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## ABSTRACT

In this work the life of one of the most famous Americans writers will be developed who based in his real experiences began to write thriller books. In his first novel "A Time To Kill" he writes about Civil Rights in the United States and how blacks were discriminated by American whites and theirs laws. Also, the Civil Rights will be contrasted that our country Ecuador is living. In the same way a literary analysis of the book "A Time To Kill" will be made its protagonists, antagonists, rising and falling actions among other things. The Civil Rights will be reviewed step by step the way that they were presented in the book; how blacks were abused and how the laws were unfair for them.

Finally, the conclusion of this work will be given. It includes reputable opinions of the critics about Grisham's books. In addition our personal opinions about this famous American best selling writer will be written.

**Clue words:** Civil rights, blacks, whites, rednecks, discrimination, rape, racism.



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**UNIVERSIDAD DE CUENCA**

**FACULTAD DE FILOSOFIA, LETRAS Y CIENCIAS  
DE LA EDUCACIÓN**

**THE UNITED STATES CIVIL RIGHTS SYSTEM AS SEEN THROUGH JOHN  
GRISHAM'S NOVEL, "A TIME TO KILL"**

Tesis previa a la obtención  
del título de Licenciada en  
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Literatura Inglesa.

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All the content of this thesis is the exclusive responsibility of its authors.

Lorena Álvarez Patiño

Gresia Suín Malla



## DEDICATORY

I want to dedicate this work to God because he is who guides my way every day, to my parents José and Mercedes who have supported me, my mother-in-law Tarcila who took care of my son when I had to write this work, my husband César for all his love and comprehension and my dear son Israel because he is the person for whom I live.

Lorena





## DEDICATORY

I want to dedicate this work with gratitude and love to my parents, Fidel and Josefina, and my husband, Edgar who have always supported and helped me to carry out my goal.

Gresia



## ACKNOWLEDGMENT

We want to express our thanks to all the people from whom we received considerable guidance throughout our years of study, especially to Lcda. Maria Isabel Espinoza who, as director of our thesis gave us her valuable time and assisted as with knowledge and advice to conclude this work.



## SUMMARY

John Grisham, a man who was born in a common family has had an exciting life. He has known a lot of towns, and he grew in a moral family who practiced the Baptist religion and who were active members as John, his wife, and children are today. John as a normal person studied in different elementary schools, high schools and he achieved to study the University in Mississippi where he graduated as a lawyer. In that time John decided to get married with his girlfriend Renee. One day while he was practicing his profession in the streets observed a case in the court that called his attention. It was about a black girl who was raped for two whites with his clear mind about that, he began to write the novel "A Time To Kill", with this first book John became a famous writer in the United States.

In general terms comparing the Civil Rights of the United States presented in the novel and the civil rights of our country. In Ecuador people are afraid of black people because we think they are rapists, robbers, killers, etc. However; we do not hurt them. In the United States, discrimination is terrible not only to black people also to other social groups. There Americans killed, raped, hurt them. Today we can see cases of Ecuadorians who were killed in The United States because they were Latinos or because they had dark skin.



## INTRODUCTION

A writer always wears glasses and never combs his hair. Half the time he feels angry about everything and the other half depressed. He spends most of his life in bars, arguing with other disheveled, bespectacled writers. He says very 'deep' things. He always has amazing ideas for the plot of his next novel, and hates the one he just published.

A writer has a duty and an obligation never to be understood by his own generation; convinced, as he is that he has been born into the age of mediocrity, he believes that being understood would mean, losing his chance of ever being considered a genius. A writer revises and rewrites each sentence many times. The vocabulary of an average man is made of 3,000 words; a real writer never uses any of these, because there are another 189,000 words in the dictionary, and he is not the average man.

When he wants to shock somebody he says things like "Einstein was a fool" or 'Tolstoy was the clown of the bourgeoisie'.

When trying to seduce a woman, a writer says 'I am a writer', and scribbles a poem on a napkin. It always works.



When invited to say what he is reading at the moment, a writer always mentions a book no one has ever heard of.

Paulo Coelho

In each part of the world exist people who took a sheet of paper and began to write about their feelings, emotions, or the things that had called their attention and had been very important in their lives. They are called writers. An American famous writer is John Grisham, a young man who without expecting it wrote more than twenty books which have been sold around the world. As a result he has become very famous in the United States nowadays.

John Grisham was born in a small town in Mississippi. He achieved his first education from his mother because his father's work made his family move frequently town to town. Thus, he attended elementary school, high school and finally he went to Mississippi University where he became a lawyer. John took center stage as a lawyer and politician and he was successful. Both careers disappointed him. But something he overheard in a Mississippi courtroom changed his life and career. Three years later, he published his first book "A Time To Kill" which was his first step to become a famous man and the best seller author of thriller books.



The novel is presented with horrible details of Tonya's rape and how her father took revenge and killed the two whites because of the damage they did to his dear daughter. After a long trial the jury, established Tonya's father was not guilty and the story had an unexpected end.

Knowing some Civil Rights in the United States we introduce the Civil Rights of our country Ecuador since the laws are similar but different one from another sometimes. In the Ecuador 2008 Constitution some laws were reformed so it has many new laws, too. Through this thesis it was possible to clarify laws that were not known before.

In a general way we have realized that the United States government and its laws are very severe and its punishments go even to penalty but in Ecuador the maximum penalty is twenty-five years in jail.

On other hand, while we read the novel "A Time To Kill" we discovered how Grisham shaped its protagonists, antagonists, where the climax took place and how the novel ended. In other words, this thesis also presents a literary analysis of this book.

John Grisham is a person of admiration because he teaches that all the things that we want we can achieve with effort and sacrifice. In this work, "The United States Civil Rights System as seen through John Grisham's novel "A Time To Kill", a short biography of John Grisham and his career as connected to his legal messages to the audience through his novel will be presented. Second, this work presents the similarities and differences of some Civil Rights in the United



States and Ecuador. Third, it explains the literary analysis of the novel "A Time To Kill". Fourth, it refers to the Civil Rights as shown in the novel "A Time To Kill". Finally, the last chapter is the conclusion of our thesis, the opinions of some critics about Grisham works, and personal opinions.

# CHAPTER I

John Grisham, biography and career  
as connected with his legal  
messages to the public through his novel.

## CHAPTER I

**John Grisham, biography and career as connected with his legal messages  
to the public through his novel.**







## Picture No. 1

### John Grisham when he was forty-six years old.

It is difficult to imagine that a common man who grew in a Baptist family, dreaming to be a baseball player, being a poor boy, interested in politics could become the best-selling author of thriller novels in the United States. He is **JOHN RAY GRISHAM GRISHAM** who wrote more than twenty books, the majority of them are about real experiences when he was a street lawyer.

#### 1.1 Education

John Grisham received his first education from his mother because they were very poor. He did not attend any school because of his father's work. Grisham and his family would not stay in one town for a large amount of time. They would go to multiple towns. When it came time for school, little John (Grisham's family nickname) was sit down the highway to Monette for elementary school. In Kindergarten and first grade, he would spend only one or two semesters there.



**Picture No. 2**

**It is the photograph of Monette Elementary School. It was the first elementary school that he attended.**

Until he was twelve years old, Grisham and his family settled in Southaven, Mississippi. There he developed into a good student. When he was a child, he wanted to be a professional baseball player, but he soon realized he did not have the physical build to the game. He would do everything to become a professional baseball player.

Even though his dreams about professional baseball were shattered, it did not mean the sport would drop completely out of his life. Later, when he was in high school, he was profound admired by the teacher Frances McGuffey, who taught senior English to him. Her class introduced him to books and authors that captured his interest. One of them was Californian novelist and a short story writer,



John Steinbeck, who wrote about the tragic life of poor immigrant workers. Grisham liked the books of *John Steinbeck*<sup>1</sup> especially his book *Tortilla Flat*<sup>2</sup>. When John was about fourteen or fifteen and still at Horn Lake high school, he and his friends played baseball all day Saturdays, it was their passion. Because Southaven did not have high schools until 1971, little John still had to attend the one in Horn Lake, which was overcrowded. Some of the classes had to be held in neighboring churches. In fact, the gymnasium was used as both a library and a stage.

Once Southaven high school was finished in 1973, little John transferred for his junior and senior years. He could not have been happier. Inside the new high school, everything was gleaming. But little John Grisham focused on his passion at Southaven High-football and baseball. John was never too busy to forget where he came from. His obsession would channel him into a devote spectator of local, college, and national games. Many years after graduation and before Grisham's fame, John had come back to Mississippi Southaven University to watch the team play against Brigham Young University, John's group of friends adopted the visiting team to feed them and make them feel welcome.

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<sup>1</sup> John Steinbeck was an American writer in the twenties. His works describe the California State.

<sup>2</sup> *Tortilla Flat* is a Steinbeck's novel set in Monterey, California. It is about a group of countrymen denouncing society by enjoying life and wine in the idyllic day after the end of the Great War and preceding United States prohibition.

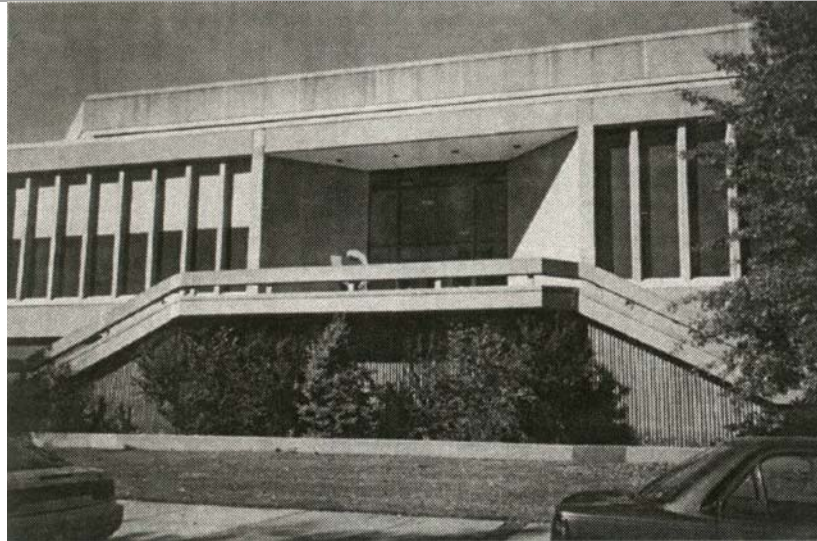


**Picture No. 3**

**Southaven, Mississippi High School, when John graduated in 1973.**

John Grisham moved north to the enchanted small town of Oxford, Mississippi. There he would spend three years in law school at the University of Mississippi. He was there to learn the skills of a tax lawyer, hoping to make money from defending rich clients. Grisham fell in love with Renee Jones, a neighbor friend. She was a senior in high school and John was a first year law student, they became a happy couple.

John Grisham graduated from law school in May 1981. He was the first in his family to graduate from college and certainly the first and only one to graduate from law school. His parents worked hard to send their children to school. However, for Grisham there was something far more important than a law degree, it was Renee Jones. His next step was to marry her.



**Picture No. 4**

**It is the locality of the University of Mississippi in Oxford, when John studied laws for three years.**

Having graduated in 1981, he began to practice his profession in Southaven, but he immediately realized that he did not like his profession. Although he won his first case in the court, he did not feel successful because he thought his defense was weak. During law school, Grisham exchanged his interest from tax law to criminal law and general civil litigation.

During that time, he represented a broad spectrum of clients. As a young attorney, he spent much of his time in court proceeding. As part of the practice, Mississippi private attorneys were sometimes called to defend clients who were poor to engage lawyers of their own. In the same year (1981) when he was in practicing as a lawyer, he began to write his first book, "A Time To Kill" because of a trial in which a ten-year- old girl testified against two whites who had raped her



and left her for dead. That case astonished him and he never before felt that kind of human drama.



**Picture No. 5**

**It is the aspect of the University of McCool Hall at Mississippi University,  
when John earned a BS degree.**

## **1.2 Political Life**

After graduating from the University of Mississippi Law School, he established a small private legal practice in Southaven Mississippi. He ran as a candidate to represent the Mississippi House. He won that election and he was

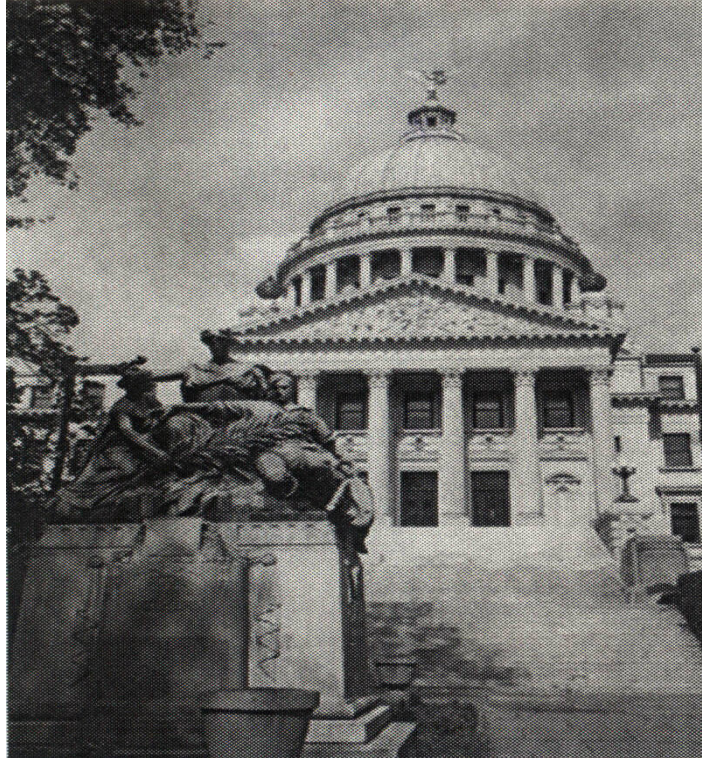


possessed as a Democrat the *Mississippi House of Representatives*<sup>3</sup> where he served from January 1984 until September 1990. There Grisham made some good and lasting friends during his politic career of seven years. By his second term, he held the vice chairmanship of apportionment and Election Committee. Thus, he was practicing as a lawyer for indigenous clients. In this way, Grisham reserved invaluable experience of the criminal justice system.

When he quit his period in the House of Representatives, he decided not to return to the politics because he thought his time as a politician finished and he decided to write and published his books which improved his economic situation. Thus, they permitted him to donate money to different causes. On May 24, 2002 John Grisham and his wife made a contribution at the Mississippi State University. They donated one point five million dollars in order to support faculty and for under graduated teaching and scholarships for academic talented students.

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<sup>3</sup> *The Mississippi House of Representatives* is the lower house of the Mississippi Legislature the lawmaking body of the United States, State of Mississippi.



**Picture No. 6**

**It is the place where John worked as a legislator.**

One thing missing in the move to Virginia was a baseball field and two practice fields for five hundred kids. Grisham would coach the Piedmont Little League Baseball Association, providing all the uniforms and equipment. Grisham would transport the team to Oxford for games or bring the Oxford team to Virginia. However, once his son graduated from high school, Grisham was less obsessed, but still active, with his volunteer work as a coach and an assistant coach. At the University of Virginia, Grisham anonymously gave four million of dollars to help build the new stadium for the Cavalier baseball team. John Grisham likes to be a quiet giver. However, he openly supported John Kerry's candidacy for the





presidency in 2004. Also, John supported the Democrat Party candidates, and he donated them over one hundred thousand dollars. In September 2007, Grisham appeared with Hillary Rodham Clinton; his choice for United States President in 2008, and former Virginia Governor, Mark Warner whom Grisham supported for the United States Senate Seat being voted by Republican John Warner. He contributed hundreds of thousands of dollars to campaigns. According to the Virginia Public Access Project, Grisham donated over four hundred thousand dollars to political causes and campaigns from 1998 to 2008. In December 2009, he gave fifty thousand dollars to Terry McAuliffe's, his old friend, gubernatorial campaign.

