

Faculty Scholarship
Cornell Law Faculty Working Papers

Cornell Law Library

Year 2003

Victim Impact Statements in Capital
Trials: a Selected Bibliography

Jean M. Callihan
Cornell Law Library, jean-callihan@postoffice.law.cornell.edu

VICTIM IMPACT STATEMENTS IN CAPITAL TRIALS: A SELECTED BIBLIOGRAPHY

Jean M. Callihan †

INTRODUCTION

This bibliography collects and organizes citations to dissertations, chapters in books, journal articles, legislative materials, books, and book reviews from 1980 forward that analyze the effect of victim impact statements in capital cases. The main purpose of the bibliography is to present citations to empirical studies and quantitative evaluations of victim impact statements in the United States and other countries. Because there are few reported empirical studies, the bibliography also contains references to articles that provide qualitative analyses of victim impact statements in criminal trials and of participatory rights of victims in the justice process in general.

I

DATABASES SEARCHED

In compiling the citations in this bibliography, the following print and on-line indexes and databases were searched through July 2002, using the terms “victim impact statement,” (individually and as a phrase), “victims’ rights,” “capital punishment,” “death penalty,” “sentencing,” “evaluation,” “statistics,” and “study” in various combinations. “Victim impact statement” alone or coupled with “evaluation” retrieved the most relevant citations. The databases are arranged alphabetically.

ABI/INFORM

This database, available through ProQuest Direct Web, provides full text articles and abstracts from an extensive number of periodicals covering general interest magazines and scholarly journals in the social sciences, humanities and sciences, and law, published since 1971.

ARTICLEFIRST

This database indexes articles from 1990 to the present in more than twelve thousand periodicals in science, technology, medicine, business, the humanities, and popular culture.

CRIMINAL JUSTICE ABSTRACTS

† Head of Reference Services, Cornell Law Library; Library Liaison to the Cornell Death Penalty Project.

This database includes in-depth abstracts from hundreds of books, journal articles, and reports, published worldwide since 1968, and relating to criminology, criminal justice, criminal psychology and psychiatry, and corrections.

DEATH PENALTY PROJECT (Cornell Law School)

This Project sponsors periodic symposia related to capital punishment and clinics through which students assist in the representation of capital defendants. The Project also conducts and publishes empirical research on jury decision making in capital cases.

INDEX TO LEGAL PERIODICALS

This index covers over six hundred legal journals from the United States, Canada, Great Britain, Ireland, Australia, and New Zealand. It is available in print, on CD-ROM, and online for subscribers to commercial services such as Lexis-Nexis, Westlaw, and Online Computer Library Center (OCLC) Web. The online version indexes articles beginning in 1981. Print volumes extend back to the 1920s.

LEGAL RESOURCE INDEX

This index provides citations to a wide variety of legal publications published after 1980, including bar journals and legal newspapers. It is searchable in print as Current Law Index, on CD-ROM as Legal Trac, and online using Lexis-Nexis or through a database subscription.

LEXIS-NEXIS

Lexis-Nexis is a commercial database service that specializes in information for legal professionals. Its Secondary Legal database provides searchable access to over nine hundred law reviews, law journals, and other legal periodicals published within the past twenty years, although coverage varies by publication. Lexis-Nexis generally provides full-text articles.

PAIS INTERNATIONAL (Public Affairs Information Service)

This database contains citations to public policy literature of economics, government, law, international business, political science, public administration, and other social sciences, published after 1972. It includes references to journal articles, books, government documents, reports, and pamphlets.

RLIN (Research Libraries Information Network)

This database is an information management and retrieval system used by hundreds of comprehensive research libraries, archival repositories, museums, and academic, public, law, technical, and corporate libraries to build an international database of bibliographic information. The RLIN database indexes books, journals, and other materials held by full-member Research Libraries Group (RLG) libraries. The RLG Union Catalog, searchable through RLIN, has more than 125 million bibliographic records reflecting over 40 million titles, ranging from early handwritten works to electronic publications.

SOCIOLOGICAL ABSTRACTS

This online commercial service contains abstracts of articles published after 1963 from three thousand journals covering sociology, social work, and the social sciences.

SCIENCE DIRECT

This online service for scientific research indexes and contains the full text of Elsevier Science journals in the life, physical, medical, technical, and social sciences, published since 1996.

WESTLAW

Westlaw is a commercial database service that specializes in information for legal professionals. It provides searchable access to the full text of articles in hundreds of law reviews, law journals, and other legal periodicals published within the past twenty years, although coverage varies by publication. Westlaw's "Law Reviews, Bar Journals & Legal Periodicals" database contains a wealth of resources. Researchers may want to begin searching in the "Journals and Law Reviews Combined" database.

