



POLI 490
Advanced Undergraduate Seminar: The Death Penalty
Caldwell 103, Thursdays, 2:00-5:00pm
Fall 2015

Prof. Frank R. Baumgartner
313 Hamilton Hall, phone 962-0414
Office hours: Th 1-2, F 11-12, and by appointment

Email: Frankb@unc.edu
Web site: <http://www.unc.edu/~fbaum/>

This course is designed for students who have already taken POLI 203 or its equivalent and who are interested in conducting their own research project into an aspect of the death penalty in North Carolina or the US more generally. Readings will include legal and academic work on particular aspects of the death penalty such as cost, prosecutorial discretion, innocence, lethal injection, and geographic distribution. Students will pick one or more of these topics, or another in conjunction with the instructor, and work on a semester-long project delving into the research on that topic. Each student will make periodic presentations to the class on the progress on their research and be expected to follow the research of their colleagues in the class as well. Grades will be based on participation, presentations, and a final exam consisting of presentations of our draft book chapters.

My goal for the class is to have each of you learn by engaging in current research on the death penalty. I hope to use this research for publications and to enhance the presentations I do in my POLI 203 class in spring semester. If you consider the book *Gruesome Spectacles* by Austin Sarat (Stanford University Press, 2014), you will see that the book resulted from research that began as an undergraduate research tutorial on the death penalty that the author taught at Amherst College. If things work out well, we will do a book, the outline of which is at the end of this syllabus. My plan is that each of you will find one or more topics there that is of interest, and you will work either individually or in small groups in gathering information to document what we know about each topic. I already have a lot of the data collected. Our goal would be to put all this into the format of a series of short but sweet book chapters. These will be very heavy with tables, figures, maps, and other illustrations, which we will work on throughout the semester. We will also want to make a web site where the underlying data is displayed and which can be used for teaching. In the Spring, I'll be teaching Poli 203, which will again be a large lecture class. I'll use the results of your work this semester extensively there.

What will you need to learn, and what will we do collectively during the weekly class meetings? One, we will need to do a lot of academic research, finding out who has studied what, summarizing their findings and explaining their methodologies. Second, we will read a number of Supreme Court decisions, including the most recent ones, to identify key legal questions that need empirical answers. Third, we will be working with a lot of data, most of which I have already collected but which may need to be updated or which we may want to supplement with new data sources. Fourth, data presentation techniques: making graphs, figures, tables. Fifth, composing and writing clearly in the format of a book chapter. Sixth, illustrations and sketches of particular cases or episodes that bring the data and trends into personal focus by honing in on particular cases around the country. Rather than have you each do term papers, I want each of you to work on different parts of book chapters, either alone or in groups. By the end of the

semester, at least half of this book should be done. Maybe the whole thing. Finally, we will, design and populate a really excellent web site incorporating the information from our collective book but also including resources and links to books, articles, movies, and other things useful for students in Poli 203 or in other similar courses.

In each class session, we will have some time devoted to technical issues such as how to program in Stata, how to make a graph or table to professional standards, or how to organize and manage a large database. We may also discuss particular research problems and topics. We'll work on writing and presentation of an argument. Some days, this will be the topic where you are actively engaged, and on other days, it will be a topic where another student or group of students has taken the lead. But on no day should you be silent or disengaged. Rather than seeing any of these chapters as the sole work of any of you, the entire project should become a collective project in which I will play the leading role but in which all of you will participate in each of the sections.

As you know, Bryan Stevenson, author of *Just Mercy* and a prominent capital defender in Alabama, was the Carolina Summer Reading Program author this year, visiting campus just before the beginning of the fall term. Associated with that may be a series of events throughout the academic year, and I may be involved in helping to organize or plan many of them. I will make opportunities available to you to get involved in the logistics of many of these events, and I would appreciate any work you would like to do in this regard, though it is beyond the scope of this course and will have no impact on your grade. But it may have some chance of providing you with some interesting learning opportunities. Stay tuned throughout the semester for those events. Also, you will of course be welcome at any of the evening speakers events that I will organize in Spring 2016 in conjunction with my class that semester, and you may be involved in helping plan some of that if you are interested.

