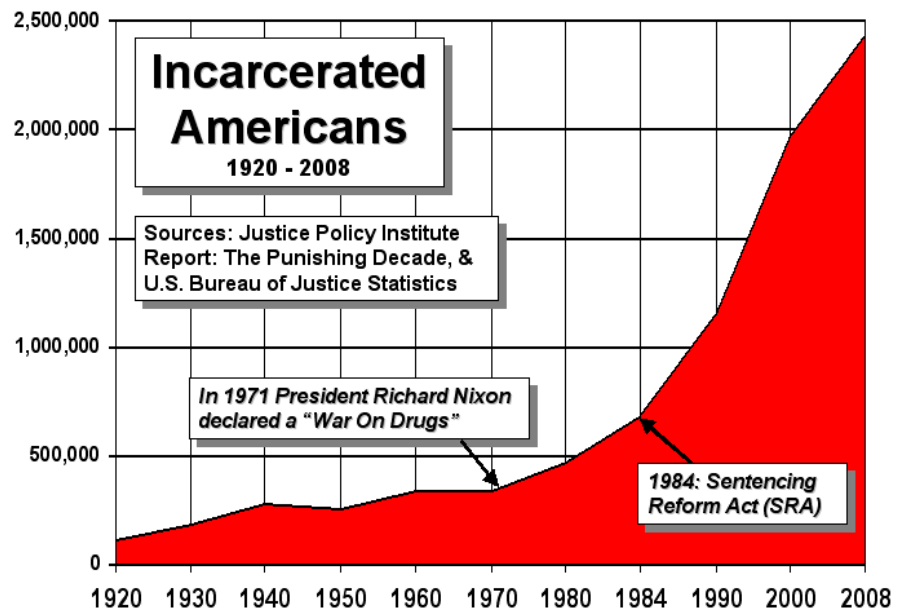


UDL Curriculum Addendum: Week of Nov. 2 – 6

For this week's class:

1. Discussion, introduction to relevant terms/concepts. Introduce the concepts, explain, and then discuss as a class. Prompt questions provided; information is not exhaustive. (20 minutes):
 - a. *Proportionality*—the notion that the punishment for a crime should be of a magnitude comparable to the crime itself. E.g., we probably don't think you should be executed by firing squad for shoplifting a candy bar, nor do we think serial killers should get house arrest.
 - i. Does our criminal justice system strike your students as proportional? Why or why not?
 - ii. Is the death penalty ever proportional?
 - b. *Mass-incarceration*: Look at this graph. Holy shit.



- i.
 - ii. We have one of the highest prisoners per capita in the world.
 - iii. One view is that this increase in incarceration is linked to the rise of *the prison industrial complex* and more specifically *for profit prisons*. Do the students see anything problematic about a business, which by its nature wants to expand, having its business model be locking people up? (probably yes)
- c. Mandatory minimum sentencing

¹ Timeline of total number of inmates in U.S. prisons and jails. From 1920 to 2008. War on Drugs (1971). Sentencing Reform Act of 1984 (mandatory minimum sentencing). See also: Incarceration in the United States. Data sources: The Punishing Decade: Prison and Jail Estimates at the Millennium. [1] May 2000. Justice Policy Institute. See PDF file. [2] Includes several timelines. Uses BJS and other data. Graph 1 for "Number of Prison and Jail Inmates, 1910-2000" has the numbers through 2001. It does not separate federal, state, and jail inmates. Sources listed in the endnotes do. See Historical Corrections Statistics in the United States, 1850-1984. NCJ 102529. Published in 1986. See PDF file. Correctional Population Trends Chart. U.S. Bureau of Justice Statistics. 1980-2009 data table is no longer on the BJS site at that URL. The last version of it archived at the Internet Archive is the one archived on January 20, 2013. Prison Inmates at Midyear 2007. NCJ 221944. By William J. Sabol, Ph.D. and Heather Couture, BJS Statisticians. June 2008. U.S. Bureau of Justice Statistics (BJS). Prison and Jail Inmates at Midyear 2006. NCJ 217675. U.S. Bureau of Justice Statistics. Prisoners in 2006. NCJ 219416. U.S. Bureau of Justice Statistics. Prisoners in 2007. NCJ 224280. U.S. Bureau of Justice Statistics. Prisoners in 2008. NCJ 228417. U.S. Bureau of Justice Statistics. See table 9 on page 8 of the PDF file. 2,424,279 inmates in 2008

- i. In the UK and Canada until 1957 and '61, respectively, it was required that any person convicted of murder face capital punishment. What do they think about that?
 - ii. In the US, this manifests itself more often in drug laws— x amount of y drug on the z offense mandates a years in prison.
 - 1. This has historically not-so-subtly been used to promote racism, e.g. mandatory minimums for drugs more frequently used by racially marginalized groups being much higher than those for drugs more frequently used by racially privileged groups.
 - a. i.e., crack cocaine mandatory minimums versus pure cocaine
 - iii. Generally, it tends to take flexibility away from sentencing bodies.
- d. *Plea bargaining*
 - i. Wherein the prosecutor in a criminal case offers the defendant some sort of deal in return for the defendant pleading guilty. This happens in various ways—the defendant might be charged with a misdemeanor instead of a felony given that they agree to plea guilty to the misdemeanor; they might plea guilty with the understanding this will have a favorable impact on their sentencing, etc.
 - ii. The stated goal of this is to avoid clogging the criminal justice system with lengthy trials and to reward cooperation.
 - iii. In practice, it's possible that public defenders, who generally have way too many cases, will be incentivized to encourage clients who are probably innocent to do a plea bargain.
2. Speaking drills (**20 minutes**):
- a. Get in circles with one coach per circle. Groups should be as small as possible to minimize dead time.
 - b. Each student will have one minute to prepare a two-minute speech putting forward one argument relevant to one of the topics previously discussed.
 - c. The next student in the circle will have to give a 30 second rebuttal before preparing their own speech.
 - d. Emphasize that what is important here, given limited prep time, is fluent, persuasive speaking. They will have to outline and not write out speeches word for word for this.
3. Yes, but... drills (**20 minutes**)
- a. Remain in groups.
 - b. This is an exercise in impact weighing/turning. The coach will make an argument which includes an impact, and students, one at a time, will say “yes, argument is true, but...” and either turn the impact or outweigh it.
 - c. Arguments:
 - i. Plea bargaining means that cases in which the defendant is obviously guilty don't go to trial just so the defendant can be found guilty. This clears up the judicial system.

- ii. Private prisons are profit driven, so they will be incentivized to provide the best possible services. This means prisons will improve. (Barf.)
- iii. Proportionality doesn't matter in the case of the death penalty, because the death penalty is very scary and discourages murder. We should preference the social utility of deterring murder over the life of a murderer.
- iv. Mandatory minimum sentences are harmful because they stop the judge from exercising their discretion. After years on the job, judges probably know better how to apply the law to the specific facts of the case.
- v. It doesn't make sense to punish drug users. They are just doing what they want with their bodies and lives. (if puzzled, hint them towards social externalities impacts)
- vi. The United States prison system is overcrowded and inhumane. Under such conditions, it is morally impermissible to incarcerate any individual.