

Corrected Syllabus - Honors College Death Penalty Seminar (SCCC 387G-501)

Course Instructor: Bobby Brame
Office: Currell College, Room 206
Telephone Number: 803/777-0564
Email Address: BrameR@gwm.sc.edu

Class Meets: MWF 9:05-9:55
Office Hours: MWF 10:00-11:30

Course Description: Capital punishment generates enormous controversy. Some – including a number of religious and human rights groups – argue that use of the death penalty is inherently wrong. Other opponents might be willing to support the use of the death penalty in certain circumstances. These “conditional opponents” contend that death penalty sentencing processes currently available to the criminal justice system are plagued with serious – perhaps unsolvable – problems. Proponents of capital punishment claim that it is a reasonable and just response to serious crimes. Some advocates argue that capital punishment offers or has the potential to offer instrumental benefits to the community (i.e., deterrence and incapacitation). The purpose of this class is to provide a careful and even-handed study of these conflicting positions.

I will preface the class with a brief discussion of the Supreme Court’s role in adjudicating criminal justice issues. Next, we will read and discuss a number of capital punishment-related U.S. Supreme Court decisions from the past 125 years. These cases confront issues that are central to the death penalty debate: (1) interpretation of the Eighth Amendment’s prohibition of cruel and unusual punishment; (2) the methods by which capital punishment is administered; (3) the form of judicial proceedings in capital cases; (4) overall trends in the use of capital punishment; (5) the possibility of wrongful conviction and punishment of innocent people; (6) deterrence effects; (7) public opinion about the death penalty; and (8) racial and geographic disparities in the administration of capital punishment. All readings for this class will be posted on Blackboard.

Grade Information: Your grade for this class will be based on your performance on three in-class and open-note exams and a 15-20 page paper on a relevant topic. Each of the exams will be comprised of four short answer questions (there will be a choice component – I will ask you seven questions and you can choose which four you want to answer). Letter grades will be assigned as follows: A = 90 and above; B+ = 85-89; B = 80-84; C+ = 75-79; C = 70-74; D = 60-69; F = 59 and below. Exams are not cumulative. Each of the exams and the paper will count 25% toward the final grade. Grades will be posted to Blackboard as soon as possible after each exam has been graded. I do not discuss grades by email or telephone.

Policy on Missed Classes and Exams: There is no specific penalty for missing a regular class session. Absences from exams will be excused for illnesses and other emergencies provided you make arrangements to take a make-up exam and that you supply appropriate documentation. I expect you to make these arrangements in a timely fashion – notification must occur no later than 24 hours after the exam is administered. Otherwise, a grade of zero will be assigned for the missed exam. Make-up exams may include different questions than those on the exam administered in class.

Class Outline

Class Begins: Friday August 20, 2004

Part 1: Early Cases

1. Wilkerson v. Utah (1878)
2. In re Kemmler (1889)
3. Weems v. United States (1909)
4. Powell et al. v. Alabama (1932)
5. Louisiana ex rel. Francis v. Resweber, Sheriff et al. (1946)

Monday September 6, 2004 – Labor Day Holiday

Exam #1: Friday September 24, 2004 (Thursday September 30, 2004 is last day to drop course with a grade of W).

Part 2: Confronting the Constitutionality of Capital Punishment

6. Trop v. Dulles (1957)
7. Robinson v. California (1961)
8. Furman v. Georgia (1971)

Fall Break: Friday October 15, 2004 (No Class)

Exam #2: Friday October 29, 2004

Part 3: Post-Furman Litigation

9. Woodson et al. v. North Carolina (1975)
10. Gregg v. Georgia (1975)
11. Coker v. Georgia (1976)
12. McCleskey v. Kemp (1986)

Conference Meetings: Wednesday November 17-Friday November 19 (No Class)

Thanksgiving Recess: Wednesday November 24-Friday November 26 (No Class)

Last Day of Class: Friday December 3, 2004 (Papers Due)

Exam #3: Wednesday December 8, 2004, 9:00 am (Final Exam Period)