

CAPITAL PUNISHMENT

Spring 2023

Mondays and Thursdays, 1:30-2:45 pm
Denny 313

Professor Kathryn Heard

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Office hours: Mondays and Thursdays 3-5 pm (or by appointment)

Course Description

In this course, we analyze the historical and contemporary practices of capital punishment in the United States. Currently, the United States is one of the few constitutional democracies that retains the punishment of death for criminal wrong-doing, despite the efforts made by some Supreme Court Justices to abolish “the machinery of death” in the American legal system and the pressure placed on state and federal governments by foreign nations to formally abolish its use. We will consider: Why does the state claim the authority to kill its citizens and how does it justify this authority? How has capital punishment in the United States changed over time, such that the modern promise of a “painless death” for “justice served” endeavors to legitimate its continuation? How do race, gender, class, religion, disability, and location impact who is subjected to the death penalty and for what crimes? What ethical arguments can be made for and against the use of capital punishment as a criminal sentence, from the perspectives of the condemned as well as the victim? Is it possible to execute an individual in a manner that is just? By way of answering these questions, this course proceeds in several units. Following a brief introduction to the criminal justice system, we will look towards the historical and philosophical contexts of the American practice of capital punishment, such that these contexts can illuminate contemporary constitutional controversies over the legitimacy of the death penalty. We will then use this knowledge to interrogate how the death penalty operates on the bodies of different individuals according to their identities and social positions, operations that have significant implications for how trials unfold, sentencing occurs, and death row is experienced. In the final sections of the course, we will turn our attention to not only how executions are litigated and ultimately administered, but also how these same executions create and sustain physical and psychic pain at the hands of the state. We will conclude our course by asking whether the death penalty should be retained, reformed, or abolished altogether.

This course takes place during a complex political, social, and legal moment in American history. In order to enrich our understandings of the assigned materials in this course, and the questions that drive our analyses, we will make regular interventions into what is known as “lived experience.” This means that I may send you news articles, videos, or podcasts that depict life after death row or pending Supreme Court cases that enhance our assigned readings. We will also encounter guest speakers and reflect on our own assumptions regarding the death penalty. If you come across an article, video, or podcast that ties into our course, please do send it my way and I can distribute it to the class.

It is important to remember that, at its core, this course is about violence and the impact of said violence on the bodies and minds of individuals. The readings we will engage with over the course of the semester depict this violence in an often graphic, but not gratuitous, manner. Some of our readings

will depict sex- and race-based violence, or violence that is intensified because of class status or disability. Moreover, as these readings will be completed under the precarious conditions of the ongoing pandemic, which adds latent and overt stress to our lives, I would encourage you – to the best of your ability – to make sure you are able to take breaks while preparing for class. This may mean you take a walk, talk to a friend or family member, play with your pet, watch an episode of your favorite television show, listen to a podcast, make a cup of coffee or tea, or otherwise step away from your desk. If you feel overwhelmed by the readings, or they create trauma for you, please come talk to me.

Learning Objectives

This is a course taught within the ethically- and philosophically-informed tradition of “law and society” scholarship. Thus, what will be different about the approach of this course, as opposed to traditional courses in sociology, philosophy, or political science, will be the attention paid to how the law has served to shape both the day-to-day lives of individuals *and* the achievement of institutional values like equal protection and non-discrimination. As a result, in addition to scholarly texts, you can expect to analyze cases, statutes, and laws that govern the state and the individuals who compose it.

Our course activities will provide a space for discussion in order to tease out how reading law in combination with academic scholarship reveals new ethical conundrums or socio-legal complexities. As a result, this course encourages active learning – through posing questions, through peer-to-peer discussion, through close-reading – as a way to develop critical writing and thinking skills. Upon completion of this course, you will be able to:

- Understand how the death penalty has evolved in the United States and how it has been shaped by a series of constitutional controversies;
- Distinguish between “law on the books” and “law in action” as it relates to the operations of capital punishment;
- Explain how considerations of identity – like race, class, gender, and disability – can be used as a lens to challenge existing practices of capital punishment;
- Critically assess a variety of texts in order to produce argumentative papers; and
- Articulate complex ethical views in a clear, concise, and reflective manner.

An Inclusive Learning Environment

Creating Community. Due to the collaborative nature of this course, I encourage your consistent attendance and participation. At the beginning of each class, I will take roll. Because this is a fully enrolled class, and because we gather in a time of illness and stress, it is important for us to intentionally and creatively build community with one another. To do this, we will – at crucial points during class and over the course of the semester – we will make space for us to use student-led discussions, engage with movement as a tool of learning, reflect holistically on our course structure, and assess critically our use of technology.

