

Assignment: A five-page (1500 word) paper focusing narrowly on a particular element of the death penalty, with approval of your TA

Paper Requirements

- Times New Roman, double-spaced, 1-inch margins
- 1500 words in length
- Submitted the papers as a word document (it is easier to comment on word documents than PDFs)
- Include word-count at the top of the paper
- Include your name and class section at the top of the paper
- Include a title for the paper
- Include a work cited. You can use any commonly used citation method in the social sciences, preferable Chicago or Harvard style. What matters most is that you use the same style consistently and properly use in-text citations. If you are not certain about when, what, and how to cite texts properly, please come to my office hours and I will happily discuss it with students.
- The papers should be proof-read carefully. Proof-read not only for spelling and grammar (which of course is important), but also for flow of the paper. Papers that are well structured will be more convincing in their arguments, and thus matter greatly.
- Your TA will discuss how they want their students to turn in their papers
- Your paper is due to your TA before your discussion section meeting in the week of Feb 24.

Topics (Pick any one of the topics below. If you want to do another topic not listed here, you must have prior approval from your TA.)

1. The various states differ dramatically in their use of the death penalty. Pick two states that have the death penalty on the books but differ from each other in how they use it: California and Pennsylvania for example sentence but rarely execute; Virginia and Texas execute higher proportions of those they sentence. Pick any two states that differ in some important way, based on evidence shown in class or from other sources. What differs between the two states you have chosen, and what explains the difference? Is one system more constitutionally acceptable than the other?
2. The chapter on public opinion in the book (Ch 13) focuses on aggregate changes over time, and from place to place. However, we do not address the individual-level question of what kinds of people are more likely to support and oppose the death penalty. There is a large literature on this within political science and sociology, however. Review and summarize this literature. Who supports the death penalty? Who opposes it? How big are these gaps? (see some citations attached)

3. Look up dates of adoption of life without parole (LWOP) and the previous harshest sentence before LWOP, by state. Discuss the impact of the LWOP penalty on the death penalty. How has the use of LWOP changed the use of the death penalty?
4. Torture: enhance the discussion of the on-again off-again element of reversals and stays. Find more examples of cases reversed multiple times, or inmates with many stays of execution. Does this qualify as torture? Why or why not?
5. Review the decisions in France, UK, Germany or other European countries to abolish the death penalty. What were the arguments; innocence, morality; public opinion support or elite decision? Review the reasons for the use of the death penalty in those countries still using it, such as China, India, and Saudi Arabia. How do those reasons compare with the reasons US states continue using the death penalty?
6. Review the situation in countries of central and eastern Europe which have sought to join the EU, but have had to agree to abolish the death penalty. Some politicians have called for the reinstatement of the death penalty in these countries, including Hungary. Review and analyze these situations.
7. Discuss the lack of use of the judicial death penalty in Latin America. What explains this? Compare to other regions of the world, including East Asia where it is more common. Review the literature seeking to explain these regional differences. (e.g. Bae, S. 2011. International Norms, Domestic Politics, and the Death Penalty: Comparing Japan, South Korea, and Taiwan. *Comparative Politics*44, 1: 41–58.)
8. Identify cases where factually innocent individuals may have been executed, in the modern period. Explain the cases. Start with Cameron Willingham. Add more cases as well. Are there any patterns in these wrongful executions?
9. 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).
10. Who are the strongest supporters of the death penalty in American politics? What has caused them not to be as active in recent years? What would make a pro-death penalty movement more feasible / effective? Is this likely?
11. Consider right-wing political movements in the US and in western Europe. How many focus on the death penalty? What are their arguments? How popular is this?
12. Evaluate the impact of “tip lines” and places where citizens can call the police with a tip, and receive an award if a criminal is prosecuted based on this. What are the protections against misuse? How have tip lines featured in capital cases?
13. 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?

14. 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?
15. How has the rise of social media influenced perceptions about the death penalty? Has it enhanced or hindered media effects we've discussed in class?
16. Why did some states take longer than others to reinstate the death penalty? For example, why did Kansas take multiple decades to reinstate the death penalty?
17. Why do some states, like North Carolina and Kansas, have the death penalty but rarely execute those sentenced to it? Is this constitutional – to sentence someone to death but never/rarely actually fulfill the sentence?
18. Why do states use the same jury for both the trial and sentencing phases of the death penalty? What is the legal argument? Do any states change the juries between the portions? Would it be better or worse – would there be more or less death sentences – if there were two juries?
19. How have non-unanimous jury systems, such as those in Oregon and Louisiana, influenced the carrying out of the death penalty in those states?
20. Why is it so rare that governors grant clemency? Identify high-profile cases in which governors did grant clemency. What was their reasoning? Identify others in which they did not grant clemency, and their reasoning. How do they compare? Are there geographical patterns in which states grant clemencies?
21. How important are political beliefs/movements in conviction and sentencing? Does having political beliefs outside the norm make you more likely to be sentenced to death?
22. Many states have abolished the death penalty. Why have they done so? Are there any patterns in those that have abolished it, politically or geographically?