### 1.3 John Grisham and his Family

Let's go to the past and see how John Grisham grew. On February 8, 1955, John Grisham Jr. was born in the hospital in Jonesboro. He was the second of five children. John would be the first of three sons and his parents were very happy to celebrate his birth. According to a famous writer, Libby Hughes, John's parents, John Sr. and Wanda had grown up in Arkansas. Wanda Skidmore grew up in *Black Oak*<sup>4</sup>. According to folks in the area, Wanda's mother was a very sweet woman. She had red hair and bright blue eyes. Her father sold pianos in nearby communities. Wanda herself played the piano. John Grisham, Sr., came from Booneville, Arkansas.

He was one of five brothers. From Booneville, they lived in Lake City,

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<sup>4</sup> Black Oak is a town in Craighead County, Arkansas, USA. It is included in the Jonesboro. It is the setting of John Grisham's novels



Arkansas, where some of the brothers worked at the cotton farm. In fact, some of the relatives claimed that seven Grisham brothers came over on the *Mayflower*<sup>5</sup> in 1620 and scattered across the country, changing the spelling of the Grisham name to Grissom. Many people of Black Oak were Grishams' relatives. Families represented the soul of the South. Later, Big John bought a big house two miles away near the highway. The young couple and their small children were glad to move there.

Wanda and Big John was a traditional couple in the sense that Wanda looked after the house and children. Big John went out and worked to provide a living for his wife and family. Wanda wanted and expected from her children two things. They had to go to the Baptist church and they had to borrow books from the library to study them. Whenever they moved to a new town, Wanda took the children to the church and library before anything else.

Wanda, John, and their children attended the first Baptist Church in Black Oak. The Grisham's children were always quiet and well-mannered. Wanda Grisham had a good-natured and lovable disposition. She did not like or permit the use of bad language by her children at home or in public. To support his wife and five children, Big John and Wanda went to Arkansas, Louisiana, and Mississippi, working for a construction company.

Wanda and the children followed Big John whenever the work was. The

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<sup>5</sup>The *Mayflower* was the ship that transported the English Separatists well known as the Pilgrims from Plymouth to the United States in 1620. There were one-hundred passengers and a crew of twenty-five to thirty.



family would pick up their suitcases and go to the next town or state. Wanda never complained. Her job was to make a happy home.

Then Big John and Wanda Grisham moved to Crenshaw with their children. As long as Wanda could join a Baptist church and borrow books for her children, she was content. From Crenshaw, Big John's company moved him south to Delhi, Louisiana. Also, the Grisham's family moved again. That time to Parking, Arkansas, and sixty miles southeast of Jonesboro. While Big John worked seven days on construction, something very special happened to little John at the age of eight. He had a religious conversion; it was the most important event in his life. He became a *Baptist*<sup>6</sup> member of the church.

Within a year or two the Grisham's family moved again. Big John's construction company sent him over to Mississippi again. This time they went to Ripley, Mississippi, southeast of Memphis. By that time young John and his brothers reached Ripley, they would experience a more stable school life. Their father was not moving as frequently. John had a normal childhood, growing up in a house full of kids. Yet, the very fact of moving from one town and one state to the next would be beneficial for John Grisham as a writer.

The traveler life of the Grisham's family would soon come to an end, when Wanda and Big John Grisham decided to move from Ripley to Southaven in 1967, it felt like home. Wanda was ready to have her children in one place where they

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<sup>6</sup> *Baptist* is a conservative offshoot of the Christian faith. It is strict to follow the Bible and its teachings. There is no Pope, Bishop or any other type of overseeing committee that watches over how the church should act or be perceived.



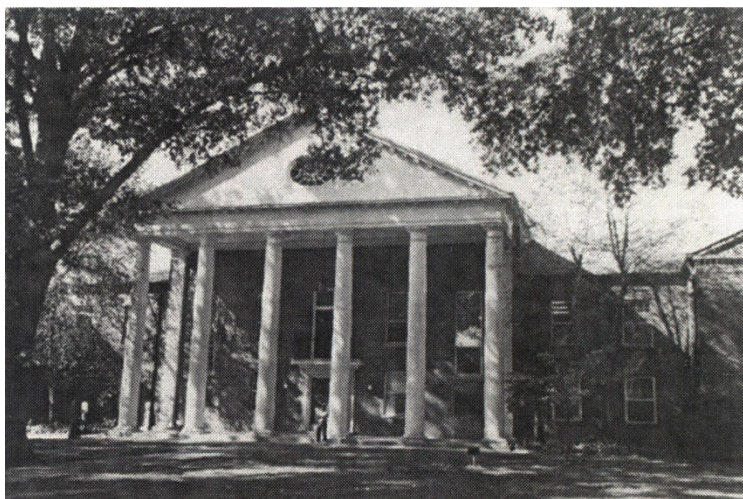
could have friends and could grow up in a good Baptist church. The Grisham's family settled happily into Southaven. Big John ran a dealership for heavy farm equipment while Wanda became involved in the First Baptist Church and looked after the needs of Beth, little John, Kenny, Mark, and Wendy her five children.

They were able to establish long-lasting friendships and to gain a sense of community. When the Grisham's children were not involved in school or sports, they took part in church activities. When young Grisham was home in Southaven from Mississippi Southaven University, he noticed a little girl on the next street. That little girl had turned into a beautiful young teenager. She was Elizabeth Renee Jones. John was six years older than Renee, but he was astonished by her beauty. She was a tall, slim brunette with startling blue eyes. On May 8, 1981, Dr. Lewis Sewell, pastor of the First Baptist Church in Oxford, married that handsome young couple. John and Renee had obtained their marriage license in Southaven, but Oxford was their choice for the wedding. John Grisham had a very private wedding. After the honeymoon, the next move for the newlyweds was to find a place to live and for John to become a real lawyer. They returned to their roots-Southaven, Mississippi. They both had grown up there. People in the community and church knew them and both sets of parents lived close to each other.

The young couple found a ranch made. It was on Farmington Road next to Renee's parents. John's parents were on the next street on Coventry Cove. John and Renee were backing home in their neighborhood where they had spent their ten years.

John as an active member of his church refused many cases. He did not divorce work because the laws are now such that divorce is too easy. He turned down certain criminal defendants because he could not bring himself to believe them or fight for them. He did a lot of pro bono work for churches with an assortment of legal problems. When John became famous, his wife and two children Ty and Shea were an example of a good family. They were very generous to the church. Without any publicity, he bought a coach bus to be used to help people in need in the event of tornadoes, or other natural tragedies. Women from the church would drive to these areas and provided meals and necessities.

John was dedicated to home, church, and family. He always talked about his wife and how much he loved her and claimed she was the best looking woman in the world. Also, Renee was who supported John when he began to write. After Grisham finished the first chapter of his first novel, he let his wife read it. She liked it and wanted to read more. In this way, John finished his first novel A Time To Kill.



Picture No. 7



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**It is the place where John Grisham's novel A Time To Kill was set, in De Soto  
County courthouse in Hernando, Mississippi.**

All this attention did not mean that John Grisham was rich overnight. The money made from his book A Time To Kill was not enough for Grisham to give up his law practice. He had to keep working and pounding the halls of the county court-house and the corridors of the state house in Jackson. His family needed that financial support. Suddenly John, Renee Grisham, and their two small children had sizable amount of money, which would enable them to make some changes in their lives.

For a long time, Renee had wanted to go back to Ole Miss to get her degree in English Literature. When she married John, she had only completed two years. With only two more years to go to finish her degree, John supported her in these ideas. They decided to move to Oxford, Mississippi, a place they both loved. Grisham gave up practicing law, and he had resigned his post of seven years as State Representative in September 1990. Now he would write full time while Renee finished her university studies.

The Grisham's family bought almost seventy acres outside the center of Oxford. There, they built a yellow Victorian farmhouse. The young family would live there with two dogs, a cat, and a bird for his son Ty. Grisham built a baseball diamond on his property. John Grisham would fulfill a lifelong dream by coaching Little League baseball. John Grisham gave an interview to People magazine and said, "We wanted to build the home that the kids will come someday with their kids.



We plan on living here forever. Ten years from now I plan to be sitting here, looking out over my land. I hope I will be writing books, but if not; I will be on my own pond fishing with my kids. I feel like the luckiest guy I know". After two or three of his books and films became celebrated here and abroad, John Grisham own celebrity grew with them. His youth, his handsome appearance, and his talent for writing what the general public wanted to read thrust him into the spotlight. He did not like it and did not want this kind of exposure either for himself or his family.



**Picture No. 8**

**It is Grisham's family farmhouse in Oxford, Mississippi.**

#### **1.4 John Grisham's present Life**

In the last years John became a popular and famous man who wanted to look for privacy in another state. Charlottesville, Virginia, was the place he found. There, the Grisham's family found a two-hundred four year old house on over one hundred acres in Covesville, part of Albermarle County, and only twenty miles



outside Charlottesville. The new Grisham's family homestead was buried from public scrutiny. Initially, the Grisham's family moved there in 1993 for a year, but they stayed because they achieved what they wanted total privacy. John had a separate cottage where he could write his books every morning. There was another cottage for visitors, separate from their home. However, their rural setting had a swimming pool, tennis courts, a croquet court, horses, a housekeeper, a maintenance man, and a private jet. The jet picked up the relatives and friends who come to visit them. In a press conference Grisham said, "It is true I now spend most of my time in Virginia. My children are in school and we do enjoy it because of the privacy we receive. But Mississippi is still my home.

I still have a Mississippi driver's license. I still file state income tax in Mississippi. I'm still registered in Lafayette County to vote... I am very content to stay on the farm and write a coach Little League."

Although Grisham had made millions from his books, he and his wife Renee had been generous in sharing their wealth. To churches of all denominations, but particularly in Mississippi, they had contributed to specific needs and gave fifty-five thousand dollars to have the two barns restored on William Faulkner's property. After Hurricane Katrina hit the Gulf coast in September 2005, John and Renee Grisham established the Rebuild the Coast Fund with an initial five million gift. John Grisham is also active in his church and has participated in church sponsored mission trips.

Among many worthy causes, the Grisham's family had given money to both





of the Mississippi Universities from where John graduated. At the University of Mississippi in Oxford in 1993, John and Renee created two programs to bring emerging writer as well as famous writers to campus. The first program had brought one to three famous writers to the campus for brief visits each semester. They gave public talks and met privately with students. This was called "The Visiting Writers Series". Grisham supported a second program called "The Emerging Southern Writers in Residence," which invited a writer for the entire fall semester. At the Mississippi State University in 1993, John and Renee established two awards: the Master Teachers and Faculty Excellence. Master teachers were supposed to serve as a role models and mentors for their colleagues during the two years period. The Faculty Excellence Awards, which can be as many as five, carry a stipend of two thousand dollars. That amount had increased and Grisham made it retroactive.

Every year since 1993 in the University of Mississippi, John had held an Oxford Conference for the book. In April of 1994, John Grisham and *Stephen King*<sup>7</sup> appeared on the same panel to talk about writing. In the conference for the book, Grisham responded to the questions with humor. Both writers felt trapped by their long contracts to publishers and both were skittish about dealing with Hollywood. Yet, both agreed that they had fun in their chosen field as writers and felt they had a good life, except for the invasion of privacy.

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<sup>7</sup> *Stephen Edwin King* is an American author of contemporary horror, suspense, science fiction, and fantasy fiction.



One of the most meaningful aspects of celebrity for the Grisham's family was the John Grisham's room on the third floor of the new Mitchell Memorial Library at the Mississippi State University. The university's dignitaries were on hand on May 4, 1998 for the dedication of the room as they watched author Grisham cut the ribbon. The room was large and handsome with beautiful wood floors. Cabinets, holding all the Grisham books and posters in many languages surround several pillars.

Grisham's life pattern had been fairly predictable. John tired of being a lawyer; tired of being a politician; he may tire of being a fiction writing of legal thrillers or he may not. He had made all the money he could want.

One theme that he had repeated to the press is a desire to help people; especially young people. Whether that will be through his mission work for his church or through something else was not clear. However, he had been writing in residence at the University of Virginia in Charlottesville, sharing his writing experience with aspiring college students.

As a writer, Grisham may want to attempt more thoughtful pieces of fiction to place him solidly in a category of serious southern writers. He may want to combine these with his commercial thrillers. Whatever his choices are his more than twenty books have compelled people, who never read or rarely read books, to venture into bookstores. These nonreaders eagerly await his books and sometimes wish he could produce more than two books a year.

Today, John Grisham, his wife and his two children, keep home in Oxford,



Mississippi and near Charlottesville, Virginia. Apart from his writing, he has endowed writing scholarship at the University of Mississippi. Grisham has not stopped producing bestselling legal thrillers. The year 2009 saw the publication of his twenty-first novel, "The Associate", John Grisham is now a full time writer and has to put his law career on the side. However, John has never regretted his decision to be a lawyer. Because he believed he owed it to his law career for the inspiration of his many thrilling stories that forms the fundament of his success as a writer today.



# CHAPTER II

## Civil Rights in the United States and Ecuador



## CHAPTER II

### Civil Rights in the United States and Ecuador

#### Similarities: Civil Rights in the United States and Ecuador

##### Civil Rights

The Civil Rights are the rights that a nation's inhabitants enjoy by law. Civil Rights have a legal as well as a philosophical basis. Also, it is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. For example, freedom of speech, press, and assembly, the right to vote, freedom from involuntary servitude, etc.

In the United States, Civil Rights are usually thought of in terms of the specific rights guaranteed in the constitution. It began since the Civil War; much of the concerns over Civil Rights have focused on efforts to extend those rights fully to African Americans. The Civil Acts of 1866, 1870, 1871, and 1875 were upon African Americans such freedoms as the right to sue and be sued, to give evidence, and to hold real and personal property. Although the Civil Rights were accepted, several states passed their own Civil Rights laws.

In the year 1998, Ecuador wrote important amendments as were the Civil Rights that have been introduced to protect people's integrity. Violence, also, is



classified in physical, psychological, sexual, or moral damage. The Civil Rights in Ecuador are very important in the constitution; however, people in a way or another do not respect them.

## **2.1 Ensuring People's Physical Integrity and Safety**

This right means the condition of being protected against physical, social, spiritual, financial, political, emotional occupational, psychological, educational, or other types or consequences of failure, damage, or any other event which could be considered non-desirable. Also, it is the form or being protected from the event or from exposure to something that causes emotional losses. It can include protection of people or of possessions.

This Civil Rights in the United States is generally interpreted as implying a real and significant impact on risk of death, injury or damage to property in response to perceive risks many interventions may be proposed with engineering responses as regulation being two of the most common. Probably the most common individual response to perceive safety issues are insurance, which compensates for or provides restitution in the case of damage or loss. Thus, for the first time the constitution explicitly prohibits family violence and promotes the proper and effective application of the respective law passed in 1995.

