



Political Science 495, section 2
The Decline of the Death Penalty
M, W, 5:00-6:15pm, Murphey 115

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This class is about a surprising political development that is happening right around us: The death penalty seems to be disappearing. A large majority of Americans supports the death penalty in the abstract. But across the country for about the past 10 or 15 years, the number of death sentences and executions has been declining. No one has been executed in North Carolina (the sixth most active death penalty state in modern times) since 2006. A new law, the Racial Justice Act, allows condemned inmates to present statistical evidence that racial bias may have affected their sentencing. All this is and will be playing out during the semester, and we will be following it in real time. Activists (many of them students) have brought attention to problems in the administration of justice as it relates to capital punishment, especially the potential to execute an innocent person. But these things are not new; problems in the administration of justice have been with us for a long time. Similarly, charges of racial bias in the application of the death penalty have been with us for many decades. So we will try to understand why has public attention come to focus on the possibility of executing the innocent and why the legislature passed the Racial Justice Act. In addition, the legal system is confronted with an unknown, which is how judges will evaluate statistical claims of racial bias in the cases that will be considered in the coming months. In sum, we'll be following real world events this semester, and we can rest assured that there will be many events of interest. In August, just before the semester started, the first appeals were filed under the Racial Justice Act; over 100 inmates have filed claims that race played a role in their death sentence. What will be the outcomes of these cases from all across the state? How will other states respond to the actions here in North Carolina?

One thing this class is not about is whether any of us personally support or oppose the death penalty. It may be difficult to separate your personal views on the topic, especially if they are related to your religious beliefs. No matter whether you support or oppose the death penalty, I will expect all to show respect for the views of others. Our task this semester is not to reach a personal decision about what we believe—that is a personal matter. Rather, I want us to analyze a true puzzle, which is how we got here and where we may be going.

This is a political science class, not a class on politics. So we'll be taking a step back from the real world events we'll be reading about and asking some more basic questions. What is the role of public opinion in such a policy? What should it be? How do we gauge public opinion on a topic like capital punishment: in response to general questions, or only in the jury box with respect to a particular individual and after learning the facts in the case? How much discretion

should police officers, district attorneys, and judges have in protecting us from criminals? How much do we owe to defendants who cannot afford an attorney? How does one mount a political movement in favor of a group of individuals who may be despised by the vast majority in society? So there are some big questions here related to the very functioning of a democratic system. We should not shy away from discussing what this particular debate means about the functioning of our political system.

I have ordered the following books for the course; they are available at the student book store and on line:

- Baumgartner, Frank R., Suzanna L. De Boef and Amber E. Boydston. 2008. *The Decline of the Death Penalty and the Discovery of Innocence*. New York: Cambridge University Press.
- Cohen, Stanley. 2003. *The Wrong Men*. New York: Carroll and Graf.
- Grisham, John. 2006. *The Innocent Man*. New York: Doubleday. [also published by Dell in 2007.] Plenty of used paper copies available from any on-line bookstore.
- Temple, John. 2009. *The Last Lawyer*. Jackson: University of Mississippi Press.

You will note that I co-wrote one of the books. You should not be intimidated by this, but take it as an opportunity to ask questions knowing that at least I should know the answer! Feel free to criticize as well; no books are perfect, and my skin is thick. Regarding the 35 cents per copy that I get in royalties, I'll donate these to charity or to a party for the class toward the end of the summer (it won't be a big party, believe me!).

Note that I may occasionally assign additional readings, especially those related to the outside speakers. These will be distributed in class or be available on the course web page.

Assignments will be as follows: First, class participation is an absolute must. This means doing the readings ahead of time, being familiar with them so you can answer questions in class, and coming to class with questions about the readings if there are parts you do not understand. Attendance counts here as well. Students missing too many classes or contributing little to the class discussion will receive very low grades on participation. As this counts for one-fifth of your final grade, it could do serious damage. So read, come, listen, and talk!

Second, I'll often have *very* simple assignments or quizzes in class based on the readings. If you've done the readings, you should do very well on these. If you skip class that day or did not do the readings, it will be bad news.

Third, we have a number of speakers scheduled to visit class this semester. Many of these are major figures nationally or locally involved on a day-to-day basis with the processes we will be studying. So you need to treat them not only with respect, but with curiosity as well. I will assign each of you a speaker and, along with the other students assigned to the same speaker, you will be responsible for: a) doing research and reporting to the class one session before the speaker's arrival about their background and activities; b) introducing them with an appropriate welcome to UNC; and c) being prepared with questions when they finish their prepared remarks. In this way each of you will do some background research into one of the speakers and each

speaker will be assured of a lot of attention. One thing you may NOT do is contact the speaker before they come. Your research on their background should be through publicly available sources, not by emailing them and asking who they are.

Fourth, I will give a series of short writing assignments about the Racial Justice Act, current events, and the readings. These will be announced two weeks before they are due, and there will be three such assignments over the semester.

Finally, the final exam will consist of an assignment similar to the three papers described above and will be due during the final exam period.

Summary of grading and assignments:

Class participation including attendance	20%
Short quizzes on the readings in class	30
Group-based research on speakers	10
Three writing assignments about the RJA or current events	30
Final exam	10
Total:	100%

A note on the readings: Because this is a class about the decline of the death penalty, and we are trying to understand why it seems to be disappearing, we are going to be reading many books (not the one that I wrote) that are highly critical of the death penalty and which focus on aspects of it that are most troubling. This should not cause you to conclude that all or most cases are like the examples we may read; often they are chosen precisely because the facts surrounding them are so shocking or because the person in question was later found innocent. So these readings do not constitute an overview of the death penalty debate. Rather, they are illustrative of the topics that have suddenly become so much more prominent in national discussions of the death penalty and which may help us understand why it is in decline. However, the puzzle that you should think about (and we should discuss) in this class is why more pro-death penalty arguments have not arisen and gained more prominence as well, especially considering where public opinion lies.

