



The Starting Place:

Washington State Law Library's quarterly e-newsletter

Spring 2008

**Serving the legal information needs of the citizens
of Washington State**

DEATH PENALTY

Death penalty issues flood our world. Nations, governments, and peoples wrestle with the methods of death as a question of law and moral beliefs. Our U.S. Supreme Court currently struggles with the Kentucky case of Ralph Baze and Thomas Clyde Bowling Jr. regarding lethal injection and whether its use violates the Eighth Amendment.

States presently are waiting with de facto moratoriums on lethal injections. The efficacy of the three-drug cocktail containing three ingredients for sleep, paralysis and stopping the heart is under attack. Some activists say it does not stop the pain and that the individual may be aware but helpless.

The Baze/Bowling case may be the most important death penalty case in recent years. While not suspending executions completely, it could force states to change their procedures before there's another execution.

Lethal injection is not the only recent death penalty issue. Current treatises and newspaper articles fill library collections and newspaper stands, exposing wrongful deaths, juror impartiality, racial and disability considerations, juvenile executions and the legitimacy of death penalty issues in general. Death penalty websites abound with the pros and cons, national and state coalitions are formed to abolish it, and whole curriculums are written about it.

ARTICLES/ORGANIZATIONS

Washington Post Article, "Justices to Hear Death Penalty Case", Jan 5, 2008, pg. A02

<http://www.washingtonpost.com/wp-dyn/content/article/2008/01/04/AR2008010403689.html>

"The Upcoming Supreme Court Lethal Injection Death Penalty Case: How It Will Likely Illustrate the Serious Ideological Divisions That Continue to Separate the Justices"

<http://writ.news.findlaw.com/lazarus/20070927.html>

The US Courts on the Death Penalty

http://www.uscourts.gov/outreach/topics/deathpenalty_intro.html

Death Penalty Focus

<http://www.deathpenalty.org>

ACLU

<http://www.aclu.org/capital/index.html>

Cornell Law School on Death Penalty (Use the FIND feature and put "death penalty" in the box)

http://www.law.cornell.edu/wex/index.php?Death_Penalty

Death Penalty Issue and Resources

<http://www.soci.niu.edu/~critcrim/dp/dp.html>

National Coalition to Abolish the Death Penalty

<http://www.ncadp.org>

Amnesty International – Abolish the Death Penalty

http://www.amnestyusa.org/Our_Issues/Death_Penalty/page.do?id=1011005&n1=3&n2=28

284 Annals of the American Academy of Political and Social Science 101 (Nov., 1952), Hayner and Cranor, "The Death Penalty in Washington State". This interesting 1952 article talks about the Washington State courts' struggle with death penalty issues from territorial times.

ANCIENT TEXTS /CODES ON THE DEATH PENALTY:

The earliest and most famous example is the Code of Hammurabi which set the different punishment and compensation according to the different class/group of victims and perpetrators. The Torah (Jewish Law), also known as the Pentateuch, the first five books of the Christian Old Testament, lays down the death penalty for murder, kidnapping, magic, Shabbat [Sabbath Day], blasphemy, and a wide range of sexual crimes, although evidence suggests that actual executions were rare. A further example comes from Ancient Greece, where the Athenian legal system was first written down by Draco in about 621 BC: the death penalty was applied for a particularly wide range of crimes. The word draconian derives from Draco's laws.

http://en.wikipedia.org/wiki/Death_penalty

RECENT DEATH PENALTY TREATISES

Baumgartner, Frank R., The Decline of Death Penalty and the Discovery of Innocence, Cambridge University Press, 2008

Delfino, Michelangelo and Day, Mary E., Death Penalty USA 2005-2006, MoBeta Publ., 2008

Edelman, Bryan C., Racial Prejudice, Juror Empathy and sentencing in Death Penalty Cases, LFB Scholarly Pub., 2006

Heilbrun, Alfred B., Death Penalty: Beyond Smoke and Mirrors, University Press of America, 2006

Kakathas, Uma, Death Penalty, Greenhaven Press, 2008

Miller, Karen S., Wrongful capital convictions and the Legitimacy of the Death Penalty, LFB Scholarly Pub., 2006

Paternoster, Raymond, The Death Penalty, America's Experience with Capital Punishment, Oxford University Press, 2008

OTHER NEWS:

WASHINGTON LAWYER'S PRACTICE MANUAL

The 2008 update to Washington Lawyer's Practice Manual includes a new Chapter 25, Construction Law.

NEW WASHINGTON PRACTICE VOLUMES

New Washington Practice volumes: Vol. 30, Motions in Limine, and Vol. 31, Business Law.

WASHINGTON CODES

Most Washington codes may be reviewed at the MRSC website online at:

<http://www.legalwa.org>

FEDERAL RULE CHANGES

The West's Librarian Relations website has added documentation regarding upcoming Rules changes at:

<http://west.thomson.com/librarian>

Also look for a chart comparing the features of Federal Civil Judicial Procedure and Rules, 2007 Revised ed., with those of the Federal Civil Rules Handbook, 2008, plus a FAQ about the rules amendment process. You may also want to access in-depth information about the Handbook at this site.

BOOKS RECENTLY CATALOGED SELECTION

Announcing the much anticipated treatise by former Supreme Court Justice Philip Talmadge:

Talmadge, Philip & Jordan, Mark V., Attorney Fees in Washington 2nd ed., Lodestar Publishing, 2008

To review other selections of the most recent *BOOKS RECENTLY CATALOGED* see:

<http://lawlib.courts.wa.gov/screens/brc.html>

DEATH PENALTY TIDBIT

The first person killed in the New World was Captain George Kendall. He was shot by a firing squad in Jamestown in December 1607 (other sources say sometime in 1608), accused of sowing discord and mutiny (some sources say he was also accused of spying against the British for Spain).

http://www.studysphere.com/Site/Sphere_3805.html

Washington State Law Library

Temple of Justice
415 12th Ave. SW
Olympia, WA 98501

Visit us at: <http://www.courts.wa.gov/library>

Email us at: library.requests@courts.wa.gov

Chat with us at: <http://www.courts.wa.gov/library/?fa=library.ask>

Chat hours: 8 am-1 pm, M-F

Hours: 8 am-5 pm, M-F

Phone: (360) 357-2136

Fax: (360) 357-2153

Editor: Dawn Kendrick Gibb, (360) 357-2136
Comments Welcome!