Classroom Climate. One key feature of creating an inclusive classroom is to understand the classroom as a cooperative learning community that cultivates an atmosphere of active, mutual respect for all. To this end, and given that this course covers sensitive materials, I have zero tolerance for belittling, harassment, or abusive and inappropriate language and behavior. Over the course of the semester,

we will read works that make us uncomfortable or unsure about ourselves and our knowledge. These feelings of uncomfortableness or unsureness are welcome and encouraged; indeed, such feelings motivate discussion, critical engagements with the text, and reassessment of our own opinions, biases, and commitments. Uncomfortableness or unsureness is not an appropriate reason for opting-out of discussion or delegating textual interpretation to other individuals; if you feel hesitant about speaking in class on sensitive or difficult topics, please do come see me and we can work together to create a plan for your engagement with the class.

Flexibility. I recognize that this semester, as with the last several semesters, poses significant challenges to learning. We are in the midst of an ongoing pandemic, and we are learning how to adapt to new and emerging difficulties in the realm of public health – and we, unfortunately, cannot predict what the next several months will look like. Many of us are also reckoning with forms of harm or trauma that are deep-seated. Because of this, the readings, assignments, and guidelines in this course have been designed to keep flexibility and accessibility in mind. If you are struggling with anything – adjusting to life on campus, this course or its materials, problems at home, mental health – please do consider me a source of support.

Course Materials and Reading Preparation

In this course, it is not required that you purchase the texts from which we will draw. I will make sure that all the readings contained in the syllabus are uploaded to our shared Moodle site; if you have difficulty accessing our texts online, please do not hesitate to be in touch. If you do choose to purchase a text, I would highly recommend that you purchase the following:

- David Garland. *Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001). ISBN: 978-0226283845.

As this is an upper division course, I have high expectations for your ability to keep up with the assigned materials. Indeed, the texts we cover in this class must be approached with care. I would encourage you to engage fully with the provocations, subtleties, and tensions of our readings by resisting the allure of online summaries. I follow Dickinson College's guidelines on out-of-class preparation: I expect you to spend approximately two hours outside of class on course materials (inclusive of assignments) for every hour you spend in class. I recognize that the conditions of our contemporary lives – marked as they are by economic uncertainty and health instability – can make achieving this goal difficult. If you find yourself falling behind, or in need of assistance, reach out to me as soon as you can and we can chart a way forward together.

Office Hours

I hold two drop-in sets of in-person office hours on Mondays and Thursdays from 3-5 pm and I am also available via Zoom during this time (the link is posted on Moodle). You may drop into my physical office hours (with a mask!) in Denny 210 at any point during this two-hour period – no notice or appointment necessary. If these times do not work for you, you are also welcome to schedule an appointment with me (this may be via Zoom).

I much prefer to discuss substantive matters (like questions on a given text or expectations for an essay) face-to-face (via Zoom or in-person meeting), rather than over email. Please think of me as a

resource – office hours are a space in which you can pose questions, deepen your knowledge of course materials, discuss paper ideas, connect the themes of the course to your other intellectual interests and pursuits, and more. I especially encourage you to meet with me if you have any reservations about participating in class, or if there is anything outside of class that impacts your ability to learn.

Grading Policy and Assignments

This course will be letter graded, but several of the assignments will be assessed on a credit/no credit metric. The credit/no credit assignments will be designed to give you some creative space to connect with your own understanding of the law and to work through specific legal conundrums from the point of a legal-scholar-in-training.

All work submitted must be your own. Your final grades will be assigned based on the following rubric, rounding up at the .5 mark:

A: 100-93	B: 87-83	C: 77-73	D: 67-63
A-: 92-90	B-: 82-80	C-: 72-70	D-: 62-60
B+: 89-88	C+: 79-78	D+: 69-68	F: 59 and below

Each assignment is briefly described below the table, but we will discuss them in a more in-depth fashion as the semester progresses. The relative weight and due date of each component is as follows:

Assignment	Percentage	Modality	Due Date
Course Engagement (inclusive of being on call)	20%	Graded	Ongoing
Encounters with Capital Punishment	5%	Credit/No Credit	Friday, February 3, at 11:59 pm
Paper #1	15%	Graded	Friday, March 3, at 11:59 pm
Law in Action Reflection	5%	Credit/No Credit	Tuesday, April 18, at 11:59 pm
Paper #2	25%	Graded	Friday, April 21, at 11:59 pm
Paper #3	30%	Graded	Tuesday, May 9, at 5 pm

Extra Credit Opportunities	Points added	Credit/No Credit	Ongoing (will be announced in class)
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Attendance and Participation. Your consistent attendance and thoughtful participation are essential to achieving the learning outcomes identified for this course. You are allowed **two** absences over the course of the semester, no questions asked – these absences, however, do not apply to the day that you are “on call,” unless in the event of an illness or an emergency. Any absence beyond these two initial absences will reduce your overall attendance and participation grade by one step (for example, from a B+ to a B). If you have ongoing concerns (parenting or familial responsibilities, etc), something troubling arises, or you experience an emergency, please contact me as soon as you are able – we will work together to come to a solution. I ask that, if you are sick with a contagious illness like Covid, that you refrain from coming to class or office hours. Please do reach out if you are ill, especially if you anticipate being absent for an extended amount of time, so that we may work together to craft a plan that allows you to stay on track in our class.

