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# Is The Executioner Wrong? How Controversy and Creativity Can Enhance College Students' Written Performance

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## Abstract

College is one of the most significant watershed moments in a person's life. We measure students' ability to master classes through grades, yet how actual learning occurs is often complex and uncharted. The selected class for this study was Introduction to American Government. Students were introduced to the highly controversial topic of whether or not lethal injection is a form of cruel and unusual punishment. The class took pre- and post-test surveys to measure their comfort level in writing. The study reveals that students are receptive to controversial topics which could be used as a tool to enhance student writing even in broad based survey courses.

American government is a core class taught throughout United States colleges and universities. It is a very useful course because it introduces students to how the United States government functions. This class is a mandatory university wide requirement so both undeclared and declared majors are part of the class. Students are introduced to the importance of voters' rights, how the president is elected, as well as the concepts of civil rights and liberties. In this case, students were introduced to the highly charged issue of lethal injection. Students were asked to evaluate whether lethal injection is considered to be a form of cruel and unusual punishment. Students were provided with the following to help them gain a better understanding of the issue: 1) background information about the death penalty, 2) resource material which offered competing perspectives about the issue, and 3) a National Geographic video about the death penalty which detailed the lives of three condemned inmates on death-

row in Texas. The instructor offered personal insight from a visit to Jackson State Prison in November 2011 where condemned inmates and the lethal injection execution chamber were observed. Students were then provided with pre- and post-test surveys that evaluated how they felt about learning and writing about this controversial topic.

## Background

### Death Penalty

Carl Humphrey, the Warden for the Georgia Diagnostic and Classification Prison in Jackson, Georgia, stated that his biggest concern about heading a prison was the challenge to find competent people to run the institution. He did not mention any ethical issues over the death penalty nor discuss any constitutional challenges regarding lethal injection (Interview with Jackson Prison Warden, November 8, 2011). Yet, beneath such a statement, lies a plethora of legal, ethical, and social challenges regarding the death penalty.

The death penalty was developed as a way to overcome a more sinister focus of extrajudicial executions otherwise known as lynchings. Extrajudicial lynchings were common place after the Civil War. This was particularly notable during Southern Reconstruction. Freed blacks were frequently the target of lethal violence even in the absence of any suspicion of criminal wrongdoing. The practice of lynching continued well past Reconstruction and into the twentieth century. According to the Tuskegee Institute, 4,708 people were lynched (predominantly in the South) between 1882 and 1944 (Steiker & Steiker, 2010).

The central difference today is that the death penalty offers a basic level of due process. This means that the condemned person has a right to trial and the appeals process at both the state and federal levels. This petition process is guided by the term 'habeas corpus' which literally means that one must be informed of his/her charges. Prisoners often appeal their sentences based on the violation of habeas corpus. This is done at both the state and federal levels. This takes considerable time and is the main reason why inmates can stay on death row for decades (Baumgartner, 2006). The United States reached its death penalty apex shortly before World War II when U.S. executions reached a maximum of 197 in 1933 (Baumgartner, 2006). However, executions dropped sharply until the 1960s, even before the Supreme Court's Furman decision barring executions in 1972. Many western democracies have abolished the death penalty. However, since the Gregg Court ruling in 1976, there has been a resurgence of executions in the United States. While a small number of U.S. states account for the vast bulk of sentences and executions nationwide, thirty-eight states still practice the death penalty (Baumgartner, 2006).

One of the more apparent death penalty trends is that most are carried out by southern states (Stevenson, 2004). Alabama has the largest number on death row per capita in the United States and the seventh largest in raw numbers. Alabama's death row population has doubled since 1990. Since 1998, Alabama has sentenced more people to death per capita than any other state in the country. The death-sentencing rate in Alabama is three to ten times greater than in any other southern state (Stevenson, 2004).