In Ecuador, the new constitution which was approved in 2008 includes this right and gives a major emphasis to health issues by connecting them to fields such as environmental protection in order for people to enjoy the right effectively.



Accordingly, the constitution establishes that "The State shall assure the right to health assistance and the promotion and protection thereof, by developing food security, rendering proper drinking water and sanitation services, fostering healthy family, labor and community environments, and providing permanent uninterrupted health care services, in accordance with the principles of equality, universality, solidarity, quality and efficiency". As regards the right to health assistance, the new constitution includes the principle that health programs and actions shall be gratuitous to everyone and that public medical care services shall also be free to people who need them. By no means may emergency attention at public and private medical institutions be denied to patients (article 43). This is the first time the constitution states in such a general manner that public medical care services may be used by people who need them. This could lead however to misinterpretations as to the actual enjoyment of this right. The last phrase of the above-mentioned provision conforms to the constitutional law in that the latter prohibits bringing to a stop public services including health assistance, as analyzed above. An important amendment has also been made which provides the State's responsibility "to promote culture for health and life with an emphasis on food and nutritional education for mothers and children as well as sexual and reproduction health with the support of society and the media". Accordingly, the State shall implement programs with a view on eliminating alcoholism and other types of drug abuse.



### **2.1.2 Natural Justice in law (such as the rights of the accused, including the right to a fair trial; due process; the right to seek redress or a legal remedy)**

Natural Justice or procedural fairness is a legal philosophy used in some jurisdictions in the determination of just, or fair, processes in legal proceedings.

Natural Justice has two specific natural principles.

1. "Nobody shall be a judge in his own cause", invalidating any judgment where there is a bias or conflict of interest or duty; and
2. "Hear the other side", giving at least a fair opportunity to present evidences of the case to be exposed to the judge.

The two principles of Natural Justice and their interpretation, originally developed by English judges, are now generally followed in all common law legal systems, including those of the United States. The rules or principles of Natural Justice are now regularly applied by the court in both common law and civil law jurisdictions. Natural Justice operates on the principles that man is basically good, that a person of good intent should not be harmed, and one should treat others as one would like to be treated.





Ecuadorian new former constitution (Art. 172) only empowered the Supreme Court and courts of last resort to render the non-applicability of juridical provisions contrary to the constitutional law only in those cases in which their judgment was delivered. In the new constitution 2008 (Art. 274) "any judge or tribunal" is empowered to do so not only in cases of provisions contrary to the constitution but also in opposition to international conventions and agreements. This amendment considerably promotes opportunities to protect individual's rights in the specific case where laws contrary to constitutional provisions and international conventions support the action of judges. As regards the State's obligation to compensate private individuals for violations of human rights, the new constitution 2008 (Art. 20) provides that, "besides the institutions of the State, their delegates and representatives are obligated to compensate private individuals for any damage caused as a result of a deficient rendering of public services or by the acts of officials and public servants in the exercise of their duties". This amendment is important since not only state institutions might be liable in such cases but also those individuals or corporations who, under contractual or legal obligations, render public services in a negligent manner, thereby causing damages to citizens' human rights.

### **The Rights of the Accused**

They are the civil and political rights that apply to a person accused of a crime, from when he or she is arrested and charged to when he or she is either



convicted or acquitted. Rights of the accused are generally based on the maxim of "innocent until proven guilty" and are embodied in due process.

In the United States, these rights are guaranteed in the Bill of Rights (the first ten amendments of the United States Constitution), particularly in the Fourth, Fifth, Sixth, and Eighth Amendments. The right of the accused always comes into conflict with promotion of victims' rights.

- Right of due process
- Protection from illegal search and seizures
- The right to indictment by a grand jury
- Protection from double jeopardy
- Protection against self-incrimination
- Right to a fair and public trial
- Right to trial by jury (to be judged by one's peers)
- Notice of accusations (to be informed of the nature and cause of the accusation)
- Right to confront one's accuser
- Right to counsel
- Protection from excessive bail and fines, and from cruel and unusual punishment.

Ecuador's new constitution 2008 includes the penalty for those who have arrested a person with or without a written order from a judge and do not prove to have immediately brought him/her to the competent authority (article 24, number 4,



second paragraph). These amendments facilitate, in the first place, that in cases of abuse of power and violation of rights, the person arrested may bring action against officers involved, as in most cases the failure by police officers to identify themselves results in impunity. Second, the new constitution introduces, for the first time, the right to remain silent and reaffirms the right to communicate with a lawyer or a family member or acquaintance, as this prerogative was provided only in special laws. Third, although the obligation to immediately bring the person arrested to a competent authority is acknowledged by secondary laws, the practice of holding the person without talk for investigation before delivering him to a competent judge forced to include such obligation in the constitution.

### The Right to Fair Trial

It is seen as an essential right in all countries respecting the rule of law. A trial in these countries that is deemed unfair will typically be restarted, or its verdict quashed. The right to a Fair Trial is explicitly proclaimed in Article Ten of the Universal Declaration of Human Rights, the Sixth Amendment to the United States Constitution, and Article Six of the European Convention of Human Rights, as well as numerous other constitutions and declarations throughout the world. A fair and just trial might be impeded by:

- **Corruption** is the use of legislated powers by government officials for illegitimate private gain. Misuse of government power for other purposes, such as repression of political opponents and general police brutality, is not



considered political corruption. Neither are illegal acts by private people or corporations not directly involved with the government.

- **Contempt of Court** is a court order which, in the context of a court trial or hearing, deems an individual as having been disrespectful of the court, its process, and its invested powers. Often stated simply as "in contempt" or a person "held in contempt", it is the highest remedy of a judge to impose sanctions on an individual for acts which excessively disrupts the normal process of a court hearing.
- **Witness Intimidation** involves witnesses crucial to court proceedings being threatened in order to pressure or extort them not to testify.

In Ecuador, fair trial is considered the serious violations of human rights as a result of the almost generalized practice of extending the preventive custody during the criminal trial, the new constitution 2008 has incorporated an exemplary amendment providing that "preventive custody shall not exceed six months in actions for crimes penalized with arrest, or one year in actions for crimes penalized with imprisonment. Should these terms not be observed, the order of preventive custody shall no longer be effective under responsibility of the judge trying the case" (article 24, number 8). This amendment conforms to the twenty-eighth transitory constitutional provision which establishes that individuals accused for crimes punished with imprisonment who have been arrested for over one year with no sentence shall immediately be released, without prejudice to the full prosecution of the penal lawsuits against them. The provision also establishes that the National Council of Judicature shall penalize judges who have acted with negligence in the



respective proceedings. This constitutional provision has enabled a great number of defendants to obtain their liberty and has reduced crowded prisons. However, judges usually do not act so as to comply with the provision of article 24, number 8, with respect to preventive custody for crimes punished with imprisonment (including crimes related to drug trafficking) which establishes that preventive custody shall not exceed one year, otherwise it loses effect. Accordingly, it is a priority that judges attain full independence from the police system which in many occasions, mostly in cases of drug trafficking, question those magistrates who terminate proceedings within the terms stipulated in the constitutional provisions.

### **Due Process**

It is the principle that the government must respect all of the legal rights that are owed to a person according to the law of the land. As developed through a large body of case law in the United States, this principle gives individuals a varying ability to enforce their rights against alleged violations by governments and their agents (that is, state actors), but normally not against other private citizens. It has also been frequently interpreted as placing limitations on laws and legal proceedings, in order for judges instead of legislators to define and guarantee fundamental fairness, justice, and liberty).

No State or Federal Constitution in the United States had ever before utilized any "due process" wording, prior to 1791 when the Federal Bill of Rights was ratified. However, when the United States Constitution took effect in 1789, it did contain a Supremacy Clause, which specified that the constitution itself, and



Federal Statutes enacted pursuant to the constitution, would be the supreme "law of the land". With respect to Due Process in Ecuador, the new constitution 2008 includes the application of "penalties alternative to the loss of liberty, considering the nature of each case, the infringer's personality and his/her rehabilitation" (article 24, number 5). A substantial amendment of special rules (Code for Enforcing Judgments) is obviously required for this purpose. Meanwhile, judges shall apply these obligatory amendments in accordance with the above-mentioned constitutional principles as these may not be subject, for their fulfillment, to the lack of law or any requirements and conditions. An important amendment as to the offender's right to have a due process provides that "upon arrest, everybody shall have the right to know clearly the reasons for his/her arrest, the identity of the authority who ordered the arrest, the police officers who execute it and the officers in charge of the interrogatory" (article 24, number 4, first paragraph).

### **A Legal Remedy**

It means with which a court of law, usually in the exercise of civil law jurisdiction, enforces a right, imposes a penalty, or makes some other court order to impose its will. In commonwealth, common law jurisdictions and related jurisdictions (e.g. the United States), the law of remedies distinguishes between a legal remedy (e.g. a specific amount of monetary damages) and an equitable remedy (e.g. injunctive relief or specific performance). Another type of remedy is declaratory relief, where a court determines the rights of the parties to an action without awarding damages or ordering equitable relief.



In English and American jurisprudence, there is a legal maxim that for every right, there is a remedy. That is, lawmakers claim to provide appropriate remedies to protect rights. This legal maxim was first enunciated by *William Blackstone*:<sup>8</sup>

"It is a settled and invariable principle in the laws of England, that every right when with-held must have a remedy, and every injury it is proper redress.

There are three legal remedies established in the constitution of Ecuador protect individuals against violations of their fundamental rights:

### **Habeas Corpus**

Every person who believes to be unfairly deprived from his personal liberty may file a habeas corpus remedy, by himself or through another person. Local mayors are the authorities entitled to decide on these remedies, within twenty-four hours of their filing. Authorities must demand the immediate presence of the petitioner, and the order through which he was arrested in order to determine the legality of his arrest, and the conditions of the prisoner.

### **Protection**

Any person, by himself or representing a group of people, may file an protection remedy, through which urgent measures may be taken in order to

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<sup>8</sup>*Sir William Blackstone* was and English judge, jurist and professor who produced the historical and analytic treatise on the common law. He still remains an important source on classical views of the common law and its principles.



prevent or remedy the consequences of a public, arbitrary, and illegitimate act that violates any of the fundamental rights enshrined in the constitution and other International Treaties. However, the protection remedy cannot be filed against decisions made by national courts.

### **Habeas Data**

Every person has the right to access to documents in public and private institutions when these documents include personal information about that person, through established procedures that guarantee that any mistake or misuse of this information is duly corrected. More information on Habeas Corpus, Habeas Data, and Protection Procedures are available in the Law of Constitutional Control.

#### **2.1.3 Protection from Discrimination (based on gender, religion, race, sexual orientation, etc.)**

##### **Discrimination**

It occurs when a person is treated less favorably than other in a comparable situation because of their racial or ethnic origin, religion or belief, disability, age or sexual orientation. The United States Constitution prohibits discrimination by federal and state governments. Discrimination in the private sector is not directly





constrained by the constitution, but has become subject to a growing body of federal and state law.

## **Gender**

In the United States Gender Discrimination is based on the sex of the person man or woman was first addressed in the federal law. In the Equal Pay Act of 1963 was the first law to address gender inequality in workplace and one of the first laws to benefit women explicitly since they gained the right to vote in the early century. Equal Pay Act guaranteed equal pay for equal work for men and women. And women must be employed under similar working conditions. Ecuador's gender equality mechanisms, including National Council of Women, need to have real power to advance actual equality between sexes and implement the laws enacted in the country. Thus, gender trends and issues in Ecuador include demographics health, violence, education, labor markets, and social protection. It also briefly describes the current macroeconomic context and poverty situation as well as recent gender-related institutional and legal advances, and includes a more comprehensive section on gender issues in rural development. Ecuador was the first Latin American country to grant women the right to vote. The reform of the election law and the establishment of a certain percentage had led to some twenty-seven percent women's representation in local elections, but patriarchal forms of exercising power prevented women from participating in government, judicial and legislative positions.

## **Religion**

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Religion is an organized approach to human spirituality which usually includes a set of narratives, symbols, beliefs, and practices, often with a supernatural or transcendent quality, that gives meaning to the practitioner's experiences of life through reference to a higher power, God or gods, or ultimate truth. It may be expressed through prayer, ritual, meditation, music and art, among other things. It may focus on specific supernatural, metaphysical, and moral claims about reality which may produce a set of religious laws, ethics, and a particular lifestyle. Religion also means ancestral or cultural traditions, writings, history, and mythology, as well as personal faith and religious experience.

In 1944, a joint committee of the Federal Council of Churches of Christ in America and the Foreign Missions Conference of North America formulated a "Statement on Religious Liberty". Religious Liberty shall be interpreted to include freedom to worship according to conscience and to bring up children in the faith of their parents; freedom for the individual to change his religion; freedom to preach, to educate, to publish and to carry on missionary activities; and freedom to organize with others, and to acquire and to hold property, for these purposes. The development of religion has taken many forms in various cultures. It considers psychological and social roots, along with origins and historical development. Religion is often described as a communal system for the coherence of belief focusing on a system of thought, unseen being, person, or object, that is considered to be supernatural, sacred, divine, or of the highest truth. Moral codes, practices, values, institutions, tradition, rituals, and scriptures are often traditionally associated with the core belief, and these may overlap concepts in secular



philosophy. Religion is also often described as a "way of life" or a life stance. There is no time or place in human history where religious movements are not being founded, and religious practice is not merely a matter of founding prophets but also of local traditions and reforms. In the United States, Freedom of Religion is a constitutionally guaranteed right provided in the religion clauses of the First Amendment. Freedom of Religion is also closely associated with separation of church and state, a concept advocated by Thomas Jefferson. The modern legal concept of religious freedom as the union of freedom of belief and freedom of worship with the absence of any state-sponsored religion, originated in the United States Constitution addresses on the issue of religion in two places: in the First Amendment, and the Article VI prohibition on religious tests as a condition for holding public office. The First Amendment prohibits the federal government from making a law respecting an establishment of religion, or prohibiting the free exercise thereof this provision was later expanded to state and local governments, through the Incorporation of the Fourteenth Amendment. The United States Constitution guarantees the religious Civil Rights.

In Ecuador, the new constitution 2008 grants all citizens and foreigners the right to practice publicly and freely the religion of their choice. The only limits imposed by the government are those proscribed by law to protect and respect the diversity, plurality, security, and rights of others. The constitution prohibits discrimination based on religion. In November 2007, a Constituent Assembly was convened to rewrite the constitution. The final language regarding freedom of religion had not been finalized by the end of the reporting period. It was expected



that all provisions guaranteeing freedom of religion would be included in the new constitution. Several topics with religious undertones, including abortion, same-sex marriage, and the use of God's name in the constitution, were hotly debated in the Constituent Assembly.

## Race

The word race, along the time is associated with many ideas, was first coined during the age of exploration, a time of European Imperialism, technological superiority and colonization. As Europeans encountered people from different parts of the world, they speculated about the physical, social, and cultural differences among various human groups. Besides, the term race or racial group usually refers a great division of mankind, characterized as a group by the sharing of a certain combination of features, which have been derived from their common descent, and constitute a vague physical background, usually more or less obscured by individual variations. The most widely used human racial categories are based on salient visual traits especially skin color, cranial or facial features and hair texture and so on. Conceptions of race, as well as specific ways of grouping races, vary by culture and over time, and are often controversial for scientific as well as social and political reasons.



