforts, Behan still had the best weapon of all -- access to the media. Arnold & Porter began a national campaign that eventually made Coleman what *National Review* called the "poster boy of the anti-death penalty crusade." Coleman was reasonably good looking and had become well spoken in his ten years in prison. With his framed glasses and gentle manner, he looked and sounded like your average yuppie. He also intelligently framed his appeal as an anti-death penalty crusade, representing himself as a symbol of all those on death row.

The national media couldn't get enough of it. A remote appearance on Phil Donahue brought an avalanche of publicity. Virginia Governor Douglas Wilder was buried in appeals to grant clemency. Coleman was soon on *Nightline* and the *Time* cover story ran the week before his scheduled execution. The morning of the date, Behan and McCloskey arranged a publicly broadcast lie-detector test. Coleman failed. Even then, the execution was delayed another 15 minutes by a last-minute appeal to the Supreme Court. When Coleman was finally sat in the electric chair on the evening of May 20, 1992, 14 satellite trucks stood outside the Greensville Correction Center broadcasting to the world. "An innocent man is going to be murdered tonight," were his last words. "When my innocence is proven, I hope Americans will realize the injustice of the death penalty as all other civilized countries have."

It didn't end there. In 1997, John C. Tucker, a former criminal defense attorney, published *May God Have Mercy*, the usual in-depth exoneration. The *Baltimore Sun* called it "a gripping book [that] demonstrates all that is wrong with capital punishment" and the *American Lawyer* said it was "the most compelling description yet written of how a man -- who was probably innocent -- can be executed in America today." In 2002, on the 10th anniversary of the execution, the Arts and Entertainment Network ran "American Justice: An Execution in Doubt," yet another rehash of the case.

The sperm evidence and samples of Coleman's DNA remained preserved at Forensic Science Associates, a California crime lab, and with improving DNA techniques, Centurion Ministries began campaigning for a yet another test. When the Virginia courts rejected the petition the *Richmond Times-Dispatch*, *Washington Post*, and *Boston Globe* all joined the suit. Finally, on January 5, Governor Warner issued a special order to reopen the case. Warner may have only been clearing his desk before leaving office, but in terms of the Alito hearings, the results could not have been more perfectly timed.

Had the test exonerated Coleman -- which many people obviously believed would happen -- anti-death penalty advocates would have been marching outside the Senate. As it was, they barely blinked. "There are many more like the Coleman case," said Barry Scheck, co-founder of the New York-based Innocence Project, with apparent unintended irony. "DNA has shown, whether it's the death penalty or not, there are flaws with eyewitness testimony, false confessions and crime labs. We know many more people have been wrongfully convicted than anyone thought." William F. Schulz, executive director of Amnesty International, announced, "Despite the outcome of these tests, the antiquated practice of state-sanctioned executions should be abolished based on its appalling record of human error."

NO ONE WANTS TO SEE an innocent man executed and such retesting should obviously be performed wherever possible. But it's amazing how the press consistently refuses to print the other side of the story.

Since states resumed executing people in 1990, the murder rate in this country has dropped

precipitously, from 9.8 per 100,000 to 5.6 per 100,000, back to the levels of 1965, when executions were discontinued. The drop has been concentrated precisely in those states that are actually performing executions. In the eleven states with no death penalty, murder rates have hardly changed at all. (Those states, mostly in New England and the Upper Midwest, all had lower rates of homicide to begin with.) In the handful of states that have death penalties but have not executed anyone, the rates about halfway in between. Unfortunately, as executions have again stalled in the last four years, the decline in the murder rate has ended.

The type of murder that has fallen is precisely the type that Coleman committed -- murder in the course of another crime. The logic is simple. If you are raping or robbing someone -- particularly someone who knows you by sight -- you have a very strong incentive to kill him or her in order to eliminate the witness. You are already facing a jail sentence. If the punishment for murder is only more time in jail, there is not much disincentive against homicide -- particularly when weighed against the possibility that you might get away with it altogether. But if the punishment for murder is *qualitatively different* -- the death penalty -- then you have reason to inhibit your impulse to kill the victim. That is how the death penalty prevents murders.

Liberals can never get this through their heads. They live in a fantasy world where there are no bad people and murders are only a mistake, an accident, or someone else's fault. With Roger Keith Coleman, we never even got around to the "root causes" of the crime -- he was a poor coal miner, America is an unjust society that condemns miners into low-paid, unsafe working conditions, etc. It's the same with terrorism. There are no bad people in the world, only misunderstood Third World victims of globalization. Inevitably, it is not crime or terrorism but our *response* to it -- eavesdropping, the invasion of Iraq, the death penalty -- that comes under attack.

The Roger Keith Coleman appeal did not upset Judge Alito's confirmation. With the ascension of this fair-minded jurist, the chances that liberal hysteria can run amuck in the justice system are ever so slightly diminished.

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**Additional comments about the task**

In most situations, the students will begin to question the innocence of the accused in *12 Angry Men* after reading the first two articles. The essay will be written in class. Students will be assessed using Analytical Essay Rubric. When scoring the essay, teachers should consider this is a single sitting writing assignment. This Performance Task can be done with or without viewing *12 Angry Men*. Also, a teacher could use clips from the film instead of the entire film.

