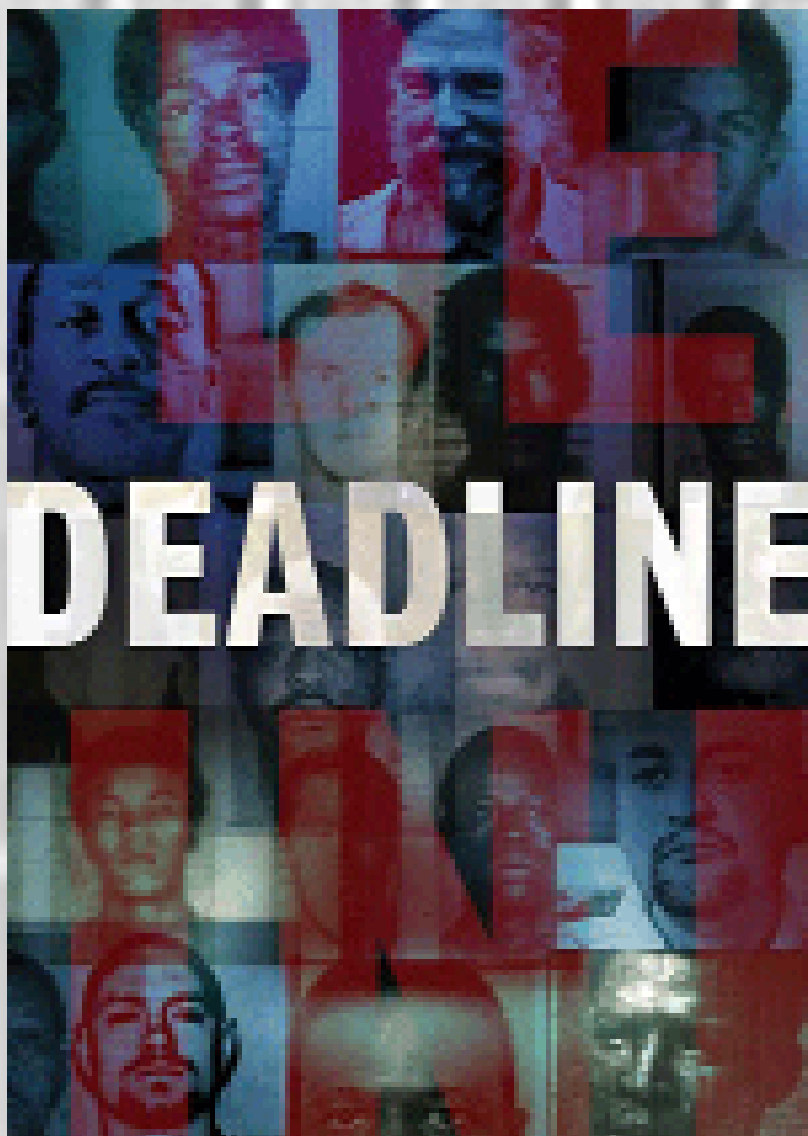


## DISCUSSION GUIDE



**What if you discovered that 13 people slated for execution had been found innocent?**

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## USING THE GUIDE

The *Deadline* Resource Guide considers the film through the lens of law and politics, and race and class, delving into larger questions about the American justice system, fairness and equity. It is meant to be a resource for those who want to learn more about these issues or get involved in capital punishment policy review or reform – whether you work in the corrections industry, a faith-based or educational setting, public policy or advocacy, the media, the law field, or just care as an informed citizen about the issues involved.

The guide offers background information on the film and the primary issues, discussion questions, a glossary of terms, a timeline of events and a resource list of organizations.

Arts Engine, Inc. and Active Voice recognize that the complex issues and themes depicted in *Deadline* provide a foundation for much wider-ranging conversations — about equity, justice, race, politics and community, to name just a few topics. We hope that this guide will spark conversations that grow deeper over time and inspire new ways to think about the controversial issues raised in the film.

## ABOUT THE FILM

What if you discovered that 13 people slated for execution had been found innocent? That was exactly the question that Illinois Governor George Ryan faced in his final days in office. He alone was left to decide whether over 160 death row inmates should live or die. In the riveting countdown to Ryan's decision, *Deadline* details



the gripping drama of the state's clemency hearings. Documented as the events unfolded, *Deadline* is a compelling look inside America's prisons, highlighting one man's unlikely and historic actions against the system. For more information about *Deadline*, criminal justice reform efforts, an interactive state-by-state map, resources and biographies, please see *Deadline's* website: [www.deadlinethemovie.com](http://www.deadlinethemovie.com). *Deadline* is produced by Big Mouth Productions.

