The Death Penalty

SOCY 4104, Section 001

Spring 2019

TuTh 8:00-9:15

HLMS 267

Instructor: Prof. M. L. Radelet

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Office Hours: Office Hours: Usually 7:15-8:00 and 10:45-11:15, but please let

me know if you plan to stop by. And I am happy to meet at other times if

these hours are inconvenient.

Description

This course is designed as an introduction to some of the major issues related to the use of capital punishment. We will first examine the historical and international use of capital punishment, and then focus on its use and status in the United States in this century. We will look at the current status of the death penalty in the 50 states and take a special look at the laws and practices in the state of Colorado. A major portion of the course will critically examine the arguments for and against severe punishment in general and capital punishment in particular. The inmates on death row, their living conditions, and their families will be examined, as well as the needs of families of homicide victims.

NOTE 1: This syllabus is a work-in-progress, and it will change frequently during the semester. This will allow us to take advantage of possible guests and new literature and current cases, and to focus a bit more than I can anticipate at the beginning of the semester on certain topics, less on others, and on whatever current events and cases pop up.

NOTE 2: The approach to the class will be to discuss all the pieces in the puzzle before we put them together later in the semester. We will intermix current issues with the topics in the syllabus, often going back and forth between the two. While this approach may appear to be disorganized, the organization will emerge as the semester progresses.

Objectives

1. To clarify the issues involved in assessing the utility and morality of severe punishment.

2. To examine the rise and fall of the death penalty in an historical and societal context in a way that might shed light on the nature of societies that use or prohibit it.

3. To gain understanding of those who commit serious crimes of violence, and to reflect on how various counties and states have dealt, are dealing, and should deal with the perpetrators.

4. To assist the student in 1) understanding the wealth of literature and research available on the subject of capital punishment, 2) understanding the role of politics in arguments both for and against the death penalty, and 3) understanding and appreciating the diversity of opinion on capital punishment.

Course Requirements and Grading

1. Class attendance. Students may miss (or be late for) up to three classes, but the final course grade will be reduced by one notch (e.g., from an "A" to an "A-") for each fourth unexcused absence or late arrival in class. ALL REQUESTS FOR EXCUSED ABSENCES MUST BE SUBMITTED WITHIN ONE WEEK OF THE ABSENCE. In addition, any student with nine or more unexcused absences will receive a final grade of “F” in the course *regardless* of scores on the exams.
2. Quiz on Dead Man Walking Quiz, April 11, 5 percent of final grade.
3. Dead Man Walking paper, due April 18, 10 percent of final grade.

Note on Dead Man Walking paper: The paper should be equally divided into two parts. In the first half (approximately 3 pages), *describe and summarize* the book, much as a book review in the Sunday *New York Times* tries to tell readers -- most of whom have not read the book and probably will not -- what the book is all about. What are the major themes and conclusions of the book? Where is the author coming from? The second part of your paper should describe your *critical reactions* to the book. Here each student has a lot of flexibility, but examples of questions the student might discuss include: Why should we care about the inmates that Sister Helen visited? What should we do with them? What role do families of victims and families of inmates play in contemporary death penalty debates – or what role *should* they play? There are lots of other reactions that you may have and you should feel free to ignore my suggestions and write about your own reactions. Note: I do not want a literary review (e.g., the book is well-written …). Note 2 (a personal quirk): Anyone calling the book a “novel” will lose 100 points.

4. Quizzes and short papers: 10-25 percent of the final grade. There will probably be a few

short quizzes – maybe one per month – during the semester to make sure folks are

keeping up with the assigned readings, and/or some short, 3-4 page papers (really “think

pieces”).

5. Three hourly exams, each constituting 20-25 percent of the final grade. The first will be

administered during class on Thursday February 14, the second on Thursday March 21, and the third at the time of the Final Exam, Saturday NIGHT, May 4 , 7:30 pm -10:00 pm. NOTE: The second exam is during the last class period before Spring Break, and no make-ups will be offered; please drop the class if you will be unable to take this or any other exam at the scheduled time.

Required Readings

Banner, Stuart. The Death Penalty: An American History. Cambridge: Harvard University Press, 2002.

