

Black Death in Dixie

This resource was designed for teachers and students of Junior Certificate English and accompanies the documentary 'Black Death in Dixie' from the KMF Productions' 'What in the World?' series.



The Death Penalty in the United States

The death penalty is the cold-blooded and pre-meditated killing of a human being by the state. It targets racial minorities, the poor and people who are soft targets for the increasingly belligerent media and public who require quick fix convictions for a variety of crimes.

The United States is the only western democracy that retains the death penalty, which is employed in 38 of the 50 states, as well as by the federal government and the military. There are currently 3,350 people on death row in the United States, over 98 per cent of whom are men. The majority of prisoners on death row are incarcerated in the Southern states, also known as "The South": Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas.

Historically, these were the states that enslaved African-Americans prior to the Civil War, and residual racism continues to infect the criminal justice system in the twenty-first century. Since 1976, when the death penalty was reinstated after it was suspended in 1972, 80 per cent of executions have involved cases where the victim was white. This is true even though the majority of murder victims in the United States are African-American.



Lethal injection execution chamber

A comprehensive study of the death penalty in several states found that the odds of receiving a death sentence rose by 3.5 times in cases where the victims were white. Thus, it is plain that the death penalty is utilised with much more frequency in cases where the victims are white.

Most criminology experts have concluded that the death penalty is not a deterrent to murder. Indeed, the South accounts for over 80 per cent of executions of death-sentenced prisoners, yet has the highest murder rate in the country. By contrast, the Northeastern United States, which has fewer than one per cent of all executions, has the lowest murder rate in the nation.

United States of America



The system has proved itself to be wildly inaccurate, unjust, unable to separate the innocent from the guilty and at times a very racist system.

Governor George Ryan (R. Illinois)

What the critics say...

The death penalty represents the war of a nation against the citizen...It appears that in order to dissuade citizens from assassination (the state) commit(s) public assassination.

Cesare Beccaria, 1764

We simply cannot say we live in a country that offers equal justice to all Americans when racial disparities plague the system by which our society imposes the ultimate punishment.

Senator Russ Feingold (D. Wisconsin)

Ireland, along with our EU partners, considers that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights.

This position is rooted in our belief in the inherent dignity of all human beings and the inviolability of the human person.

Brian Cowen, then Irish Minister for Foreign Affairs

The death penalty is the ultimate denial of the most basic of all human rights – the right to life.

Amnesty International



James 'Bo' Cochran spent 21 years on death row having been wrongfully convicted of the murder of a white man.

World Death Penalty Facts

- In 1977, just 16 countries had stopped using capital punishment for all crimes. Today 90 countries have abolished the death penalty.
- Since 1973, more than 130 people have been released from death row in the USA after being proved innocent.
- In July 2007, Rwanda became the latest country to abolish the death penalty.
- In March 2005 the USA banned the use of the death penalty for child offenders.
- In 2001, 62.08 per cent of the people of Ireland voted for the abolition of the death penalty.
- In November 2007 the United Nations General Assembly adopted a landmark resolution calling for a global moratorium on executions as a first step towards abolishing the death penalty.

THE AFRICAN-AMERICAN STORY - **Bryan Stevenson**, Executive Director, Equal Justice Initiative

Slavery

African-Americans are descendants of Africans who were forcibly brought to the United States as slaves, beginning in the seventeenth century, during the colonial era. The northern states abolished slavery relatively early after the establishment of the colonies and the country began to take shape. The southern states, on the other hand, retained it in the belief that slavery was an appropriate condition for people with black skin, who were considered inherently inferior. This difference over the question of slavery became so socially and politically divisive that the nation went to war on the question of slavery in 1860, an event known in the United States as The Civil War, or The War Between the States. The North won, and slavery was formally abolished in the United States by amendment to the Constitution in 1865.

Legalised Discrimination

Although they were no longer technically enslaved, African-Americans were kept formally subjugated as second-class citizens for another hundred years through a collection of formal laws and regulations as well as custom. Indeed, until the mid-1960s, African-Americans were segregated from whites in nearly all places open to the public: schools, buses, trains, theatres, churches, etc. Prisons were filled with African-Americans subject to harsh sentences for crimes not nearly as severely penalized when committed by whites. In most states African-Americans were not permitted to vote, nor were they permitted many economic opportunities.