Further, Alabama legislation has attempted to expand the scope of the death penalty. For example, in the last several years, the governor and various legislators have introduced bills calling for the death penalty for rape, sodomy, acts of terrorism, and other non-homicide offenses. In recent years, bills have been introduced that would permit capital prosecution of children as young as 12, those who deal drugs, or someone charged with child abuse (Bedau and Cassell, 2004). While the U.S. Supreme Court has not extended the application of the death penalty to these cases, it reveals a state's predilection toward carrying out the death penalty.

But controversy goes further than that. There is a process called judicial override that allows a judge to overrule a jury's recommendation. Alabama is the only state that permits elected trial judges to override a jury's sentencing verdict of life imprisonment without parole and instead impose a sentence of death without limitations. Over 20 percent of Alabama's current death row prisoners received a life without parole verdict from sentencing juries, which were then overridden by elected trial judges (Stevenson, 2004). Thus a paradox resonates deep within the capital punishment process. On the one hand, it is very difficult to be executed in the United States. Effective counsel, mental capacity,

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and age can serve as mitigating circumstances to prevent someone from being executed. The Supreme Court has ruled in recent years that one cannot receive capital punishment if the convict committed the crime at the age of 18 or younger. Additionally, a person who is classified as mentally incapacitated at the time of the offense cannot receive the death penalty. In some ways, it is harder to end up on death row than to be admitted to an elite college or university. On the other hand, some states apparently have a fast track to the execution chamber.

Despite controversy over having the death penalty, the penultimate question remains whether lethal injection is a form of cruel and unusual punishment. Lethal injection was first proposed as a method of execution in the 19<sup>th</sup> century by a New York doctor who argued that it would be cheaper than hanging. Oklahoma was the first to adopt this practice in 1977. The procedure involved strapping the condemned prisoner onto a gurney and wheeling him into an execution chamber, where witnesses were behind a one-way glass and could observe the proceedings. The inmates arms were swabbed with alcohol and two intravenous tubes were inserted, one in each arm. From another room, the executioner starts the flow of a general anesthetic into the tubes (for surgery, 100 to 150 milligrams are used; for executions, as much as 5,000 milligrams are used). This is followed by a muscle relaxant that paralyzes the diaphragm and lungs, rendering breathing impossible. Potassium chloride is then injected which causes death by cardiac arrest (Bonner, 2012, p.57).

Lethal injection advocates state that this is the most humane method of execution available. Anti-lethal injection advocates argue that drugs involved can be improperly administered, and if so, could lead to suffocation and violate the Eighth Amendment. The Supreme Court in *Baze*

vs. *Rees* (2008) stated that lethal injection is not a violation of the 8<sup>th</sup> Amendment. Chief Justice John Roberts stated that the courts have upheld executions for more than a century. His analysis reflects historical deference to the High Court when they upheld the use of the firing squad in 1879. As to lethal injection, he stated that, "Our society has nonetheless steadily moved to more humane methods of carrying out capital punishment". He also noted, "The firing squad, hanging, the electric chair, and the gas chamber have each, in turn, given way to more humane methods, culminating in today's consensus on lethal injection." (Bonner, p. 57 ). The rationale for the death penalty and use of lethal injection are obviously quite complex and controversial.

### Can A Controversial Topic Facilitate Better Writing?

There are numerous ways to enhance student written performance. Effective classroom learning depends on the teacher's ability to offer clear and cogent instruction. Other competing factors include the subject matter as well as the student's desire to achieve, self- confidence, self- esteem, patience, and perseverance (Davis, 1999). Halawah (2011) adds that learning appears to be most compelling when students are exposed to challenging topics which could include a controversial topic like lethal injection.

