

## Elderly Murderer Activity

Consider the following situation:

50 years ago John Smith committed a horrific crime when he was 14.

John was an angry young man who resented the world and hated most people. He was a failure in school and had been convicted of several minor crimes while still in his early teens. He was accused of murdering four people who taunted him because of his diminutive size. At 14 he was convicted of first degree murder. The evidence showed that he meticulously planned the murders and arranged so that his victims would suffer before they died (he essentially tortured them). At the time, the state had no death penalty on the books, so John was sentenced to the maximum penalty allowed by law - life in prison without possibility of parole.

John at first had a hard time adjusting to prison life. In his first five years of incarceration he was involved in three fights, one of which permanently disabled another inmate.

During this time, John used the prison weight room and exercise facilities to build himself up. Within three years, John went from a man who weighed barely 120 pounds who would bench press only 30 pounds to a muscle bound person weighing 210 pounds who could bench press nearly 300 pounds.

Eventually, John earned his high school equivalency degree and began taking classes (in prison) from the local community college. It was in one of these classes, while John was in his mid twenties, that he met professor Xavier. Professor Xavier taught introduction to philosophy and was also a minister in a local church. John did well in professor Xavier's class and the two men struck up a friendship. During non-school related visits that professor Xavier made to the prison, he gave John a Bible and encouraged him to read it. John did and on his thirtieth birthday John converted to Christianity.

Encouraged by professor Xavier, John enrolled in the four year degree program offered at the prison from the local state university. After three years, John graduated with a BA in philosophy with highest honors from the university. Following graduation, John enrolled in an on-line program to earn his legal doctorate. When he was 40, John earned his JD and passed the state bar exam. For the next 10 years, he worked (from within prison) with a legal defense organization that re-examined death penalty cases that had been decided on the basis of faulty evidence and fraud.

When he was 52, John published a book on legal ethics. In the next few years he became a well know authority in that field.

From the time he was 18 until today, John has been a model prisoner and a roll model to younger inmates. For the past five years John has operated a prison ministry which focuses on the need for prisoners to develop the same love and acceptance of others that John himself models on a daily basis.

John is now 64.

Note - All questions deal only with punishment and responsibility and **not public safety**. Please do not consider public safety in your responses.

For each question, indicate whether you will grant John parole or not.

1. John has recently filed a motion to be paroled. You are on the parole board. Will you grant the motion or not? What is your basis for accepting or rejecting the motion? Please be specific.
2. Consider the question above but compress the events into a ten year timeline. The story begins when John is 14 and ends when he is 24. Does this change your decision, and if so how?
3. Consider the question above, but change John's age at the time the crime was committed to 20. Adjust all other events accordingly. Does this change your decision, and if so why?
4. Consider the question above but change the following. John was born and raised in the Smith tribe, an indigenous people who live in a warm part of Western Antarctica. In the Smith tribe, horrific ritual murder is celebrated at a passage to manhood. All cultural value and the notion of right and wrong are shaped by this belief and Smith children are raised from an early age to believe that becoming an independent adult means participating in a ritual murder. John lives with the Smith people until he is 14, then moves to the US. All other aspects of the story remain the same
5. Consider the question above, but with the following changes. Shortly after John entered prison he was beaten severely in a prison fight. During this fight he lost consciousness and was in a coma for three weeks. When he came out of the coma he had lost all memory of his life prior to awakening. John will never regain any of these lost memories (stipulated). John's prison record is exemplary for the next five years and he applies for parole when he is 20.
6. Consider the situation above but with the following changes. Shortly after his murderous rampage John had a stroke which rendered him brain dead. Surgeons were able to transplant the brain of one of John's victims into his body so that he would survive. John's prison record is exemplary for the next five years and he applies for parole when he is 20.
7. Consider the situation above with the following changes. John had a perfectly normal and happy childhood. He fell asleep one night and while sleeping went out and committed the horrible murders. When he awoke he had no memory of what he had done, nor would he ever acquire those memories (stipulated). John's prison record is exemplary for the next five years and he applies for parole when he is 20.

What do your answers to these questions tell us about the nature of what constitutes personal identity and the self?