

Syllabus (summer 2012)

Death Penalty: Kill It or Reform It—A Hybrid Course BLHV 462-40

Dr. Sara Schotland, ss735@georgetown.edu or 2029741550

This course considers a controversial contemporary policy issue: capital punishment. We will take an interdisciplinary approach to examining this moral, political and legal question. We will read and discuss fictional portrayals, empirical studies, public policy, and easily digestible legal materials. Our purpose is not to arrive at a binary conclusion that the death penalty is advisable or ill-advised, but rather to understand competing considerations, to critically examine arguments and data offered by opponents and proponents, and to evaluate potential reforms to the sentencing process. We consider not only how opponents and proponents frame their arguments, but also the rhetorical advocacy embedded in literary and film portrayals of execution scenes.

Because the course assumes no prior exposure to criminal law or to this topic, we begin with an overview of the current law regarding imposition of the death penalty, followed by consideration of bias in administration in the death penalty and proposals for reform.

This is a hybrid course which means that some class sessions are on line rather than in the classroom. The course Blackboard site will be the location of most online assignments and activities, including class discussion/discussion board, collaboration, powerpoints, and on-line course document materials. Written assignments will also be posted on Blackboard.

Class One May 24 **Course Requirements and Introduction to the Death Penalty Régime**

Gallup Poll <http://www.gallup.com/poll/1606/death-penalty.aspx>

Public Opinion and the Death Penalty: Steven Messner et al., “Distrust of Government, the Vigilante Tradition, and Support for Capital Punishment” (Blackboard)

Shirley Jackson’s short story, “The Lottery” (Internet)

In class: The Alabama Death Penalty Statute, Ala. Crim. Code 13A-5-49-52 (Blackboard)

Film: Dead Man Walking (in class)

Class Two May 31 **Allegations of Bias in Administration: Is the Problem Fixable?**

Michael Songer, “Effects of Race, Gender and Location on Prosecutorial Decision to Seek the Death Penalty,” 58 South Carolina L. Rev. 161 (2006) (Blackboard)

Death Penalty Project Summary of Baldus research and other studies on effect of race <http://www.deathpenaltyinfo.org/death-penalty-black-and-white-who-lives-who-dies-who-decides>

Film: “The Trials of Darryl Hunt” (in class)

Class Three June 7 **Individual On Line Work: Posting Topics: i) Should We Kill the DP because it is arbitrary and biased? OR ii) Compare the capital sentencing treatment of African Americans to the treatment of women, Hispanics, Native Americans, or another minority**

George Orwell, "The Hanging" (internet)

Paul Lawrence Dunbar, "The Lynching of Jube Benson"

Maxine Goodman, "Death Penalty Wake Up Call": Proposal to remedy racial bias in death penalty sentencing (ELMS)

In class: Justice Blackmun's statement announcing his categorical opposition to the death penalty in Callins v. Collins, <http://www.law.cornell.edu/supct/html/93-7054.ZA1.html>

Class Four June 14 **Does the Death Penalty Deter? Evaluating the Statistics**

Jeffrey Fagan, "Public Policy Choices on Deterrence and the Death Penalty: A Critical Review of New Evidence," testimony before the Joint Committee on the Judiciary of the Massachusetts Legislature on House Bill 3934, July 14, 2005
<http://www.deathpenaltyinfo.org/MassTestimonyFagan.pdf>

Death Penalty Information Center

<http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates>

Film: "Deadline" (in class)

Class Five June 21 **Individual On Line Work: Respond to Posting: (i) Should Felony Murder be subject to the Death Penalty? OR (ii) Should the Mentally Ill be Excluded from the Death Penalty**

Alan Gershowitz, "Imposing a Cap on Capital Punishment: A Proposal for Minimizing the Arbitrariness of the Death Penalty," 72 Missouri L. Review (2007): 73 (Blackboard)

Roper v. Simmons, 543 U.S. 551 (2005) (exclusion of juveniles)

"Mental Illness and the Death Penalty," ACLU White Paper

http://www.aclu.org/files/pdfs/capital/mental_illness_may2009.pdf

Class Six June 28 **Trial of the Capital Case: What is the role of the lawyer?**

First Essay Due: in class presentations

Harper Lee's To Kill a Mockingbird

Film: To Kill a Mockingbird

Class Seven July 5 Individual On Line Work: Respond to Posting (i) Is Lethal Injection Cruel and Unusual Punishment? OR (ii) Should executions be televised?