Confederate Flag -
symbol of white supremacy



African-American prisoner

The KKK

In addition to legalized discrimination, private acts of race-based prejudice, discrimination, insult and abuse were so common as to be the norm for American life. In a widely-known manifestation of this trend, a group of veterans from the Confederate (pro-Slavery) side of the Civil War formed a terrorist organization known as the Ku Klux Klan (KKK) in the years after the war was concluded. The purpose of the Ku Klux Klan was to prevent all social and political advancement of the newly freed slaves through intimidation and violence. KKK gang chapters spread through every southern state. One of the Klan's

signature moves was to burn a large cross in an African-American community as a reminder and warning of their place within a white supremacist society. Another was set fire to African-American churches, which have been the centre of African-American social and political life since long before emancipation from slavery. For any given African-American who was born prior to 1960, the Ku Klux Klan figures large as a home-grown terrorist organization whose brutal methodology marked the lives and histories of their families.

Although the Ku Klux Klan may have been the most organized of the violent anti-black organizations, it was not alone in its use of violence. In the century that followed the end of slavery, hundreds of African-Americans were subject to murder by lynching, whereby gangs of whites captured an African-American and killed him, most frequently by hanging from a prominently located tree within the community. The majority of lynching victims were African-American men. However, women and even children were occasionally murdered in this gruesome fashion as well. People were lynched on suspicion of having committed actual crimes. However, African-Americans were subject to lynching for behaviour which was perceived by whites as comprising mere social slights.



Members of Ku Klux Klan
gather at burning cross

Emmet Till

In a case that garnered international attention, Emmett Till was lynched in 1955 in a small town in Mississippi after he whistled at a white woman at a local store. For this insult he was beaten, shot, had his eye gouged out, and was thrown into a river with a weight tied to him. Emmett was fourteen years old at the time. During his funeral, Emmett's mother insisted that his coffin remain open to force all the world to witness what had happened to her son. His funeral service received international media coverage, and some 50,000 people came to view the body and pay their respects to his family. This tragedy, and the media attention that revealed the ugliest side of American racism, led to a critical turning point in the post-war international discourse on the United States' authority on fundamental human rights.



Emmett Till
and his mother
Mamie Bradley,
1950.

Library of Congress,
Prints & Photographs Division,
Visual Materials from the NAACP Records.

The Movement for Racial Justice

In the early part of the twentieth century, a few social justice agencies, most notably the National Association for the Advancement of Colored People (NAACP), began organizing a social movement and accompanying legal challenges to abolish this widespread practice of anti-black terror, segregation, and discrimination. In order to heighten the northern public's understanding of the epidemic of lynching, the NAACP would unfurl a large banner from the windows of its office in New York City that read "A Man Was Lynched Today" whenever another victim of lynching was reported. The movement for racial justice gained force, and achieved a major victory in 1954, when the United States Supreme Court dealt a decisive blow to legalized segregation by outlawing separate facilities for African-Americans in schools. This ruling was later extended to all public accommodations.



Rosa Parks

Rosa Parks

However, most of the Southern states openly refused to follow the Supreme Court ruling, and segregation persisted as before. Frustrated at this intransigence and arrogant defiance of the Constitution, African-Americans commenced a reform movement that entailed individual acts of civil disobedience: the point was to obstruct and undermine the operation of the discriminatory system as well as to assert the African-American right to basic dignity. The movement had many different components, and is marked by innumerable instances of shrewd strategy, moral leadership, and great courage. One episode that stands out in history as a turning point is the Montgomery Bus Boycott. One day, an African-American woman named Rosa Parks was asked to give up her seat on the public bus in Montgomery, Alabama, in order to permit a white man to sit down. She refused, and was promptly arrested and jailed.



First day of integration at
Little Rock High, Arkansas 1957

Martin Luther King

Thereafter, the entire black community refused to use the public bus system, a thoroughly organized boycott in protest at the racist policy that forced African-Americans to sit in the backs of the buses, and required them to give up their seats to white patrons if there were no seats in the white section. At the helm of this boycott was Reverend Dr. Martin Luther King, Jr. Dr. King was the pastor of a prominent African-American church in Montgomery, and a rigorously thoughtful proponent of nonviolent protest against injustice. The boycott lasted for over a year, and, combined with litigation, successfully ended the Montgomery policy of segregation on the buses. The boycott brought national media attention to the relentless humiliations suffered by African-Americans living in segregated American societies, and galvanized African-American communities around the nation. It was a central event of what became the Civil Rights Movement, which counts Rosa Parks as one of its primary pioneers and Dr. Martin Luther King, Jr. as its principal leader.