Note the length of the articles. Some students may need more than one class period to read the articles. Teachers also have the option of using passages instead of the entire article. Also, it should be noted that other articles are available online.

	<b>Organization</b>	<b>Development</b>	<b>Word Choice</b>	<b>Mechanics</b>	<b>Persuasive Style</b>
<b>Above Mastery Score of 4</b>	<ul style="list-style-type: none"> <li>-Strategically placed topic sentence</li> <li>-Clear and logical order</li> <li>-Strong introductory paragraph, supporting paragraphs and concluding paragraph</li> <li>-Sophisticated transition between sentences and ideas</li> </ul>	<ul style="list-style-type: none"> <li>-Sophisticated development of persuasive writing</li> <li>-Well executed progression of ideas</li> <li>-Strong use of examples, evidence or relevant details</li> <li>-Strong use of analogies, illustrations or anecdotes</li> </ul>	<ul style="list-style-type: none"> <li>-Vivid, precise,/concise, relevant</li> </ul>	<ul style="list-style-type: none"> <li>- Consistent grammar usage <ul style="list-style-type: none"> <li>➤ Subject/verb agreement</li> <li>➤ Singular/plural nouns</li> <li>➤ Verb (tense and usage)</li> <li>➤ Pronoun usage</li> </ul> </li> <li>Adjective/Adverb</li> </ul>	<ul style="list-style-type: none"> <li>-Clear and coherent writing in which sophisticated development, organization and style are appropriate to task, purpose and audience</li> </ul>
<b>Mastery Score of 3</b>	<ul style="list-style-type: none"> <li>-Effectively placed topic sentence</li> <li>-Clear and logical order</li> <li>-Introductory paragraph, supporting paragraphs and concluding paragraph</li> <li>-Purposeful transition within and between sentences, ideas and paragraphs</li> </ul>	<ul style="list-style-type: none"> <li>-Appropriate thesis statement and development of persuasive writing</li> <li>-Clear progression of ideas</li> <li>-Clear use of examples, evidence or relevant details</li> <li>-Clear use of analogies, illustrations or anecdotes</li> </ul>	<ul style="list-style-type: none"> <li>-Appropriate, specific</li> </ul>	<ul style="list-style-type: none"> <li>-Mostly consistent grammar usage <ul style="list-style-type: none"> <li>➤ Subject/verb agreement</li> <li>➤ Singular/plural nouns</li> <li>➤ Verb (tense and usage)</li> <li>➤ Pronoun usage</li> </ul> </li> <li>Adjective/Adverb</li> </ul>	<ul style="list-style-type: none"> <li>-Clear writing in which development, organization and style are mostly appropriate to task, purpose and audience</li> </ul>
<b>Below Mastery Score of 2</b>	<ul style="list-style-type: none"> <li>-Poorly stated topic sentence</li> <li>-Some evidence of organization</li> <li>-Introductory paragraph and concluding paragraph with limited supporting paragraphs</li> <li>-Repetitive use of transition</li> </ul>	<ul style="list-style-type: none"> <li>-Limited thesis statement and development of persuasive writing</li> <li>-Limited progression of ideas</li> <li>-Limited use of examples, evidence and/or relevant details</li> <li>-Limited use of analogies, illustrations or anecdotes</li> </ul>	<ul style="list-style-type: none"> <li>-Vague, redundant, simplistic</li> </ul>	<ul style="list-style-type: none"> <li>- Somewhat consistent grammar usage <ul style="list-style-type: none"> <li>➤ Subject/verb agreement</li> <li>➤ Singular/plural nouns</li> <li>➤ Verb (tense and usage)</li> <li>➤ Pronoun usage</li> </ul> </li> <li>Adjective/Adverb</li> </ul>	<ul style="list-style-type: none"> <li>-Writing in which development, organizations and style are somewhat appropriate to task, purpose and audience</li> </ul>
<b>Novice Score of 1</b>	<ul style="list-style-type: none"> <li>-Lack of acceptable topic sentence</li> <li>-Lacks clear organizational pattern, sequencing of ideas and/or paragraphing</li> <li>-May lack introductory paragraph, supporting paragraphs and/or concluding paragraph</li> <li>-Ineffective or overused transition</li> </ul>	<ul style="list-style-type: none"> <li>-Minimal thesis statement and development of persuasive writing</li> <li>-Lacks a logical progression of ideas</li> <li>-Minimal use of examples, and/or relevant details</li> <li>-Minimal use of analogies, illustrations or anecdotes</li> </ul>	<ul style="list-style-type: none"> <li>-Inadequate, imprecise, repetitive</li> </ul>	<ul style="list-style-type: none"> <li>-Frequent inconsistencies in grammar usage <ul style="list-style-type: none"> <li>➤ Subject/verb agreement</li> <li>➤ Singular/plural nouns</li> <li>➤ Verb (tense and usage)</li> <li>➤ Pronoun usage</li> </ul> </li> <li>Adjective/Adverb</li> </ul>	<ul style="list-style-type: none"> <li>-Writing in which minimal development, organization and style may lack task, purpose or audience</li> </ul>