Acker, James R. Questioning Capital Punishment: Law, Policy, and Practice. New York: Routledge, 2014.

Prejean, Helen. Dead Man Walking. New York: Random House, 1993.

Various newspaper articles, scholarly papers, or reports to be distributed in class or via e-mail.

Please -- cell phones should not be used or even visible during classes.

Tentative Course Outline and Readings

Week 1. Jan. 15-17. Introduction to the Course.

General Overview of the Death Penalty Worldwide and in the U.S.

Begin reading Banner book.

Week 2. Jan. 22-24. History of Death Penalty in Colorado. Discuss the 2017 book by Prof.

Radelet, cleverly entitled “The History of the Death Penalty in Colorado.”

Continue reading Banner book.

Week 3. Jan. 29-31. Historical Overview.

Finish reading Banner book.

Week 4. Feb. 5-7. The Death Penalty Today. The *Furman* and *Gregg* decisions, Reactions to them, and the Present Situation. How appellate system works. Costs (financial) of the death penalty.

READ: Death Penalty Information Center, "The Death Penalty in 2018: Year End Report." Available at <https://deathpenaltyinfo.org/documents/2018YrEnd.pdf>

READ: Acker, Chapter 4, “Capital Punishment for Murder: Sentencing Criteria and

Procedures”

Week 5. Feb. 12-14. Public Opinion. Religion. International status and opinions. Politics of the Death Penalty.

In class we will study the web page of Amnesty International, “Figures on the Death Penalty,” <https://www.amnesty.org/en/what-we-do/death-penalty/>

READ: Acker, Chapter 5, “Proportionality: Offenses and Offenders”

First Exam: Thursday February 14

Week 6. Feb. 19-21. Juries. Witherspoon - Death Qualification. Overrides.

Reading: TBA

Week 7. Feb. 26-28. Racial Bias, Arbitrariness, and the Eighth Amendment.

READ: Acker, Chapter 6, “The New Death-Penalty Laws in Application: Race Discrimination and Arbitrariness”

Week 8. Mar. 5-7. Arguments for the Death Penalty.

READ: Acker, Chapter 1, “The Death Penalty’s Justifications: Pro and Con”

Week 9. Mar. 12-14. Families of Homicide Victims.

READ: Acker Chapter 3, “Incapacitation, Cost, and Consideration for the Victim”

Week 10. Mar. 19-21. Quality of attorneys. Class disparities. Independence of the Judiciary.

READ: Acker, Chapter 7, “Defense Attorneys and Capital Jurors”

Second Exam: Thursday March 21.

Week 11. Mar. 26-28. Spring Break.

Week 12. April 2-4. The widening circle. Conditions on Death Row. Families of victims.

Families of offenders. Prison Workers. Clemency.

READ: Dead Man Walking.

Week 13. Apr. 9-11. Innocence.

READ: Acker Chapter 8, “Capital Errors: Procedural Issues and Actual

Innocence”

FINISH READING: Dead Man Walking.

April 11: Quiz on DMW

Week 14. Apr. 16-18. Ways to Reduce Criminal Violence (Deterrence and Recidivism).

READ: Acker Chapter 2, “Deterrence”

April 18: Dead Man Walking paper due.

Week 15. Apr. 23-25. Mental Health Issues.

READ: TBD.

Week 16. Apr. 30-May 2. Death Watch and The execution.

Catch-up and use time to revisit issues and cases (selected by

students) that we would like to spend more time on.

READ: Acker Chapter 9, “The Final Stages: Death

Row, Clemency, and Execution”

Final Exam: Saturday night, May 4, 7:30-10:00 pm.

Some Useful Web Sites

*The place to start:*

Death Penalty Information Center

http://www.deathpenaltyinfo.org/

This is by far the best source for current information on the death penalty. This information is complete, current, accurate and reliable.

*Web addresses of sites most useful for obtaining reliable and current information, activities, happenings, reference materials etc., on the death penalty.*

American Civil Liberties Union. <https://www.aclu.org/capital-punishment>

American Bar Association Death Penalty Representation Project.