Please know that, in this class, engagement extends beyond attendance and participation. I expect our classroom to be a kind of intentional community, where the curious and ethical exchange of ideas is encouraged; respect for persons is fundamental to cultivating this atmosphere. Engagement includes asking questions, actively listening, offering an interpretation of a text or of a peer’s comments, providing oral or written feedback on peers’ essays, synthesizing differing arguments, promoting classroom discourse, attending office hours, and meeting with a Writing Center consultant, just to name a few. If you feel hesitant about what counts as engagement, or speaking in class on sensitive or difficult topics (as will happen over the course of the semester), please do come talk to me and we can work together to create a plan for your engagement with the class.

The Practice of Cold Calling. As mentioned above, one part of course engagement is participation – and I use an “on call” system to make dedicated space for individual participation. In popular culture, cold calling – which is the practice of calling on students who have not raised their hands – is associated with high-stress situations and public humiliation. Such representations often depict a professor with a nearly impossible to answer question choosing an unsuspecting student at random – and then making an example of the student’s answer.

This is not something I practice. Over the course of the semester, I will ask pre-assigned small groups of students to be “on call” four times. When you are on call, you can expect to take the lead in recalling what we discussed last class period, interpreting a particular passage, posing answers to specific questions, and more – think of yourselves as the starting line-up for a given class period. I may also invite individuals, who fall within that day’s “on call” group, to answer a specific question. Those individuals *always* have the ability to “pass” or “pass for now,” without judgment from me. Following the “cold call,” the discussion will be opened up to the entire class. This may seem stressful at first, a feeling with which I sincerely empathize. However, studies have shown that, in classes with low-stakes cold calling, student comfort with voluntarily participating in class rises and holistic understanding of the material significant increases. These studies also report that students feel more comfortable in a class in which all students have a “stake” in the conversation – and it allows me to hear from those that often feel lost in larger classes like ours. Student evaluations for this course –

and other courses I teach – also report that an “on call” system increases student engagement overall and motivates the realization of our learning outcomes. If you have accommodations that exempt you from speaking in class, or if you have ongoing trauma associated with class participation, please do come speak with me and we can set up an alternative arrangement.

The dates for being on-call are as follows:

[redacted]

Encounters with Capital Punishment. Write a brief (2-3 page, double-spaced) reflection on encounters you may have had with capital punishment in the legal system, in the media, or in conversations you have had with friends and family. Ask yourself: on your understanding, what purpose does capital punishment serve? What assumptions do you have about the practice of the death penalty? Do you support the practice or do you hope for its abolition (it is okay to not know)? How have you encountered capital punishment in the news or in conversations? What do you think the future of capital punishment will be? This assignment is graded credit/no credit.

Papers and Delayed Grading Policy. At crucial points throughout the semester, I will ask you to complete an analytic paper. I will provide several prompts for each paper, but you are also welcome to consult with me to develop your own approach to your paper. These papers will ask you to engage critically with the material in the course, develop an argumentative thesis and a cohesive argumentative thread, and provide both textual support for that argument and a rebuttal for it. The first paper will be 4-5 pages in length (due Friday, March 3, at 11:59 pm), the second paper will be 5-6 pages in length (due Friday, April 21, at 11:59 pm), and the third and final paper will be 7-9 pages in length (due Tuesday, May 9, at 5 pm). Please note that, for the final paper, you will have significant choice in its format – as the paper will be based on a legal hypothetical, you will be welcome to write a traditional paper, an amicus (friend of the court) brief, a debate between different authors, or record a video as if you were arguing before the Supreme Court.

In recent years, I have noticed that the practice of assigning grades on papers (in particular) is a source of stress, anxiety, and difficulty for students. Students report that, when they focus on receiving an A in a paper, they often create overwhelming expectations for themselves – and lose their ability to focus on improving the craft of their argument or their prose. To this end, I have developed what I call a “delayed grading policy.” A delayed grading policy means that, when you receive your paper back, you will receive comments and feedback – but no grade. You will then be offered the opportunity to submit an introspective response to my feedback for extra points added to your grade; I will, in other words, ask you to write 3-4 sentences about what you intend to improve upon for your next paper. At the conclusion of this extra credit submission period, you will receive your grade back, with points added. I have found that this system – although it initially seems stressful – cultivates stronger and more robust improvement across the whole semester. It also helps lessen student anxiety surrounding grades by shifting our attention towards improvement, rather than immediate outcomes.

