

**THE DEATH PENALTY IN AMERICA:
A SURVEY
Cornell University
SPRING 2015**

SYLLABUS

John Blume
Sheri Johnson

Tuesdays and Thursdays, 2:55 - 4:10 p.m.
Room 390 (Moot Court Room)

This course will examine various historical and current issues surrounding the administration of capital punishment in the United States. Grades will be based on class participation, small group participation, a very short paper, one preliminary examination and a final examination. The examinations are the most significant components of the grade.

Professor Blume's office is room 158; his office phone number is 255-1030; his administrative assistant is Sharon Kendall; and, his e-mail address is jb94@cornell.edu. Professor Johnson's office is room 240; her office phone number is 255-6478; her administrative assistant is also Sharon Kendall; and her e-mail address is slj8@cornell.edu.

Any and all requests for accommodations, whether of testing conditions or time, as well as any requests for postponement of the prelim or final exam, must be directed to the Dean of Students for the law school, Anne Lukingbeal. Requests for accommodations should be made within the first three weeks of classes.

NOTE: LAW SCHOOL POLICY DOES NOT PERMIT ANYONE TO TAKE AN EXAMINATION EARLY FOR ANY REASON. PLEASE NOTE THE DATE OF THE MIDTERM!

Lectures meet in Room 390 of Myron Taylor Hall (the Moot Court room). Small section meeting rooms will be announced.

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1. Thursday, January 22nd - Putting your views on the table (Reading: Rivkind & Shatz, pp. 2-19).
 2. Tuesday, January 27th - Historical Perspectives (Reading: Rivkind, p. 19-36; Blume & Steiker, p. 1-15).

3. Thursday, January 29th - Historical Perspectives (Reading: Rivkind, pp. 36-45; Blume & Steiker, pp. 17-93 (Willie Francis Chapter)).
4. Tuesday, February 3rd - *Furman v. Georgia* (Reading: Rivkind, pp. 46-76; Blume & Steiker, p. 95-127 (Furman Chapter)).
5. Thursday, February 5th - The July 2nd cases (Reading Rivkind, pp. 76-120).
6. Tuesday, February 10th - - Small Group Sections (Reading – Rivkind, p. 2-7; http://blogs.courant.com/capitol_watch/2009/05/house-debates-death-penalty-on.html; <http://www.ccadp.org/michaelross-timeforme.htm> (Stories about Michael Ross)).
7. Thursday, February 12th - The Narrowing Function of Aggravating Factors (Reading: Rivkind, pp. 146-175).

[February 17th - Break]
8. Thursday, February 19th - Individualized Decision-making (Reading: Rivkind, pp. 199-213; 229-239).
9. Tuesday, February 24th - Capital Juries (Reading: Rivkind, pp. 328-348; Blume, Johnson & Threlkeld, Probing “Life Qualification” Through Expanded Voir Dire, 29 *Hostra L. Rev.* 1209 (2001) (pp. 1219-1231 only)) [article will be posted on blackboard].
10. Thursday, February 26th - The Persistent Problem of Race (Reading: Rivkind, pp. 358-366; 180-198).
11. Tuesday, March 3rd - The Capital Appeals Process (Reading: Blume, Post-Conviction Practice and Procedure, 45 *South Carolina Law Review* 235, pp. 235-245 only; AEDPA: The “Hype” and the “Bite,” 91 *Corn. L. Rev.* 259 (2006)) [articles will be posted on Blackboard].
12. Thursday, March 5th - Core Elements of the Penalty Hearing (reading: Rivkind, pp. 526-539; 547-560; 631-638).
13. Tuesday, March 10th - Ineffective Assistance of Counsel (Reading, Rivkind, pp. 396-430; Blume and Steiker, pp. 389-414).
14. Thursday, March 12th - Prosecutorial Misconduct (Reading: Rivkind, pp. 472-505).

15. Tuesday, March 17th -Proportionality to the Offense (Reading: Rivkind, pp. 246-258; 291-311; Blume & Steiker, pp. 171-201 (Coker chapter)).
16. Thursday, March 19th - Proportionality to the Offender (Reading: Rivkind, pp. 258-276; Blume & Steiker, pp. 415-448 (Roper chapter)).
17. Tuesday, March 24th –Small group sections (Review for Midterm Examination).
- 18. Thursday, March 26th – MIDTERM EXAMINATION.**
[March 31 and April 1- Spring Break]
19. Tuesday, April 7th - Small Group Sessions – Religion and the Death Penalty (Reading: “Don’t take his eye, Don’t take his Tooth and Don’t Cast the First Stone” & “God and the Executioner” [Articles are posted on Blackboard]).
20. Thursday, April 9th - Victims and Victim Impact Evidence (reading: Rivkind, pp. 586-604; Blume and Steiker pp., 323-358 (Payne Chapter)).
21. Tuesday, April 14th - International Perspectives on Capital Punishment (Readings will be posted on blackboard).
22. Thursday, April 16th - The Federal and Military Death Penalty Systems (Reading: U.S. Attorney’s Capital Case Manual (posted on blackboard); Letter to the Attorney General regarding not seeking death (posted on blackboard); “Army Seeking Death Penalty in Massacre of 16 Afghans,” N.Y Times, Dec. 19, 2012) http://www.nytimes.com/2012/12/20/us/robert-bales-faces-death-penalty-in-afghan-massacre.html?_r=0); “Description of cases for those sentenced to death in U.S. Military” (<http://www.deathpenaltyinfo.org/description-cases-those-sentenced-death-us-military-0>).
23. Tuesday, April 21st - Executive Clemency (Reading: Rivkind, pp. 833-841).
24. Thursday, April 23rd - Innocence (Blume & Steiker, pp. 448-482 (House chapter); GUEST SPEAKER, KIRK BLOODSWORTH.
25. Tuesday, April 28th - Women and the Death Penalty (Reading: relevant sections of the Death Penalty Information Center web cite, <http://www.deathpenaltyinfo.org/womwn-and-deathpenalty>; Victor L. Streib, Gendering the Death Penalty: Countering Sex Bias in a Masculine Sanctuary, 63 Oh. St. L. J 433 (2002)) [article posted on blackboard].
26. Thursday, April 30th - Mentally Ill Offenders & Volunteers (Reading:<http://www.deathpenaltyinfo.org/women-and-death-penalty> Blume &

Johnson, Killing the Non-Willing: Atkins, the Volitionally Incapacitated, and the Death Penalty, 55 S.C.L. Rev. 93 (2003)); Blume, Killing the Willing: "Volunteers," Suicide and Competency, 103 Mich. L. J. 939 (2005)) [Both articles are posted on blackboard].

27. Tuesday, May 5th - Executions (Reading: Rivkind, pp. 803-806; 841-864 (and materials posted on Blackboard including letter from JD Gleaton; article about Gleaton's funeral and Joe Atkins change of address card).