<https://www.americanbar.org/groups/committees/death_penalty_representation/>

Amnesty International USA. <http://www.amnestyusa.org/our-work/campaigns/abolish-the-death-penalty?id=1011005 >. From this site you can download Amnesty's very useful and well researched reports on capital punishment world‑wide. See also the web site from Amnesty International’s International Secretariat (i.e., their international headquarters): <http://www.amnesty.org/en/death-penalty>.

California Crime Victims for Alternatives to the Death Penalty. <www.californiacrimevictims.org> Coalition of surviving family members and friends who are against the death penalty.

Catholic Mobilizing Network to End the Use of the Death Penalty. <https://catholicsmobilizing.org/death-penalty>. Provides the abolitionist views of Catholic organizations.

Center on Wrongful Convictions, Northwestern University School of Law. Excellent for issues related to innocent people in prison and on death row, as well as source for general information. <https://www.law.northwestern.edu/cwc/>

Clark County (Indiana) Prosecutor's Office. <http://www.clarkprosecutor.org/html/death/death.htm> Excellent source for information, especially from Indiana, from the pro-death penalty prosecutor (but unfortunately it has not been updated since 2014). See "1,000 death penalty links."

Coloradans for Alternatives to the Death Penalty Foundation. <http://www.coadp.net> A nice, up-to-date site (sort of) for activities and issues in Colorado. Should be useful as we follow the effort in Colorado this semester to abolish the death penalty.

Cornell Law School <https://www.law.cornell.edu/wex/death\_penalty >. This site is a joint project of Cornell's Death Penalty Project and its Law Library. It has a wealth of useful legal information, such as capital punishment decisions of the U.S. Circuit courts and the Supreme Court, information on state and federal death penalty codes, capital defense resources, academic studies ‑ and more.

Criminal Justice Legal Foundation <http://www.cjlf.org/#> (go to “Our Work” and then to “Public Policy”). Headquartered in Sacramento, this is a nonprofit public interest law firm that argues forcefully in favor of the death penalty.

The Death Penalty Project <http://www.deathpenaltyproject.org/>. This organization in London is run by two of the top death penalty litigators in the world (who visited CU in 2017), with numerous victories in death penalty cases in Asia, Africa, the Caribbean, and Central America.

The Death Penalty Worldwide <http://www.deathpenaltyworldwide.org/index.cfm>. A site maintained by law students at Cornell University; the premier site for information on the death penalty in most countries around the world.

Death Penalty Focus of California. <www.deathpenalty.org> Provides information on the death penalty in California, including information on activities surrounding pending cases. The organization was founded and is still headed by actor Mike Farrell (B.J. Honeycutt in M\*A\*S\*H).

Equal Justice Initiative. <http://www.eji.org> Provides information on wrongful convictions, inadequate counsel, and racial bias surrounding the death penalty. EJI, founded and headed by Bryan Stevenson and based in Montgomery, Alabama, specializes in many justice issues (e.g., children sentenced to die in prison).

Florida Department of Corrections. <http://www.dc.state.fl.us/oth/deathrow/index.html> All sorts of information about the death penalty in Florida. Interesting vignettes on all women ever sentenced to death in the state.

The Innocence Project. <www.innocenceproject.org> Project overseen by Barry Scheck that funds DNA testing which has resulted in several exonerations, including several from death row.

International Commission against the Death Penalty, <http://www.icomdp.org/ >. Headquartered in Madrid, this is a group of present and former world leaders speaking out against the death penalty.

The Journey of Hope. <www.journeyofhope.org>. The home page of the ongoing Journey, which educates on capital punishment and the availability of alternatives thereto, and promotes healing among victims' families.

National Coalition to Abolish the Death Penalty. <www.ncadp.org>. This is the umbrella organization for anti-death penalty activists throughout the U.S.

National Registry of Exonerations: <http://www.law.umich.edu/special/exoneration/Pages/about.aspx > The Registry provides detailed information about every known exoneration in the United States since 1989 (numbering 2,363 as of January 2019) — cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.

Sister Helen Prejean. <http://www.sisterhelen.org/>. The official website of the Sr. Helen Prejean, the author of *Dead Man Walking*.