Law in Action Reflection. Following our unit on trials, sentencing, and death row, Judge Edward Guido of Cumberland County, Dickinson College President John Jones, and Professor Amy McKiernan will visit our class. The visits by Judge Guido and President Jones will be an opportunity to understand how judges and lawyers approach capital trials in “the real world” and to ask them how they interpret and apply the law in ethically- and morally-complicated cases. The visit by Prof. McKiernan will focus on the experience of life on death row, and how our legal commitments have ethical implications. In

a short (2-3 page) paper, you should reflect on our conversations with our visitors. Did our conversations comport with or differ from your expectations? Did they complement or challenge your initial understanding of capital punishment, as reflected upon at the start of the semester? What connections might you draw between our conversations and the texts assigned for our course? This paper will be graded credit/no credit.

Extra Credit Opportunities. There will be several opportunities to earn extra credit in this class. More details will be forthcoming as the dates near.

Paper Formatting

Where specified, written work must be uploaded to our Moodle site by the date and time assigned. Your papers should be formatted as follows: 1-inch margins (top, bottom, left, and right), 12-point Times New Roman font, and double-spaced line formatting. Your papers should also be submitted in .doc or .docx format. *Do not submit a .pdf or share a Google doc with me.*

For citations, I would prefer in-text parenthetical citations (rather than footnotes), and I would ask that if an assignment is 3 pages long (for instance), you write to the end of the third page (rather than stopping at 2.25 pages).

Late Policy

The principle guiding belief in this course is responsiveness and flexibility. We do not yet know what challenges may await us over the course of the semester, and many of us are currently struggling with emergent issues related to physical and mental health, economic stability, and access to technology. Each assignment deadline in this course is accompanied by a 24-hour grace period, which you are welcome to exercise, no questions asked. This means that if the paper is due at 11:59 pm on Thursday, you may take until 11:59 pm on Friday without penalty.

If you feel you will need more than this grace period, each student in this class may take advantage of a one-time 3-day extension. If you need to exercise this option, you should email me – in advance of the assignment's due date – to tell me that you will be using your extended extension. This means that if the paper is due at 11:59 pm on Thursday, you may take until 11:59 pm on Sunday to submit your work.

If an assignment is late beyond the grace period, and you have not reached out to take advantage of your 3-day extension (or if you have already used your extension), I will assess a late penalty of one grade step deduction for each day it is late. Work that is more than 10 calendar days late cannot be accepted for credit.

Email and Communications

I will endeavor to respond to any questions you send me within 24 hours, although I may take up to 48 hours. While you should feel free to contact me with any questions regarding the course, I prefer not to engage in a substantive discussion about the material over email. If you would like to talk to me about the reading or would like to discuss a particular topic further, ask in class, come to office hours, or schedule an appointment.

Academic Integrity and Plagiarism

Broadly understood, plagiarism is the presentation of another's words or ideas as one's own without attributing the proper source. Plagiarism includes copying material from books and journals, as well as taking material from the internet. Plagiarism also includes privately purchasing or obtaining papers from others, which one then presents as one's own. Any material taken word-for-word from another source must be placed in quotation marks and footnoted or cited within the text. You can use ideas and information from other authors without directly quoting from them, but you must acknowledge them in your footnotes or parenthetical documentation. Ways to avoid plagiarism and maintain academic integrity can be found here:

http://www.dickinson.edu/info/20273/dean_of_students/867/community_standards/2.

For any student discovered to have committed plagiarism, I will impose a proportionate sanction for the infraction – for example, for a small plagiarism infraction, you may be required to resubmit an assignment for reduced credit; for a more serious infraction, you may receive reduced credit or a zero on an exam or paper; or for an egregious infraction, you may receive a reduced final grade or a failing grade in the course. I may also refer the matter to the Dean of Students for possible institutional action. Procedures for suspected violations are explained here:

http://www.dickinson.edu/info/20273/dean_of_students/1079/conduct-process.

In this course, I encourage you to be skeptical of open-sourced websites like Wikipedia and SparkNotes. If you feel lured to them regardless, you must cite them and you ought to remain intellectually vigilant and adopt a critical stance towards these sources.

