

Baumgartner, POLI 203

Spring 2016

Finish up on framing, speakers, discuss gender differences in innocence, execution, teaser on opinion by state, all from book in progress with students

Readings:

April 13, 2016

Final Exam Info

- Section 1, just like your quizzes
 - Multiple choice, fill-in, true / false
- Section 2, Identifications
 - Define the term
 - Explain the connection / significance to the course
 - Half credit for each half of the question. Single phrases sufficient
- Section 3, Multiple Choice
 - Cover all the readings, lectures, speakers, proportionately.
- Total length: we are shooting for 90 minutes.
Thursday May 5, 4-6pm, in this room.

Follow up on Henry Hunt

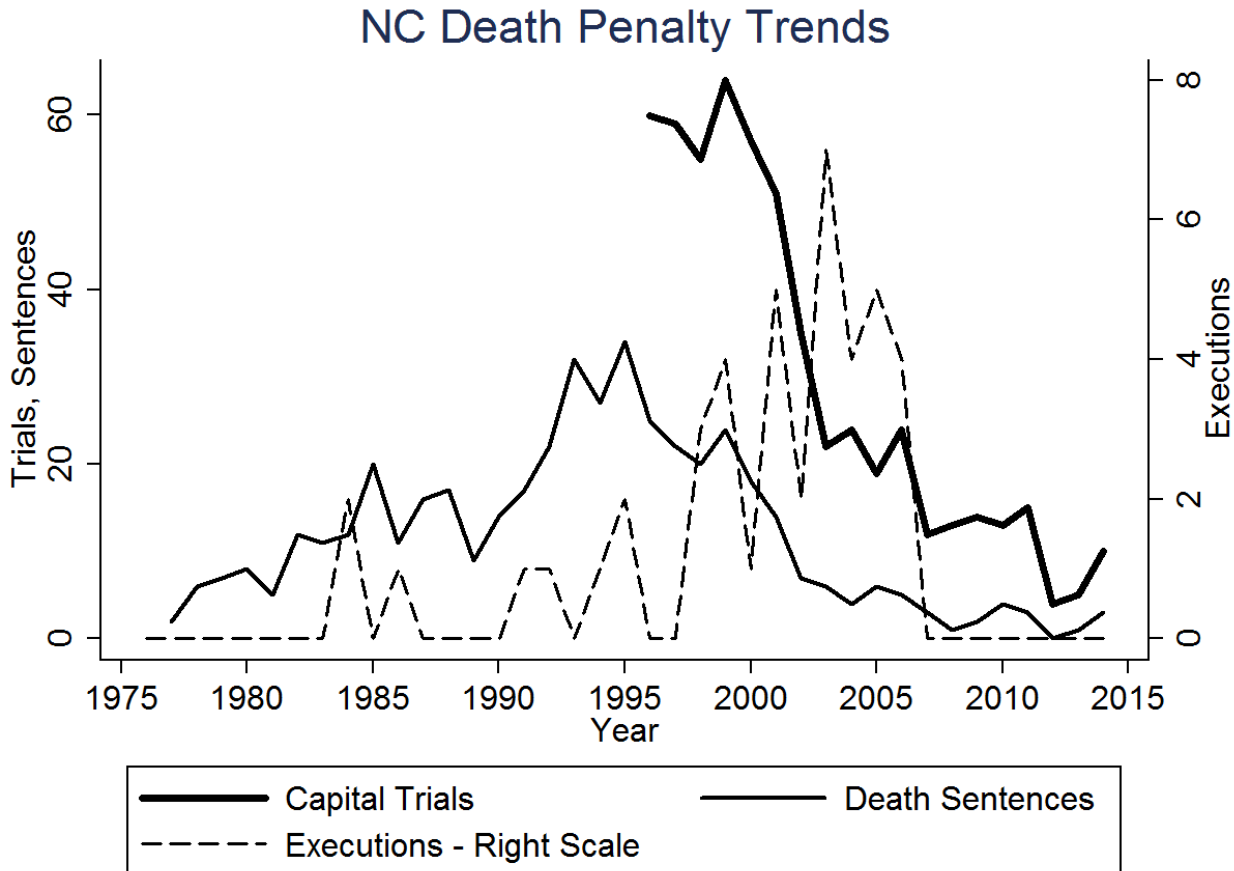
Executed 9/12/13

- Executions by date, during that period:
- 2001: 3/9, 8/24, 8/31, 10/21, 11/30
- 2002: 12/6, 12/10
- 2003: 8/22, 9/12, 9/26, 10/3, 11/7, 11/14, 12/5
- 2004: 1/9, 10/8, 10/22, 11/12
- 2005: 3/11, 5/6, 11/11, 11/18, 12/2
- 2006: 1/20, 3/17, 4/21, 8/18