There is no gainsaying that there is a plethora of studies (Bean, 2001), (Baldwin, Bensimon, Dowd, and Kleiman, 2011) and Halawah (2011) that provide hints towards improving college student written performance. One key recommendation is this that instructors offer early positive feedback. This, in turn, supports student beliefs that they can do well. The nexus to the current study is that assignments must be appropriate, topical, and reflect important learning value (Davis, 1999). Hancock

(2002) offers a unique approach towards student learning. He found that high cognitive level students seem to benefit from teaching methods that are less rigid while low conceptual students tend to benefit from highly organized environments. Classroom collaboration is also valuable especially for students who are struggling academically because they can learn from other students (Roes & Burns 2005). The current study reflects this approach. On the one hand it incorporates structure with the use of a thesis statement, background information, argument, and conclusion. This could appeal to lower conceptual students. On the other hand, high cognitive students could find merit in the assignment since it challenged them to make a decision on a very complex social issue.

The bottom line is that that no one formula can ensure success (Baldwin, Bensimon, Dowd, and Kleiman, 2011). Each teacher must know its population and develop appropriate strategies and plans. This study was developed only after reviewing prior class evaluations which also had similar written assignments. This trial and error approach resulted in the winnowing of assignments down to one controversial topic.

#### How to Develop College Writing Assignments?

A positive teacher student relationship can motivate students to try their best. But how does that reflect on college writing? Prince (2010) suggests a bottom up and top down approach. The bottom up approach is student based where students feel empowered to collaborate which promotes a 'discovery of knowledge.' The top down teacher-based approach is more project focused and often more didactic. The merit on the latter is that the instructor has the responsibility to convey central tenets of the subject matter before

any written work can be commenced. This study incorporated a hybrid approach. Students were provided with pertinent information about the death penalty and lethal injection. Yet they had academic freedom to share personal experiences and interview family members and friends. Students were able to collaborate through power-point presentations and thereby learn about competing viewpoints.

#### Reversing Roles?

Course design and student collaboration are two key approaches for creating a positive classroom environment. Bean (2001) adds a third approach. He expands upon the student collaboration model by linking assignments to personal experience and previously existing knowledge. The strategy is particularly useful for engaging students in the subject even before it is formally addressed in class. Further, it allows students to assimilate new concepts by linking them back to the structure of previously learned material. Yet, how do we know whether the assignment is clear enough for students to maximize their best efforts? Bean (2001) posits that, if possible, one should have students explain the assignment to a new learner. This vanguard approach allows students to assume a teacher's role that, in turn, allows for greater assignment comprehension. The third approach was the underlying assumption of the study. Students were formally introduced to the assignment during the sixth week of class. However, they also received information about lethal injection in several of the prior lectures. This platform was invaluable because it provided students with substantive background information to make a thesis statement on whether lethal injection was a violation of basic civil liberties. Further, students were encouraged to interview family members or friends about their perspectives on lethal

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injection. This corresponds to Beans' focus because students had the opportunity to relate back to previously learned material as well as substantiate their position on the issue.

Gilbert Chesterton (1992, as cited in *The Collected Works of G.K. Chesterton*, p. 53) stated that people quarrel because they cannot argue. Clues to overcome this impasse center on assignment clarity as well as avenues for student creativity. Bean (2001) adds that an argument is enhanced when alternative views are presented and refuted. In essence, it's important for students to see a range of policy options. In this case, The assignment was broken down into several steps that enabled students to have the necessary structure to advance their arguments and make a compelling case. The paper format had several components. These included: 1) the purpose of the paper which included their position, 2) Pertinent background information about the 8<sup>th</sup> Amendment and lethal injection, 3) the central argument and competing perspectives, and 4) the conclusion. I further reinforced this structure telling the students that their introduction and conclusion should be similar. This approach was central to the study because students not only had important sources and material to develop their arguments, but they also had clear instructions. In the end, course design, student collaboration, as well as a mixture of top down and bottom up approaches contributed to the written assignment

### The Study

The central focus of the study was to answer two questions: 1) Could a controversial topic yield an improvement in college student writing?, and 2) Could such an assignment be an effective teaching tool for an introductory American government class? Ultimately, this study sought to apply the previously discussed principles and

expand the boundaries of how an introductory American government class could be taught.