Since the early history of the United States, Native Americans, African Americans, and European Americans have been classified as belonging to different races. It depended on skin color, the economic situations, behavioral, and moral qualities. For example, the hostility between the English and Irish was a powerful influence on early thinking about the differences among people. The Penal Code of Ecuador sets forth in the provisions following Article 112, that racist organization and activities are illegal and prohibited. It establishes criminal penalties, specifically imprisonment for between three months to two years, for certain offenses involving racial discrimination for people who disseminate ideas based on racial hatred or superiority; incite racial discrimination, or who commit or incite others to racial violence; or who support organizations which promote racial discrimination, participate in racist activities or belong to such organizations. If such offenses were ordered or committed by public agents, the penalty shall be from one to five years imprisonment.

### **Sexual Orientation**

Sex is a process of combining and mixing genetic traits, often resulting in the specialization of organisms into male and female types. Over the last forty years, homosexual have seen slow progress in their attempts for equal rights. In areas ranging from marriage and family to job discrimination to organizations such as the military and boy scouts, discriminations against homosexuals. Throughout most of American history, the ladies were not remembered when Declaration of Independence came to laws, as women were treated at the best as second class



citizens and at worst as the virtual property of their husbands. The United States law has witnesses a gender revolution, starting with the passage of the Equal Pay Act in 1963. In the process, areas of the law that had never existed before such as sexual harassment litigation. Six years after the Equal Pay Act was passed, in the New York City began the gay rights movement, Legal homosexuals obtained their rights to protect their believes. Today, gay rights are at the cutting edge of sexual discrimination law advanced a long way in the latter half of the twentieth century. The most famous anti-discrimination sexual orientation law was when the state of Massachusetts legalized same-sex marriage in 2004, allowing same-sex couples to enter into civil union relationships. This law, while not using the language of marriage, gives same- sex couples virtually all of the three-hundred or so rights available to married couples. On the other hand, in September 2008, Ecuadorians overwhelmingly voted in a referendum to adopt a new constitution. Article 68 of the approved constitution grants full rights to homosexual civil unions. In the late nineteenth century, the liberal revolution led by Eloy Alfaro established a clear separation between state and church. Since this separation of state and church was consolidated in the first decades of the twentieth century, only civil marriage or unions have been recognized by the state. Under the new constitution 2008, the only significant difference between homosexual and heterosexual unions was that adoptions by same sex couples are not recognized. Adoption rights are the same for heterosexual civil unions as for civil marriages, but do not extend to same sex unions. Protection against discrimination based on sexual orientation had already



been introduced in the 1998 constitution, Ecuador being among the first three countries in the world to adopt such a constitutional protection.

**2.1.4 Individual political freedom, including rights of individuals (freedom of thought and conscience, freedom of speech and expression, freedom of religion, freedom of the press, freedom of movement) and the right to participate in civil society and politics (freedom of association, right to assemble, right to petition, right to vote)**

### **Individual Political Freedom**

Political Freedom can be described as the absence of interference with the sovereignty of an individual by the use of coercion or aggression, a definition which is also known as negative liberty. In the United States, Political Freedom is described as the power and resources to act to fulfill one's own potential, as in the definition of positive liberty within both definitions, the members of a free society have full dominion over their public and private lives but positive liberty addresses the notion of human agency, whereas, the definition attributed to negative liberty addresses only an individual's action but not his/her social circumstances. In Ecuador, several interesting amendments with regards to political rights have been introduced in the new constitution 2008. A new right has been added to the variety of political rights in favor of citizens: the right to terminate the term of public officials elected by popular vote (article 26). It grants citizens a fundamental political control over their rulers which was not available before because of the requirements set by the constitution and secondary laws. Also, it is the freedom of an individual to hold



or consider a fact, viewpoint, or thought, independent of others' viewpoints. To deny a person's freedom of thought is to deny what can be considered one's most basic freedom; to think for oneself. Freedom of Thought, as developed over time, ultimately became a vital part of international human rights law. In the Universal Declaration of Human Rights (UDHR), it is listed under Article 18: Everyone has the right to Freedom of Thought and Conscience. While Freedom of Thought is said to be one of the fundamental principles of most democracies, the attempted suppression of Freedom of Thought is a prominent characteristic of totalitarian and authoritarian regimes. In Ecuador Freedom of Thought means the right to hold unpopular ideas. In the United States and countries around the world everybody has to the right to hold his/her ideas, thoughts, believes but of course, everybody has to respect the right to thought of all the rest of the people.

### **Freedom of Conscience**

It is a difficult concept to study because of its abstract nature, but Freedom of Conscience is not the same in a democratic society as all other rights flow from it. The idea of choice is born out of it. A free conscience is, indeed, the beginning of freedom. The defining characteristic of conscience in a democratic society is the freedom to have, to hold, and to act upon or not one's conscientiously-held believes. The concept is connected to a number of other ideas in democracy. Also, Freedom of Conscience is individual in its nature; it does not have a public component on its own. It may inform debate on issues of the Public Good, but nothing more.





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## Freedom of Speech

It is the freedom to speak freely without censorship or limitation. The right to Freedom of Speech is recognized as a human right under the Universal Declaration of Human rights. In the United States, it is protected by the First Amendment of the United States Constitution and by many state constitutions and state and federal laws. Today Freedom of Speech is understood as a multi-faceted right that includes not only the right to express, or to disseminate, information and ideas, but three further distinct aspects: as the right to seek information and ideas, the right to receive information and ideas and the right to impart information and ideas. In Ecuador, the previous and new constitutions provide Freedom of Speech, and the government while critical of the media, generally respected these rights in practice. An independent press and a largely democratic political system combined to promote Freedom of Speech.

## Freedom of Expression

In the United States Freedom of Expression is sometimes used to denote not only verbal speech but any act of seeking, receiving and imparting information or ideas, regardless the medium used. In our country, everyone has the right to Freedom of Expression and opinion; this right includes the freedom to hold opinions without interference. Constitutional guarantees of Freedom of Expression are generally observed, and the media, most of which are privately owned, are outspoken.



## Freedom of Religion

It is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practicing worship, and observance; the concept is generally recognized also to include the freedom to change religion or not to follow any religion. Freedom of Religion is considered by many people and nations to be a fundamental human right. In the United States Freedom of Religion is generally considered to mean that the government permits religious practices of other sects besides the state religion, and does not persecute believers in other faiths. The Roman Catholic Church assumed a pivotal role in Ecuador virtually at the onset of the Spanish conquest. Catholicism was a central part of Hispanic Culture. The church was virtually the only colonial institution dealing with education or the care of the needy. It amassed great wealth through donations, dowries, and outright purchases. Virtually every segment of the organization the hierarchy, individual clerics, and religious orders owned some form of assets; moreover, religion in Ecuador is an expression of the different cultural heritages in the Ecuadorian Culture. The Ecuadorian constitution of 1998 includes two articles providing for freedom of worship:

- Art. 23: "All people are legally born free and equal and they will not be discriminated on the basis of religion". It guarantees also the Freedom of Religion. "Every individual has the right to freely profess his/her religion and to disseminate it individually or collectively. All religious faiths and churches



are equally free before the law." The right to declare or not about ones religious affiliation is also guaranteed.

- Art. 81: Prohibits publicity that encourages violence, racism, sexism, religious or political intolerance.

## Freedom of Press

It consists of constitutional or statutory protection pertaining to the media and published materials. Regarding this issue to the government distinguishes which materials are public or protected from disclosure to the public based on classification of information as sensitive, classified, or secret and being otherwise protected from disclosure due to relevance of the information to protect the national's interests. In the United States, many governments are also subject to sunshine laws or freedom of information legislation that are used. State governments retain the right to tax newspapers, just as they may tax other commercial products. Generally; however, taxes that focus exclusively on newspapers have been found unconstitutional. The Supreme Court (1991) found that states may treat different types of media differently, such as by taxing cable television, but not newspapers. The Court found that differential taxation of speakers, even members of the press, does not implicate the First Amendment unless the tax is directed at, or present the danger of suppressing, particular ideas. Ecuador has many laws that govern the practice of journalism. Moreover, The Law of Practice of Professional Journalism, passed in 1975, grants journalists access to official information and other data in the interest of the public, and to receive



assistance from state or private agencies in obtaining this information. The law also protects journalists from revealing sources, unless cases of national security are involved. All journalists must hold a communication degree from a university and register with the National Federation of Journalists, although this law is not always enforced. Journalists having extensive experience but no degree may be given a professional certification by the Ministry of Education, allowing them the same full status as degreed journalists. The Inter-American Court of Human Rights has declared these licensing requirements to be unconstitutional, but as of June 2002, they are still in effect. Slander and defamation laws in Ecuador are very strict. These laws carry criminal penalties of up to two years as well as fines, and many press agents have been punished for infractions. One of the provisions of the current constitution holds that all citizens have the right to a good name, a good reputation, and personal and family privacy; this right places journalists in jeopardy when they report findings that can compromise any of these attributes. The law also provides the means by which offended parties can require retractions for publicized untrue statements

### **Freedom of Movement**

It is a human right concept which is respected in the constitutions of numerous states. In the United States Constitution, it asserts that a citizen of a state, in which that citizen is present, generally has the right to leave that state, travel wherever the citizen is welcome, and, with proper documentation, return to that state at any time; and also of equal or greater importance to travel to, reside



in, and/or work in, any part of the state the citizen wishes without interference from the state. Some immigrants' rights advocates assert that human beings have a fundamental human right to mobility not only across states but across nations. The Ecuadorian law establishes prohibitions related to Freedom of Movement and freedom to freely choose the place of temporary or permanent residence is the right of the citizens of Ecuador, as well as of foreigners and stateless people, who legally reside in Ecuador, to freely choose administrative unit on the territory of which they wish to reside temporally or permanently.

### **Freedom of Association**

It is the individual right that comes together with other individuals and collectively expresses, promotes, pursues and defends common interests. The right to Freedom of Association has been included in a number of national constitutions and human rights instruments, including the United States Constitution and the European Convention on Human Rights. Freedom of Association in the sense of workers' right to organize and collectively bargain is also recognized in the Universal Declaration of Human Rights and International Labor Organization Conventions. The right to Freedom of Association is sometimes used interchangeably with the Freedom of Assembly. More specifically the Freedom of Assembly is understood in a political context, although depending on the source constitution, human rights instrument, etc. The right to Freedom of Association may be understood to include the right to Freedom of Assembly. Ecuador still fails to protect workers' rights to Freedom of Association and to



organize and to take adequate measures to address the worst forms of child labor.

Ecuadorian employers who engage in anti-union discrimination still face only the threat of minimal fines for violating the law. Workers dismissed for union activity have no right to reinstatement; anti-union hiring discrimination and employer interference with workers' organizations are not explicitly prohibited; the right to form industry- and sector-wide unions is not clearly guaranteed; and a minimum of thirty workers is still required to form a union, despite recommendations that this number be lowered by the International Labor Organization Committee of Experts on the Application of Conventions and Recommendations. In practice, employers continue to take advantage of these shortcomings in the law to violate workers' human rights by retaliating against workers for engaging in union activity, erecting often insurmountable obstacles to the formation of workers' organizations, and generally creating a climate of fear that deters workers from exercising their right to Freedom of Association.

### **Right to Politics**

It is a process by which groups of people make decisions. The term generally applied to behavior with civil governments, but politics has been observed in all human group interactions, including corporate, academic, and religious institutions. It consists of social relations involving authority or power and refers to the regulations of a politic unit, and to the methods and tactics used to formulate and apply policy. The 1967 Ecuadorian's constitution was the first to introduce provisions for political parties. The 1979 constitution attempts to



strengthen the party-based system by giving parties state protection and financial assistance. To receive state financial aid, a party must have obtained at least five percent of the votes in elections for national and provincial deputies, councilors, and council members. In these elections, the parties were prohibited from forming alliances; each party was obliged to run its own candidates. Alliances are allowed, however, in elections for president and vice president, mayors, and prefects. The constitution apportions state financial aid to legally recognized parties as follows: sixty percent in equal parts to each party and the remaining forty percent according to the votes obtained in the last national elections. Although the parties also receive contributions from their affiliates, they may not receive, directly or indirectly, financial donations from individuals or groups that have contracts with the state or from companies, institutions, or foreign states.

## **Right to Assemble**

The Right of Assembly was originally closely tied to the Right to Petition. One significant case involving the two rights was United States, the Supreme Court held that citizens may "assemble for the purpose of petitioning congress for a redress of grievances." Essentially, it was held that the Right to Assemble was secondary, while the Right to Petition was primary. Later cases, however, have expanded the meaning of the Right to Assembly." In Ecuador, the law provides for



freedom of peaceful assembly, and the government generally respected this right in practice, security forces used force and tear gas to combat some violent demonstrations, resulting in one death and several injuries. During a year calendar labor, indigenous, and student demonstrations took place in the capital and the outlying regions. The strikes exist because any public sector of the country disagrees with government's new rights.

### **Right to Petition**

In the United States, the government has been interpreted as extending to petitions of all three branches: the congress, the executive, and the judiciary. The Supreme Court has interpreted "redress of grievances" broadly; thus, it is possible for one to request the government to exercise its powers in furtherance of the general public good. However, a few times congress has directly limited the Right to Petition. During World War I, individuals petitioning for the repeal of sedition and espionage laws were punished; again, the Supreme Court did not rule on the matter. Ecuador's new constitution (2008) preserves the Right of Petition (Art. 23, number 15) used to bring complaints and petitions to authorities and to obtain an answer in a reasonable period of time. The phrase and in accordance with the law has been deleted as it restricted the exercise of this right by submitting it to the personal criteria of public officers protected by secondary laws.

### **Right to Vote**





In most democracies, eligible voter can vote in elections of representatives. Voting on substantiate issues via initiative may be available in some jurisdictions but not others. In the United States, it does not offer initiatives at the federal level or in many states. Typically citizens become eligible to vote after reaching the age of legal adulthood. Most democracies no longer extend different voting rights on basis of sex or race. Resident aliens can vote. In Ecuador, voting is obligatory for those between the ages of eighteen to sixty-five; for those older than sixty-five and adolescents voting is optional. On October 2, 2004, marks Ecuador's first attempt at electronic voting. A pilot election project was done in the capital, Quito, under the direction of the Electoral Supreme Tribunal. The project selected a group of qualified voters by means of a random process using computer matching to ensure randomness. Only the election results, which include no personally identifiable information, were transferred to the Electoral Supreme Tribunal for processing.

## **2.2 Differences: Civil Rights in the United States and Ecuador**

The Civil Rights are the name by which the first ten amendments to the United States Constitution are known. They were introduced by James Madison to the First United States Congress in 1789 as a series of articles, and came into effect on December 15, 1791, when they had been ratified by three-fourths of the states. Thomas Jefferson was a proponent of the Bill of Rights. On the other hand, since February 1997, Ecuador has made important transformations both of its internal legal system and its political structure, which have influenced the functioning of the state and the protection of individual as well as collective rights of



its citizens. Undoubtedly, this process has been materialized by the approval of Ecuador's new Political Constitution by the National Constitutional Assembly of June 5th, 1998. It includes really innovative provisions that are worthy of detailed analysis and examination in order to determine their scope concerning the situation of human rights in Ecuador. This means that Ecuador goes changing or improving its constitution rights for men, women and children according to each Ecuadorian's government.