Martin Luther King statue
in Kelly Ingram Park, Birmingham

Success and Challenges Ahead

The Civil Rights Movement achieved many major legislative and court victories throughout the 1960s, including the passage of the federal Civil Rights Act and the Voting Rights Act, both of which worked to provide potentially equal opportunities to African-Americans. Notwithstanding these legal and legislative gains, the impact of centuries of subjugation remains quite stark, as African-Americans still lag behind whites in nearly every social index: education, economic strength, health, etc. Although 12 per cent of the population at large is black, African-Americans comprise over 40 per cent of the people incarcerated in American jails and prisons. Many believe that with regard to racism, America has yet to fulfill its promise.

ROBERT TARVER AND ME - Ethel Ponder

I was born in 1950 and Robert was born in '49 in Alabama. Robert was part of our family, so we grew up pretty much as sister and brother. Even though he was nine months older than me, he was my nephew and he grew up down the road from my house with Big Mama, our grandmother. We would hang out, do what all kids do. We weren't city, we were a rural family. We were sharecroppers which meant that we didn't own any land but we were allowed rent some in return for a share of the crop produced on the land, so we worked in the cotton fields of Bullock and Pike counties where we picked cotton by hand in the fields of white landowners, and were paid based on the total weight of cotton picked during the harvest season. The rate in Alabama in the 1950s was \$3/100 lbs I remember.



Ethel Ponder



Robert as a young man

We didn't have any money; we didn't have any toys so we created games. We made baseballs out of old rags. I kinda followed him pretty much everywhere. If a little animal died we had a funeral – I can remember when this little chick died and we were going to have a funeral. We had to go over this barbed wire fence to bury the chick. When I was climbing over I got cut on my foot and I still have that scar to this day but we were, I guess, just normal little raw kids. We would go and pick up pecans and walnuts and peanuts, like, in the spring. We went to church. We were just having fun, like, together and we tried to make everything we did just a good time.

But in those years, Alabama society was completely racially segregated, oppressively so. The racial lines were pretty drawn back then and they still had different places designated coloured and white. It was embedded and if you crossed that line you knew your life was in danger. There were separate white and black schools, separate sections of the movie theatre in town, as well as separate public drinking fountains, and all other facilities. None of the facilities for African-American citizens were qualitatively equal to those provided for whites. I remember there being a small store in the county seat that would serve hamburgers. The inside of the restaurant was restricted to white people, while the black customers had to purchase their hamburgers through a cubbyhole in the back of the store.



Robert (on left) and friends

There were no mingling – we had separate schools and our school was probably more like a two room shack. As I recall, they (the whites) had a brick school but you stayed within the perimeter of the space they allocated to you at all times. You didn't talk back and you didn't look. Men were taught 'You do not look at a white lady'. Period. Because many had lost their lives just from doing that. When you're a child you're curious about things. I remember asking my mom 'Well, why do they hate us so much? What did we do?' and she didn't really have an explanation.

The memories of racial hatred that we experienced are very painful for me. I remember having dogs set upon Robert and me when we were very young walking down the road to our grandmother's house. To this day, I'm terrified of dogs.



Robert before his execution



Robert's family before his execution

There was no protection from the law. In actual fact the policemen were probably the ones that was out there terrorizing blacks. One of the awful things about growing up in such hateful conditions is that you learn to accept it: the white people of places like Bullock and Pike Counties did not feel that their black neighbors belonged in their world. As a young girl, I learned to fear violence from whites, we lived our lives in fear, fear of white people, fear of violence, fear of being raped, fear of being burned out of our homes. I remember the terror we all felt when we got word of Emmett Till's lynching.

To avoid anything like that we learned to behave respectfully to white people regardless of how they treated us: to drop our eyes...the reality is we lived in a constant battlefield. That's what life felt like for us African-American children in the 1950s and 1960s.

My Dad, Henry Blue, actually died because of racial discrimination. In 1953, there was an accident in a cotton field in Pike County, Alabama, in which a tractor rolled over his leg. He was rushed to Troy hospital where he was put in a room and promptly ignored. He was never seen by a doctor or a nurse, and he passed away soon thereafter from the gangrene that set in as a result of receiving no medical care.

But my world really fell apart in 1984 when Robert was convicted of robbery and fatally shooting Hugh Kite, a white store owner in Russell County. Robert had gotten married when he was, like, seventeen and at that time he was in New Jersey. His wife died of cancer and from New Jersey he moved back to Alabama. When I heard about the murder charge – my older sister called and told me and I was surprised, I was shocked. I couldn't believe it, I just couldn't believe it. And I guess initially I didn't believe it, I just didn't believe it, it was shocking. To me it was like a nightmare and gradually I realised that it wasn't going to end. I believed he was innocent and I still believe that. Robert was executed in April 2000.



