Title of Workshop: The Death Penalty in America (Workshop)

I. Descriptions and Credit Hours of Workshop:

Catalog Description

An exploration of the history of capital punishment, the constitutional rules related to the death penalty in the United States, as well as the policy arguments for and against the practice. (3)

Workshop Content

The death penalty is one of the most controversial issues in contemporary American criminal justice. This workshop will explore the history, constitutional rules and implementation of the death penalty in the United States. The purposes of the death penalty will also be reviewed along with an analysis of the effectiveness of these purposes. Methods of carrying out death sentences will be reviewed, from a historical as well as modern perspective. We will consider the special requirements for a capital trial including the selection of a "death qualified " jury, use of aggravating and mitigating evidence in the punishment phase of the trial, and the right to effective counsel. The workshop will review current issues relating to the death penalty including racial implications, cost and wrongful convictions and executions. The workshop will also include a thorough debate of whether or not the death penalty is an appropriate and effective method of punishment for the most serious of offenses.

Nature of Workshop

This workshop will consist of assigned readings of applicable rulings by the United States Supreme Court related to the death penalty, along with materials that address the various legal and social issues of the death penalty. Students will discuss these issues through online forums, which will be facilitated by the assigned readings. Additionally workshop participants will present short position papers on the various issues related to the death penalty. Finally, participants will write and submit a comprehensive paper in which they must express and justify a position on whether our society should abolish, maintain, or modify the death penalty as a method of punishment.

II. Prerequisites:

Upper division or graduate standing.

III. Purposes or Objectives of the Workshop

1) Review the history of the death penalty in Anglo-American society.
2) Gain an understanding of Constitutional issues related to death penalty jurisprudence, including equal protection (including effects of race and gender), effective assistance of counsel, consideration of aggravating and mitigating circumstances, due process of law issues, and appellate and habeas corpus review of death penalty cases.

3) Review and understand the sociological theories relevant to the death penalty, including deterrence and retribution.

4) Assess the finality of the death penalty and the effect of wrongful convictions and executions on the appropriateness of capital punishment.

5) Address the concept of evolving standards of decency of our society and how that impacts the practice of capital punishment.

IV. Expectations of Students

1) Students are expected to read all assigned cases and materials and to actively participate in all assignments.

2) Students will be required to participate in online Forums on assigned topics.

3) Students will write 1 page position papers on assigned death penalty topics.

4) Students will write a paper (undergraduate students - 10-15 pages; and graduate students - 25 pages) discussing the appropriateness of the death penalty as a form of punishment in contemporary American society.

V. Workshop Outline

Week 1 (12 hours)

1) The Death Penalty: History
   a) Readings: del Carmen text, Chapter 1; pp. 1-26
      Bedau and Cassell text, Chapter 1, pp. 1-14
   b) Early death penalty cases
      i) Wilkerson v. Utah: Firing squad
      ii) In re Kemmler: Electrocution
      iii) Louisiana ex rel Francis v. Resweber: Constitutionality of being executed twice
   c) Chapter outline and synopsis

2) Foundation cases of Furman v. Georgia and Gregg v. Georgia
   a) Readings: del Carmen text, Chapter 2; pp. 27-44
3) Race and the Death Penalty
   a) Readings: del Carmen text, Chapter 3; pp. 45-76
      Bedau and Cassell text, Chapter 4, pp. 76-116
   b) Cases
      i) *Batson v. Kentucky*
      ii) *McCleskey v. Kemp*
      iii) *Turner v. Murray*
      iv) *Miller-El v. Cockrell*
   c) Forum
   d) Position Paper
   e) Chapter outline and synopsis

**Week 2 (15 hours)**

4) Death Penalty and the Mentally Impaired
   a) Readings: del Carmen text, Chapter 4; pp. 77-94
   c) Cases
      i) *Penry v. Lynaugh*
      ii) *Atkins v. Virginia*
      iii) *Ford v. Wainright*
   d) Forum
   e) Position Paper
   f) Chapter outline and synopsis