### Methodology and Analysis

Basic Quantitative methods were used in the study. Students were introduced to a series of case studies regarding lethal injection via the National Geographic video and other research sources. However, quantitative analysis determined how students' perception changed over time. This was demonstrated through the pre and post-test survey. The class composition was 90% freshmen and sophomores with the remaining 10% being upper division students. 10% of the students were political science majors. The rest of the student population was either undeclared or had another major.

The pre- and post-test surveys were distributed at critical juncture points: the pre-test survey was distributed before the documentary was shown, and the post-test survey before the final papers were returned. Students had 6 weeks to complete the writing assignment. The survey consisted of 6 questions. They were:

- 1) How comfortable are you with written assignments?
- 2) Can an introductory American Government class develop analytic skills?
- 3) Are you comfortable writing about lethal injection?
- 4) Can an American government class improve your written ability?
- 5) How much do you know about lethal injection? and
- 6) Do you think lethal injection is important to write about?

Questions one and five were presented as a Likert scale. One was the lowest value and five was the highest value. For question one, a higher response reflected student comfort level with written assignments and question five reflected increasing interval levels of

knowledge about lethal injection. Questions two, three, four, and six included “Yes”, “No”, and “No answer” responses. For these questions, I calculated the percentage of responses.

#### Central Findings

It’s important to understand that the data findings are supported by basic statistical principles. A single tailed t-test was conducted on Question 6 which revealed significance at the .1 level. This suggests that student responses were not random regarding the importance to write about lethal injection. A two tailed test for Question 5 showed significance at the  $p < .01$  level which means that there were significant positive improvement between the pre and post-test knowledge levels about lethal injection (Christensen, 2013). While the dependent t- test suggests that student responses were not random in Question 5 and that they overwhelmingly felt that it was important to write about lethal injection.

The first question revealed in both the pre and post-test analysis that many students were either ambivalent or needed more opportunities to develop their written skills. This finding suggests that instructors should develop more written exercises for students even at the introductory or survey course level. The second question honed in on how an Introductory American government class could develop analytics skills. The findings implicitly reveal a 10.5% increase in terms of analytical skill enhanced enhancement. This could suggest that students gained some level of new insight towards understanding political issues. This most likely extends beyond the issue of lethal injection. Significant course emphasis was placed understanding the role of the Constitution and Federalism, the difference between civil rights and liberties, as well as evaluating public opinion data. Each of these areas are quite complex and

could present opportunities for applying analytical skills.

Question 3 asked whether students were comfortable writing about lethal injection and showed a 20% increase in the post test results. This is somewhat surprising since instruction material including the video did not offer closure on the issue. Further, such uncertainty meant that students had to develop their argument on imprecise terms. However, this could also mean that students felt empowered to voice their perspectives which in turn allowed them to feel more comfortable in writing about lethal injection.

#### Discussion

A glance back to the first question reveals in both the pre and post -test survey that some students were not comfortable with written assignments. The pre -test score in Question One was 3.8 and the post- test question was 3.93. This means as much as 20% of the class was unsure in writing about such a topic. Question Four extends this observation because it asks whether an American government class could improve student written ability. The results reveal a slight decrease from 58% to 55%. More importantly it suggests the following: 1) Prior studies like Bean (2001) and Prince (2010) suggest that critical strategies are needed to enhance proposed assignments. It is possible that some students still needed further instruction to feel that an American government class could improve their written ability, such as a sample paper. 2) It is also possible that that they needed additional assignments. This was the only written assignment with an expectation that the paper be approximately 5-7 pages. This could have been daunting for some students. Perhaps, some smaller written assignments could have been created to enhance student perception of how such a course could improve their written ability. And 3) There

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is also the possibility of that question four needed to have some add on parts. For example, the question could have plumbed written ability comfort in terms of thesis statement, basic American government tenets, as well as overall sentence structure. The overall pattern of the first four questions is that some students felt comfortable with writing about lethal injection and some students felt that a survey course could enhance their analytic skills. However, questions one and four particularly reveal that some students still had writing concerns even if they valued the importance of lethal injection. Questions Five and Six corroborate these findings by showing that students gained deeper insight about lethal injection. Question Five which evaluated student knowledge of the issue saw a marked change from the pre-test score of 2.75 to the post test score of 3.72. Question Six reinforced the assignments value since 88% of the post- test respondents felt lethal injection was important to write about. However, deeper insight about a subject matter does not guarantee that written performance skills or comfort level will improve. In essence, instructors need to engage students with more written assignments, though introducing controversy into a written assignment can be a good start.