### **2.2.1 Ecuador: some important Civil Rights of Ecuador that do not exist in the United States**

The Civil Rights in Ecuador had suffered a notable change in the new constitution 2008. The most important amendments that are different from the United States are:

#### **The Right to Preventive Custody**

The new constitution 2008 has incorporated an amendment providing that "preventive custody shall not exceed six months in actions for crimes penalized with arrest, or one year in actions for crimes penalized with imprisonment. These terms should not be observed, the order of preventive custody shall no longer be effective under responsibility of the judge trying the case" (article 24, number 8). This amendment conforms to the twenty-eighth transitory constitutional provision which establishes that individuals accused for crimes punished with imprisonment who have been arrested for over one year with no sentence shall immediately be released, without prejudice to the full prosecution of the penal lawsuits against



them. The provision also establishes that the National Council of Judicature shall penalize judges who have acted with negligence in the respective proceedings. This constitutional provision has enabled a great number of defendants to obtain their liberty and has reduced crowded prisons.

### **The Workers' Right to Strike**

The new constitution 2008 has added a new paragraph which prohibits "the paralyzation", for any reason whatsoever, of public services, especially those of health, education, justice, and social security; electricity, drinking water, and sewage system; processing, transportation and distribution of fuels; public transportation and telecommunications. The law shall establish the corresponding penalties (article 35, number 10, third paragraph). This amendment was already included in the former constitution (Registro Oficial 199, November 21st, 1997) but now it includes the sectors of justice and social security as well as the restriction of the "public" to the services listed. The former constitution did not explicitly mention the "public" quality of the services referred, and so the provision might have been interpreted so as to include workers of the private sector rendering such services. This abridgment of the Right to Strike in the public sector conforms to article 92 of the constitution in force which establishes penalties to employees and repairs to citizens and consumers affected by the interruption of public services when occurred not by act of God or force majeure. Thus, the new constitution 2008 resolves an issue intensely debated in Ecuadorian society with regards to the contradiction between Workers' Right to Strike and the people's right to health, life



and physical integrity, particularly in case of individuals and the poor who have no other alternative to public services rendered by the state.

### **The Right to Paternal Authority**

The new constitution 2008 has deleted the words "paternal authority" that was misinterpreted in the sense that parents had the right to mistreat their children in their exercise of their authority. Now instead of the state protecting mothers, fathers, and heads of families in their fulfillment of parental duties, the law speaks of "paternal co-responsibility and reciprocal rights and duties between parents and children" (article 40). Moreover, it states that adoption criteria shall not affect children's equal rights. The former provision only referred to affiliation. Now, the second paragraph of this article maintains the provision intended to reduce abortions practiced by single mothers and establishes that "upon birth registration, statement of affiliation status is not required and this status shall not be mentioned in the document". This provision conforms to the amendment introduced in the 1992 Code on Minors which establishes that every child has the right to be immediately registered by the mother at the Civil Registration Office with the mother's maiden name or that of the presumed father regardless of any future lawsuit for the acknowledgment of paternity. Nowadays in Ecuador a man who is father has the opportunity to stay at home with his baby ten days with the permission in his work and with salary.

### **2.2.2. United States: some important Civil Rights of the United States that do not exist in Ecuador**



In the United States there are some rights that do not exist in the new constitution of Ecuador 2008, but in some cases are developed in illegal ways; for instance, the specific case is abortion in Ecuador.

## **Abortion**

It is a highly-charged issue involving significant political and ethical debate. In medical terms, the word abortion refers to any pregnancy that does not end in a live birth, and therefore can refer to a miscarriage or a premature birth that does not result in a live infant. Such events are often called spontaneous abortions if they occur before twenty weeks of gestation. In common parlance; however, abortion is used to mean "induced abortion" of an embryo or fetus at any point in pregnancy, and this is also how the term is used in a legal sense.

## **Death Penalty**

Since 1977, over a thousand people have been executed in the United States; there are currently more than three thousand men and women on death row across the country. Grassroots activists throughout the United States play an essential role in advocating against this human rights violation through monitoring cases, mobilizing around upcoming events, and lobbying for anti-death penalty legislation. The methods of execution and the crimes subject to the penalty vary by jurisdiction and have varied widely throughout time. Some jurisdictions have banned it, others have suspended its use, but others are trying to expand its applicability. There were three-seven executions in 2008. That is the lowest



number since 1994 (largely due to lethal injection litigation), but it may increase in 2009. Capital punishment is a controversial issue, with many prominent organizations and individuals participating in the debate. Arguments for and against capital punishment are based on moral, practical, religious, and emotional grounds. Advocates of the death penalty argue that it deters crime, is a good tool for prosecutors, improves the community by making sure that convicted criminals do not offend again, provides closure to surviving victims or loved ones, and it is a just penalty for their crime. Opponents argue that the death penalty is not an effective means of deterring crime, it is unnecessarily barbaric in nature, cheapens human life and it puts a government on the same moral level as those criminals involved in murder.

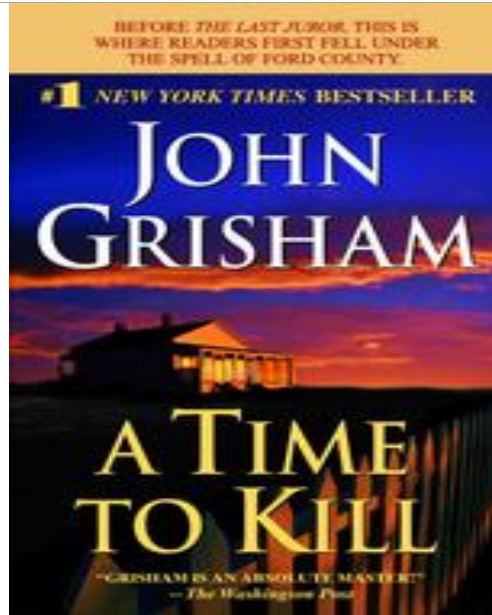


# CHAPTER III

## Literary Analysis of, "A Time To Kill".

### CHAPTER III

#### Literary Analysis of, "A Time To Kill"



Picture No. 9

It is the cover of the book "A Time To Kill"

"A Time To Kill" was written in the middle 1980's by John Grisham, but was set in the small town of Canton, Mississippi, on the late 1970's. This was a very controversial story that took place in a southern state where racism and the Ku Klux Klan were very weighty factors in the lives of many inhabiting the small southern town. It was the story of two white males who committed a sadistic crime by beating and raping a young black girl and leaving her for dead on the side of the road to death. Thus, it described much about the legal system. In the United States, the novel was told from the perspective of an omniscient narrator, in third person using past tense. This was a most comfortable point of view for the reader.





This perspective was critical for two important reasons. First, only an omniscient narrator could give the reader access to all the warring elements, and there were many. Second, none of the main characters could provide a reliable, unbiased report of the novel's events. That said it was worth nothing that much of the story's action was filtered through the mind of Jack Brigrance. For example, when Jake's house was burned to the ground, the reader views the event more from Jake's vantage point than from that of the Klan or law enforcement.

### 3.1 Characters

Characters are the imaginary people created by the writer; perhaps; the most important elements of literature. In "A Time To Kill" there are so many characters as you can see below.

**Table No. 1**

Billy Ray Cobb	Rocky Childers
James Louis Willard "Pete"	Mr. Rufus Buckley
Tonya Hailey	Peter K. Bernard
Carl Lee Hailey	Cora



Jake Tyler Brigance	Most Junior Tatum
Gwen Hailey	Judge Omar Noose
Willie Hasting	Sallie
Ozzie Walls	Claude
Bumpous	Roger McKittrick
Bobby	Raymond Hughes
Carla Brigance	Gene and Eva Brigance
Hanna	Judge Loopus
Max	D.R. Musgrove
Dell Perkins	Mrs. Gossett
Bill and Bert West	Lemoyne Frady



Marshall Prather	Stump Sisson
Lucien Wilbanks	Freddie Lee Cobb
Ethel Twitty	Bullard
Earnestine Willard	Harry Rex Vonner
Percy Bullard	Ellen Roark
Mr. Pate	Jean Gillespie
Lester Hailey	Will Tierce
K.T. Bruster or Cat Bruster	Officer Rady
Monreo Bowie	Gerald Ault
Carl Lee, Jr	Miss Rosia Alfie Gatewood



Jarvis	Nelson Battles
Robert	Norma Gallo
Bo Marsharfsky	Carlene Malone
Tank Scales	Marcia Dickens
Isaiah	Jo Beth Mills
Dr. W.T Bass	Reba Betts
Ollie Agee and Roosevelt	Dr.Wilbert Rodeheaver
Edgar Lee Baldwin	Gerald Ault
Robert Kelly Williams	Alex Summers
Grady Liston	Water Godsey
Norman Reinfeld	Sue Williams
Joe Pirtle	Donna Lou Peck
Even Denton	Frances McGowan
Water Godsey	Wanda Womack



Bernice Betts	Jo Ann Gates
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### 3.1.1 Main Characters

Table No. 2

Name	Who were they in the story?
Billy Ray Cobb	He was one of the two white rapists. Billy was the younger of the two rednecks. At twenty-three, he was already three-year veteran of the state penitentiary at Parch man. He was the owner of the pick up when Tonya was raped
James Louis "Pete" Willard	He was four years older than Billy Ray Cobb. He was generally a harmless sort who had never been in serious trouble and had never been seriously employed.
Tonya Hailey	She was Carl Lee's daughter an innocent ten-year-old little African-American girl was viciously beaten, tortured, raped and left for two rednecks in the town on Canton, Mississippi. She was found and brought home, and although badly hurt.
Carl Lee Hailey	He took law into his own hands. He was an African-American born in Canton but raised in Mississippi. He was thirty-seven years old, and married with a woman



	<p>for twenty years. He had four kids -three boys and a girl.</p> <p>Carl worked fifty hours a week at the paper mill in Coleman. He went to church every Sunday with his family. He killed the two rednecks who raped his dear daughter Tonya.</p>
Jake Tyler Brigance	<p>He was the defense attorney for Carl Lee Hailey in the small Mississippi town of Canton, in 1978. He was thirty two years old. Jake Brigance took on the case of Carl Lee Hailey, realizing that he will earn less than one thousand for his efforts but hoping for great publicity. Also, He adored the two women his wife and his daughter</p>

### 3.1.2 Secondary Characters

**Table No.3**

Name	Who were they in the story?
Gwen Hailey	Carl Lee's wife. She felt horrible because her daughter, Tonya, did not return at home. She had a big family, and they stayed out of trouble.



Willie Hasting	Gwen's cousin. He was the first person who told Carl Lee about what happened with his daughter.
Ozzie Walls	He was the only black sheriff in Mississippi. Ozzie was raised in Ford County and he was kind to most of the blacks and a few of the whites. Thus, he was a member of first mixed graduating class at Canton high school.
Bumpous	Ozzie's friend. He was usually most anxious to help his friend.
Bobby	Bumpous' friend.
Carla Brigance	Jake's beautiful young wife. At first she wanted her husband to quit the case but later she supported what he was planning to do.
Hanna	She was Jake's daughter. Hanna was four years old. She was as beautiful as her mother, and the two were identical in looks and manners.
Max	Jake's dog. He lived in the house.
Dell Perkins	She was Jake's favorite waitresses of coffee shop where Jake always went.
Tim Nunley	He was a mechanic down at the Chevrolet place. He always ate with Jake in the coffee shop.
Bill and Bert West	They were Tim's brothers. They worked at the shoe factory north of town.
Marshall Prather	He was a deputy. He was very tall. He admired Jake because



	said that a white lawyer could defend a black.
Lucien Wilbanks	Disbarred lawyer; he was a bitter, sick old man who cursed lawyers, judges, and especially the State Bar Association. He had given his entire practice to Jake, a liberal who represents poor, blue-collar workers.
Ethel Twitty	She was Jake's secretary. She was always attacked by the Ku Klux Klan. Ethel was sixty-four but looked fifty.
Earnestine Willard	She was James' mother. Earnestine was divorced.
Percy Bullard	He was a County Court Judge. His height was six-feet. He was the main judge.
Mr. Pate	He was the ancient court duty.
Lester Hailey	Carl Lee's brother. He was married with a Swedish girl from Wisconsin. His family wanted to meet his wife because she was a white girl and all of them were black.
K.T. Bruster, or Cat Bruster	He was a benefactor for numerous black causes, a friend of the politicians.
Monreo Bowie	He was a sorry nigger who needed to kill.
Rocky Childers	He was the prosecutor in Ford County. He had a wife. At a younger age he had political desires.
Mr. Rufus Buckley	Childers' big prosecutor, the district attorney. He was a corrupt shark with no concern or respect for ethics and with sky high political ambitions, hoping to win the case so as to gain the





		publicity that a win would generate, in hopes of being elected to a higher public office governor.
Peter K. Bernard		He was a polished attorney. He was from Memphis and he had licensed in Tennessee.
Cora		Cobb's mother. She was divorced. She lived in a small, clean white frame house near the settlement of Lake Village, ten miles south of Clanton.
Most Junior Tatum		The chief duty.
Judge Omar Noose		He was a wise old white judge who presiding jury. He was from Chester, Mississippi. Noose had been intimidated, both politically and criminally, to the point that he refused Jake's perfectly reasonable request for a change of venue, further handicapping the defense, as the racial make-up of Ford Country virtually guaranteed an all white jury.
Sallie		She was Lucien's maid. She was a tall attractive black lady. Thus, she was a nurse.
Claude		He was a waiter of coffee shop. He was taking orders, giving orders, cooking, counting money, shouting, swearing, greeting customers and asking them to leave especially to Jake.



Roger McKittrick	He was the reporter of The New York Times. He investigated and wrote about what was billed as the most famous murder in the country at that moment.
Raymond Hughes	He ran for sheriff, and he had the misfortune of making the runoff against Ozzie Walls. He was white of course. He got thirty-one percent of the votes. In a country that seventy –four percent of white people.
Gene and Eva Brigance	They were Jake's parents. They lived in the old family house. Jake was their only son. An older daughter lived in New Orleans.
Judge Loopus	Noose's predecessor.
D.R. Musgrove	Buckley's assistant district attorney, also from Smithfield.
Mrs. Gossett	He was a foreman.
DeWayne Looney	He was a peace officer, in direct violation of the Mississippi Code. Also; He was hurt by Carl Lee by a weapon, an M-16 machine gun. His leg was cut.
Lemoyne Frady	He was an illegitimate distant cousin to Gwen Hailey.
Stump Sisson	He was the Klan's Imperial Wizard for Mississippi.
Freddy Lee Cobb	Klan member; Billy Ray Cobb's brother, Freddy Lee Cobb, was seeking revenge for Carl Lee's killing of his brother. To this end, Freddy enlists the help of the Mississippi branch of the Ku Klux Klan, which is led by Mississippi grand dragon Stump Sisson.
Bullard	He was the country judge.



Harry Rex Vonner	He was a huge slob of a lawyer who specialized in nasty divorce cases and perpetually kept some jerk in jail for back child support.
Carl Lee, Jr	He was Carl Lee's oldest son at fifteen.
Jarvis	He was Carl Lee's middle son at thirteen.
Robert	He was Carl Lee's son at eleven.
Bo Marsharfsky	He was Jake's old friend. He was one of the attorneys representing the garbage workers on strike.
Tank Scales	He was the owner of one of the safer and finer black honky tonks in the country.
Isaiah	He was a reverend. He was no radical. He was quiet, compassionate, intelligent, and had earned the respect of all blacks and most whites.
Dr. W.T Bass	He was a retired psychiatrist from Jackson.
Ollie Agee and Roosevelt	They were reverends.
Edgar Lee Baldwin	He was a former superior.
Robert Kelly Williams	He was a district attorney for the Ninth District.
Grady Liston	He was a district attorney for the fourteenth District.
Norman Reinfeld	He was a genius in criminal law.