Southern Center for Human Rights. < https://www.schr.org/our-work/death-penalty > provides news, articles and reports on the death penalty, and Steve Bright's scholarly articles on capital punishment issues. SCHR is one of the top public interest law firms in the U.S. (and where Bryan Stevenson got his start).

Texas Defender Service. <www.texasdefender.org>. Service committed to providing adequate representation to those faced with capital punishment in Texas.

World Coalition against the Death Penalty, <http://www.worldcoalition.org/>. This is the main international organization of death penalty abolitionists, working to abolish the death penalty worldwide.

Here you can also read about the 7th World Congress against the Death Penalty, to be held in Brussels in February 2019; <http://congres.ecpm.org/en/7th-world-congress-against-the-death-penalty-4-days-5-locations-115-countries-represented-and-more-than-1500-abolitionists-expected/>

Syllabus Statements

(required by CU to be on all course syllabi)

# Accommodation for Disabilities

If you qualify for accommodations because of a disability, please submit your accommodation letter from Disability Services to your faculty member in a timely manner so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities in the academic environment. Information on requesting accommodations is located on the [Disability Services website](http://www.colorado.edu/disabilityservices/students). Contact Disability Services at 303-492-8671 or [dsinfo@colorado.edu](mailto:dsinfo@colorado.edu) for further assistance. If you have a temporary medical condition or injury, see [Temporary Medical Conditions](http://www.colorado.edu/disabilityservices/students/temporary-medical-conditions) under the Students tab on the Disability Services website.

# Classroom Behavior

Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. For more information, see the policies on [classroom behavior](http://www.colorado.edu/policies/student-classroom-and-course-related-behavior) and the [Student Code of Conduct](http://www.colorado.edu/osccr/).

# Honor Code

All students enrolled in a University of Colorado Boulder course are responsible for knowing and adhering to the Honor Code. Violations of the policy may include: plagiarism, cheating, fabrication, lying, bribery, threat, unauthorized access to academic materials, clicker fraud, submitting the same or similar work in more than one course without permission from all course instructors involved, and aiding academic dishonesty. All incidents of academic misconduct will be reported to the Honor Code ([honor@colorado.edu](mailto:honor@colorado.edu)); 303-492-5550). Students who are found responsible for violating the academic integrity policy will be subject to nonacademic sanctions from the Honor Code as well as academic sanctions from the faculty member. Additional information regarding the Honor Code academic integrity policy can be found at the [Honor Code Office website](https://www.colorado.edu/osccr/honor-code).

# Sexual Misconduct, Discrimination, Harassment and/or Related Retaliation

The University of Colorado Boulder (CU Boulder) is committed to fostering a positive and welcoming learning, working, and living environment. CU Boulder will not tolerate acts of sexual misconduct (including sexual assault, exploitation, harassment, dating or domestic violence, and stalking), discrimination, and harassment by members of our community. Individuals who believe they have been subject to misconduct or retaliatory actions for reporting a concern should contact the Office of Institutional Equity and Compliance (OIEC) at 303-492-2127 or cureport@colorado.edu. Information about the OIEC, university policies, [anonymous reporting](https://cuboulder.qualtrics.com/jfe/form/SV_0PnqVK4kkIJIZnf), and the campus resources can be found on the [OIEC website](http://www.colorado.edu/institutionalequity/).

Please know that faculty and instructors have a responsibility to inform OIEC when made aware of incidents of sexual misconduct, discrimination, harassment and/or related retaliation, to ensure that individuals impacted receive information about options for reporting and support resources.

# Religious Holidays

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, student planning to request an excused absence from any class for religious holidays should meet with Dr. Radelet during the first week of class.

See the [campus policy regarding religious observances](http://www.colorado.edu/policies/observance-religious-holidays-and-absences-classes-andor-exams) for full details.

**(to be submitted during the first week of class)**

TO: Professor Radelet

RE: SOCY 4104, Spring 2019

I understand that the exams in the class will be administered on:

Thursday February 14

Thursday March 21

and the final exam, Saturday evening May 4, 7:30 pm

There will also be a quiz on the Prejean book, April 11.

I realize that there will be no excused absences from any of the exams or quizzes, and I promise not to ask for one.

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Signature

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Printed Name