WORLD CAT (OCLC Web)

WorldCat.com piles the bibliographic records of OCLC member libraries. It has over 49 million records of books, web resources, and other materials from libraries around the world, covering the time period from 1000 B.C. to the present. The database contains hundreds of publications concerning "victims' rights."

II

KEY CASES AND COMMENTARY

The U.S. Supreme Court has opined three times on the use of victim impact statements in capital trials. In the first two cases, *Booth v. Maryland*,¹ and *South Carolina v. Gathers*,² the Court disallowed the use of victim impact statements during the sentencing phase of a capital trial. In the third case, *Payne v. Tennessee*,³ the Court overruled *Booth* and *Gathers* by holding that victim impact statements were permissible during the sentencing phase of a capital trial. The articles below were published shortly after the *Booth*, *Gathers*, and *Payne* decisions. They are arranged alphabetically by author and provide an understanding of the arguments for and against the use of victim impact statements in capital cases.

A. Booth v. Maryland

Howard, Charlton T., III., Note, *Booth v. Maryland — Death Knell for the Victim Impact Statement?*, 47 MD.L.R. EV.701 (1988).

¹ 482 U.S. 496 (1987).

² 490 U.S. 805 (1989).

³ 501 U.S. 808 (1991).

- Johnson, Micheal A., Note, *The Application of Victim Impact Statements in Capital Cases in the Aftermath of Booth v. Maryland: An Impact No More?*, 13 T.M. ARSHALL L.R. EV. 109 (1988).
- Murphy, Richard S., Comment, *The Significance of Victim Harm: Booth v. Maryland and the Philosophy of Punishment in the Supreme Court*, 55 U.C. HI. L.R. EV. 1303 (1988).
- B. *South Carolina v. Gathers*
- Slowinski, Richard Lee, Note, *South Carolina v. Gathers: Prohibiting the Use of Victim-Related Information in Capital Punishment Proceedings*, 40 C. ATH. U.L.R. EV. 215 (1990).
- C. *Payne v. Tennessee*
- Bendor, Catherine, Recent Development, *Defendants' Wrongs and Victims' Rights: Payne v. Tennessee*, 111 S. Ct. 2597 (1991), 27 HARV. C.R. - C.L.L.R. EV. 219 (1992).
- Casimir, Gary, Comment, *Payne v. Tennessee: Overlooking Capital Sentencing Jurisprudence and Stare Decisis*, 19 NEW ENG. J. ON CRIM. & C. IV. C. ON FINEMENT 427 (1993).
- Clarke, Cait & Thomas Block, *Victims' Voices and Constitutional Quandaries: Life After Payne v. Tennessee*, 8 ST. J. OHN'S J. L. EGAL COMMENT. 35 (1992).
- Coyne, Randall, *Inflicting Payne on Oklahoma: The Use of Victim Impact Evidence During the Sentencing Phase of Capital Cases*, 45 OKLA. L. REV. 589 (1992).
- Levy, Jonathan H., Note, *Limiting Victim Impact Evidence and Argument After Payne v. Tennessee*, 45 STAN. L.R. EV. 1027 (1993).
- Mosteller, Robert P., *The Effect of Victim-Impact Evidence on the Defense*, CRIM. JUST., Spring 1993, at 24.
- Vital, Victor D., Note, *Payne v. Tennessee: The Use of Victim Impact Evidence at Capital Sentencing Trials*, 19 T.M. ARSHALL L.R. EV. 497 (1994).
- Vitiello, Michael, *Payne v. Tennessee: A "Stunning Ipse Dixit"*, 8 NOTRE DAME J.L. ETHICS & PUB. POL'Y 165 (1994).

III

SECONDARY MATERIALS

The following citations are arranged alphabetically by the author's last name. Multiple works by the same author are listed alphabetically by title.

2003]

A SELECTED BIBLIOGRAPHY

105

A. Empirical Studies and Quantitative Analyses of the Effect of Victim Impact Statements on Sentencing in Capital and Other Cases

1. Books and Monographs

- Ludwig, Cynthia G., *The Utilization of Victim Impact Statements and Victim Impact Policy and Instrument Design by the Third Judicial District Court System in Shawnee County, Kansas* (2001) (unpublished M.A. thesis, Washburn University) (on file with author).
- VILLMOARE, EDWIN & VIRGINIA V. NETO, U.S. DEPT. OF JUSTICE, *VICTIM APPEARANCES AT SENTENCING HEARINGS UNDER THE CALIFORNIA VICTIMS' BILL OF RIGHTS* (1987).