Each of you is selected for this course because of your demonstrated interest in the topic, so I am very much looking forward to a great set of discussions with engagement by all. Unfortunately I also have to assign grades, so I will do so according to this formula: Participation, 30%; written assignments and presentations, 60%; Final exam: 10%. The final exam will consist of presentations of the chapters we will have collectively prepared.

As my goal is to write a book, some of you may choose to become coauthors of part of that. Others may find this too much work. Here is my proposal on how to handle that. If indeed there is a publication in the form of a book or an article, any student who successfully passes the class and contributes to that project will be listed in the acknowledgements. Students who play a lead role going beyond only following directions but also contributing ideas to a particular chapter and going beyond the requirements of this class will be listed as coauthor of that chapter. Students who play a lead role in the entire manuscript, including follow-up through publication, may be listed as co-author of the entire book. This could take several years and will be at my discretion based on your contribution. The difference between being acknowledged for your help and being listed as a co-author is the difference between following instructions and doing your job and becoming an intellectual partner in the project. It's actually a high bar, not something to be taken for granted. But if some of you get completely excited about the project, and have time given your other responsibilities, it could happen and I would be pleased with that.

Disabilities: Please let me know in the first two weeks of class if you need any accommodation for a disability. No problem. But don't delay in letting me know.

Academic Honesty: Sometimes you will work in groups, but each of you needs to contribute individually and hand in work that clearly represents who contributed to it. For all course work, the Honor Code applies; the student's signature on her/his work confirms that the Code rules were respected. Familiarize yourselves with the Code at <https://studentconduct.unc.edu/honor-system>. Make sure that you are fully informed about the concept and practice of plagiarism, as well as other forms of unacceptable conduct. Plagiarism is defined as deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise. Take the library's tutorial at <http://www.lib.unc.edu/instruct/plagiarism/> and ask me if you have any questions. Read the "Instrument of Student Judicial Governance" here: <https://studentconduct.unc.edu/sites/studentconduct.unc.edu/files/documents/Instrument.pdf>.

Cell phones: Turn them off, period. Don't even think about getting messages while in the classroom.

Computers: Generally, I say no computers in class. In this particular class, however, as we will be doing research, please bring your laptops to class and be prepared to share on the projector whatever you are doing. Lots of the work we will be doing will involve active learning using your computers, so be ready. Bring a USB flash drive in case you need to show some files on the projector.

Weekly schedule

Our class meets on Thursdays from 2 to 5pm. Because of Fall Break, Thanksgiving, and the fact that classes end on a Wednesday, we have fewer sessions together than is normal. Twice during the semester I have to be out of town on a Thursday (once for the annual meetings of the American Political Science Association, once because I'm doing an external examination of the Political Science Department at Purdue, and I mistakenly said I was free on Thursdays, oops). On those two days, I am going to ask you to come to class on Tuesday, 2-5. So, our schedule will be as follows, with 2 meetings on Tuesdays, 11 meetings on Thursdays, and then the final exam according to the schedule on December 5. If any of you cannot make the Tuesday sessions I will understand that and not penalize you. But I hope you can make it as we don't have that many meetings.

I have not assigned particular topics to particular weeks in the syllabus below. That is because our first task will be for each of you to think about the topics that interest you and to work ourselves into groups focusing on particular topics. You may be involved in more than one during the semester, as some of them may go quickly. Each class will have some time for me to present overview material, then will focus on progress on each particular topic. Each of you will be called upon to present your progress each week and all will participate in helping each group make more progress. Some time will also be reserved for tutorials on technical issues such as Stata coding, graphing, and the presentation of statistical data in tables.

