

Capital Punishment

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Introduction

Capital punishment is a vast area of study that crosses many research boundaries. This research guide is intended as a starting point for researching capital punishment issues and is aimed at assisting UI law students. As a starting point, the materials in this guide cover various aspects of capital punishment and in varying depths. Use the materials to provide a foundation for your topic as well as a guide to other sources. **N.B.:** The collections of items under “Secondary Resources” are primarily gleaned from the collection at the University of Iowa Law Library; therefore you will see call numbers or web links to local resources.

Secondary Resources

(Books, collections of articles, lists of lists (bibliographies), topical journals)

To locate a particular topic, use the left-hand viewing pane to find the link.

Appellate implications	DNA	Juveniles	Restorative
Bibliographies	Ethics	Legal Process	justice
Clemency/pardon	History	Methods	States
Cruel & unusual punishment (8 th Amendment)	Human rights	Philosophy	Statistics
Discrimination	Jury considerations	Pro & Con	Supreme Court
			Trends

Collections of Data

This is not an exhaustive list of statistical sources, but these are some good starting points.

- Bureau of Justice Statistics, Capital Punishment Statistics (<http://www.ojp.usdoj.gov/bjs/cp.htm>)
- Focus on the Death Penalty (Alaska and general information) (<http://justice.uaa.alaska.edu/death/>)
- Michigan State University Death Penalty Curriculum (<http://deathpenaltycurriculum.org/student/index.html>)
- National Archive of Criminal Justice Data (<http://www.icpsr.umich.edu/NACJD/cp/>)
- National Criminal Justice Reference Service (<http://www.ncjrs.gov/>)
- Texas Department of Criminal Justice: Death Row Statistics (<http://www.tdcj.state.tx.us/statistics/stats-home.htm>)

Journals & Journal Articles

This division includes some specific journals devoted to capital punishment issues; the “Death Penalty Information Center – law review articles grouped by subject” is a great place to start your research in legal literature.

- Capital Defense Journal: Washington and Lee University School of Law, K3 .A643 (<http://proxy.lib.uiowa.edu/login?url=http://www.heinonline.org/HOL/Index?index=journals/capdj&collection=journals>)
- Death Penalty Information Center – law review articles grouped by subject (<http://www.deathpenaltyinfo.org/article.php?did=131&scid=21>)
- Death Penalty Reporter, National College for Criminal Defense, College of Law, University of Houston, KF9227.C2 D4
- The International Sourcebook on Capital Punishment / HV8694 .I58
- The Watch. Iowans Against the Death Penalty. / Iowa City Historical Library Iowa Stacks * HV8698 .U64

Organizations

A selective listing of organizations that focus on capital punishment issues

- ABA Death Penalty Representation Project (<http://www.probono.net/deathpenalty/index.cfm>)
- ABA Death Penalty Moratorium Project (<http://www.abanet.org/moratorium/>)
- ACLU Death Penalty Campaign (<http://www.aclu.org/capital/index.html>)
- Capital Defense Network (<http://www.capdefnet.org/>)
- Catholics Against Capital Punishment (<http://www.cacp.org/>)

- Clark County: “The Death Penalty”
(<http://www.clarkprosecutor.org/html/links/dplinks.htm>)
- Death Penalty Information Center (<http://www.deathpenaltyinfo.org>)
- Derechos Human Rights: “Human Rights Death Penalty” (<http://www.derechos.org/dp/>)
- Human Rights Watch (<http://www.hrw.org/>)
- Innocence Project (<http://www.innocenceproject.org/>)
- NAACP Legal Defense Fund (<http://www.naacpldf.org/>)
- National Association of Criminal Defense Lawyers
(<http://www.criminaljustice.org/public.nsf/freeform/DeathPenalty?OpenDocument>)
- National Coalition to Abolish the Death Penalty (<http://www.ncadp.org/>)
- Physicians for Human Rights (<http://physiciansforhumanrights.org/>)
- Pro-Death Penalty.com (<http://www.prodeathpenalty.com>)
- South Asia Human Rights Documentation Centre (<http://www.hri.ca/partners/sahrdc/>)
- Tarlton Law Library: “Current Capital Punishment Legal Literature”
(http://web.austin.utexas.edu/law_library/punishment/)
- Washington Coalition to Abolish the Death Penalty
(<http://www.abolishdeathpenalty.org/>)

