

POLI 490 Death Penalty Seminar  
Prof. Baumgartner  
Fall 2015

Assignment for week 2, August 27:

Work in groups to answer ONE of the following questions.

1. In *Furman*, enumerate every reason given by the majority opinions why the death penalty was invalidated.
2. In *Furman*, enumerate every reason given by the dissenting justices about why the death penalty should not have been invalidated.
3. In *Gregg*, enumerate the constitutional safeguards that the court mandated in the “new and improved” death penalty and why these were essential.
4. In *Gregg*, enumerate the reasons why the dissenters argued that the new statute remained unconstitutional.
5. In *Jones*, review the argument of the judge’s decision, focusing on the question of what elements of the system, as practiced, are unconstitutional, and why. Make a precise list of the arguments he uses and the kinds of evidence he considers to be relevant.
6. In *Glossip*, enumerate the reasons of the majority why lethal injection is acceptable.
7. In *Glossip*, enumerate the concerns raised by Justice Breyer.

NOTES: Please read your case carefully in order to compile your list of arguments. Include page citations in your work. Also, skim through the other cases assigned so that you can participate in the discussion. Our goal is to leave the class period with a consensus of what are the constitutional issues put in play in the key decisions in 1972 and 1976 as well as these two more recent ones. If the majority of the court ruled in 1976 that the death penalty was acceptable because of certain key safeguards, but those safeguards can be shown not to have worked well in practice, then our book can focus on highlighting precisely the empirical questions that go to the core of the constitutional issues.

For this project, it is ok to work collectively. In class, I’ll ask for reports from each team, and you should have PPT presentations ready with each slide showing an argument with the citations and examples. For each argument you can have several slides each with different cites or quotes from the decision. Then summarize the main points. For each point, discuss what empirical evidence could be collected that might affect the reasoning of the Court. Later, we may turn these slides into parts of a chapter laying out the constitutional questions that we hope to elucidate with data. So we have to be precise and we need page citations to the decisions.