2. Periodicals

- Davis, Robert C. et al., *Expanding the Victim's Role in the Criminal Court Dispositional Process: The Results of an Experiment*, 75 J.C.RIM.L. & CRIMINOLOGY 491 (1984).
- Davis, Robert C. & Barbara E. Smith, *The Effects of Victim Impact Statements on Sentencing Decisions: A Test in an Urban Setting*, 11 JUST.Q. 453 (1994).
- Erez, Edna & Leigh Roeger, *The Effect of Victim Impact Statements on Sentencing Patterns and Outcomes: The Australian Experience*, 23 J. CRIM. JUST. 363 (1995).
- Erez, Edna & Pamela Tontodonato, *The Effect of Victim Participation in Sentencing on Sentence Outcome*, 28 CRIMINOLOGY 451 (1990).
- Fors, Stuart W. & Dean G. Rojek, *The Effect of Victim Impact Panels on DUI/DWI Rearrest Rates: A Twelve-Month Follow-Up*, 60 J.S.TUD. ALCOHOL 514 (1999).
- Greene, Edith, *The Many Guises of Victim Impact Evidence and Effect on Jurors' Judgments*, 5 PSYCHOL. CRIME & L. 331 (1999).
- Greene, Edith et al., *Victim Impact Evidence in Capital Cases: Does the Victim's Character Matter?*, 28 J. APPLIED SOC. PSYCHOL. 145 (1998).
- Konradi, Amanda & Tina Burger, *Having the Last Word: An Examination of Rape Survivors' Participation in Sentencing*, 6 VIOLENCE AGAINST WOMEN 351 (2000).
- Laflamme-Cusson, Suzanne, *La Déclaration de la Victime au Tribunal: Évaluation de L'expérience du Palais de Justice de Montréal* [The Declaration of the Victim in Court: Evaluation of an Experiment in Montreal Law Courts], 23 CRIMINOLOGIE 73 (1990).
- Luginbuhl, James & Michael Burkhead, *Victim Impact Evidence in a Capital Trial: Encouraging Votes for Death*, 20 AM.J. CRIM. JUST. 1 (1995).
- McLeod, Maureen, *An Examination of the Victim's Role at Sentencing:*

Results of a Survey of Probation Administrators, 71 JUDICATURE 162 (1987).

Myers, Bryan & Jack Arbuthnot, *The Effects of Victim Impact Evidence on the Verdicts and Sentencing Judgments of Mock Jurors*, 29 J. OFFENDER REHABILITATION 95 (1999).

Sandage, Steven J. et al., *Seeking Forgiveness: Theoretical Context and an Initial Empirical Study*, 28 J. P. PSYCHOL. & THERAPEUTICS 21 (2000).

Smith, Brent L. et al., *The Effect of Victim Participation on Parole Decisions: Results from a Southeastern State*, 8 CRIM. JUST. POL'Y REV. 57 (1997).

Tsoudis, Olga & Lynn Smith-Lovin, *How Bad Was It? The Effects of Victim and Perpetrator Emotion on Responses to Criminal Court Vignettes*, 77 SOC. FORCES 695 (1998).

B. Qualitative Analyses of the Effect of Victim Impact Statements on Sentencing in Capital Cases

1. Periodicals

Anderson, José Felipé, *Will the Punishment Fit the Victims? The Case for Pre-Trial Disclosure, and the Uncharted Future of Victim Impact Information in Capital Jury Sentencing*, 28 Rutgers L.J. 367 (1997).

Anitas, Susan Elizabeth, Note, *The Status of Victim Impact Statements in Ohio Capital Offense Sentencing*, 57 Ohio St. L.J. 235 (1996).

Baumer, Eric P. et al., *The Role of Victim Characteristics in the Disposition of Murder Cases*, 17 JUST. Q. 281 (2000).

Beerle, Sandra L., Comment, *State v. Jacobs: A Comment on One State's Choice to Restrict Victim Impact Evidence at Death Penalty Sentencing*, 31 N.M.L.R. REV. 539 (2001).

Belknap, Keith L., Jr., Recent Development, *The Death Penalty and Victim Impact Evidence: Payne v. Tennessee*, 111 S. Ct. 2597 (1991), 15 HARV. J.L. & PUB. POL'Y 275 (1992).