5) Juveniles and the Death Penalty
   a) Readings: del Carmen text, Chapter 5; pp. 95-120
   b) Cases
      i) *Thompson v. Oklahoma*
      ii) *Stanford v. Kentucky*
      iii) *Roper v. Simmons*
   c) Forum
   d) Position Paper
   e) Chapter outline and synopsis

6) Juries and the Death Penalty
   a) Readings: del Carmen text, Chapter 6; pp. 121-152
   b) Cases
      i) *Ring v. Arizona*
      ii) *Witherspoon v. Illinois*
      iii) *Beck v. Alabama*
      iv) *Lockhart v. McCree*
      v) *Mills v. Maryland*
      vi) *Morgan v. Illinois*
Week 3 (15 hours)

7) Right to Counsel and the Death Penalty
   a) Readings: del Carmen text, Chapter 7; pp. 153-182
   b) Cases
      i) Strickland v. Washington
      ii) Lockhart v. Fretwell
      iii) Mickens v. Taylor
      iv) Bell v. Cone
      v) Wiggins v. Smith
      vi) Florida v. Nixon
   c) Forum
   d) Position Paper

d) Position Paper

8) Due Process and the Death Penalty
   a) Readings: del Carmen text, Chapter 8; pp. 183-204
   b) Cases
      i) Gardner v. Georgia
      ii) Estelle v. Smith
      iii) Eddings v. Oklahoma
      iv) Gray v. Netherland
   c) Forum
   d) Position Paper
   e) Chapter outline and synopsis

9) Aggravating and Mitigating Circumstances and the Death Penalty
   a) Readings: del Carmen text, Chapter 9; pp. 205-240
   b) Cases
      i) Presnell v. Georgia
      ii) Barefoot v. Estelle
      iii) Lewis v. Jeffers
      iv) Payne v. Tennessee
      v) Woodson v. North Carolina
      vi) Lockett v. Ohio
      vii) McKoy v. North Carolina
   c) Forum
   d) Position Paper

10) Appellate and Habeas Corpus Review of Death Penalty Cases
    a) Readings: del Carmen text, Chapter 10; pp. 241-272
    b) Cases
Week 4  (18 hours)

11) The Evolution of the Eighth Amendment Ban on Cruel and Unusual Punishment
   a) Readings: del Carmen text, Chapter 11; pp. 273-290
      Bedau and Cassell text, Chapter 6, pp. 152-182
   b) Cases
      i) Pulley v. Harris
      ii) Tison v. Arizona
   c) Forum
   d) Position Paper
   e) Chapter outline and synopsis

12) Deterrence, Retribution, Incapacitation and the Death Penalty
    a) Readings: del Carmen text, Chapter 12; pp. 291-305
    b) Forum
    c) Position Paper
    d) Chapter outline and synopsis

13) Debating the Death Penalty
    a) Readings: Bedau and Cassell text, Chapter 2 pp. 15-50; Chapter 3, pp. 51-75;
       Chapter 7, pp. 183-217; Chapter 8, pp. 218-234
    b) Chapter outline and synopsis
    c) Term Paper

VI. Textbook and Workshop Materials

Required Texts:


Additional Materials
Additional readings from current periodical and online sources may be required.

VII. Basis of Student Evaluation

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<thead>
<tr>
<th>Component</th>
<th>Points</th>
<th>Calculation</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Forums</td>
<td>100</td>
<td>(10 points x 10 forums)</td>
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<tr>
<td>Position Papers</td>
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<tr>
<td>Chapter Outlines</td>
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<tr>
<td>Term Paper</td>
<td>200</td>
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<td>40%</td>
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Letter grades will be awarded as follows:

- 90-100%  A
- 80-89%   B
- 70-79%   C
- under 70% F

Academic Policy Statement:
Students will be expected to abide by the University Policy for Academic Honesty in regards to plagiarism and academic honesty. Refer to http://www6.semo.edu/judaffairs/code.html

Student With Disabilities Statement:
If a student has a special need addressed by the Americans With Disabilities Act (ADA) and requires materials in an alternative format, please notify the instructor immediately. Reasonable efforts will be made to accommodate special needs.