Joe Pirtle	He was a deputy.
Even Denton	Judge
Nesbit	He was a deputy.
Ellen Roark	She was a twenty-five years old, third-year law student working free for the defended. She provided expert clerking services to Jake along with some serious distraction. Roark is kidnapped by the Klan and severely injured. She had prior experience with death cases.
Jean Gillespie	The Circuit Court clerk.
Will Tierce	The former president of the Ford County Board of supervisors. He was district, for twenty-four years.
Gerald Ault	One of the few white people in Ford County who truly loved black people. He was intellectual and educated at Princeton.
Miss Rosia Alfie Gatewood.	She was the first black known to have sipped cold water from the public fountain on the square.
Nelson Battles	Assistant Dean of the law school.
Norma Gallo	The court reporter.
Carlene Malone	The juror number one. She was white, fat, divorced low income.
Marcia Dickens	The juror number two. She was white, fat, over sixty.
Jo Beth Mills	The juror number three. She was white, about fifty, and worked for minimum wage at a shirt factory in Karaway.



Reba Betts	The juror number four.
Gerald Ault	The juror number five.
Alex Summers	The juror number six.
Water Godsey	The juror number eleven.
Jo Ann Gates	The jury
Bernice Betts	The jury
Carol Corman	The jury
Donna Lou Peck	The jury
Sue Williams	The jury
Rita Mae Plunk	The jury
Frances McGowan	The jury
Wanda Womack	The jury who motivated to the rest of the jury to give the penalty to the Carl Lee.
Eula Dell	The jury
Officer Rady	The investigator for the Sheriff's Department.
Dr. Wilbert Rodeheaver	State Psychiatrist. He examined to Carl Lee.



### 3.1.3 Protagonists

The protagonist is the main character, who is not necessarily a hero or a heroine. The novel, "A Time To Kill", has several protagonists. The most important protagonists are Jake and Carl Lee. They were heroes. Carl Lee risked sacrificing not fair and impartial. He took the law into his own hands to prove that the legal system in the United States was not good. Jake Brigance was a lawyer who was training to win a case that could help his career while at the same time endangers himself, his family, and any other people involved with the case.

### 3.1.4 Antagonist

Antagonist is a character or force that opposes the protagonist. The antagonist in "A Time To Kill" is a negative force because they remain blind to racism and the effects of racism in the courts even if they do recognize that racism and unfair trials continue to exist and frustrate the blacks, they find a way to justify racism and continue in their racist beliefs and practices. There are two antagonists in the novel one is Cobb and Willard' families and the local Ku Klux Klan led by Kiefer Sutherland. He is also a subtle master of every accent on the planet, as if he were born in Massachusetts or Mississippi, instead of New Jersey. The



antagonists were against Jake and the angered father that sought revenge for his daughter's pain.

### 3.2 Plot

Plot in Literary work is the arrangement of ideas and/or incidents that make up a story. The plot of "A Time To Kill" shows cause and effect relationship among three stories. The first effect, concerns the kidnapping and rape of Tonya Hailey. The second, details Carl Lee Hailey's plans to gain revenge by murdering his daughter's attackers, and the third is plans of Carl Lee's defense mounted by attorney Jake Brigance. The first two stories make up most of the first seven chapters of the novel. The third story that of Jake's defense of Carl Lee Hailey comprises the novel's other thirty seven chapters.

The first part of "A Time To Kill" (chapters one to three) creates enough suspense to keep the reader's attention throughout the rest of the novel. Grisham does not withhold the identity of Tonya's attackers; rather, he devotes chapter one describes to the hideous crime, leaving readers to wonder whether justice will be achieved and the perpetrators punished. Having depicted the heinous activities of his antagonist at the beginning of "A Time To Kill", in chapter three, Grisham introduces and begins to develop his protagonist, the lawyer Jake Brigance. The



overriding question that propels the story line forward is what role Jake Brigance will play in restoring order in Clanton and through a court of law. After all, readers immediately learn, Tonya's attackers do not hire Jake to defend them. Meanwhile, in part one, Grisham heightens suspense by allowing readers to view Billy Ray and Pete's attack through Tonya's eyes, portraying the suffering of Tonya's mother when her daughter disappears, and detailing the moment when a weeping Carl Lee has to be forced to let go of his daughter in the ambulance on the way to the hospital. At the end of part one, Grisham lets readers sit in on Pete's confession.

In the second part of the novel (chapters four through seven), Grisham increases suspense once again through murder. Carl Lee shoots Billy Cobb and Pete Willard with an M-16 as they are escorted between the courtroom and their jail cell; Grisham states their skin and blood splashed together. The murder does not occur in a vacuum. Grisham makes Carl Lee discuss with Jake Brigance what he might do to his daughter's rapists, and he lets the reader travel with Carl Lee to Memphis to secure a gun. Part of the novel's suspense grows out of readers' advance knowledge of Carl Lee's plans to murder Cobb and Willard.

In the third part of "A Time To Kill", Jake Brigance defends Carl Lee in a fascinating trial. Because readers know Carl Lee is guilty of committing the murders, Grisham maintains suspense by leaving readers to wonder whether Carl Lee will be found guilty of murdering Cobb and Willard and by gradually revealing Jake Brigance courtroom strategies for saving Carl Lee's life. Other events in the novel that are used to increase suspense include death threats on Jake and his

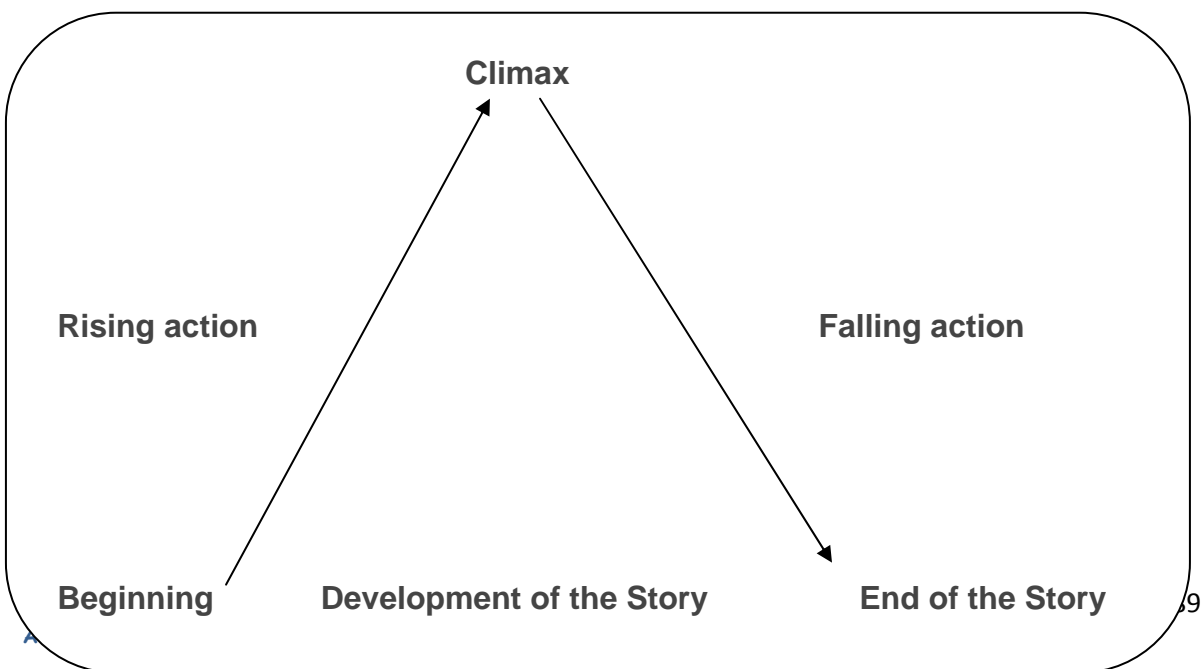




family, an assault on Ellen Roark, and the impending danger of Ku Klux Klan intervention.

Each of A Time To Kill's forty-four chapters contains several short episodes that give the novel its fast pace. Episodes usually focus on the activities of name and a reference to the date or time of the day in which the action occurs. This structuring technique lets readers feel as if they were being escorted by a knowledgeable narrator, one who keeps them up on the late-breaking news pertaining to the case. Since the narrator reports on the feelings of characters as well the thoughts of the novel's protagonist, Jake Brigance, readers tend to trust that voice and allow themselves to be caught up in the action.

In this figure we can see how the event happens when we analyze a literary work in our case we will show how the events happened in the novel "A Time To Kill" by John Grisham.



## Figure No. 1

### 3.3 Beginning of the Story

This term in a literary work is about how the novel is presented to its readers. The novel began with a terrifying narration and description about Tonya Hailey's rape. The first chapters detailed how the poor black girl suffered. Readers meet the little black girl whose rape will incite her father to cold-blooded murder and the white rapists who were just about to commit their final crime in this world. Two rednecks, Billy Ray Cobb and Pete Willard, perched on Billy Ray's tailgate, drinking and smoking pot. They took turns raping a ten-year-old black girl. Cobb, who had done time in prison, profited from a lucrative narcotics business. Willard, older and less intelligent, pretty much "works for" Cobb, paid mostly in dope. The two white men picked up the little girl on a gravel road, walking with a bag of groceries.

Ozzie Walls was the sheriff of Ford County his birthplace; He was elected by a white majority and was proud of it because he was the only black sheriff in Mississippi. He was beloved and respected by the citizen in general. Now he was investigating the Hailey's rape case, and Billy Ray Cobb, with his mean streak, was his prime suspect. Ozzie sent his deputies out to find but not arrest Cobb. Walls and Deputy Hastings traveled together to the hospital where Tonya Hailey was in



surgery. Carl Lee and Gwen were in shock and non-responsive, so Gwen's brother explained that Tonya had been repeatedly raped. She had broken bones and a concussion.

### 3.3.1 Development of the Story

The development of the story is telling the story chronologically how the events were happening. In this case, we will tell you about the content of the chapters and then we will tell a brief summary about the novel.

In the first chapters one to five, they showed the horror that a black girl suffered in the hands of two drunken men and how they were arrested in a bar when they were drinking beers, and how Mr. Carl Lee Hailey felt about the trial to judge the two white men.

Chapters six to fifteen were about how Mr. Carl Lee decided to take revenge and told it to his friend, Jake. John asked him that if something happens to him, Jake would help him. Also, Mr. Haley went to his friend Cat Bruster and he asked him a rifle M-16. He interrupted in the court in the day of the two white men's trial and he shot and killed Mr. Billy Ray Cobb and his friend James Louis Willard. Also, Mr. Hailey shot the Deputy Looney. Jake took his case to save Mr. Hailey to the gas chamber.

In chapters sixteen to thirty five, the events were told with detail. The focus of these chapters were on the different trials which were described step by step



and the appeared of the Ku Klux Klan, who were white racists that threatened black people. They fomented horror around the trial because the organization attended with Jake's family, relatives, and friends. On the other hand, Jake asked the judge Noose to change the trial to another District because in Canton there were thirty five to forty percent of black people. There Carl Lee could not be a fair trial for a black man.

In the last chapters thirty six to forty four, Jake started to look for a doctor who decided the mental condition of Mr. Carl Lee Hailey. The trial was developed with a lot of tension supported by Mr. Hailey. Thousands of blacks were in the streets outside the courtroom to show their moral. Meanwhile, the Ku Klux Klan in the same way were in the streets asking Mr. Hailey go to the gas chamber.

According each trial the jury could not make a decision. However, in the last moment and with the help of a member of the jury, Wanda Womack, the grand jury declared Mr. Hailey not guilty. Jake became a famous lawyer, and Carl Lee Hailey became a hero. He came back to his family. A brief summary of the novel "A Time To Kill" will be given.

The story took place on May 17, the day between the ropes until the half of August when the case came to trial. The ten year- old Tonya was on her way to the store, when the black girl was abducted by two boys. They raped her. Since Tonya was not home yet, her mother got worried. She called her husband, Carl Lee Hailey, to his work with the message that Tonya was not home yet. When he came



home, he found his little girl on the couch. She was totally beaten up and covered with blood. Tonya told the story to her parents. Mr. Hailey was determined to take revenge. After that, Tonya was transported to the hospital in a very critical condition. In the meantime, the police arrested two suspects, Billy Ray Cobb and Pete Willard. During their questioning, they confessed the crime. It was May 20, Billy Ray Cobb and Pete Willard stood the trial in court. Several days before the trial, Carl bought a M-16. Carl Lee was not in the courtroom during the hearing about the bail of Cobb and Willard. He was hiding in a closet in the hall and when Cobb and Willard came out the courtroom, Carl Lee started to shoot them. When he was absolutely sure Cobb and Willard were dead. He dropped the gun and ran away. A couple of hours later, Mr. Carl Lee was arrested as a suspect in the murder investigation from the local police. From that moment, the town was divided between people who thought Carl must be punished for those murders. Other people thought the rapists deserved to be dead, so Carl must not be punished. Carl hired a young lawyer to defend him. His name was Jake Brigance, a young man who graduated from law school. He needed a big case with national attention, like this case. From that moment, Jake and his secretary received a lot of threatening calls. Because the case was very difficult, Jake asked Lucien Willbanks to help him with the case. Outside the prison Jake was working really hard with Lucien and Harry Rex, a friend of him, who got information on everything. He heard that with the indictment the votes were even, which meant Carl Lee got almost off. The next day, the judge of Carl Lee's case, Mr. Omar Noose decided together with Buckley, the public prosecutor, and Jake when the case will go to the court. It was



on July 22. When The Council of Ministers, a group of black preachers, decided that they will help Carl in the form of demonstrations, the threading calls became actions; Jake received a call in the middle of the night, with the message that there was a burning cross in his garden. He continued his work and was looking for a psychiatrist who was willing to plead insanity for Carl Lee, to win his case. Eventually he found Dr. W.T. Boss, but he was not reliable because he was always drunk. Then the police received a call. A man warned for a bomb in Jake's house. The police defused the bomb, but the treats did not stop. In the meantime, it was just one week before the trial; little by little Clanton was becoming a madhouse. All hotels were looking full in the week of the trial by reporters. Busses full of thousands of black people gather around the courthouse and they demonstrated with papers which said "Free Carl Lee". In the courtroom, the picking of members of the jury started, Jake and Buckley were allowed to interrogate them to pick the best jury. Two days later, the jury was picked. It was all white jury, which was not so good for Carl Lee. Because it was such a big trial, the members of the jury were not allowed to go home, but they had to stay in a motel during the trial, so they could not give information about the case to outsiders and could not be influenced. Then the trial started, even before the first witness was heard, Jake had to leave. His wife, Ellen was manhandled. The trial restarted the next day. But again there were problems with Jake. This time his house was on fire. The house burned down completely and the dog died. The trial restarted for the second time then. The first witness was the state's psychiatrist who testified Carl was in good mental health during the shooting. That afternoon the public prosecutor and Jake had their



closing arguments and then it was time for jury to reach a verdict. Three days later, the jury finally reached a verdict, because of the help of a woman in the jury. Wanda Womack, who said to the members of the jury to imagine what they would do if their child would have been raped. And that was how the jury decided to acquit Carl Lee. He finally returned to his family.