Click for more on Illinois >>

<p>Does my state have the death penalty?</p> <p>If yes, how many people are currently on death row?</p> <p>What is my governor's position on the death penalty?</p>	<p>: Illinois has executed 12 people since 1976, but currently has a moratorium.</p> <p>: Governor Rod Blagojevich: "I don't believe a series of reforms that the Legislature will pass, most of which I support, will do enough to have me feel that the system won't make those kinds of mistakes."</p>
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After viewing the film, log onto [www.deadlinethemovie.com](http://www.deadlinethemovie.com) and learn more about what is happening in your state, who is in office, where you can volunteer and more. This information allows you to take action in the manner most appropriate for your state.

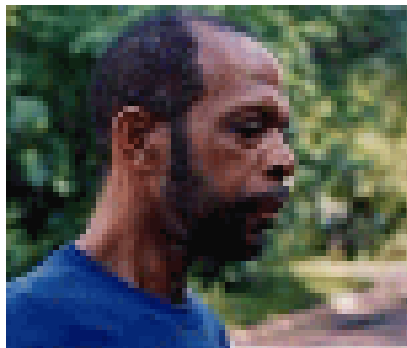
## ABOUT THE ISSUE

### The Death Penalty in the U.S.

As of 2004, more than 5.6 million Americans – 1 in 37 adults living in the United States – are in prison or have served time, the highest incarceration level in the world. Throughout the early 21st century, there have been at any time over 3,000 men and women awaiting executions in prisons across the United States. The U.S. joins the ranks of China, Republic of the Congo and Iran as the most prolific executioners in the world.

### Furman v. Georgia

The issue of arbitrariness of the death penalty was brought before the Supreme Court in 1972 in *Furman v. Georgia*, *Jackson v. Georgia*, and *Branch v. Texas* (known collectively as the landmark case *Furman v. Georgia*). Furman argued that capital cases resulted in arbitrary and capricious sentencing. Furman was a challenge brought under the Eighth Amendment. With the *Furman* decision the Supreme Court set the standard that a punishment would be "cruel and



unusual" if it was too severe for the crime, if it was arbitrary, if it offended society's sense of justice, or if it was not more effective than a less severe penalty.

In nine separate opinions, and by a vote of 5 to 4, the Court held that Georgia's death penalty statute, which gave the jury complete sentencing discretion, could result in arbitrary sentencing. The Court held that the scheme of punishment under the statute was therefore "cruel and unusual" and violated the Eighth Amendment. On June 29, 1972, the Supreme Court effectively voided 40 death penalty statutes, thereby commuting the sentences of 629 death row inmates around the country. (Text courtesy of The Death Penalty Information Center)

### Governor Ryan's Decision

As a state legislator, Republican George H. Ryan voted in 1977 to bring the death penalty back to Illinois after the Supreme Court's *Gregg v. Georgia* decision. Between 1977 and 2002, 13 people on Illinois' death row had been proven innocent while 12 executions had taken place in the state. Shortly after taking office as governor of Illinois in 1999, this staggering statistic led Ryan to issue a moratorium on the death penalty and assemble a Commission to review the Illinois capital punishment system. After two years, they recommended 89 reforms to prevent the conviction and execution of an innocent person. When the legislature refused to adopt these reforms, Ryan took matters into his own hands. On January 11, 2003, Ryan commuted the sentences of all the inmates on Illinois' Death Row — 167 people — to life without parole. As a result of this historic and controversial move, Ryan has been short listed for the Nobel Peace Prize two times.

## A BRIEF HISTORY OF CAPITAL PUNISHMENT IN THE UNITED STATES

**1636** The first death penalty statutes are recorded in the New World.

**1847** Michigan becomes the first English-speaking territory in the world to abolish the death penalty, excluding cases of treason.

**1930** From 1930 to 1939, there are 1667 people executed, more than in any other decade.

**1960** While 40 states authorize capital punishment, a de facto moratorium is placed on the death penalty.

**1972** In *Furman v. Georgia*, the U.S. Supreme Court rules 5-4 that the arbitrary application of the death penalty is cruel and unusual punishment, and therefore unconstitutional.