Statutes

Federal – primary statutes related to capital punishment in the federal system

- 18 USCS § 7, GENERAL PROVISIONS, § 7. Special maritime and territorial jurisdiction of the United States defined
- 18 USCS § 229F, CHEMICAL WEAPONS, § 229F. Definitions
- 18 USCS § 794, ESPIONAGE AND CENSORSHIP, § 794. Gathering or delivering defense information to aid foreign government
- 18 USCS § 844, IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS, § 844. Penalties
- 18 USCS § 924, FIREARMS, § 924. Penalties
- 18 USCS § 1111, HOMICIDE, § 1111. Murder
- 18 USCS § 3005, GENERAL PROVISIONS, § 3005. Counsel and witnesses in capital cases
- 18 USCS § 3432, ARRAIGNMENT, PLEAS AND TRIAL, § 3432. Indictment and list of jurors and witnesses for prisoner in capital cases
- 18 USCS § 3591, DEATH SENTENCE, § 3591. Sentence of death
- 18 USCS § 3596, DEATH SENTENCE, § 3596. Implementation of a sentence of death

State –includes primary crime and penalty statutes; however, this is not a comprehensive list of capital punishment-related statutes.

- Alabama Code - §13A-5-40
- Arizona Revised Statutes - § 13-703; § 13-1105
- Arkansas Code Annotated - § 5-4-101 *et. seq.*; § 5-10-101
- California Penal Code - § 190, *et. seq.*
- Colorado Revised Statutes - § 18-1.3-1201, *et. seq.*; § 18-1.3-1301
- Connecticut General Statutes - § 53a-46a, *et. seq.*; § 53a-54a, *et. seq.*; § 54-83; § 54-95; § 54-99; § 54-100; § 54-101
- Delaware Code Annotated - § 636; § 4209
- Florida Statutes Annotated - § 775.082; § 775.0823; § 782.04
- Georgia Code Annotated - § 5-6-11; § 9-14-47.1; § 16-5-1; § 17-10-16; § 17-10-30, *et. seq.*; § 17-10-60; § 17-10-61
- Idaho Code - § 18-4003; § 18-4004; § 18-4504; § 19-2515; § 19-2716
- Illinois Compiled Statutes – 720 ILCS 5/9-1
- Indiana Code - § 35-50-2-3
- Kansas Statutes Annotated - § 21-4624; § 21-3439
- Kentucky Revised Statutes Annotated - § 507.020; § 532.010; § 532.075
- Louisiana Revised Statutes Annotated - § 14:30; § 15:567; § 15:569
- Maryland code Annotated - § 2-209; § 2-301, *et. seq.*
- Mississippi Code Annotated - § 97-3-21; § 1-3-4
- Missouri Revised Statutes - § 565.020; § 546.710, *et. seq.*
- Montana Code Annotated - § 45-5-102
- Nebraska Revised Statutes - § 29-2519, *et. seq.*
- Nevada Revised Statutes - § 200.030, *et. seq.*; § 34.820; § 175.552, *et. seq.*
- New Hampshire Revised Statutes Annotated - § 630:5
- New Jersey Statutes Annotated - § 2C:11-3; § 2C:49-2
- New Mexico Statutes Annotated - § 30-2-1; § 31-14-11
- New York Criminal Procedure Law - § 125.27; § 400.27; § 250.40
- North Carolina General Statutes - § 14-17
- Ohio Revised Code Annotated - § 2903.01; § 2903.02; § 2929.02, *et. seq.*
- Oklahoma Statutes Annotated - § 701.7; § 701.9
- Oregon Revised Statutes - § 163.095; 163.150
- Pennsylvania Consolidated Statutes – Title 18 §§ 106; 1102; 2502
- South Carolina Code Annotated - § 16-3-20, *et. seq.*
- South Dakota Codified Laws - § 23A-27A-4; § 22-6-1
- Tennessee Code Annotated - § 39-13-202; § 39-13-204
- Texas Penal Code Annotated - § 12.04; § 12.31; § 19.03