Formal Announcements and Policies

Attendance and class participation: I may or may not take attendance on any given day, though I usually will, I will do it a lot at the beginning of the semester in order to learn your names, and I always will if attendance is low. Coming to class so you can participate in the discussions is an important element of class participation and learning. The final grade in this course will incorporate a substantial weight for class participation, and you cannot do well in that portion of the course if your attendance is poor. Note that sitting quietly in class never with a question, never with an answer, never participating in the discussion will not get you a good grade either, even if your attendance is excellent. So attendance is a necessary condition for a good participation grade, but not a sufficient one.

Computers, cell phones, and other electronic gadgets: Here's the deal, it's very simple. Cell phones have to be off. Computers have to stay in your backpacks. Period. Ditto for any other e-gadget. The reason for the cell phone rule is obvious. The reason for the computer rule is that when I've gone to visit other classes and sat in the back I've seen too much facebook, solitaire, and ESPN.com. So experience real life happening right around you for 75 minutes each Monday and Wednesday; you might like it. If we need someone to look up some fact or figure during class, I'll designate someone and they can use their computer or else the one on the podium with the projector so we can all see the results. I realize that most of you use your computers for taking notes, so you'll have to take notes with paper and pen in this class, then transcribe them to your computer later. (You'll have better notes that way.) If I have complicated information to impart, I'll put it on the class web page in any case.

A Note on Academic Honesty

As you know the UNC Honor Code prohibits lying, cheating, or stealing. As regards this course the particular element of concern is academic honesty, especially plagiarism. Here, it is especially important that you understand exactly what plagiarism is, because many cases of plagiarism are due to carelessness or ignorance of the norms of attribution for academic work, not intentional cheating. So familiarize yourself with the Honor Code by reviewing this web site (<http://honor.unc.edu/>) and the "instrument" that is included there. Any work you hand in for this course will be assumed to be your own, in accordance with the Honor Pledge. In addition, the library has an excellent web site that includes a tutorial about citations, plagiarism, and related matters. Use this link to familiarize yourself in detail with these rules, as they will be necessary in all your courses: <http://www.lib.unc.edu/instruct/citations/introduction/>.

Students with Disabilities

I am happy to make reasonable accommodation for any disability. I only ask that you let me know of your disability status in the first week or two of the semester before accommodation is needed so that we can agree on a plan. Please use this web site for information about disabilities and accommodation: <http://www.unc.edu/depts/lds/index.html>. Contact the Office of Learning Disabilities and bring a letter from them indicating the type of accommodation needed. I'll be more than happy to comply. (It is very important that you get in the habit of letting professors know right up front about any disability status. If you do not let us know until there is a problem that requires accommodation, we may not be able to make adjustments once the semester starts.)

Weekly schedule and discussion topics

Note: Readings should all be done *before the Monday class*.

Week 1, Wed Aug 25, Introduction and overview

Week 2, Aug 30, An Innocent Man
Grisham pp. 1-187
(No class on Sept 1)

Week 3 Sep 8, An Innocent Man (con't).
Grisham pp. 188-360
(No class on Labor Day Sep 6)

Week 4 Sep 13, 15, Background on the death penalty and the rise of the innocence argument.
Baumgartner et al. ch 1-3
(First paper due in class, September 15)

Week 5 Sep 20, 22, Examples, vignettes, illustrations of what can go wrong: DNA evidence.
Cohen, Part I

Special Guest, Mr. James R Woodall Sept 22

Week 6 Sep 27, 29 Examples (con't): Eyewitness Error
Cohen, Part II

Special Guests, Mr. Ed Chapman and Ms. Pam Laughlon Sept 27

Week 7 Oct 4, 6, The Work of a Capital Defense Attorney in Detail, part 1
Temple, pp. 1-90

Special Guest, Ms. Ellie Kinnaird Oct 4

Week 8 Oct 11, 13 Work of a Capital Defense Attorney in Detail, part 2
Temple, pp. 91-234

Week 9 Oct 18, 20 Examples (con't): Corruption and Official Misconduct
Cohen, part III

Special Guest, Mr. Ken Rose Oct 18

(Second paper due in class, October 20)

Week 10 Oct 25, 27 Examples (con't): Jailhouse Informants
Cohen, part IV

Special Guest, Mr. Mark Kleinschmidt Oct 25

Week 11 Nov 1, 3 Examples (con't): False Confessions, Junk Science
Cohen, part V and VI

Week 12 Nov 8, 10 Examples (con't): Reasonable Doubt
Cohen, part VII

Special Guest, Mr. Steve Dear Nov 8

Week 13 Nov 15, 17 The Shifting Tone of Debate over Time

Baumgartner et al. ch 4-6

(Third paper due in class, November 17)

Week 14 Nov 22 A Surge in Attention to Innocence

(No class on Nov 24, Happy Thanksgiving!)

Special Guest, Mr. Richard Dieter Nov 22

Week 15 Nov 29, Dec 1 The Decline of the Death Penalty and the Impact of Framing

Baumgartner et al. ch 7-8

Special Guests, Mr. Jeremy Collins and Ms. Gerda Stein Dec 1

Week 16 Dec 6, 8, Review, Overview, Discussion, Complaints about the Professor (optional)

Cohen, Afterword: US. v. Capital punishment

Special Guests, Mr. Kurt Rosenberg and Mr. Shabaka WaQlimi Dec 6

Final Exam Friday Dec 10, 5-7pm