### 3.3.2 Rising Action

Rising action is the series of events that lead to the climax of the story, usually the conflicts or struggles of the protagonist. It has set the action in motion; the struggle builds dramatic tension toward a confrontation. This stage in the dramatic structure consists of a series of emotional highs and lows, with each high gaining intensity. This conflict becomes more complicated than the others.

This part of the story began when Carl Lee Hailey felt hate for the two white men who had raped his little daughter Tonya. He thought a lot, and he decided to take revenge. First, he was very careful and observed each place in the courtroom where Mr. Cobb and Mr. Willard would have their trial. Next, Mr. Hailey talked with his friend Jake who was a lawyer. Mr. Hailey asked him to help if something happen with him. Then Mr. Hailey went to another friend, Cat, and he asked him a weapon a rifle M-16. Although it was illegal, Mr. Hailey obtained it. The day of the trial became and Mr. Cobb and his friend, Mr. Willard, were walking to the court accompanied with some officials. Mr. Carl Lee sprung from the darkness with the M-16 and he opened fire. The rapists were frozen; they screamed Cobb first, in the



stomach and chest, then Willard in the face, neck, and throat. Also, the Deputy Looney was hit in his leg and it was mutilated. When Mr. Hailey stopped, he threw the rifle at the two bodies and ran. He walked to his pickup and drove home. Finally, the Sheriff Ozzie Balls with the police went to Haileys' home. He had to be arrested and taken to jail.

### 3.3.3 Climax

The inevitable moment of confrontation is the point of the climax. There was reversal from rising action to falling action. The word climax actually has more than one usage in literary analysis. Climax is a synonym of crisis where you are determining the structure of the story, but the climax can also refer to the point of highest intensity for the reader or the audience.

The climax of the novel happened when Jake Brigance, Hailey's lawyer, and friend prepared the defense and the trial took place. First of all, there were many citations to different days where Jake presented arguments and witnesses. One of them was the psychiatrist who would determine that Mr. Hailey had a mental condition at the time he killed Mr. Cobb and Mr. Willard. However, Jake's witness, the psychiatrist, was opposed to the argument of the Lucien's psychiatrist and the argument would not have the result that Jake wanted. Also, outside the courtroom hundred of blacks were in the streets saying, "Free Carl Lee."

Meanwhile, the jury had a list of twelve names and their votes. Five guilty, five undecided, one pass and one not guilty. They worked through the exhibits,





photographs, fingerprints, and ballistic reports. The jurors listened carefully and they informed the judge they had not reached a verdict. In the last day of the trial, when Jake thought the case was lost, justice appeared because one of the members of the jury, Wanda Womack said to the jury that it was time to decide case. It was in that moment she explained, "It would be morally wrong to shirk our responsibilities and pass the buck to the next jury", and the jury agreed. Before the jury made a decision, Wanda asked the jury to imagine what they would do if their children would have been raped and beaten like Mr. Hailey's daughter, Tonya; and finally the jury found the defendant not guilty by reason of insanity. The judge Noose smiled at the defendant and said, "Mr. Hailey, you have been tried by the jury of your peers and found not guilty." Mr. Noose did not recall any expert to testimony that Mr. Hailey was now dangerous or in need of further psychiatric treatment. Mr. Hailey was a free man.

### 3.3.4 Falling Action

Falling Action in a literature work is the sequence of events that follow the climax and end in the resolution. This is on the contrary to the rising action which leads up to the plot's climax.

Falling Action in this story was when the Sheriff Ozzie Walls escorted Mr. Hailey home and provided protection around the crowd. Carl Lee appeared through the mass with his lawyer and family. Carl Lee hugged his wife and children, and they waved. Jake and Harry Rex disappeared behind the Coffee



Shop. Harry ate as if he had not seen food in a month. Jake was happy because through this case, the clients will be no problem in the future. Jake went to Wanda's house and he remembered how she persuaded the grand jury to make them all close their eyes and listen to her. She told them to pretend that the little girl had blond hair and blue eyes, that the two rapists were black, that they tied her right foot to a tree and her left foot to the fence post, that they raped her repeatedly and cussed her because she was white. She told them to be honest with themselves and to write on a piece of paper whether or not they voted, by secret ballot. The votes were twelve to zero. Finally, Jake bit his lip and said, "Thanks Wanda Womack."

### **3.3.5 The End of the Story**

The novel finished when Mr. Carl Lee Hailey returned to his home with his family in the middle of a hundred cars lined both shoulders of the driveway, children playing, and parents sitting under shade trees and on car hoods. A crowd rushed to greet Carl Lee's lawyer. They shook their hands and smiled at each other, both searching for words. They embraced so the crowd clapped and shouted.

The lawyer and the client sat in the swing and answered questions about the trial. Tonya ran and jumped around the yard with a hundred other kids. Jake gave a press conference to the reporters. He became a national famous lawyer because of his triumph of the Carl Lee Hailey's case.



# CHAPTER IV

Civil Rights as shown in the novel

"A Time To Kill"



## CHAPTER IV

### Civil Rights as shown in the novel "A Time To Kill"

#### Racial Violence

There is no continent which is free of racial violence. Racial Violence has been the trade-mark of racism throughout history. Violence against people has excluded them from social, political, cultural, economic, and educational benefits because of their color, cast, and descent. Today, beatings, rape and murder of people by racism still happen.

There are some effects that cause racial violence; for instance, physical violence is easier to recognize than other forms of violence which are damaging as



well. It leaves physical and psychological scars which are passed on from person to person in the community and remembered by generations to come. Living in fear because one belongs to a race or a group of people who are subjected to violence and constant harassment is a major cause of mental health and low self esteem. Those who are racially harassed often adopt an identity with the negative images and labels they are given. Resistance sometimes leads to made more dangerous harassment and discrimination. The notion of being "created in the image of God" is meaningless when the image one sees reflected in the mirror called society is that of an inferior, rejected and abused woman, man or child.

The horror of racially motivated murders is too painful to comprehend. It leaves a long-lasting negative impression on the minds of the victims' family, community and society as a whole. It is a signal and warning which Christians, and people who care about humanity, should never ignore. It is a signal and warning of the consequences of racial and ethnic hatred which, if unchecked, can lead to the discriminate of men, women, and children by other human beings justified by hatred, enmity, and dislike of the other. The genocides in some parts of the world are recent reminders of the evil that can be generated by political systems.

In the novel "A Time To Kill", we see the racial violence and also sexism. After the Civil Movement of the 1960, African American people continue to feel the effects of slavery. Sexism in the same way, many women who worked in the Civil Rights Movement of the 1960's were the same ones who struggled to achieve sexual equality in the 1970's. Although the women have occurred throughout the



country, the struggle for black rights took place predominantly in the southern United States.

#### 4.1 Definition

Racial Violence comes from racism that is a doctrine of hatred of people based on the belief that certain people are superior to others because of their identity, ethnic, origin, nationality, national origins or descent; and because of their appearance and physical characteristics such as color, language and dress. Racial Violence manifests itself in many ways. In its mildest form, it can be pushing name-calling, teasing, or practical jokes. In more serious cases, it involves physical assault, rape, murder, attempted murder, massacres, and genocide.

In the United States, Mass Racial Violence was the numerous public spectacles where nearly five thousand black Americans were murdered by white Americans lynch mobs between 1890 and 1960. Mass Racial Violence, also called race riots can include such disparate events as:

- Attacks on Irish Catholics and other immigrants in the nineteenth century.
- Attacks on Italian immigrants in the early twentieth century and Puerto Ricans in the later twenty century.
- Attacks on African Americans that were in addition to the lynching in the period after Reconstruction through the first half of the twenty century.
- Frequent fighting among various ethnic groups in major cities, especially in the Northeast and Midwest United States throughout the late nineteenth and



the early twentieth centuries. This example was made famous in the theater and on film in West Side Story.

- Unrest in African-American communities, such as the 1968 riots following the assassination of Martin Luther king, Jr.

## 4.2 Abuse of Black People

The term black person usually refers to a racial group of humans with skin color that range from light brown to nearly black. It also has been used to categorize a number of diverse populations into a common group. Some definitions of the term include only people of relatively recent. Sub Saharan African descent among the members of this group, brown skin is most often accompanied by the expression of natural afro-hair texture. Other definitions of the term "black people" extend to any of the populations characterized by dark skin, a definition that also includes certain populations in Oceania and Southeast Asia. Also, in Mississippi thirty school districts had to desegregate immediately. The schools were officially de-segregated in February 1970. Black students were beaten, verbally abused and ridiculed by students, and some white teachers openly said that black children were intellectually inferior to whites. Even under those conditions, some students had the "psychological toughness" to excel and out-perform whites, they were still cheated. Some schools put black people into special education classes, no matter what their capabilities. Others let black teachers only teach black students. Some initiated team teaching a black with a white teacher. Some white parents believed that black teachers were not as capable or as qualified as white teachers, but there



is little data comparing the difference between black and white teachers' credentials. Education has been the privilege of rich white males, and while white women, who made up the faculties of most white schools, certainly had grater access to education than black people, many black teachers were well-educated, attending the best schools where they pursued advanced degrees. More than thirty-eight thousand black educators lost jobs in seventeen Southern states that desegregated schools.

In the time of novel (1970) although the Civil Rights existed, black people continued being abused. In Mississippi, there were neighborhoods only for whites. There could not life a black person; also, black people had psychological and physical abuses as we can see in the novel "A Time To Kill", Pete Willard and Billy Ray Cobb insulted and throw bear when they saw a black person in whenever. In the same way, the cases of kill and raped to black people by whites were common. When whites were accused of any damage they were to prison but they pay money or spent some days in the jail and went out. On the other hand, if a black person committed any damage he/she had to go to jail and wait for the court take a decision.

Ozzie, the sheriff was treated as nigger when he was arresting to the white men accused for the raped of Tonya. Also, black people consider nigger as an offensive word. Black people in their need to obtain money to take care of their families were exploded in their work. They worked many hours and theirs salaries were low.





### 4.3 Slavery

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The English word slave derives through Old French and Medieval Latin from the medieval word for Slavic people of Central and Eastern Europe, who were the last ethnic group to be captured and enslaved in Central Europe.

Slavery is a form of forced labor in which people are considered to be, or treated as, the property of others. Slaves can be held against their will from the time of their capture, purchases or birth, and deprived of the right to leave, to refuse to work, or to receive compensation such as wages. Evidence of slavery predates written records, and has existed to varying extends, forms and periods in almost all cultures and continents.

In some societies, slavery existed as a legal institution or socio-economic system, but today it is formally outlawed in nearly all countries. Nevertheless, the practice continues in various forms around the world. Freedom from slavery is an internationally recognized human right.

Slavery in the United States had its origin with the first English colonization of North America in Virginia in 1607, although African slaves were brought to Spanish Florida as early as the 1560s. In the seventeenth century black settlers entered areas like Dutch New Netherland, French Louisiana or Spanish Florida with an indeterminate status that only gradually evolved into slavery.

In the United States during 1654 until 1885 slavery was legal. Most slaves were blacks also held slaves; there were a small number of white slaves as well. The majority of slaveholders were in the southern United States, where most slaves were engaged in an efficient machine-like gang system of agriculture, with farms of fifteen or more slaves proving to be far more productive than farms without slaves. Ninety –five percent of black people lived in the South, comprising one third of the population there, as opposed to two percent of the population of the North.

According to the novel, "A Time To Kill" slavery still continued, black people was separated from white, poor blacks were working in white houses.



**Picture No 10**

**He is a black man who was hurt by a white man**



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#### 4.4 Justice for Black People at that Time.

The American legal system has not managed to escape the racism that permeates American life. Both historically and contemporaneously, the law has been vehicle by which the generalized racism in the society has been made particular and converted in policies and standards of social control. Notwithstanding many countervailing experiences, many black Americans see their dominant experience with the law as that of the law's victim. Present efforts at using the law as an instrument of social change in order to relieve this victimization are encumbered by a lack of black direction of and control over the resources, policy, and personnel ostensibly organized to combat racism. The tyranny of a racist legal structure and the powerlessness of blacks in the face of white hegemony over most of the major legal institutions public and private which have been established to attempt to eradicate white racism. If leadership of this character articulates black priorities from the perspective of the community centrally affected, than all willing elements of the society can contribute usefully to the attainment of the goals of freedom with dignity for all.

In the novel that we analyzed, the author, John Grisham, makes readers realize that justice in the case of Carl Lee Hailey may not be achieved. Carl Lee took law into his own hands instead of waiting for the legal system to creak its way to a conclusion. Also, the author Grisham implies that the justice system in Ford Country is and always has been white. The courthouse sits quite naturally in a



square at the center of town. The courthouse and the columns that support it are whites.

"A Time To Kill" reminds us that the law has not accorded Africans Americas equal justice. For years whites killed blacks and few cared, in some cases black people were even shot for sport. Lynching was common place for blacks who dared to fight back. Grisham makes clear that things have not radically changed in contemporary Ford Country. Many in the community resent having two white men arrested for raping a little black girl. They seem not to understand that a crime has been committed. Further, they resent Jake Brigance, a white attorney, for defending a black man who killed the rapists, even though Jake has without reprisal defended blacks for killing blacks. When Billy Ray Cobb and Pete Willard get locked up, Clanton's jail is populated solely by blacks.

The justice may propel the actions of a few people, some of whom are lawyers; it must overcome obstacles within the legal system itself. Without the efforts of a Jake Brigance, Carl Lee would today be dead or languishing in the fictional Parchman penitentiary.

Grisham apparently sees taking the law into one's hands as a praiseworthy act, one for which the perpetrator ought not to be punished. Tied to the American frontier is the notion that there is value in doing the work of the law when the law is not there. Although Jake himself does not step outside the bounds of law, he understands Carl Lee's decision to do so and it is prepared to defend him for his



actions. In that world Jake must make choices, and no sooner he takes Carl Lee's case that he begins receiving death threats. His house is burned by the Ku Klux Klan who believes a black man does not deserve a fair trial. In Clanton the rulers of the Old South still operate, and Jake challenges those rules. The Ku Klux Klan metaphorically represents the worst of old southern values.

The legal system is also part of the chaotic world within which Jake knows that for many in local government the reelection of country officials is more important than justice. Jake knows that Judge Percy Bullard will automatically bind Carl Lee over to a Grand Jury to avoid having to make an unpopular decision that might cost him votes.

#### **4.5 Racism in Ecuador**

Racism took place when Africans were brought over in boats from West Africa to work on the coast areas and food plantations. The first ship, in 1553, that carried the slaves was settled on the coast of Esmeraldas. The ten percent of the population was black. The other groups were mainly whites, half-caste, indigenous people and Asians. The blacks and the indigenous people were the poorest in the nation. The profusion of racism with Ecuadorian society mainly sees against blacks in terms of labour and educational opportunities. Many are concentrated into informal labour markets with little or no job stability or security. Blacks are located in the major cities but are mostly concentrated in the Esmeraldas and Imbabura Provinces. In the most of the black communities, there are no basic services,



insufficient electricity, and housing of very poor material, and infrastructure. Blacks in Ecuador also are marginalized, exploited, excluded from national development. So, the majority of Blacks live in misery. Most of them are illiterate, unemployed, without health care, or education. However; Ecuador does not deny the fact that it has a black population but the country tries its best to limit their exposure except when it comes to boosting national pride for black athletic achievements as tourist attractions. Thus, Ecuador's National Congress in 1997 after intense lobbying by Black Organizations, in the National Day of Black People is nevertheless considered a significant triumph. Considering the political and social environment in which Black Ecuadorians live, it is no surprise that this resolution is a transcendental deal. Besides, Ecuador has forty five percent of indigenous people. The eighty percent of the rural population are mostly indigenous who live in absolute poverty.

