



Engelsk B - eksamen nr. 2

24 timers forberedelse

- Se video: Intro
- Forbered opgaven
- Se video: Eksamen 1
- Diskuter elevens præstation og giv en karakter
- Se video: Votering
- Konkluder hvad der lægges vægt på

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Theme: Crime, Justice and Punishment

An excerpt from: *A time to Kill*, By John Grisham, 1989

Young attorney Jake Tyler Brigance from Canton, Mississippi, has taken upon himself a murder case, defending his enraged black friend Carl Lee, who murdered two white men in revenge for their rape and beating of his 10-year-old daughter. Helping Jake on the case is law student Ellen Roark, who has had experience with various death penalty cases in the US. The following extract describes Ellen's and Jake's first meeting, when she applies for the job as his assistant.

1 "What credentials do you bring with you?"
"Genius runs in my family. I finished *summa cum laude*
at BC, and I'm second in my law class. Last summer I spent
3 three months with the Southern Prisoners Defense League
in Birmingham and played gofer in seven capital trials. I
5 watched Elmer Wayne Doss die in the Florida electric chair
and I watched Willie Ray Ash get lethally injected in Texas.
In my spare time at Ole Miss I write briefs for the ACLU
and I'm working on two death penalty appeals for a law firm
10 in Spartanburg, South Carolina. I was raised in my father's
law office, and I was proficient in legal research before I
could drive. I've watched him defend murderers, rapists, em-
bezzlers, extortionists, terrorists, assassins, child abusers,
15 child fondlers, child killers, and children who killed their
parents. I worked forty hours a week in his office when I was
in high school and fifty when I was in college. He has eigh-
teen lawyers in his firm, all very bright, very talented. It's a
great training ground for criminal lawyers, and I've been
there for fourteen years. I'm twenty-five years old, and when
20 I grow up I want to be a radical criminal lawyer like my dad
and spend a glorious career stamping out the death pen-
alty."
"Is that all?"
"My dad's filthy rich, and even though we're Irish Cath-
25 olic I'm an only child. I've got more money than you do so
I'll work for free. No charge. A free law clerk for three
weeks. I'll do all the research, typing, answering the phone.
I'll even carry your briefcase and make the coffee."
"I was afraid you'd want to be a law partner."
30 "No. I'm a woman, and I'm in the South. I know my
place."
"Why are you so interested in this case?"
"I want to be in the courtroom. I love criminal trials; big
35 trials where there's a life on the line and pressure so thick
you can see it in the air. Where the courtroom's packed and
security is tight. Where half the people hate the defendant
and his lawyers and the other half pray he gets off. I love it.
And this is the trial of all trials. I'm not a Southerner and I
40 find this place bewildering most of the time, but I have de-
veloped a perverse love for it. It'll never make sense to me,
but it is fascinating. The racial implications are enormous.
The trial of a black father for killing two white men who
raped his daughter—my father said he would take the case
for free."

1 "Tell him to stay in Boston."
"It's a trial lawyer's dream. I just want to be there. I'll
stay out of the way, I promise. Just let me work in the back-
ground and watch the trial."
5 "Judge Noose hates women lawyers."
"So does every male lawyer in the South. Besides, I'm
not a lawyer, I'm a law student."
"I'll let you explain that to him."
"So I've got the job."

10 Jake stopped staring at her and breathed deeply. A mi-
nor wave of nausea vibrated through his stomach and lungs
and took his breath. The jackhammers had returned with a
fury and he needed to be near the restroom.

15 "Yes, you've got the job. I could use some free research.
These cases are complicated, as I'm sure you are aware."
She flashed a comely, confident smile. "When do I
start?"

"Now."
20 Jake led her through a quick tour of the office, and
assigned her to the war room upstairs. They laid the Hailey
file on the conference table and she spent an hour copying it.

"The job you've just taken could be very dangerous.
You should know that at this point."

25 "I've been threatened before. Last summer in Dothan,
Alabama, we defended two black teenagers who had sodom-
ized and strangled an eighty-year-old woman. No lawyer in
the state would take the case so they called the Defense
League. We rode into town on black horses and the mere
30 sight of us would cause lynch mobs to form instantly on
street corners. I've never felt so hated in my life. We hid in a
motel in another town and felt safe, until one night two men
cornered me in the motel lounge and tried to abduct me."

"What happened?"
35 "I carry a snub-nosed .38 in my purse and I convinced
them I knew how to use it."



"A snub-nosed .38?"

"My father gave it to me for my fifteenth birthday. I have a license."

"He must be a hell of a guy."

5 "He's been shot at several times. He takes very controversial cases, the kind you read about in the papers where the public is outraged and demanding that the defendant be hanged without a trial or a lawyer. Those are the cases he likes best. He has a full-time bodyguard."

10 "Big deal. So do I. His name is Deputy Nesbit, and he couldn't hit the side of a barn with a shotgun. He was assigned to me yesterday."

15 The food arrived. She removed the onions and tomatoes from her Claudeburger, and offered him the french fries. She cut it in half and nibbled around the edges like a bird. Hot grease dripped to her plate. With each small bite, she carefully wiped her mouth.

20 Her face was gentle and pleasant with an easy smile that belied the ACLU, ERA, burn-the-bra, I-can-outcuss-you bitchiness Jake knew was lurking somewhere near the surface. There was not a trace of makeup anywhere on the face. None was needed. She was not beautiful, not cute, and evidently determined not to be so. She had the pale skin of a
25 redhead, but it was healthy skin with seven or eight freckles splattered about the small, pointed nose. With each frequent smile, her lips spread wonderfully and folded her cheeks into neat, transient, hollow dimples. The smiles were confident, challenging, and mysterious. The metallic green eyes radiated a soft fury and were fixed and unblinking when she
30 talked.