**1976** In *Gregg v. Georgia*, the Supreme Court votes 7-2 to reinstate the death penalty.

**1977** Gary Gilmore becomes the first person executed in 10 years.

**1977** In *Coker v. Georgia*, the Supreme Court votes 7-2 that use of the death penalty in rape cases is disproportionate to the crime, and therefore unconstitutional.

**1982** DNA testing is first used as evidence in court to exonerate a condemned prisoner.

**2001** Oklahoma City Federal Building bomber Timothy McVeigh is the first federal prisoner executed in 38 years.

**2002** In *Atkins v. Virginia*, the Supreme Court rules 6-3 that executing the mentally retarded is unconstitutional.

**2002** In a 5-4 decision, the Supreme Court refuses to reexamine whether executing killers who were under 18 when they committed their crimes is constitutional. The US, along with Somalia, is one of the last remaining countries in the world where it is legal to execute juveniles.

**2003** Worldwide, 115 countries have abolished the death penalty. The US lags behind only China and Iran in the number of executions carried out.

**2003** Governor George Ryan grants blanket clemency to all 167 people on death row in Illinois, commuting their sentences to life without parole.

## DISCUSSION QUESTIONS

Each section below contains questions that can help you prepare, provide sparks to get a dialogue started, or encourage people to deepen their thinking. This is just a guide, and no one is expected to cover all the material in these pages, nor do you need to use the discussion prompts in any particular order. Questions are designed for varied audiences and situations. Skip over any that seem inappropriate for your event. Let the interests and concerns of your group dictate the flow of the discussion.

### Race and Class

It is impossible to examine the system of capital punishment in the United States without considering the implication that race and class has on its structure.

- David Keaton was sentenced to death in Florida. Seven years later, he was proven *innocent* of the crime, exonerated, and released. In *Deadline*, his brother says, “*Growing up black in this state, you know, you really didn’t have a chance when it came to a crime. You know, they say that justice is blind, but justice really isn’t blind.*” How would you respond to this statement? From watching the film, what role do you think race plays in capital cases?
- More than 80% of the people who have been executed, have been executed for the murder of white victims. How do you account for this? What effect might this have on perceptions of the justice system among people of color?
- Statistically, people of color and low-income people are more likely to be sentenced to death. Why do you think this is? How might vestiges of legal segregation and historic race-based policies impact the modern U.S. justice system? What measures could be taken to ensure a fairer system of justice?

### Law and Politics

*Deadline* explores the death penalty in a political and legal context. The courtroom is one lens through which viewers can examine capital punishment. The role of politics, and in particular the strong role of Governor Ryan in this case, is also central to the issue.

- The film frequently references the 1972 *Furman v. Georgia* decision that the death penalty was in violation of the 8th Amendment of the Constitution. The 8th Amendment states: “*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*” How does this constitutional issue play a role in your opinions for or against the death penalty?

- There are currently over 3,000 men and women sentenced to death in the United States. Approximately 65 percent of American voters approve of the death penalty in states where capital punishment is legal. Why do you think the death penalty is so widely supported in this country? What forces do you think shape public opinion on the death penalty?

### The Bigger Picture

*Deadline* explores the legal, political, and familial aspects of the death penalty within the context of the Illinois justice system. All of these issues can easily be expanded to a broader discussion of justice.

- *Deadline* depicts two inmates who were wrongfully sentenced and later exonerated (David Keaton and Gary Gauger), and other inmates whose guilt was not in question. Is there one position on the death penalty that you think is satisfactory in all cases? Do you think it is possible for a state to construct a foolproof capital punishment system where there is no risk of executing an innocent person? Is some margin of possible error acceptable?
- Some of *Deadline*’s most moving scenes consist of testimonials by murder victims’ families during the clemency hearings. What might you say to these family members, if given the opportunity? Where do you draw the line between justice and revenge? What place is there for the wishes and needs of victims’ families within America’s justice system?
- John Allen Muhammad (one of the Washington D.C. snipers) and Timothy McVeigh (one of the Oklahoma City bombers) both received the death penalty after widely publicized trials. Their respective counterparts, Lee Boyd Malvo and Terry Lee Nichols were also found guilty of their crimes in similar trials, yet they received life sentences rather than the death penalty. How do you account for this apparent discrepancy in sentencing for heinous crimes?
- What is your reaction to Stephen Bright’s quote on the following page about the exonerated prisoners?