Berger, Vivian, *Payne and Suffering—A Personal Reflection and a Victim-Centered Critique*, 20 FLA. ST. U. L.R. REV. 21 (1992).

Blumenthal, Jeremy A., *The Admissibility of Victim Impact Statements at Capital Sentencing: Traditional and Nontraditional Perspectives*, 50 DRAKE L. REV. 67 (2001).

Clarke, Cait & Thomas Block, *Victims' Voices and Constitutional Quandaries: Life After Payne v. Tennessee*, 8 ST. JOHN'S J. LEGAL COMMENT. 35 (1992).

Flamm, Justin D., Note, *Due Process on the "Uncharted Seas of Irrelevance": Limiting the Presence of Victim Impact Evidence at Capital Sentencing After Payne v. Tennessee*, 56 WASH. & LEE L. REV. 295 (1999).

2003]

A SELECTED BIBLIOGRAPHY

107

- Friedman, David D., *Should the Characteristics of Victims and Criminals Count?: Payne v. Tennessee and Two Views of Efficient Punishment*, 34 B.C.L.R. EV. 731 (1993).
- Galileo, Aaron H., Casenote, *State of New Jersey v. Muhammad*, 145 N.J. 23, 678 A.2d 164 (1996), 75 ETON HALL CONST. L.J. 723 (1997).
- Greenberg, Joshua D., Comment, *Is Payne Defensible?: The Constitutionality of Admitting Victim-Impact Evidence at Capital Sentencing Hearings*, 75 I ND. L.J. 1 349 (2000).
- Johnson, Brian J., Note, *The Response to Payne v. Tennessee: Giving the Victim's Family a Voice in the Capital Sentencing Process*, 30 I ND. L. REV. 795 (1997).
- Phalen, Thomas J. & Jane L. McClellan, *Speaking for the Dead at Death Sentencing: Victim Statements in Capital Cases — A Right of Survivorship?*, ARIZ. A TT'Y, Nov. 1994, at 12.
- Phillips, Amy K., Note, *Thou Shalt Not Kill Any Nice People: The Problem of Victim Impact Statement in Capital Sentencing*, 35 AM. C RIM. L. REV. 93 (1997).
- Rhodes, Cecil A., *The Victim Impact Statement and Capital Crimes: Trial by Jury and Death by Character*, 21 S. U. L. R. EV. 1 (1994).
- Sebba, Leslie, *Sentencing and the Victim: The Aftermath of Payne*, 3 INT'L REV. V ICTIMOLOGY 141 (1994).
- Shanker, Niru, *Getting a Grip on Payne and Restricting the Influence of Victim Impact Statements in Capital Sentencing: The Timothy McVeigh Case and Various State Approaches Compared*, 26 HASTINGS CONST. L. Q. 711 (1999).
- Sullivan, Beth E., Note, *Harnessing Payne: Controlling the Admission of Victim Impact Statements to Safeguard Capital Sentencing Hearings from Passion and Prejudice*, 25 F ORDHAM URB. L. J. 601 (1998).
- C. Qualitative Analyses of the Effect of Victim Impact Statement on Sentencing in Criminal Trials Generally
1. *Books*

THE PASSIONS OF LAW (Susan A. Bandes ed., 1999).
 2. *Periodicals*

Ashworth, Andrew, *Victim Impact Statements and Sentencing*, 1993 CRIM. L. R. EV. 498.

Bandes, Susan, *Empathy, Narrative, and Victim Impact Statements*, 63 U. CHI. L. R. EV. 361 (1996).

Bandes, Susan, *Reply to Paul Cassell: What We Know About Victim Impact Statements*, 1999 U TA H L. R. EV. 545.