- Utah Code Annotated - § 76-5-202; § 76-3-206; § 76-3-207; § 76-3-207.5
- Virginia Code Annotated - § 18.2-31
- Washington Revised Code - § 10.95.030; § 10.95.020
- Wyoming Statutes Annotated - § 6-2-101

Appellate Implications

Books

Burnett, Cathleen. *Justice Denied: Clemency Appeals in Death Penalty Cases* / Northeastern University Press. KFM 8365 .C2 B87 2002

Dworaczyk, Kellee. *After the Death Sentence: Appeals, Clemency and Representation* / House Research Organization, Texas House of Representatives. KFT 1765 .C2 D86 1994

Electronic and Microform Resources

McDonald, Judith A. *Appellate and Collateral Review of Death Penalty Cases in the Post-Furman Era* [microform] Microfiche 3629

Bibliographies

Books

Capital Punishment: A Bibliography with Indexes [some abstracts included] Z 5703.4.C36 C36 2003

The Modern Death Penalty: A Legal Research Guide [a very selective bibliography of sources; some abstracts] / KF 211 .C65 R63 200

Capital Punishment in America: An Annotated Bibliography [abstracts included; relatively old] Z 5703.4 .C36 R3 1988

Death penalty (capital punishment) and law: a selected bibliography of articles [no abstracts] KF 9227.C2 A128 1986

Capital punishment : a selected, annotated bibliography [abstracts included; relatively old] KF 9227.C2 A122 1981

Capital punishment : a selected bibliography [ACLU sponsored; no abstracts; quite old] Z 6455.C9 L9 1973

Encyclopedia of Capital Punishment [significant bibliography included] HV 8694 .G76 1988

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Center for Capital Punishment Studies, London. *The International Sourcebook on Capital Punishment / Center for Capital Punishment Studies, London*. Northeastern University Press, 1997. HV 8694 .I58

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Clemency / Pardon

Books

- Sarat, Austin, & Hussain, N., (2007). *Forgiveness, Mercy, and Clemency* / Stanford University Press. K 5104 .F67 2007
- Sarat, Austin. (2005). *Mercy on Trial: What it Means to Stop an Execution* / Princeton University Press. KFI 1785 .S27 2005
- Stubbs, Ann Laura. *Clemency: The Action Handbook for Abolitionists and Activists* / Clemency Books, 1999. HV 8698 .S88 1999
- Dworaczyk, Kellee. (1994). *After the Death Sentence: Appeals, Clemency and Representation* / House Research Organization, Texas House of Representatives. KFT 1765.C2 D86 1994

Electronic and Microform Resources

- Barrister of the Middle Temple. (1800). *Shall the Murderer be Hanged?* [electronic resource]: *Reflections on Capital Punishment* / Hatton and Son.
http://proxy.lib.uiowa.edu/login?url=http://galenet.galegroup.com/servlet/MOML?af=RN&ae=F104365343&srchtp=a&ste=14&locID=uiowa_law
- Barrister of the Middle Temple. (1800). *Shall the Murderer be Hanged?* [microform]: *Reflections on Capital Punishment* / Hatton and Son. Microfiche 509 no. 54489

Cruel and Unusual Punishment (8th Amendment)

Books

- Jarvis, Brian. (2004). *Cruel and Unusual: Punishment and US Culture* / London; Sterling, Va.: Pluto Press. HV 9466 .J37 2004
- Melusky, Joseph A., & Keith A. Pesto. (2003). *Cruel and Unusual Punishment: Rights and Liberties Under the Law* / Santa Barbara, Calif.: ABC-CLIO, Inc. KF 9227.C2 M42 2003
- Foster, Carol D., Mark A. Siegel, and Nancy R. Jacobs. (1992). *Capital Punishment: Cruel and Unusual?* / Wylie, Tex.: Information Plus. HV 8699.U5 C31 1992

- Radelet, M. L. (1989). *Facing the Death Penalty: Essays on a Cruel and Unusual Punishment*. Philadelphia: Temple University Press. HV 8699.U5 F33 1989
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- Ogletree, Charles J. & Austin Sarat. (2006). *From Lynch Mobs to the Killing State: Race and the Death Penalty in America /* New York University. KF 9227.C2 F76 2006
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DNA

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Ethics

Books

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