Franz Kafka's short story, "In the Penal Colony"

The lethal injection debate <http://www.deathpenaltyinfo.org/descriptions-execution-methods>

"Televising Executions" from Evan Mandery's *Capital Punishment in America* (Blackboard)

Class Eight July 12 Ethics and the Death Penalty

Second short essay due.

Andre Dubus's short story, "Killings" (Blackboard)

Anton Chekhov's "Sleepy" (Blackboard)

Scott Johnson, "The Bible and the Death Penalty" (Blackboard)

Governor's Quinn's decision on Illinois death penalty (Blackboard)

Film: "The Green Mile" (in class)

Class Nine July 19 Individual On Line Work: Respond to Posting (i) What reforms would you make to the penal system to reduce murder rates? OR (ii) Should we restrict handgun availability?

California Commission's Report on Study of the Death Penalty --Costs and Proposed Reforms (Blackboard)

Effect of Handgun Availability on Murder Rates-pro and con (Blackboard)

Class Ten July 26 Do "heinous crimes" warrant the death penalty?

Truman Capote's In Cold Blood

Film: In Cold Blood (in class)

Class Eleven Aug 2 Individual On Line Work: Respond to Posting (i) Is Life without Parole a Better Alternative? OR (ii) How are victims' families affected by DP?

"A matter of life and death: The effect of life-without-parole statues on capital punishment," www.harvardlawreview.org/issues/119/.../capital_punishment.pdf (2006)

<http://www.deathpenaltyinfo.org/sentencing-life-americans-embrace-alternatives-death-penalty>

Watch on You Tube: Life in Prison http://www.youtube.com/watch?v=alcK_QBE7h8

Class Twelve Aug 9 **Student Presentations Summarizing Final Papers**

Film: “Laramie Project” (in class)

Submit final papers

Class Meeting Times

6:00-9:20 Thursdays during the May 21-Aug 10 session

Assignments

Students will submit (a) two short essays; (b) a final term paper or power point project; (c) postings on the course blog (the Blackboard discussion board). Students have free choice of topics for their papers or power points but prompts and suggestions will be posted for those who would like direction as to topic.

Grades will be determined as follows: 20% final paper or project, 20% class participation, 30% course blog postings, 30% short papers (15% each). A=excellent, B=good, C=adequate, D=minimum passing, F=failure. A = 93-96, A- =90-92, B+ =87-89, B =83-86, B- =80-82, C+ =77-79, C =73-76, C-=70-72, D+ =67-69, D =65-66, F =below 65.

Class participation is an especially important aspect of this course. By participating in class actively you will find increase your own enjoyment of the course, improve your presentation skills, and give your classmates the benefit of your thoughts.

The final paper or project may be a collaborative effort with a class mate.

Incomplete Policy

No incomplete grades will be given in the course, barring exceptional circumstances such as death in the family or serious illness.

Late Policy

The student’s grade on a paper will be lowered a half grade for each day that an assignment is late, unless prior to the due date an extension has been granted.

Georgetown Honor System

The university community seeks to maintain the highest standards of academic integrity, and students should be apprised of the consequences of violating these honor codes. Should the student be found guilty of plagiarism or cheating, he or she will be given an automatic “F” for the course and will receive further university disciplinary action. For information on the University’s policy on academic integrity, please consult the Academic Honor System, which can be found on the Georgetown University website:

<http://library.georgetown.edu/odyssey/plagiarism.htm>.

Students are expected to follow Georgetown's honor code unconditionally. You will need to read the honor code material located at www.georgetown.edu/honor.

In particular, please read the following documents: Honor Council Pamphlet, "What is Plagiarism?"; "Sanctioning Guidelines"; and "Expedited Sanctioning Process."

Submitting material in fulfillment of the requirements of this course means that you will abide by the Georgetown honor pledge:

In the pursuit of the high ideals and rigorous standards of academic life, I commit myself to respect and uphold the Georgetown Honor System: To be honest in any academic endeavor, and to conduct myself honorably, as a responsible member of the Georgetown community, as we live and work together.

American with Disabilities Act

Georgetown University complies fully with the ADA requirements and encourages students with disabilities to receive the extra time and/or assistance needed to complete their courses. Please see the instructor about your specific needs and take advantage of the University Services for Students with Disabilities (see <http://ldss.georgetown.edu>). If you believe you have a disability, then you should contact the Academic Resource Center at 202-687-8354 (arc@georgetown.edu) for further information. The Center is located in the Leavey Center, Suite 335. The Academic Resource Center is the campus office responsible for reviewing documentation provided by students with disabilities and for determining reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) and University policies.