1. **Educate yourself** and others about the death penalty and criminal justice by discovering criminal justice groups and organizations in your area, doing online research, attending human rights events, and being open to different positions on the death penalty issue. This guide can serve as a springboard to develop a dialogue with your friends, family and community about their thoughts and opinions on the criminal justice system.
2. **Register to vote** and hold public officials accountable for the quality of justice in your criminal justice system. As a registered voter, you can work toward making changes in the system by voting on the issues and electing officials who promote your position on the death penalty and criminal justice reform.
3. **Make a financial contribution** to a nonprofit organization dedicated to establishing fairness in the criminal justice system. This guide includes the names and websites of relevant national partners and resource organizations, many of which rely on private donations to achieve their goals.
4. **Volunteer** your time at a prison or a local organization that works toward achieving a fairer criminal justice system. By being actively involved with the people and the issues, you can gain an in-depth, practical knowledge of the criminal justice system and its effects on prison inmates.

*“This was the third person released by the journalism students at Northwestern, and of course it doesn’t say much for our legal system when people spend sixteen years on death row for a crime they... didn’t commit. And that ultimately comes to light not because of the police or the prosecution, or the defense lawyers or the judicial system, but because a journalism class at Northwestern took it on as a class project to see whether or not these people were guilty or not. You know, if those students had taken chemistry that semester, these folks would have been executed.”*

Stephen Bright, Director, Southern Center for Human Rights

**Clemency** *An act of mercy by the president or governor to ease the consequences of a criminal act, accusation, or conviction.*  
In 2002, Illinois held clemency hearings for Illinois’ Death Row inmates. These hearings were designed to help Governor Ryan determine whether to commute the death sentences of the inmates.

**Commutation** *The reduction of a sentence.*  
In January 2003, Governor Ryan commuted all 167 Death Row inmates’ death sentences to sentences of life without parole.

**Exonerate** *Removal of a charge, responsibility, or duty.*  
Gary Gauger, Anthony Porter and David Keaton were all exonerated after new evidence proved them not guilty of the crimes for which they were convicted. Since 1973, over 100 Death Row inmates across the U.S. have been exonerated.

**Moratorium** *A legally authorized postponement of a legal action, such as execution.*

In 2000, Governor Ryan declared a moratorium on all executions of Illinois Death Row inmates, while a commission he appointed reviewed the administration of the death penalty.

**Pardon** *An act of grace from a governing power that releases an inmate from the legal penalties of an offense and, in some cases, allows for him/her to be released from prison.*  
In 2003, Governor Ryan pardoned four inmates on Death Row, whom he determined to be innocent.

**Parole** *Supervised release of a prisoner from imprisonment on certain prescribed conditions.*  
In 2003, Ryan commuted all Illinois death sentences to life without parole. The 1972 Furman v. Georgia decision allowed for life with parole, and several hundred prisoners were eventually released from prison on parole, usually after serving at least 20 years in prison.

## FACTS

### 1976-1980

3 executions in the United States

### 1981-1990

140 executions in the United States

### 1991-2000

540 executions in the United States

### 1995-2000

152 executions in Texas under Governor George W. Bush

### The 285 Illinois death penalty cases included:

- at least 33 defense attorneys, who have been disbarred or suspended
- 46 jailhouse informants
- 20 with hair analysis
- 35 ending with an all-white jury convicting or sentencing a black defendant
- 127 reversed on appeal for a new trial or sentencing



## HOW TO USE *DEADLINE*

*Screening Deadline in community settings can increase and deepen awareness, prompt dialogue and inspire action. A facilitator can play a key role in this process.*

### Educate Your Community

Organize a public screening in your area to promote a local discussion of America's criminal justice system and the death penalty. Post invitations through faith-based newsletters, colleges, news stations, newspapers and with social justice organizations.

### Engage Students

Invigorate curricula by coupling a screening of *Deadline* with these activities:

- Screen *Deadline* for your high school civics, U.S. history or social studies class. Invite a representative from one of the national organizations listed in the Resource Section to speak after the screening. Then, encourage your students to take action by researching their legislators' positions on the issue and/or writing a letter to their governor expressing their views on capital punishment and criminal justice system reform.
- Follow the lead of the journalism students from Northwestern University and plan a class trip for college-level journalism, ethnic studies or law students to observe a criminal case at the local courthouse. Track that case as a class project.