Electronic Etiquette Policy

Computer use (and the use of tablets and e-readers) during class is by permission only, as the minimization of electronic devices also minimizes the chances of distraction. There is the inevitable temptation to text, check email, scroll Twitter, or buy a pair of shoes from your favorite online retailer. I ask that, to the best of your ability, you take notes with pen and paper – but if you are a student who wishes to use a laptop for notetaking, please come see me during office hours or catch me after class. For more on the benefits of a no-laptops policy, see:

<https://www.newyorker.com/tech/elements/the-case-for-banning-laptops-in-the-classroom>.

This class may also be recorded in order to ensure access and equity, and to help care for those who are not able to attend class due to Covid or Covid-like illness. If needed, I will record our conversations and post the recordings to Moodle shortly after class ends, and you may use these recordings to aid in writing your essays or in revisiting our class material. Some students may also record this class in support of their academic accommodations. It is strictly prohibited to distribute or disseminate these recordings; indeed, it may be in violation of Pennsylvania's Wiretapping and Electronic surveillance laws. It would also be a break of Dickinson's community standards, which are accessible here:

https://www.dickinson.edu/info/20273/dean_of_students/867/community_standards.

Title IX Disclosure

As a member of Dickinson College's faculty, I am a mandatory reporter for instances of sex-based harassment and sexual violence. This means that I am required – by law – to report to Dickinson any

specific mentions or observances of sex- or gender-based discrimination and assault. Because our course may engage with narratives of sexual violence, please be aware that *non-general* discussions of assault will be reported to our Title IX office. In sum: I can promise you respect and privacy, but not absolute confidentiality. If you have any questions or concerns about Title IX, please do not hesitate to reach out.

Accommodations

Dickinson values diverse types of learners and is committed to ensuring that each student is afforded equitable access to participate in all learning experiences. If you have (or think you may have) a learning difference or a disability – including a mental health, medical, or physical condition– that would hinder your access to learning or demonstrating knowledge in this class, please contact Access and Disability Services (ADS). They will confidentially explain the accommodation request process and the type of documentation that Dean and Director Marni Jones will need to determine your eligibility for reasonable accommodations. To learn more about available supports, go to www.dickinson.edu/ADS, email access@dickinson.edu, call (717)245-1734, or go to the ADS office in Room 005 of Old West, Lower Level (aka "the OWLL").

If you've already been granted accommodations at Dickinson, please follow the guidance at www.dickinson.edu/AccessPlan for disclosing the accommodations for which you are eligible and scheduling a meeting with me as soon as possible so that we can discuss your accommodations and finalize your Access Plan. If you will be using any test-taking accommodations in this class, be sure to enter all test dates into your Access Plan in advance of our meeting.

Additionally, *all students* may find it helpful to peruse Dickinson's site for strategies, organization, and achievement while taking classes. In addition to the site's collection of academic success resources, there are two new pages dedicated to time management and study strategies in the remote learning environment, as well as tips to promote social, emotional, and mental wellness. It can be accessed here: <https://www.dickinson.edu/SOAR>.

Physical Access to Our Classroom

This class meets on the third floor of Denny, which has an elevator, which can be accessed on any floor of Denny. It is most accessible to access it through the basement level on the north side of the building (by the Social Justice House) – there is an outside elevator that will take you down to the basement and the interior elevator is located towards the center of the building. If you require the use of an elevator to access the second floor, please let me know, and be sure that ADS (access@dickinson.edu) knows as well. If there is ever a malfunction with the elevator, we will be notified by email, and I will consult with ADS to identify our options for that day.

Physical Access to My Office

My office is located on the second floor of Denny, which has an elevator. Please see the instructions for the elevator, as noted above. If there is ever a malfunction with the elevator, I will gladly arrange to meet you at an alternative location, either in the building, nearby, or by video conference.

I reserve the right to revise or alter this syllabus as the semester progresses.

COURSE SCHEDULE

Unit 1
Penal Systems, Punishments, and Executions

Monday, January 23	<u>Introductions</u> Franz Kafka, "In the Penal Colony," pp. 75-99
Thursday, January 26	<u>Penal-welfare systems and punishments</u> David Garland, <i>The Culture of Control</i> , pp. 1-51 Listen: NPR's "Witness to an Execution"
Thursday, January 26	Extra Credit: ATS Event: "The Cradle to Prison Pipeline" <i>For extra credit, please attend this in-person only event at ATS at 7 pm. Georgetown Law Prof. Kristin Henning will discuss the policing and incarceration of Black children in the US. After you attend, submit a 300-word reflection on the talk and its relevancy for this class. The submission portal can be found on our Moodle site and the due date is Friday, February 3 at 11:59 pm.</i>