It was an intelligent face, attractive as hell.

Jake chewed on his burger and tried to nonchalantly ignore her eyes. The heavy food settled his stomach, and for the first time in ten hours he began to think he might live.

35 "Seriously, why'd you choose Ole Miss?" he asked.

"It's a good law school."

"It's my school. But we don't normally attract the brightest students from the Northeast. That's Ivy League country. We send our smartest kids up there."

40 "My father hates every lawyer with an Ivy League degree. He was dirt poor and scratched his way through law

school at night. He's endured the snubs from rich, well-educated, and incompetent lawyers all his life. Now he laughs at them. He told me I could go to law school anywhere in the country, but if I chose an Ivy League school he would not pay for it. Then there's my mother. I was raised on these enchanting stories of life in the Deep South, and I had to see for myself. Plus, the Southern states seemed determined to practice the death penalty, so I think I'll end up here."

"Why are you so opposed to the death penalty?"

"And you're not?"

"No, I'm very much in favor of it."

"That's incredible! Coming from a criminal defense lawyer."

"I'd like to go back to public hangings on the courthouse lawn."

"You're kidding, aren't you? I hope. Tell me you are."

"I am not."

She stopped chewing and smiling. The eyes glowed fiercely and watched him for a signal of weakness. "You are serious."

"I am very serious. The problem with the death penalty is that we don't use it enough."

"Have you explained that to Mr. Hailey?"

"Mr. Hailey does not deserve the death penalty. But the two men who raped his daughter certainly did."

"I see. How do you determine who gets it and who doesn't?"

"That's very simple. You look at the crime and you look at the criminal. If it's a dope dealer who guns down an undercover narcotics officer, then he gets the gas. If it's a drifter who rapes a three-year-old girl, drowns her by holding her little head in a mudhole, then throws her body off a bridge, then you take his life and thank God he's gone. If it's an escaped convict who breaks into a farmhouse late at night and beats and tortures an elderly couple before burning them with their house, then you strap him in a chair, hook up a few wires, pray for his soul, and pull the switch. And if it's two dopeheads who gang-rape a ten-year-old girl and kick her with pointed-toe cowboy boots until her jaws break, then you happily, merrily, thankfully, gleefully lock them in a gas chamber and listen to them squeal. It's very simple."

1 "It's barbaric."

"Their crimes were barbaric. Death is too good for them, much too good."

"And if Mr. Hailey is convicted and sentenced to die?"

5 "If that happens, I'm sure I'll spend the next ten years cranking out appeals and fighting furiously to save his life. And if they ever strap him in the chair, I'm sure I'll be outside the prison with you and the Jesuits and a hundred other kindly souls marching and holding candles and singing

10 hymns. And then I'll stand beside his grave behind his church with his widow and children and wish I'd never met him."

"Have you ever witnessed an execution?"

"Not that I recall."

15 "I've watched two. You'd change your mind if you saw one."

"Good. I won't see one."

"It's a horrible thing to watch."

"Were the victims' families there?"

20 "Yes, in both instances."

"Were they horrified? Were their minds changed? Of course not. Their nightmares were over."

"I'm surprised at you."

25 "And I'm bewildered by people like you. How can you be so zealous and dedicated in trying to save people who have begged for the death penalty and according to the law should get it?"

"Whose law? It's not the law in Massachusetts."

30 "You don't say. What do you expect from the only state McGovern carried in 1972? You folks have always been tuned in with the rest of the country."

The Claudeburgers were being ignored and their voices had grown too loud. Jake glanced around and caught a few stares. Ellen smiled again, and took one of his onion rings.

35 "What do you think of the ACLU?" she asked, crunching.

"I suppose you've got a membership card in your purse."

"I do."

40 "Then you're fired."

"I joined when I was sixteen."

"Why so late? You must've been the last one in your Girl Scout troop to join."

"Do you have any respect for the Bill of Rights?"

5 "I adore the Bill of Rights. I despise the judges who interpret them. Eat."

They finished the burgers in silence, watching each other carefully. Jake ordered coffee and two more headache powders.

"So how do we plan to win this case?" she asked.

10 "We?"

"I still have the job, don't I?"

"Yes. Just remember that I'm the boss and you're the clerk."

"Sure, boss. What's your strategy?"

15 "How would you handle it?"

"Well, from what I gather, our client carefully planned the killings and shot them in cold blood, six days after the rape. It sounds exactly like he knew what he was doing."

"He did."

20 "So we have no defense and I think you should plead him guilty for a life sentence and avoid the gas chamber."

"You're a real fighter."

"Just kidding. Insanity is our only defense. And it sounds impossible to prove."

25 "You're familiar with the M'Naghten Rule?" Jake asked.

"Yes. Do we have a psychiatrist?"

30 "Sort of. He'll say anything we want him to say; that is, if he's sober at trial. One of your more difficult tasks as my new law clerk will be to make sure he is sober at trial. It won't be easy, believe me."

"I live for new challenges in the courtroom."

"All right Row Ark, take a pen. Here's a napkin. Your boss is about to give you instructions."

35 She began making notes on a paper napkin.

40 "I want a brief on the M'Naghten decisions rendered by the Mississippi Supreme Court in the past fifty years. There's probably a hundred. There's a big case from 1976, *State vs. Hill*, where the court was bitterly divided five to four, with the dissenters opting for a more liberal definition of insanity. Keep the brief short, less than twenty pages. Can you type?"