### Build New Alliances

Expand your organization's reach by hosting a private screening of *Deadline* to build bridges with individuals, agencies or community groups that haven't yet worked together. For example, invite your local NAACP chapter president, clergy, newspaper reporter, district attorney and a representative from one of the resource agencies listed in the guide. After you screen the film, discuss ways your groups can collaborate to address the issues in the film, with the goal of building long-term relationships.



## PLANNING THE SCREENING

*Use the questions below as a planning checklist to help you create an environment that encourages reflection and dialogue. A facilitator can play a key role in the process.*

### Have you defined your goals?

Set realistic goals for your event. Is this event an introduction to the topic, or do you hope to reach some consensus by the end of the discussion? Is the main purpose of the event to gain publicity for a particular topic or point of view, to disseminate information, to provide an opportunity for all community members to be heard, etc.? Being clear about your goals will make it much easier to structure an event, target publicity and evaluate results.

### Does your structure for the event fit your goals?

Do you need an outside facilitator, translator or sign language interpreter? If your goal is to share information, are there local experts who should be present? How large an audience do you want? Keep in mind that large groups work well for information exchanges, while small groups allow for more intensive dialogue. To whom will the event be open? Will members of the press be welcome? How will your choices on these questions influence which community members will and will not feel comfortable speaking frankly? Make sure to allow enough time for adequate discussion.

### Is the event being held in a space where all participants will feel equally comfortable?

Is it wheelchair accessible? Does the physical configuration allow for the kind of discussion you hope to have? Is it in a part of town that is easy to reach by various kinds of transportation? If you are bringing together different constituencies, is it neutral territory? Sites such as your PBS station, a library, a place of worship or a community college auditorium may be able to serve as a neutral location.

### Will the room set up help you meet your goals?

Is it comfortable? If you intend to have a discussion, can people see one another? Are there spaces to use for small breakout groups? Can everyone easily see the screen, read the subtitles and hear the film?

### Have you scheduled time to plan for action?

For some people, just speaking publicly about issues like the death penalty, crime and racism or class privilege is an important action step. But others may be ready to act on what they know, or just witnessed through the film. Anticipate these reactions and have resources or action steps ready in case the group wants to move forward.

"Planning The Screening" text courtesy of Active Voice

## OUTREACH TEAM

### Arts Engine, Inc.

Arts Engine is a 501(c)(3) organization founded in 2000 to promote media that addresses important contemporary social issues. To that end, we produce provocative and engaging independent documentary and educational films addressing issues or populations that are otherwise under-represented in the mainstream media; and administer MediaRights, a nonprofit organization, helps media makers, educators, librarians, nonprofits, and activists use documentaries to encourage action and inspire dialogue on contemporary social issues. MediaRights' activities include an annual Media That Matters Film Festival and a Youth Media Development Initiative.

### Active Voice

Active Voice is a team of strategic communication specialists who put powerful film to work for personal and institutional change in communities, workplaces and campuses across America. Through our practical guides, hands-on workshops, inspiring events and key partnerships nationwide, Active Voice moves people from thought to action. We highlight compelling personal stories and perspectives seldom found in mainstream media, offering a much-needed outlet to people across America to speak out, listen up and take the initiative for positive change. [www.activevoice.net](http://www.activevoice.net)

## PARTNER ORGANIZATIONS

### The American Civil Liberties Union

(ACLU) is a nationwide, nonprofit, nonpartisan organization with more than 400,000 members dedicated to the principle of liberty and equality embodied in the Constitution. The ACLU has long supported abolition of the death penalty as a form of cruel and unusual punishment. It has also long believed that the death penalty is administered in this country in a manner that is both arbitrary and discriminatory. These concerns prompted the creation of the ACLU's Capital Punishment Project. [www.aclu.org](http://www.aclu.org)

### The Center on Wrongful Convictions

is an Illinois based organization that pioneered the investigation and litigation of wrongful convictions, including the cases of nine innocent men sentenced to death in Illinois. These efforts were a driving force behind Governor George H. Ryan's decision to suspend executions in Illinois and the current nationwide movement to reform the criminal justice system. [www.law.northwestern.edu/wrongfulconvictions/](http://www.law.northwestern.edu/wrongfulconvictions/)