Unit 2
Historical Contexts, Constitutional Controversies, and Regulating Death

Monday, January 30 <i>On Call Group 1</i>	<u>Our context: the origins of an American institution</u> Stuart Banner, <i>The Death Penalty: An American History</i> , Chs. 1-3 Leonard Levy, "The Eighth Amendment," pp. 231-240
Thursday, February 2	<u>No class – Prof. Heard away</u> <i>Please use this time to relax and to work on your Encounters paper</i>
Friday, February 3	Encounters with Capital Punishment due at 11:59 pm
Monday, February 6 <i>On Call Group 2</i>	<u>Declaring capital punishment unconstitutional, part 1</u> Orin Kerr, "How to Read a Legal Opinion," pp. 51-63 <i>Furman v. Georgia</i> (1972), per curium and concurring opinions
Thursday, February 9 <i>On Call Group 3</i>	<u>Declaring capital punishment unconstitutional, part 2</u> <i>Furman v. Georgia</i> (1972), dissenting opinions
Monday, February 13 <i>On Call Group 4</i>	<u>Re-instating capital punishment</u> <i>Gregg v. Georgia</i> (1976), majority opinion

Thursday, February 16 <i>On Call Group 5</i>	<u>Limiting capital punishment: intellectual disability</u> <i>Atkins v. Virginia</i> (2002), majority and dissenting opinions <i>Hall v. Florida</i> (2014), majority opinion
Monday, February 20 <i>On Call Group 1</i>	<u>Limiting capital punishment: age</u> <i>Roper v. Simmons</i> (2005), majority and dissenting opinions
Thursday, February 23 <i>On Call Group 2</i>	<u>"Tinkering with the machinery of death"</u> <i>Callins v. Collins</i> (1994), majority and dissenting opinions David Grann, "Trial by Fire," pp. 1-50
Monday, February 27	<u>"Tinkering with the machinery of death," continued</u> Re-read <i>Callins v. Collins</i> (1994), majority and dissenting opinions Re-read David Grann, "Trial by Fire," pp. 1-50

Unit 3 Punishment in Late Modernity

Thursday, March 2 <i>On Call Group 3</i>	<u>Our context: contemporary criminal justice systems</u> David Garland, <i>The Culture of Control</i> , pp. 53-138
Friday, March 3	Paper #1 due at 11:59 pm
Monday, March 6 <i>On Call Group 4</i>	<u>Inequality and capital punishment: class</u> William Bowers, "The Pervasiveness of Arbitrariness and Discrimination under Post- <i>Furman</i> Capital Statutes," pp. 1067-1100. Stephen Bright, "Counsel for the Poor," pp. 1835-83 Beatrice Ferguson, "The Relentless Mental Toll of Public Defense," pp. 1-7
Thursday, March 9 <i>On Call Group 5</i>	<u>Inequality and capital punishment: race</u> Amy Louise Wood, <i>Lynching and Spectacle</i> , pp. 19-41 Timothy Kaufman-Osborn, "Capital Punishment as Legal Lynching?" pp. 21-49 <i>McCleskey v. Kemp</i> (1986) Optional Listen: NPR's "More Perfect: Object Away" Optional Listen: Josie Duffy Rice's "Unreformed: The Story of the Alabama Industrial School for Negro Children"
Monday, March 13	<u>No class – spring break!</u> <i>Please use this time to relax and care for yourself</i>

Thursday, March 16

No class – spring break!

Please use this time to relax and care for yourself

Monday, March 20

On Call Group 1

Inequality and capital punishment: sex and gender

Jenny Carroll, “Images of Women and Capital Sentencing Among Female Offenders,” pp. 1413-53

Timothy Kaufman-Osborn, “Womanhood Unsexed on the Gallows,” pp. 165-77

Rachel Louise Snyder, “Punch after Punch, Rape after Rape, a Murderer was Made,” pp. 1-13

Kim Bell, “Missouri Picks Up Pace of Executions. Next is Transgender Inmate from St. Louis County,” pp. 1-16

Unit 4

Capital Trials, Death Sentences, and Death Row

Thursday, March 23

On Call Group 2

Trials

Skim: [Overview of the Death Penalty in Pennsylvania \(Provided by the Death Penalty Information Center\)](#)

Skim: [Pennsylvania Capital Punishment Statutes \(Death-Eligible Crimes\)](#)

Skim: [Pennsylvania Capital Punishment Statutes \(Procedure for Aggravating/Mitigating Factors and Jury Instructions\)](#)

Austin Sarat, “The Return of Revenge: Hearing the Voice of the Victim in Capital Trials,” pp. 33-59

Austin Sarat, “Capital Trials and the Ordinary World of State Killing,” pp. 87-125

Austin Sarat, “The Role of the Jury in State Killing,” pp. 126-57

Monday, March 27

On Call Group 3

Sentences

Markus Dubber, “The Pain of Punishment,” pp. 545-548, 561-588

Alex Kozinski and Sean Gallagher, “Death: The Ultimate Run-On Sentence,” pp. 1-32