NC Governors since *Gregg*

- 1977-85, James Hunt (D)
 - 1985-93, James Martin (R)
 - 1993-2001, James Hunt (D)
 - 2001-2009, Mike Easley (D)
 - 2009-13, Beverly Perdue (D)
 - 2013- , Pat McCrory (R)
-
- Executions by Martin: 3; all others: 39

Republican Governor 1985-93 only



Henry Holt never had a chance

- 2003 was the most active year in NC's death chamber.
- The period from 1998 to 2005 was more active than any period before or after.
- People talk about partisanship, but these shifts in national (or state) mood affect both parties.
- See Bill Clinton now talk about being tough on crime; it no longer resonates like it did in 1994. In fact, now, it seems completely out of place.
- So, framing matters more than partisanship...

Gender issues

- Females: about 11 percent of all homicides
- But they are only 1 percent of execution cases.
- Just 16 females executed, of 1,434 executions
- Fewer than 200 death sentences, of 8,000+

Crimes by women that lead to death:

- Kill your children
- Kill your husband / partner
- 10 of 16 women executed had killed their child or male partner
- Only 3 of 16 were stranger crimes. Just one was a serial killer (Aileen Wuornos)
- Kill a man (13 of 16)
- Kill a white person (13 of 16; 12 of 12 white inmates)
- Be white yourself (12 of 16)

Contrast to men

- Stranger crimes
- Crimes against women
- Rare to see executions in cases where men kill their spouses / partners
- Rate is very low overall, even for men. But for women, the rate is just one-tenth that of men. And most women had killed a partner or a child.
- What are our fears? Stranger (man) in the alley. A mother who kills her children.

“Grand Treason” and “Petty Treason”

- Grand treason is treason against the state, or the sovereign. This remains a crime today.
- Petty treason: a crime worse than murder (no longer recognized today) (?)
 - Threatens the social order
 - Slave against master
 - Wife against husband
 - Priest killing a superior in the church
 - From British common law in the middle ages
- Carried forward to US colonies; see Stuart Banner, *The Death Penalty: An American History*
 - No longer on the books, but perhaps some degree of hierarchical threat remains in our customs.

Female exonerees

- Sabrina Butler
- <http://www.witnesstoinnocence.org/exonerees/sabrina-butler.html>
- Young mother, 9 month-old child died, she was convicted of murder

Deborah Milke

- Her 4-year old son was murdered.
- She was convicted of arranging the murder.
- She served from 1990 through 2013 in Arizona, and was fully exonerated in 2015.
- She had been the second woman sentenced to death in the modern period.
- She served 22 years on death row.
- The DA announced his attention to re-try her, but the AZ Supreme Court ruled this to be double-jeopardy.

Shaken baby syndrome

- Your kid dies, you go to jail.
- Your husband commits suicide, you go to jail (Beverly Monroe).
- How do we tell when a young child or infant dies from for example falling off a chair by mistake, and as the result of abuse?
- Sabrina Butler had no way to defend herself.
- 2009, American Academy of Pediatrics; 2011 Crown Prosecution Service for Britain and Wales declared the term should be avoided. Head trauma obviously can kill someone. Shaken-baby suggests a particular process that has little support, or is speculative. But it frames the defendant very clearly.

Mom's in prison

- Children are given to foster parents.
- So: kid dies and instead of grieving, you go to jail, and the state takes away your other kids, giving them to foster parents and declaring you a murderer.
- Obviously, we want to protect children from child abuse.
- Note it is very rare for dads or boyfriends to be executed for this, however. Only moms.

False convictions within families

- It has happened many times to men as well:
Todd Willingham (supposedly arson, wife and kids died; he was executed)
- Michael Morton: wife was killed by an intruder just after he left for work
- Beverly Monroe (not a death sentence case),
Sabrina Butler, Deborah Milke.
- Rather than grieve your loss, you go into another ordeal. And if you have other kids, you lose them to boot.