Starting Point Bibliographies

International comparisons on public opinion and abolition:

- Finckenaue, J. O. 1988. Public Support for the Death Penalty: Retribution as Just Deserts or Retribution as Revenge? *Justice Quarterly*5, 1: 81–100
- Hessing, D.J, J.W. de Keijser, and H Elffers. 2003. Explaining Capital Punishment Support in an Abolitionist Country: The Case of the Netherlands. *Law and Human Behavior*27, 6: 605–622
- McGann, A., and W. Sandholtz. 2012. Patterns of Death Penalty Abolition, 1960–2005: Domestic and International Factors. *International Studies Quarterly*56, 2: 275–289
- Seltzer, R., and J.P. McCormick. 1987. The Impact of Crime Victimization and Fear of Crime on Attitudes toward Death Penalty Defendants. *Violence and Victims*2, 2: 99–114
- Thomas, C.W., and R. Howard. 1977. Public Attitudes toward Capital Punishment: A Comparative Analysis. *Journal of Behavioral Economics*6: 189–216
- Tyler, T. R. and R. Weber. 1982. Support for the Death Penalty: Instrumental Response to Crime or Symbolic Attitude? *Law and Society Review*17, 1: 21–45.

Sociology of the Death Penalty

- Jacobs, David and Jason T. Carmichael. 2001. The Political Sociology of the Death Penalty: A Pooled Time-Series Analysis. *American Sociological Review* 67 (1): 109–31
- Jacobs, David and Jason T. Carmichael. 2001. The Politics of Punishment across Time and Space: A Pooled Time-Series Analysis of Imprisonment Rates. *Social Forces* 80 (1): 61–89
- Jacobs, David and Jason T. Carmichael. 2002. Subordination and Violence against State Control Agents: Testing Political Explanations for Lethal Assaults against the Police. *Social Forces*. 80:1223-51
- Jacobs, David and Jason T. Carmichael. 2004. Ideology, Social Threat, and the Death Sentence: Capital Sentences across Time and Space. *Social Forces* 83 (1): 249–78
- Jacobs, David and Katherine Wood. 1999. Interracial Conflict and Interracial Homicide: Do Political and Economic Rivalries Explain White Killings of Blacks or Black Killings of Whites? *American Journal of Sociology*. 105:157-90
- Jacobs, David, Zhenchao Qian, Jason T. Carmichael, and Stephanie L. Kent. 2007. Who Survives on Death Row? An Individual and Contextual Analysis. *American Sociological Review*, 72, 4:610-632.

Public Opinion Studies (a start):

- Bohm, R. M. American Death Penalty Attitudes: A Critical Examination of Recent Evidence. *Criminal Justice and Behavior*14: 380–396.
- Bohm, R. M. and B. L. Vogel. 1994. A Comparison of Factors Associated with Uninformed and Informed Death Penalty Opinions. *Journal of Criminal Justice*22, 2: 125–143.
- Bohm, R. M., B. L. Vogel, and A.A. Maisto. 1993. Knowledge and Death Penalty Opinion: A Panel Study. *Journal of Criminal Justice*21: 29–45.
- Bowers, W. J., M. Vandiver, and P.H. Dugan. 1994. A New Look at Public Opinion on Capital Punishment: What Citizens and Legislators Prefer. *American Journal of Criminal Law*22: 77–150.
- Ellsworth, Phoebe C. and L. Ross. 1983. Public Opinion and Capital Punishment: A Close Examination of the Views of Abolitionists and Retentionists. *Crime and Delinquency*29: 116–169.
- Soss, Joe, Laura Lanbein, and A. R. Metelkko. 2003. Why Do White Americans Support the Death Penalty? *Journal of Politics*65: 379–421.
- Stack, S. 2000. Support for the Death Penalty: A Gender Specific Analysis. *Sex Roles*43: 163–179.
- Stack, S. 2003. Authoritarianism and Support for the Death Penalty: A Multivariate Analysis. *Sociological Focus*36: 333–352.
- Stack, S. 2004. Public Opinion on the Death Penalty: Analysis of Individual-Level Data from 17 Nations. *International Criminal Justice Review*14: 69–98