Thursday, March 30

On Call Group 4

Death Rows

Anonymous, “Welcome to Hell,” pp. 66-85

Melvin Urofsky, “A Right to Die: Termination of Appeal for Condemned Prisoners,” pp. 553-582

Mona Lynch, “Supermax Meets Death Row: Legal Struggles Around the New Punitiveness,” pp. 66-84

Corey Burton and John Burrow, “How Long Must They Wait,” pp. 620-634

Journal Record Staff, “Monthly Executions Weigh Too Heavily on

Guards,” pp. 1-4
Explore: [The Visiting Room Project](#)

Unit 5
The Experience of Execution

Monday, April 3 <i>On Call Group 5</i>	<u>Our context: perceptions of crime</u> David Garland, <i>The Culture of Control</i> , pp. 139-92 Daniel LaChance and Paul Kaplan, <i>Crimesploitation</i> , pp. 92-116 Megan Garber, “A Grim New Low for Internet Sleuthing,” pp. 1-8
Thursday, April 6	<u>Guest speaker: Judge Edward Guido</u> <i>Extra credit opportunity</i>
Monday, April 10 <i>On Call Group 1</i>	<u>The evolution of the execution</u> Michel Foucault, “The Body of the Condemned,” pp. 3-31 Stephen Trombley, <i>The Execution Protocol</i> , pp. 71-83
Monday, April 10	Film Night: <i>The Execution Protocol</i> <i>Extra credit opportunity – pizza and snacks also provided</i>
Thursday, April 13	<u>Guest speaker: Dickinson President John Jones</u> <i>Extra credit opportunity</i>
Friday, April 14	Guest presentation: Prof. Amy McKiernan <i>This date may be subject to change</i>
Monday, April 17 <i>On Call Group 2</i>	<u>The rationalization of state killing</u> Daniel LaChance, “Last Words, Last Meals, and Last Stands,” pp. 701-724 Mona Lynch, “The Disposal of Inmate #85271,” pp. 3-34 Timothy Williams, “Ex-Inmate Shares Stories of Stint as a Death Row Chef,” pp. 1-5 Explore: Pennsylvania’s Death Penalty (Department of Corrections) Explore: “A Gallery of Final Choices” (NYT) Skim: Pennsylvania’s Field Instructions for Capital Punishment Skim: Pennsylvania’s Field Instructions for Capital Punishment (Rev)
Tuesday, April 18	Law in Action Reflection due at 11:59 pm
Thursday, April 20 <i>On Call Group 3</i>	<u>Electrocutions and the Eighth Amendment</u> <i>Francis v. Resweber</i> (1947), majority and dissenting opinions <i>Provenzano v. Moore</i> (1999), majority and dissenting opinions

Listen: [NPR's "Uncovered Secret Execution Tapes"](#)

Friday, April 21

Paper #2 due to Moodle by 11:59 pm

Monday, April 24
On Call Group 4

Electrocutions, injections, and the specter of pain

Mona Lynch, "On-line Executions: The Symbolic Use of the Electric Chair," pp. 1-20

Timothy Kaufman-Osborn, "Silencing the Voice of Pain," pp. 135-164

Thursday, April 27
On Call Group 5

Lethal injection

Baze v. Rees (2008), majority opinion

Glossip v. Gross (2015), majority opinion and Breyer's dissent

Deborah Denno, "America's Experiment with Execution Methods," pp. 707-725

Associated Press, "Oklahoma Executes Inmate Who Dies Vomiting and Convulsing," pp. 1-5

Listen: [NPR's "More Perfect: Cruel and Unusual"](#)

Watch: [Oklahoma News Conference Post-Botched Execution](#)

Unit 6

The Future of Capital Punishment

Monday, May 1

Religious freedom challenges to the death penalty

Dunn v. Ray (2019), opinion of the Texas Supreme Court

Ramirez v. Collier (2022), majority and dissenting opinions

Listen: [The Atlantic's "My Time in a Death Chamber"](#)

Thursday, May 4

Retention, reform, or abolition?

Bucklew v. Precythe (2019), majority and dissenting opinions

Deborah Denno, "The Firing Squad as a 'Known and Available

Alternative Method of Execution' Post-*Glossip*," pp. 749-793

Watch: [VICE's "The Last Days of Death Row Inmate Scott Dozier"](#)

Tuesday, May 9

Paper #3 due at 5 pm

HELPFUL VIRTUAL AND ON-CAMPUS RESOURCES

Writing Center

The Eberly Writing Center is located on the main level of the Waidner-Spahr Library. Tutors will work with students at any stage of the writing process, and will assist on such aspects as: responding to an assignment; generating, developing, and organizing ideas; supporting claims and arguments with evidence; improving clarity and precision; and developing proofreading and editing skills. The Writing Center remains open even during remote learning.

