

2/2/06

1. The statute they are arguing is "whoever shall willfully take the life of another shall be punished by death." Though it seems straightforward, the judges spent a lot of time debating whether there are exceptions to this law. They also debated whether the law even applies to this case. I would say that they were arguing about whether to follow the letter of the law or the spirit of the law.

2. They came to different conclusions because each of them is a different person, with different views. Even people that agreed with each other, arrived there through different means. Some tended towards the letter of the law others towards the purpose, and one even felt that the law didn't even apply.

3. One of the key issues is whether the defendants acted willfully. This is the only way to argue within the law since they definitely killed him. Foster argues that \leftrightarrow self-defense is an issue that is considered an exception because it is included in the purpose of the law, not just the wording. He goes on to talk about law being meant to deter, and that no deterrent would be strong enough to keep those men from finding a way to survive, so it should be lumped with the self-defense arguments. All the judges touch on these issues, especially the idea of purpose in the law, but in brief they also discuss whether the group's agreement was binding, the possibility of executive clemency, common sense + morality vs. what the law says, and human reality.

4. I am with Mr. Handy here. Though I was for finding them innocent from the beginning Justice Handy had the simplest, most logical, and fairest arguments.

Foster put a lot of effort into proving why these men were innocent, and he raised a lot of good points in doing so. However I also agree with Tattling and Keen that especially his first argument may have been borderline fantasy. Handy however essentially seems to agree with Foster that this is an extenuating circumstance. His argument is most persuasive though because he is trying to take the cold hard law and mix it with human morals + reality to come to a just decision. I tend towards trying to see all sides of an argument and making them mix.

5. I disagree with Justice Keen though his argument is persuasive. It seems to me that Keen advocates simply ruling based on the law. He says that you have to put your morals aside and do what the law says to do. After all the law is there for a reason, and it should be followed. Though to me it seems to belong more in a military situation of just following orders than in a situation of justice. However his argument is almost perfect in a purely technical sense.

6. Law is definitely not straightforward. This case clearly has no easy answer and much deliberation would be needed to decide it. However there are definitely a lot of cases that are very simple and easily decided. But for every simple case I am sure there is one that involves extenuating circumstances that are harder to decide on.

No one brought this up last semester c. Her.

In this case I was surprised that no judge addressed the fact that they sought legal council before carrying out their plan.