#### **4.5.1 Is the Racism in Ecuador the same as in the United States?**

Racism in both countries has a little relation because in Ecuador and in the United States rich people treated indigenous people in inferior ways. Also, In Ecuador there are many cases of discrimination against black people and indigenous people. Blacks are not respected by Ecuadorians. Blacks are often accused of crimes that in some cases they did not commit. Most people think a black man is a thief, murderer, or drug addict. Thus, indigenous people are abused because of their language or dress and most of them live in poverty. Rich people give them hard work, and pay them low salaries. Although, the 2008 constitution



strengthens rights of indigenous people to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. On the other hand, racism in the United States has been a major issue since the colonial era. Historically, the country has been dominated by a settled society of religiously and ethnically diverse whites. The heaviest burdens of racism in the country have historically fallen upon Native Americans, Asian Americans, African Americans, Latin Americans, American Jews, Irish Americans and some other immigrant groups and their descendants; the definition of white has changed over time; many European groups, such as Irish and Italians, were not considered white when they first immigrated to the United States, and were victims of racial discrimination at that time. White Americans occasionally do experience racial discrimination; it is disputed whether this is properly termed racism, and, in general, since other groups have less economic and social power, it is uncommon that such discrimination has the power to seriously harm whites. Major racially structured institutions include slavery, Indian reservations, segregation, and residential schools for Native Americans, internment camps, and affirmative action. Racial stratification has occurred in employment, housing, education, and government. Formal racial discrimination was largely banned in the mid-twenty century, and it came to be perceived as socially unacceptable and morally repugnant as well, yet racial politics remain a major phenomenon.

Besides, in the novel, "A Time To Kill" shows us the savage depths of racial violence through a compelling tale of uncertain justice in a small southern town in



Mississippi in 1967. Especially we can realize a profound racism against a black society which is demonstrated through the raped of a little black girl, Tonya by two rednecks.

**Would a poor black person in Ecuador be treated the same way as a poor black person in the United States with regard to a fair trial?**

Black people in Ecuador and in the United States were treated in a fair trial in the same way because in both governments only question the nature of the offense, with the defendant is they do not take care who is the person if he or she is a black or white poor or rich. The jury trials are available in both civil and criminal cases. Besides, in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where the crime shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

In the United States, jury trials tend to be high profile; the general public tends to overestimate the frequency of jury trials. Approximately one thousand five hundred jury trials are conducted in state court, and an additional five hundred jury trials are conducted in federal courts. Thus, the United States Supreme Court has realized that if the government seeks to bring criminal charges against an individual, it must reveal the factual basis for those charges even when that would require disclosing sensitive national security information.





In the same way, in many Latin American countries especially Ecuador tends to feel closer to the judicial system when the judges understand their problems and inspire trust. Ecuador has changed its constitutions to include explicit clauses recognizing the value of alternative ways of conflict resolution. The constitutions of 2008 acknowledge that indigenous communities may resolve conflicts in accordance with their own practices and traditions. In most occasions, however, they concede such permission as long as the informal mechanisms of the indigenous communities do not affect the laws of the country or the rights of individuals.

In the novel, "A Time To Kill", Grisham explains how the laws for trial by jury were interpreted. The laws were supposedly equal for blacks and whites; the laws were supposed to be just, but blacks suffered discrimination. One example of it was when at the beginning of the Carl lee's trial, the rapists' lawyer wanted to change the jury to other state because of in Clanton the majority were blacks. He wanted to change to Venue State.

**Would the same be true of an indigenous Ecuadorian and a Native American citizen of the United States?**

**Examples of Native Americans**



**Picture No. 11**



**Picture No. 12**

**They were American Indians from Alaska**

**Examples of indigenous Ecuadorian**



**Picture No. 13**

**He is Ecuadorian indigenous from Chimborazo.**

We think that in both countries those kinds of people are the same because indigenous Ecuadorian and Native American lived in not good condition but today they formed many organizations to protect themselves.



Indigenous people in Ecuador are the groups of people who were present in what became the South American nation of Ecuador when Europeans arrived. In Ecuador most indigenous are living in the poverty, for this reason, they cannot attend school. And they are treated in a bad way because of their languages or dressing. But since 1986, indigenous people formed the first truly national policy. The Confederation of Indigenous Nationalities of Ecuador (CONAIE) has been the primary political organism, and has been influencing in national politics, including the ouster of the presidents Abdalá Bucaram in 1997 and Jamil Mahuad in 2000. On the other hand, Native Americans in the United States is the phrase that describes indigenous people from North America now encompassed by the continental United States, including parts of Alaska and the island state of Hawaii. They comprise a large number of distinct tribes, states, and ethnic groups, many of which survive as intact political communities. Native Americans have also been known as Indians, American Indians, Aboriginal Americans, Amerindians, Amerinds, Colored First Americans, Indigenous, Original Americans, Red Indians, Redskins or Red Men. During the colonial and independent periods, a long series of conflicts were waged, with the primary objective of obtaining resources of Native Americans. Through wars, massacres, forced displacement and the imposition of treaties, land was taken and numerous hardships imposed. Once Natives American was incorporated into the United States, they were denied equality before the law and often treated as rewards of the state. Many Native Americans were relegated to reservations constituting just four percent of United States. Territory and the treaties signed with them violated.



Native Americans today have a unique relationship with the United States of America because they can be found as members of nations, tribes, or bands of Native Americans who have sovereignty or independence from the government of the United States. Their societies and cultures still flourish amidst a larger immigrated American population of African, Asian, Middle Eastern, and European people. Native Americans who were not already United States citizens were granted citizenship in 1924 by the Congress of the United States. Prior to the passage of the act, nearly two-thirds of Native Americans were already United States citizens.

# CHAPTER V



# CONCLUSION

## CHAPTER V

### CONCLUSION

#### 5.1 Summary of the Thesis

John Grisham, a man who was born in a common family has had an exciting life. He has known a lot of towns, and he grew in a moral family who practiced the Baptist religion and who were active members as John, his wife, and children are



today. John as a normal person studied in different elementary schools, high schools and he achieved to study the University in Mississippi where he graduated as a lawyer. In that time John decided to get married with his girlfriend Renee. One day while he was practicing his profession in the streets observed a case in the court that called his attention. It was about a black girl who was raped for two whites with his clear mind about that, he began to write the novel "A Time To Kill", with this first book John became a famous writer in the United States.

"A Time To Kill" is a book that explains how the Civil Rights System in the United States is driven. Let's remember briefly the story: It was about a black girl who was raped for two whites. When Tonya's father Carl Lee Hailey knew about this terrible act against his daughter, he took the justice in his hands and he killed two whites who hurt her. After that, it began a process against Tonya's father. In Canton people wanted Carl Lee went to the gas chamber and others wanted he became free. Finally, after a long process the case concluded and Carl Hailey was free.

In this novel we can see the clear discrimination that existed in that time although discrimination finished and years before the Civil Rights were written blacks continued suffering discrimination. Also, the process against Carl Lee took an air of corruption because the case was lost if Carl Lee stayed in the town in the time of the trial because the majority of the people there were whites obviously they condemned him. The last thing that we can see are the rights of whites that were different of the blacks because if a black made any act against whites



immediately blacks were to the jail and they spent a long time there without any judge. On the other hand, whites had right to deposit money to go free.

In general terms comparing the Civil Rights of the United States presented in the novel and the civil rights of our country. In Ecuador people are afraid of black people because we think they are rapists, robbers, killers, etc. However; we do not hurt them. In the United States, discrimination is terrible not only to black people also to other social groups. There Americans killed, raped, hurt them. Today we can see cases of Ecuadorians who were killed in The United States because they were Latinos or because they had dark skin. Recently, the news called us our attention. Marcelo Lucero an Ecuadorian immigrant of thirty-seven years old was killed in November 2008, in Patchogue Train Station. Jeffrey Conroy of nineteen years old, a three-sport athlete at Patchogue Medford high school plunged a knife into the chest of Marcelo during a street fight. This case was taken as a hate crime, violence targeting Hispanics. Conroy faces eight to twenty-five years in prison when is sentenced on May 26.

In Ecuador all people are equal in an accused process all people who are accused of something has to follow a process to demonstrate if he/she is guilty or not guilty. The Civil Rights System in both countries is similar however, the Civil Rights in the United States are more severeus because, and its penalties go until the death penalty. On the other hand, in Ecuador the maximum of penalty is twenty five years of jail.



Other very important aspect of our thesis was to analyze step by step the novel "A Time To Kill". Here we see how the novel took his form when John began describing with horror how Tonya was raped and how Billy Ray Cobb and Willard left her in a desert place because they thought she was dead. The tension appeared when Carl Lee (Tonya's father) decided to take revenge against the two rednecks and he killed them when they were going to the court. The development of the story was told in a chronologically order; that is, as the events occurred. The events were rising when Carl decided to take revenge. The climax of the novel happened when Jake Brigance, Hailey's lawyer, and friend prepared the defense and the trial took place. The falling action is when the judges decided that Carl was no guilty and the story finished as the majority of the novels with a happy end Carl Lee was free and he returned to his home with his family.

John Grisham who never imagined being a famous and rich man by his books has a peaceful life with his family in a house far from the city and looking for privacy, continuing writing books and without forgetting his origins. As a good Baptist he uses the money that he is obtained from the sales of his books to help the church and beneficial causes.

## 5.2 Opinions of some critics about John Grisham's works

Karen Lynchat 5:39 pm

I love John Grisham and I have read every single one of his books! I still think that "A Time To Kill" (his first) was the best he's written with the most





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heart!

Thanks for this inspiration!

(<http://www.goal-setting-college.com/inspiration/john-grisham-books/>)

Ellesse at 6:49 am

Hey Karen, that's incredible. You must be an ardent Grisham fan. It's a shame that I managed to read 'The Rainmaker' only but with so many personal development books in my reading list, I'll have to put those great Grisham books on hold first! (<http://www.goal-setting-college.com/inspiration/john-grisham-books/>)

Richard at 7:11 am

I've read the broker and it really touch my heart. At first, I thought that it would be boring to read that kind of book but after reading, I found it good and fantastic. I learn a lot especially when Backman speaks Italian and the other characters. (<http://www.goal-setting-college.com/inspiration/john-grisham-books/>)

Magdadh 20:43

This was a perfectly content book review, thus I rated it Very Helpful. You presented the book well and justified your opinion. Some info on price/availability would be good though. Personal Comment: the more Grisham I read the more I was surprised at how bad a \*writer\* he actually



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was, especially in his later books. He plots well, but his use of the language is not better than any other author of airport novels. I hope you will get less impressed by the likes of Grisham as you read more and more good literature.

[http://www.ciao.co.uk/A\\_Time\\_to\\_Kill\\_John\\_Grisham\\_\\_Review\\_5483696](http://www.ciao.co.uk/A_Time_to_Kill_John_Grisham__Review_5483696)

Mafarrimond 10:12

I do enjoy Grisham's writing. This is a good book.

[http://www.ciao.co.uk/A\\_Time\\_to\\_Kill\\_John\\_Grisham\\_\\_Review\\_5483696](http://www.ciao.co.uk/A_Time_to_Kill_John_Grisham__Review_5483696)

Kthdsn 18:48

I really loved this book. As you say the characters are so vividly described you have to either love or hate them.

[http://www.ciao.co.uk/A\\_Time\\_to\\_Kill\\_John\\_Grisham\\_\\_Review\\_5483696](http://www.ciao.co.uk/A_Time_to_Kill_John_Grisham__Review_5483696)

**Sun, 10/21/2007 - 05:05 — Bridget**

I found *A Time To Kill* fairly interesting; it kept my attention and there was a lot about the complex relationships, social commentaries and impartial writing style that I enjoyed.

([http://en.wikipedia.org/wiki/Mass\\_racial\\_violence\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Mass_racial_violence_in_the_United_States))



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Patricia Jan 28, 2007

The novel really moved me, I loved it. The movie is a good case for why there should be the death penalty. The father of this child shouldn't of had to take the law into his own hands. It shows you how corrupt our courts can be. But it was wonderful because justice prevailed in this novel. The father made sure these 2 redneck vermin didn't walk. I am glad that the Klan, ACLU and NAACP weren't able to run the show in this film. I do not have any respect for any of these groups. Maybe when the ACLU and the NAACP first started they were good, but I do not believe in them anymore. The Klan has always been evil. I am a Republican and my best friend is black. She knows that there are a lot of Republican's that stand for what is good and right. Just look at President Bush's cabinet, he chose black leaders in high positions. You can't say the same thing for President Clinton.

### 5.3 Personal Opinions

Sometimes we think money is the most important thing in life and when we obtain it in any way, we become crazy people. We spend it in ridiculous things like new cars every month, luxury houses, expensive clothes, among other whims, but we do not think about helping poor people with meals, clothes, houses and, protection for them. We think only in our appearance in our lifestyle. It is not the case of the writer John Grisham, his fame has not changed him because his beliefs



and principles which were inculcated by the church guided him always to think in the people who need help.

John Grisham is for us a man who grew in a conservative family and following the Baptist religion which has given him the qualities of a great human being. Thanks to his effort and dedication he became one of the most famous American writers. His fame gave him a lot of money and he has used it to help benefic causes as the case of Hurricane Katrina, other causes of his church, and his native town in Mississippi.

Grisham's books achieved the fame that any other writer would dream. For weeks and months, his books were the status on best seller lists have numbered more than sixty millions in print across the world and they have been translated into thirty-one languages. Grisham writes two books per year and he has written twenty-three books until 2009.

In this way we took the first novel that he wrote "A Time To Kill" because it was the most important step in his life to become a famous writer. "A Time To Kill" is the main part of our thesis because this book is based on the Civil Rights System in the United States in 1967. Through his book we learned how black people suffered discrimination and how they were humiliated by white people, the abuse of the laws, and its preference for whites. Likewise, we are very happy because we learned the laws in the United States and we learn about the laws that there are in our country. In many cases people do not know their own customs, culture, or traditions.



In "A Time To Kill" organizations like the Ku Klux Klan caused damage to innocent blacks at that time. We noticed that discrimination not only for blacks still exists now but specially in the United States as you can see in the news we know about the murder of a compatriot because of his skin color and he was discriminated for being a "Latino". Many cases happen every day. It is unbelievable that in the twenty -first century these things still happen, but we do not think a person who murdered two men, in these case Carl Lee, would live in peace with himself because his conscience is black before God. God is who gives or quits life. We recommend people when in dangerous situation first to think many times and then to do what is best for them. Keep ever in mind that all actions are not always positive; it is better not to regret what you have done in life.

Finally, if a person enjoys reading books, we recommended reading the thriller novels of John Grisham because he is a man who had to forget his dream to be a famous baseball player to be a famous writer. He is famous not only in the United States but around the world. The experience that he gained when he was a lawyer helped him to write about real cases of common people that he observed in courts in Mississippi in the United States.



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