The Landis Collective

The Landis Collective envisions itself as a coalition of offices rooted in advancing principles of social justice. They approach their work intersectionally, with an understanding that ability, class, ethnicity, gender, race, religion, sexuality, and other social identities operate in an overlapping, simultaneous fashion. Their offices collaborate regularly to provide the most thorough support for the communities they serve. They provide: culturally relevant programs, film screenings and book discussions; training and development workshops; community service projects; off-campus trips; student leaderships and development opportunities; and connection to resources and support. The collective includes: Center for Service, Spirituality, and Social Justice; Office of LGBTQ Services; Popel Shaw Center for Race and Ethnicity; Women's and Gender Resource Center.

On-Campus Counseling and Psychiatric Services

The Wellness Center offers counseling and psychiatric services to all current Dickinson students regardless of insurance. Services include, but are not limited to, individual and group therapy, crisis intervention, alcohol and drug counseling, psychiatric medication management, consultation, prevention programming, and educational workshops. The Wellness center also provides a meditation and mindfulness group to alleviate anxiety on Wednesdays from 4:30-5:30 pm (drop-ins welcome), and an anxiety and stress management group on Thursdays from 4:30-5:30 pm.

Open Hours: Monday-Friday, 11 am-12 pm; 2 pm-3 pm (no appointment needed).

Phone Number: (717) 245-1663

On-Campus Medical Care, Emergency and Non-Emergency

In an emergency, where seconds count, dial 911 immediately or contact DPS at (717) 245-1111 and an officer will secure transportation to the local emergency room. If you need emergency contraception (e.g., Plan B), contact Health Services and they will schedule you for an emergency appointment. You may also contact local pharmacies, as no prescription is needed. If you do not have a medical emergency, but need care or advice, contact Dickinson's 24/7 nursing hotline at (877) 229-4183. Walk-in, non-emergency medical care during evenings and weekends is available through UPMC Urgent Care and Penn State Urgent Care Centers; transportation can be arranged through DPS. Their addresses are:

UPMC Urgent Care
1175 Walnut Bottom Road
Carlisle, PA 17013
(717) 258-9355

PennState Health Urgent Care
1211 Forge Road
Carlisle, PA 17013
(717) 218-3920

If you have a mental health emergency, such as having thoughts of harm or suicide, please seek assistance immediately. Monday through Friday, from 8 am-5 pm, you can call or visit the Wellness Center. After business hours, you can call DPS at (717) 245-1111 to access the college's on-call team of counseling professionals. You can also call the National Suicide Prevention Lifeline at 1 (800) 273-8255, which is open 24/7. You can also chat with the National Suicide Prevention Lifeline at <https://suicidepreventionlifeline.org>.

Title IX Office

Individuals who have experienced, witnessed, or have become aware of an incident of alleged sexual assault or gender-based misconduct have a variety of resources available to them. If you have been sexually assaulted or experienced sexual violence, medical treatment can treat or prevent illness or injury. It is also an important way to preserve evidence, if you decide to press charges or obtain a protection order. UMPC Pinnacle Carlisle has specially trained forensic registered nurses, who can provide individuals with a compassionate, comprehensive medical examination. A representation from the YWCA will also be notified, so individuals will have the option of using the services of an advocate. Please note that the collection of evidence for use in criminal prosecution related to unwanted sexual activity can only be performed by trained personnel at a hospital emergency room. Physical exams by other health professionals may impede future legal remedies.

Dickinson College also provides a variety of emotional support services to those who have been affected by sexual or gender-based misconduct. Assistance may include counseling and assistance in accommodations to academic, housing, or working situations. Confidential resources will typically not share information with the college, nor will speaking with a confidential resource person trigger action by the college under most circumstances. Confidential resources are medical providers, mental health providers, ordained clergy, and rape crisis counselors who are functioning within the scope of that certification or license. Medical and emotional support services can be found at:

Medical Support

UMPC Pinnacle Carlisle
361 Alexander Spring Road
Carlisle, PA 17015
(717) 249-1212

** Provides forensic nursing care

Geisinger Holy Spirit Hospital Center
503 N 21st St
Camp Hill, PA 17011
(717) 763-2757

** Does not provide forensic nursing care

Crisis Advocacy and Emotional Support

24/7 Dickinson Advocacy Hotline: (717) 831-8850

YWCA Carlisle's Sexual Assault/Rape Crisis Services of Cumberland County: (888) 831-8850

Domestic Violence Services of Cumberland and Perry Counties: (717) 258-4806

On-Campus Wellness Center: (717) 245-1663