### Equal Justice Initiative of Alabama

provides assistance for death row inmates during the post-conviction appeals process. [www.eji.org](http://www.eji.org)

**MediaRights** is a nonprofit organization that helps media makers, educators, librarians, nonprofits and activists use documentaries to encourage action and inspire dialogue on contemporary social issues. [www.mediarights.org](http://www.mediarights.org)

### Murder Victims' Families for

**Reconciliation**, founded in 1976, is a national organization of family members of both homicide victims and executed prisoners, who oppose the death penalty in all cases. The organization's mission is to abolish the death penalty. It advocates for programs and policies that reduce the rate of homicide and promote crime prevention and alternatives to violence, and supports programs that address the needs of victims, helping them to rebuild their lives.

[www.mvfr.org](http://www.mvfr.org)

**The Sentencing Project** is a nonprofit organization that promotes reduced reliance on incarceration and increased use of more effective and humane alternatives to deal with crime. It is a nationally recognized source of criminal justice policy analysis, data and program information. The public, policy makers and the media rely upon its reports, publications and staff. [www.sentencingproject.org/](http://www.sentencingproject.org/)

### The Southern Center for Human

**Rights** is a public interest legal project, which has been fighting for for more than twenty years for the civil and human rights of people of color, poor people, and other disadvantaged citizens facing the death penalty or confined to prisons and jails in the South. [www.schr.org](http://www.schr.org)

*"I think the system is racist. Not by anyone's intent, it's just the way it's worked out because minorities are generally poor, they can't afford the counsel they need, the government has all the tools – an awesome amount of power. When someone is handed an indictment, it generally says the USA v. You. That's pretty awesome. That includes the state treasury and all the manpower you can muster. Pretty awesome powers. And in a lot of cases it's abused all in the name of good government and tough on crime."*

Governor George Ryan, retired

## RESOURCE AGENCIES/ORGANIZATIONS

### **American Bar Association's Individual Rights and Responsibilities Section**

provides leadership within the ABA and the legal profession to protect and advance human rights, civil liberties and social justice. The Section fulfills this role by 1) raising and addressing often complex civil rights and civil liberties issues in a changing and diverse society, and 2) ensuring that protection of individual rights remains a focus of legal and policy decisions. [www.abanet.org/irr](http://www.abanet.org/irr)

### **American Friends Service Committee (AFSC)**

promotes alternatives to incarceration, educates the public about new justice paradigms and puts a human face on prisoners through story telling, artwork and public demonstrations. The Committee's Religious Organizing against the Death Penalty Project mobilizes people of faith in a drive to abolish the death penalty in California and other U.S. states that still execute. The program helps people learn about their own religion's teachings on the death penalty and provides ideas, resources and common strategies for the struggle against the death penalty by people of faith. [www.afsc.org](http://www.afsc.org)

**Death Penalty Focus** is a nonprofit organization dedicated to the abolition of capital punishment through grass-roots organizing, research and the dissemination of information about the death penalty and its alternatives. [www.deathpenalty.org](http://www.deathpenalty.org)

### **Death Penalty Information Center**

provides the media and the public with extensive information about capital punishment. The Center prepares in-depth reports, issues press releases, conducts briefings for journalists and serves as a major resource to those working on this issue. [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)

### **Human Rights Watch – Death Penalty Campaign**

works to stop human rights abuses, including capital punishment, in countries around the world. The campaign seeks to reveal the inherent fallibility of all criminal justice systems in which innocent persons may be executed even when due process of the law is fully executed. [www.hrw.org/campaigns/deathpenalty](http://www.hrw.org/campaigns/deathpenalty)

### **NAACP Legal Defense Fund (LDF)**

Originally developed to provide legal help to African Americans in need, LDF has expanded its work over the years with the goal of bringing greater justice to all Americans. LDF has been involved in an extensive number of U.S. Supreme Court cases, including the Furman v. Georgia case, mainly working in the areas of education, civic participation, economic access, affirmative action and criminal justice. In addition to providing legal and functional expertise, the Fund practices advocacy, educational outreach, legislation monitoring, coalition building and policy research. [www.naacpldf.org/](http://www.naacpldf.org/)

***"We want people to understand that everybody's not getting justice. There are two sides to justice. There's a rich man's justice, and a poor man's justice."***

Ronald Jones, exonerated in 1999 after serving 14 years in an Illinois prison

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