

Prof. Baumgartner
POLI 203, Race, Innocence, and the End of the Death Penalty
Spring 2016

Possible Paper topics for your second paper, due in lecture April 20, 2016

- A. Lethal injections have recently been in the news because of “botched executions.” Review five recent cases of botched lethal injections. What went wrong? What are the underlying causes of these problems? Do these present constitutional challenges? Base your study not only on news stories but also on official reports for example those compiled by state corrections agencies reviewing the problems that have occurred.
- B. In class, we have highlighted the Racial Justice Act as a major piece of legislation directed toward bias in the justice system in North Carolina. Explain what the RJA is and why it was revolutionary. What are three key elements that make it so? Read the Supreme Court decisions and dissents in the McCleskey (1987) case and compare the logic in McCleskey to the goals of the RJA. Review carefully the arguments of those opposed to the RJA, including the question of whether the intent to discriminate is or must be a factor. Why do Professors O’Brien and Grosso (in an article assigned in class) say that NC “went where the McCleskey Court was not willing” to go?
- C. Discuss the dilemma of “local control” as it relates to the death penalty. The constitution clearly does not require a single national standard, since some states have the death penalty and some do not. Or is there a condition where a single standard would be required? (This is a serious question.) What about geographic differences across areas of a single state? Must they all comply with the “equal protection” clause, or is it OK that large disparities exist from place to place, within a state? Be sure to present arguments on both sides, and to support them with academic and legal sources.
- D. Is it constitutional to impose a punishment of 25 years or longer on death row, a few false or cancelled execution dates, complete uncertainty about whether you will ever be executed, followed by execution for some inmates but natural death for others? If a legislature passed a law mandating that punishment, would it be constitutional? If the system works that way, is it constitutional? To do this assignment, make sure you read the *Jones v. Chappell* decision from the last week of our class readings, as well as *Lackey v. Texas* (1995). Note that Lackey was executed in 1997, so obviously the Court did not rule in his favor.
- E. As before, if you want to do a different topic of your choice, you can do so if your TA approves it before April 4, 2016.

Paper technical requirements: Your name, date, section, title for your essay, the essay itself in 12 point font, 1 inch margins, 5-7 pages, at least some academic sources as well as any journalistic sources. Academic sources means books published by university presses, articles you find in JSTOR, or official statistical and other reports issued by government agencies. Journalistic sources means magazines, newspaper stories, opinion pieces, non-governmental web sites, blogs, etc. It’s ok to use either footnotes or in-text citations, but you must have a list of references.