THE CASE OF ANTHONY RAY HINTON

Written by **Bryan Stevenson**, Executive Director, Equal Justice Initiative

Anthony Ray Hinton is an innocent man who has spent the last twenty years on death row in Alabama. His case illustrates the gross injustice often found in the administration of criminal justice and the tragic unreliability of capital punishment in the United States. Mr. Hinton was arrested in 1985 and charged with two separate murders that occurred during robberies at two fast food restaurants near Birmingham, Alabama. There were no eyewitnesses to either crime, and the fingerprints lifted from each crime scene did not match Mr. Hinton.



Anthony Ray Hinton

The only evidence linking Mr. Hinton to the murders stemmed from a third shooting at a fast food restaurant in Bessemer. The victim in the third shooting did not die and misidentified Mr. Hinton as the assailant. Although Mr. Hinton was never charged with this crime, state laboratory technicians stated that bullets recovered from all three crimes were fired from the same weapon and matched a weapon found in Mr. Hinton's mother's house. Based on this gun evidence, the state charged Mr. Hinton with the two murders even though there was no other evidence linking Mr. Hinton to the crimes.

At the time of his arrest, Mr. Hinton was twenty-nine. He did maintenance work as a temporary employee and had no history of violent crime. At the time of the third shooting, Mr. Hinton was working in a locked warehouse fifteen miles from the crime scene. His supervisor and other employees confirmed his innocence but he was still prosecuted for capital murder. Police subjected Mr. Hinton to a polygraph test which confirmed his innocence, but the judge refused to admit the test results at trial.

Mr. Hinton, who is poor, received court-appointed counsel whose compensation was capped at \$1,000 by Alabama law. The lawyer could not obtain adequate funds to obtain a competent expert to challenge the state's faulty gun evidence or develop evidence to prove Mr. Hinton's innocence. Mr. Hinton was convicted and given two death sentences which were affirmed on appeal.

Alabama is the only state in the country that provides no legal assistance to death row prisoners after their convictions are affirmed. In 1999, the Equal Justice Initiative took on Mr. Hinton's case. In June of 2002, a hearing was held where three of the country's top gun experts examined the state's evidence and concluded that the crime bullets could not be matched to the weapon recovered from Mr. Hinton's mother and that the state had erred in making that claim. Evidence presented at the hearing also revealed that the State not only withheld information that would have helped prove Mr. Hinton's innocence, it pressured witnesses to give false statements implicating Mr. Hinton.



Bryan Stevenson

The trial court avoided ruling on the evidence of Mr. Hinton's innocence for over two years, and then ruled that the evidence of innocence presented was "too late." In April of 2006, the Alabama Court of Criminal Appeals upheld Mr. Hinton's conviction in a 3-2 split decision over strong dissent. EJI has appealed the ruling.

The State of Alabama has been asked repeatedly by EJI to re-examine their evidence against Mr. Hinton and they have steadfastly refused. As a result, Mr. Hinton remains condemned on Alabama's death row despite all of the unrebutted evidence of his innocence.

UNITED STATES AT A GLANCE

Written by **Cathleen Price**, Senior Attorney, Equal Justice Initiative

Politics

While there is no limitation on the number of political parties, essentially two parties, the Democrats and the Republicans, control political power in the United States. While there are some differences between the parties, they are in fact very similar. However, the Democrats are more likely to oppose the death penalty. To get elected you need money and lots of it. The current presidential election is expected to cost over one billion dollars. Many poor and black people don't vote as they feel estranged from the political process.

Position of women

The feminist movement exploded as a part of the social justice movements of the 1960s and 1970s and did much to equalize the education and employment opportunities for women in the United States. At present, most higher-education institutions are roughly 50/50 per cent women and men. While many jobs and professions are theoretically open to women for entry, women continue to earn far less than men in the economy overall.

Position of African Americans

There have been numerous legislative and social gains for African-Americans since emancipation from slavery and the subsequent civil rights movement. Nevertheless, the impact of centuries of subjugation remains quite stark: as a group African-Americans still lag behind whites in terms of access to education, health-care and economic opportunity. Although 12 per cent of the population is black, African-Americans comprise over 40 per cent of the people incarcerated in US jails and prisons. The impact of this rate of incarceration has devastated the social and economic power of the African-American community. Moreover, because the majority of states deny the right to vote to people who have been convicted of crimes, the large-scale incarceration of African-Americans has severely reduced their voting power.