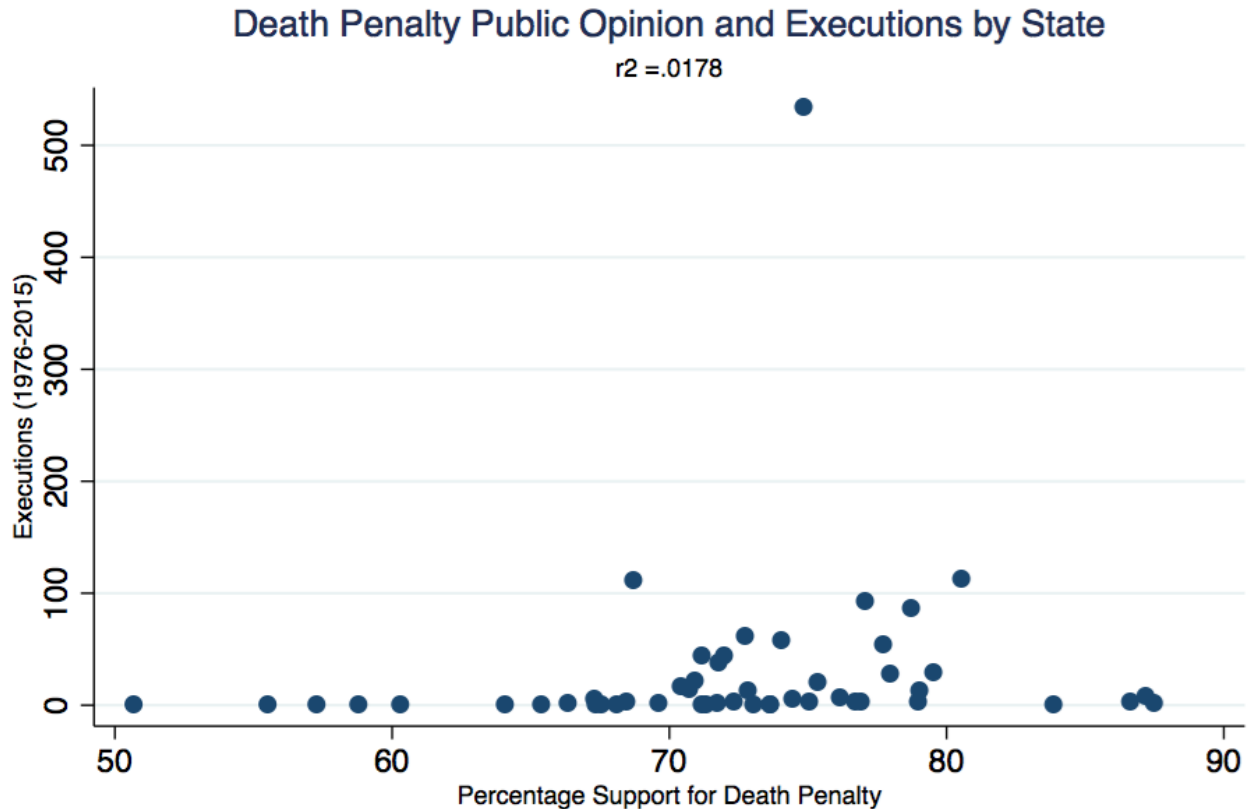
Public Opinion by state

- Gallup sent us the individual survey files.
- From 1978 through 2015 we had 25 surveys asked of national samples:
- “Do you favor or oppose the death people for persons convicted of murder?”
- For each state, we take the percent saying yes divided by the percent saying either yes or no. (That is, we ignore neutral and don't know.)
- Some states have low N's: HI, AK, WY, SD, ND, DE have fewer than 100 respondents.
- Seven states have over 1,000 respondents.

Texas

- Harris county support similar to the national average.
- Texas support slightly above the national average.
- Harris County has lower support than the rest of the state.
- Calls into question the idea of use being consistent with “local values”

No correlation between opinion and executions, in death-eligible states



Source: Gallup Polling Data on Death Penalty,
Results based upon responses to 24 surveys from 1976-2015:
Are you in favor of the death penalty for persons convicted of murder?