

Spring 2001

The Death Penalty in America
Course Syllabus

Class meetings: Tuesdays -Thursdays 10:30-11:45 AM, MH 523
Instructor: Mona Lynch
Office: 513 MacQuarry Hall
Phone: 924-2958
E-mail: mlynch@email.sjsu.edu
Office hours: Tuesdays 2:00-5:30 PM; Thursdays 9:00-10:30 AM.

COURSE OVERVIEW:

This course will address several large questions related to the most extreme form of legal punishment--execution by the state. Who is likely to receive the death penalty? What purpose does it serve? Why has this ultimate corporal punishment thrived throughout our history while most other forms of physical punishment have been rejected by both the courts and the public? Since the earliest days of the republic, heated battles over capital punishment - how it should be carried out, against whom, how to apply it fairly, or whether to execute people at all - have cropped up in public and political arenas, so we will begin the course with an historical overview to provide a framework for examining these questions. Throughout the semester, we will address the issues surrounding race, class, and gender and the death penalty, from the colonial witch hunts and the disproportionate execution of slaves, up through modern legal challenges based on biased application. Within this inquiry, we will examine how the courts have interpreted the limits of acceptability in criminal punishment, both procedurally, and in terms of what constitutes unconstitutionally cruel and unusual punishment. We will discuss how deviant behavior comes to be defined as so serious that it warrants death, including how that definition has transformed with broader social changes over time.

We will also explore the explicit social justifications for capital punishment, including retribution, deterrence, and incapacitation; as well as the implicit purposes, as suggested by sociolegal theorists. In a related vein, we will analyze public opinion on the death penalty, including a discussion on how we learn about capital punishment and how the issue is politicized. We will discuss in detail the modern death penalty legal procedure, from the charging stage through the execution process. We will conclude with an inquiry into capital punishment's future in this nation by placing it within an international perspective: Will its use continue and even expand as appears to be happening at present, or will the death penalty be abandoned, as has been the case among our Western peer nations?

REQUIRED TEXTS:

Acker, James. Robert Bohm and Charles Lanier, editors (1998). America's Experiment with Capital Punishment. Available at Spartan Bookstore & Robert's Bookstore.

Death Penalty Reader (2000) Available at Maple Press, 431 E. San Carlos, SJ.

COURSE REQUIREMENTS:

You need to complete the required readings **prior** to the week's classes, as laid out in the course outline below, take and pass three in-class written exams, and turn in a typewritten critical essay paper, as assigned in class .

The tests will include questions on both the reading assignments and the material covered during class periods, so your attendance at lectures will have a major impact on your exam performance.

The paper assignment will require you to synthesize some of the materials covered in the course in a critical/analytic essay of about 5-7 pages in length. As the course progresses, I will hand out a specific outline and description of the requirements for the paper.

The weight for these course requirements are broken down as follows:

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|---------|------|
| Exam #1 | 25% |
| Exam #2 | 25% |
| Exam #3 | 25% |
| Essay | 25% |
| TOTAL | 100% |

GRADING, MISSED EXAM & LATE ASSIGNMENTS POLICY

Only legitimately excused missed exams can be made up. My policy for what constitutes legitimate excuses will be outlined during our first class meeting. Only under extreme and unavoidable documented emergency circumstances will you be able to make up an exam for a legitimate excuse if you have not given notice of your absence before the actual scheduled exam period. In other words, don't report your absence after the exam was given, unless you can document your complete and total inability to do so before the exam. You may only make up 1 scheduled exam during the semester, so if you are not in attendance for more than 1 scheduled exam, you will receive zero (0) points for any additional missed exams. Missed exams #1 & #2 will be taken on the final day of class, May 15, during the class period. The make-up exams will be in a different format than the original exams. The missed final period will be arranged if necessary, and will also be in a different format than the original final.

The paper deadline is a firm deadline. Each day that your assignment is late will result in a 5% deduction from your grade for that assignment. Again, only legitimate excuses as outlined in the first class meeting will be accepted to avoid the late penalty. Computer / printer breakdowns are generally NOT legitimate excuses.

Final grades will be determined by your averaged performance across the four course requirements, as follows:

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|------------------------|
| A range = 90% or above |
| B range = 80-89% |
| C range = 70-79% |
| D range = 60-69% |
| F = 59% or below |

TOPICS / ASSIGNMENTS / DUE DATES:

WEEK 1 (January 30-February 1): The death penalty & the birth of the nation.

READ: Handout; begin Chapter 1—Reader.

WEEK 2 (February 6-8): Capital punishment practices through the mid-20th century.

READ: finish Chapter 1--Reader, by 2-6.

WEEK 3 (February 13-15): Arguments for and against the death penalty.

READ: Chapters 5 & 16--America's Experiment with Capital Punishment

WEEK 4 (February 20-22): Functions of the death penalty--explicit and implicit purposes.

READ: Chapters 6 & 7--America's Experiment with Capital Punishment, by 2-20.

WEEK 5 (February 27-March 1): Thinking about the death penalty: Public opinion, sources of knowledge and capital punishment. Exam review.

READ: Chapter 1--America's Experiment with Capital Punishment; Reader--chapter 2, by 2-27.

WEEK 6 (March 6-8): **EXAM #1 on Tuesday, March 6.** Constitutional challenges to capital punishment: From *Maxwell* to *Furman* .

READ: Reader--chapter 3, by 3-8.

WEEK 7 (March 13-15): *Furman to Gregg*; Intro. to modern death penalty procedure.

READ: Chapters 2 & 3-- America's Experiment with Capital Punishment, by 3-13

WEEK 8 (March 20-22): Demographics of death & continued discretionary concerns: *McCleskey v. Kemp*, et al.

READ: Chapter 14 -- America's Experiment with Capital Punishment, by 3-20.

WEEK 9 (March 27-29): **SPRING BREAK: NO CLASSES**

WEEK 10 (April 3-5): Who is eligible for death / defining capital crimes / continued constitutional challenges. *Thompson v. Oklahoma*; *Stanford v. Kentucky*, *Ford v. Wainwright*.

READ: Chapter 8-- America's Experiment with Capital Punishment; Begin chapter 4--Reader, by 4-3

WEEK 11 (April 10-12): Finish constitutional challenges; exam review.

READ: Finish chapter 4--reader, by 4-10.

Exam #2 Thursday, April 12.

WEEK 12 (April 17-19): The capital trial.

READ: Chapters 11, 12, & 13 -- America's Experiment with Capital Punishment
by 4-17.

WEEK 13 (April 24-26): The post-conviction process and habeas corpus.

READ: Chapters 4, 10 & 15-- America's Experiment with Capital Punishment;
chapter 5--Reader, by 4-24.

ESSAY ASSIGNMENT DUE IN CLASS: THURSDAY, APRIL 26.

WEEK 14 (May 1-3): The social psychological effects on the participants; Execution procedure.

READ: Chapters 18 & 19-- America's Experiment with Capital Punishment, by
5-1; Chapter 6--Reader.

WEEK 15 (May 8-10): The execution process cont.; U.S. death penalty & international
standards.

READ: Chapter 7--Reader; Chapters 20 & 21-- America's Experiment with Capital
Punishment.

WEEK 16 (May 15): Exam make-ups; individual questions/review.

FINAL EXAM: During scheduled exam period—Thursday, May 17, 10:45 a.m-12:00
noon. **NOTE LATER STARTING TIME.**