Health

The United States is unique among industrialized democracies in not providing health care for its citizens. With the exception of the elderly and the very poor, publicly-funded health care is non-existent. Health insurance is, for most people who have it, one of their most costly living expenses, and can run several hundreds of dollars per month. Relatively few working people can actually afford it, although its cost is often subsidized by employers for full-time employees. As a consequence, large segments of the population do not have access to regular health care, which many of us regard as a shameful condition for such a wealthy country.

Life expectancy

Life expectancy is currently 74.7 for men and 80 for women – the same as Ireland. The infant mortality rate is 6.78/1000, (Ireland, 3.7/1000 in 2006) which is one of the worst in the industrialized world.

Income distribution

There are and always have been huge inequalities and the gap increased dramatically from 1979 onwards. An estimated 12 per cent of the people in the country live in serious poverty. The majority of these are African-American, Latin American and Native American. The top one per cent of Americans received 21.2 per cent of all personal income in 2005. The bottom 50 per cent of Americans got 12.8 per cent of all 2005 income, down from 13.4 per cent in 2004 and 13 per cent in 2000. About 600,000 families and 1.35 million children are homeless on any given night in the country. About 8 per cent of American youth experience homelessness at some stage in their lives.

Freedom

In theory, government conduct is supposed to be, with few exceptions, open and thereby subject to public inspection and review. The press is generally free and many different viewpoints can be found in the print and broadcast media.

Sexual minorities

There are very few places in the United States where open homosexuality is tolerated, although in urban areas this is less so. Generally, however, gay people are stigmatized, even within educated circles. Politically, the issue of whether or not gay couples should be entitled to marry is nearly as divisive as the war issue, particularly among religious conservatives, who are fairly politically vocal.



Cathleen Price

Syllabus Links

Development of Cultural/Social Literacy:

Fiction. The documentary can be used in conjunction with the novels, “**To Kill a Mockingbird**” by Nellie Harper Lee and “**Roll of Thunder, Hear my Cry**” by Mildred Taylor. The historical information presented would serve as a useful introduction to the background of the novels. Harper Lee was born in Monroeville, the scene of the Walter McMillian story. The inspiration for Harper Lee’s story was a 1930’s rape trial and there are obvious parallels between the stories of Walter McMillian and Tom Robinson. The connection between poverty and the oppression of the black community is a major theme in “Roll of Thunder”. The documentary highlights the continuing connection between poverty and justice in the USA.

The documentary could also be used in a wider context for discussion of Literary Genre. Comparison could be made between the different ways of presenting a story.

Cross-Curricular Links

Religious Education: Part 5 Law and Morality. Discussion on Death Penalty would fulfil the objective of gaining an understanding of relationship between state law and personal morality and between state law and religious morality.

CSPE: Unit 1 The Individual and Citizenship :

Human Rights: Equality Versus Discrimination (Racism)

Questions on the Documentary

1. Why was there a reign of terror in the South following the Civil War? What form did that terror take?
2. According to Rosalyn Carter, how does the justice system in the US discriminate against African-Americans?
3. According to Bryan Stevenson, “The justice system in Alabama is defined by error.” How does he illustrate this?
4. According to the Narrator, how do politicians in Alabama use fear to garner votes?
5. (a) How many people are currently awaiting execution in Alabama? (b) What proportion of these are African-American?
6. (a) Of what was James ‘Bo’ Cochran convicted? (b) How many African-Americans were on the jury at his trial?
7. What are the long-term consequences for those who have been convicted of a crime?
8. How is poverty linked to the Criminal Justice System?
9. Why is Death Row “inherently inhumane”?
10. What was Robert Tarver convicted of?
11. How does the method of selecting judges feed into racism?
12. How many Death Row convictions have been overturned in recent years?
13. Why was ‘Bo’ Cochran’s conviction overturned?

Web sites

www.deathpenaltyinfo.org
[www.amnesty.org/death penalty](http://www.amnesty.org/death%20penalty)
www.law.cornell.edu/topics/death-penalty.html
www.aclu.org/capital/index.html
www.amnestyusa.org/page.do?n
www.diversityireland.ie
[www.globalissues.org/Human Rights/Racism.asp](http://www.globalissues.org/Human%20Rights/Racism.asp)
www.nccri.ie

Teacher Material

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Alabama Electric Chair

Discussion Points

Having watched the documentary:

What insights, if any, did you get into the criminal justice system in the US?

What relevance have these cases for us here in Ireland?

Which of the stories presented in the film moved you most? Why?

Further areas for discussion/analysis

Debate on the morality/efficacy of the Death Penalty

Essay: Crime and Punishment

Does poverty influence the administration of justice here in Ireland?

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Walter McMillian with Bryan Stephenson
on the day of his release



www.amnesty.ie