1. August 20
2. August 27
3. September 3 (APSA) meet on Tuesday September 1
4. September 10
5. September 17
6. September 24
7. October 1
8. October 8
- October 15 (fall break, no class)
9. October 22
10. October 29 (FB at Purdue) meet on Tuesday October 27
11. November 5
12. November 12
13. November 19 (last class)

Final exam: Saturday Dec 5, noon. Note: the exam will consist of final presentations of all the chapters we have prepared. Each student's participation will depend on the chapters in which they participated.

A Statistical Portrait of the Death Penalty
Frank R. Baumgartner
Draft notes, Fall 2015 syllabus for POLI 490, UNC-Chapel Hill

Chapter 1. Background

Each chapter about 5,000 words with mostly charts and figures then explanation and context as well as citations. Discuss pre-1976 executions and the “modern” system. Explain point of the book: a statistical overview of the actual functioning of the system in the modern period.

Chapter 2. Who gets executed?

Age, race, ethnicity, class, gender. Compare to homicide offenders in general. Show the symbolic nature / rarity of executions given the vast number of homicides.

Chapter 3. Who were the victims?

Age, race, gender of victims. Compare to homicides in general.

Chapter 4. For what crimes?

Discuss which crimes are capital-eligible. Compare homicides to executions. Give a table showing the factors that make a crime eligible, and a check box for whether these would be objective factors (e.g., number of victims, occupation of victim) or subjective (e.g., heinousness, lying in wait, etc.), by jurisdiction. Explain the number of executions per homicide or per population in each state, compared to the list of eligible crimes.

Chapter 5. How long does it take?

Delays between crime, sentencing, and execution. Discuss *Lackey v. Texas* and *Jones v. Davis* about whether it is constitutional to have a penalty of 15+ years on death row, followed by execution.

Chapter 6. Which jurisdictions execute and which ones don't?

Beyond the de jure question of who has it on the books, which ones actually use it? Maps and tables as well as power-law demonstrations by: country, circuit district, state, county.

Chapter 7. How often are death sentences overturned?

Rates of overturn by time, and by state

Chapter 8. How often are people exonerated from death row?

Discuss innocence and the types of errors leading to exonerations.

Chapter 9. How are the executions carried out?

Not very well. Discuss botches, methods of execution

Chapter 10. How often are scheduled executions later cancelled?

Find information on stays and executions that are cancelled at the last minute. Discuss the torture element of this process. See this dpic page:
<http://www.deathpenaltyinfo.org/upcoming-executions#stays2015>

Chapter 11. How many inmates just give up?

Review stats on volunteers. Make the point that they do not volunteer right away, but typically after quite some time. Discuss why they give up appeals and the torture / mental health aspect of this.

Chapter 12. How deep is public support of the death penalty?

Review public opinion data and trends over time; different results by question wording; show limited variance from state to state, but wide variance in use.

Chapter 13. Why does the death penalty cost so much?

Review cost studies and link this to the inefficiency of the system in terms of cases never carried out, but tried capitally or even involving a death sentence, later overturned.

Chapter 14. Is the death penalty dying?

Show trends over time and the decreasing number of jurisdictions carrying out executions.

Chapter 15. Is the modern death penalty very different from its historical use?

Compare data on race, gender, geography to Espy file. The key point here is whether the modern death penalty avoids the problems that caused the USSC to declare in *Furman v. Georgia* that the old system was unconstitutional. So, if the old one was unconstitutional, is the new one better?

Additional Resources

Films, books, Supreme Court decisions, major articles all in an annotated list, separated out by type with an explanation of why it is important.

Web site

Associated web site should have all data, with the annotated bibliography linked where possible to PDFs or other sources where all the resources can be found, if publicly available. It should be organized in an identical manner to the book, include all the statistical information in the book, but go beyond it by providing color graphics (B&W only for the book), and the underlying data, which can also be updated over time.