### Conclusion

This study was an exploratory approach to see if there are innovative ways to improve college writing. An underlying assumption of this study is that students do not have enough writing opportunities. This is of particular concern because students need to develop their written skills early and often. However introductory or survey courses may not afford such opportunities. Students often have the tasks to grasp voluminous amounts of course material leaving little room for creative written exercises. Thus two central questions were

addressed: 1) Whether a controversial topic could yield an improvement in college student writing?, and 2) Whether such an assignment could be an effective teaching tool for an introductory American government class?

The selected theme was whether the administering of lethal injection to a condemned inmate is a form of cruel and unusual punishment and hence a violation of the 8<sup>th</sup> Amendment. The relevant literature did not directly address controversy as a teaching tool. Baldwin, Bensimon, Dowd, and Kleiman (2011) stated that there is no best approach for classroom instruction. However, some theorists suggest that course design strategy, student collaboration, and a mixture of top down and bottom up approaches can contribute to better writing (Bean (2001), (Hancock 2002), and Prince (2010)).

Based on the pre and post surveys, it becomes clear that some students need to have more writing opportunities. Despite clear instructions, some students still appeared unsure about the written assignment. However, this was the only written assignment for the course. Smaller ones or even outline follow ups could be used to reevaluate student comfort level with writing. Yet despite such structural imperfections, an overwhelming number of students learned and gained appreciable knowledge about lethal and injection. This finding supports Hancock's assertion that effective course assignment needs to be tailored to both highly cognitive and lower cognitive students (2002) and supports Prince (2010) that both a top down and bottom up approach are useful teaching strategies to encourage better writing.

More study is needed regarding whether the term controversy is enough by itself to facilitate better writing. Pre and post-test surveys could be expanded to include follow up questions such as thesis

development, sentence structure, as well as ability to synthesize complex social issues. Therefore the first research question cannot be confirmed.

The second question is a follow up question in that the study was specifically designed for an Introductory to American Government class. Most students were freshmen or sophomores and no prior knowledge about the issue was expected. The aim was to test a new form of assignment. In general, most American government students are introduced to a swathe of legal and political concerns. However, it is unclear as to what they really are able to take away from such classes. Therefore, a highly charged theme was introduced to students to pique their political interests. Debate will always surround this issue. Some people will argue lethal injection is inhumane and is an 8<sup>th</sup> Amendment violation. Others will contort that a condemned person committed an act so heinous that the only possible solution is death.

The data reveal that students gained appreciable insight to this issue and many felt that it was an important issue to cover. It certainly offered students a new approach to learning because it empowered them to develop their own position, which is very difficult to incorporate in a broad survey class. Written improvement could not be confirmed, but overall the assignment seemed to be well received. Questions remain, but if there is student interest in the issue can written improvement really be that far behind?

Table 1

AMERICAN GOVERNMENT STUDENT  
RESPONSES ABOUT LETHAL  
INJECTION

	Pre Test (n=53)	Post Test (n=43)
Question 1: How comfortable are you with written assignments?	3.8	3.93
Question 2: Can an Introductory American Government class develop analytic skills?	68%	78.5%
Question 3: Are you comfortable writing about lethal injection?	66%	86%
Question 4: Can an American government class improve your written ability?	58%	55%
Question 5: How much do you know about lethal injection?	2.75	3.72
Question 6: Do you think lethal injection is important to write about?	83%	88%

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