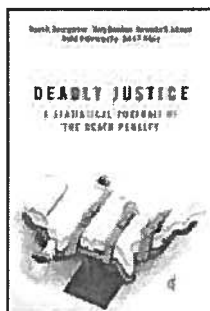


Deadly Justice

A Statistical Study of the Death Penalty

By Frank Baumgartner, Marty Davidson, Kaneesha Johnson, Arvind Krishnamurthy and Colin Wilson (Oxford University Press 2018)
Reviewed by Robert Sanger



This book, *Deadly Justice*, is the culmination of years of research and teaching by Frank Baumgartner — Richard J. Richardson Distinguished Professor of Political Science at the University of North Carolina at

Chapel Hill — who was assisted by his designated co-authors, Marty Davidson, Kaneesha Johnson, Arvind Krishnamurthy and Colin Wilson — all Baumgartner's former students — as well as Betsy Neill and Justin Cole, who are designated co-authors of individual chapters. It is not only a remarkable intellectual accomplishment by all of them, but also the result will be of tremendous use to capital case litigators, academics, journalists, legislators and, one hopes, judicial clerks and the judiciary itself. In fact, to say the book is a culmination is misleading; it is a living organism. The book is augmented by a website through which the authors openly provide for replication of their charts, figures and maps. They also provide links to other sources and express the intention to keep their research up to date. I will go so far as to say that every capital case litigator and anyone else dealing with or writing about the death penalty should have this book and should have the webpage tabbed on their browser.¹

Having said that, I happened to be reading an article published by *Nature* entitled "Trade Routes and Plague Transmission in Pre-Industrial Europe."² The *Nature* article, though on a narrower topic, was also the culmination of research into the mechanics of death. The authors examined a hypothesis regarding how major trade routes may have played a dominant role in transmitting this terrible form of death throughout Europe between the 14th and 18th centuries CE.

About the Reviewer

Robert Sanger is a Partner at Sanger Swysen & Dunkle in Santa Barbara, California, and a Professor of Law and Forensic Science at Santa Barbara College of Law.

The authors determined the demographics of those who died and their proximity to major cities, maritime ports and other trade nodes. They did statistical regression analyses regarding the temperature, overall climate, longitudinal variables, vegetation cover, per capita gross domestic product and other factors. The results of the study will be of use to epidemiologists, historians, archeologists, and others in understanding the spread of this vicious form of unintended biological killing of humans in another era.

By stark contrast, *Deadly Justice* is a study about how, in the United States of America, we deliberately kill people and continue to kill people today. *Deadly Justice* is not for epidemiologists, historians or archeologists. It is for people who are trying to understand, and often fight against, the real, intentional killing of human beings by the state. Regrettably, but gratefully to the authors, we need a current book of statistics documenting who the people are that we kill, where we kill them, how we kill them and how long it takes us to kill them. We need a book that chronicles the mental health issues of those who we kill, their race and gender, whether they were abused themselves as children, and who their victims were. We need to see this killing in the context of history — for example, the extent to which the pattern of executions in the United States today tracks the pattern of lynching in the 1800s and early 1900s — so that we can persuade judges, jurors, the public, the appellate courts and anyone else who will listen that this killing is anachronistic and discriminatorily based on race, mental health and poverty. We need this book, regrettably, to persuade our fellow human beings that intentionally killing the marginalized in society is wrong on so many levels.

We live in an era in which we have not eradicated the plague. There was an outbreak of the pneumonic plague last year in Madagascar. The World Health Organization (WHO) and other epidemiologists sprang into action to avoid the spread to other African countries and to other places throughout the world. Americans were pretty sure that the plague would not make it to the United States, but everyone breathed a sigh of relief when the WHO announced the last reported case in Madagascar in November. And, yet, while we avoided that and countless other potential forms of human carnage, we intentionally kill our fellow human beings, not due to their proximity to major ports and trade nodes but based on an equally irrational basis that selects victims disproportionately on race, mental health issues, poverty and history of being abused and marginalized.

Professor Baumgartner and his colleagues do not just publish their data: they have conducted a meta-study of the current case law and literature on the death penalty. They also tell representative stories of actual people and cases. In each chapter, they are not afraid to draw conclusions on the various issues. They analyze the death penalty in terms of its teleology: Does it accomplish its acclaimed goals? Is it cost-effective? Is it sustainable in the light of changing public opinion? Particularly for those who have not studied or lived with the death penalty professionally, the narratives will be of great value in helping to shape views that may tend away from this lethal and unfair practice. In fact, although none of the authors are lawyers, the book would be an ideal text for a law school class on the death penalty. Still, the greatest value to this book and its to-be-routinely-updated website will be for capital case practitioners. It will be (and already has been) invaluable as a resource for the facts that we must incorporate into our briefs and arguments. I recommend this book and website for all who deal with this plague, the plague of capital punishment, which we continue to impose upon ourselves.

Notes

1. Both the book and the website note that all of the royalties generated by the book have been directed to the Department of Political Science at UNC-Chapel Hill and will be used to enhance undergraduate education.

2. Ricci P.H. Yue, Harry F. Lee & Connor Y. H. Wu, *Trade Routes and Plague Transmission in Pre-Industrial Europe*, *NATURE*, 7 Scientific Reports, Article number: 12973 (2017) at <https://www.nature.com/articles/s41598-017-13481-2>. ■

American Heiress

The Wild Saga of the Kidnapping, Crimes, and Trial of Patty Hearst

By Jeffrey Toobin

Anchor (2017)

Reviewed by Susan Elizabeth Reese



On Feb. 4, 1974, 19-year-old Patricia Campbell Hearst was a sheltered, indifferent Berkeley art student living in a duplex with her fiancé, 25-year-old Steven Weed. That night, a motley crew of self-styled "revolutionaries"