- Barnes, Adrienne N., *Reverse Impact Testimony: A New and Improved Victim Impact Statement*, 14C AP.D EF.J. 245(2002).
- Bernat, Frances P. et al., *Victim Impact Laws and the Parole Process in the United States: Balancing Victim and Inmate Rights and Interests*, 3 INT'L REV. VICTIMOLOGY 121(1994).
- Cornille, Susan Ann, Comment, *Retribution's "Harm" Component and the Victim Impact Statement: Finding a Workable Model*, 18 U.D AYTON L.R EV.389(1993).
- Corns, Christopher, *The Sentencing (Victim Impact Statement) Act 1994*, 68 LAW INST.J.1 054(1994).
- Davis, Robert C. & Barbara E. Smith, *Victim Impact Statements and Victim Satisfaction: An Unfulfilled Promise?*, 22J.C RIM.J UST.1(1994).
- Edwards, Ian, *Victim Participation in Sentencing: The Problems of Incoherence*, 40 HOW.J.C RIM.J UST.39(2001).
- Erez, Edna, *Victim Participation in Sentencing: And the Debate Goes On . . .*, 3I NT'L REV. VICTIMOLOGY 17(1994).
- Erez, Edna, *Victim Participation in Sentencing: Rhetoric and Reality*, 18 J. CRIM.J UST.19(1990).
- Erez, Edna & Kathy Laster, *Neutralizing Victim Reform: Legal Professionals' Perspectives on Victims and Impact Statements*, 45 CRIME & D ELINQ.530(1999).
- Erez, Edna & Linda Rogers, *Victim Impact Statements and Sentencing Outcomes and Processes: The Perspectives of Legal Professionals*, 39 BRIT.J.C RIMINOLOGY 216(1999).
- Gillespie, Alisdair, *Victims and Sentencing*, 148N EW L.J.1 263(1998).
- Hellerstein, Dina R., *The Victim Impact Statement: Reform or Reprisal?*, 27 AM.C RIM.L.R EV.391(1989).
- Henley, Madeline et al., *The Reaction of Prosecutors and Judges to Victim Impact Statements*, 3I NT'L REV. VICTIMOLOGY 83(1994).
- Hills, Adelma M. & Donald M. Thomson, *Should Victim Impact Influence Sentences? Understanding the Community's Justice Reasoning*, 17 BEHAV.S CI.&L. 661(1999).
- Hinton, Martin, *Guarding Against Victim - Authored Victim Impact Statements*, 20C RIM.L.J. 310(1996).
- Hoffman, Martha, Comment, *Victim Impact Statement*, 10 W.S T.U.L. REV.221(1983).
- Lynett, Elizabeth & Richard Rogers, *Emotions Overriding Forensic Opinions? The Potentially Biasing Effects of Victim Statements*, 28 J. PSYCHIATRY & L. 449(2000).
- Mulholland, Carrie L., Note, *Sentencing Criminals: The Constitutionality of Victim Impact Statements*, 60M O.L.R EV.731(1995).
- Raineri, Aldo S., *Re-Integrating the Victim into the Sentencing Process — Victim Impact Statements as an Element of Offender Disposition*, 11

2003]

A SELECTED BIBLIOGRAPHY

109

- QUEENSLAND U.T ECH.L.J. 79(1995).
- Sanders, Andrew et al., *Victim Impact Statements: Don't Work, Can't Work*, 2001C RIM.L.R EV.447.
- Schneider, Gregory B., Note, *Victim Impact Statement: A Victim's Steam Valve*, 14 CRIM.J UST.J. 407(1992).
- Stickels, John W., *Victim Impact Evidence: The Victims' Right that Influences Criminal Trials* ,32T EX.T ECH L.R EV.231(2001).
- Subar, Ilana, Recent Decision, *Emphasizing Victims' Rights at the Sentencing Phase of Criminal Proceedings* , 55 MD. L. R EV. 722 (1996).
- Wallace, Megan M., *The Ethical Considerations of Defense Strategies When Confronted with a Victim -Impact Statement —Give Us Dirty Laundry?!*, 13T.M.C OOLEY L.R EV.991(1996).

D. Victims' Rights, Forgiveness, and Closure

1. Legislative Materials

- A Proposed Constitutional Amendment to Protect Victims of Crime: Hearing on S.J. Res. 6 Before the S. Comm. on the Judiciary* , 105th Cong. 11 –13 (1997) (statement of Laurence H. Tribe, Professor of Constitutional Law, Harvard Law School).

2. Books, Monographs , and Contributions to Books

- Culbert, Jennifer L., *The Sacred Name of Pain: The Role of Victim Impact Evidence in Death Penalty Sentencing Decisions* , in PAIN, DEATH, AND THE LAW 103 (Austin Sarat ed., 2001).
- FLETCHER, GEORGE P., WITH JUSTICE FOR SOME: VICTIMS' RIGHTS IN CRIMINAL TRIALS (1995).
- GLAESER, EDWARD L. & BRUCE SACERDOTE, THE DETERMINANTS OF PUNISHMENT: DETERRENCE, INCAPACITATION AND VENGEANCE (Nat'l Bureau of Econ. Research, Working Paper No. 7676, 2000).
- JACOBY, SUSAN, WILD JUSTICE: THE EVOLUTION OF REVENGE (1983).
- LORD, JANICE HARRIS, A HOWTO GUIDE FOR VICTIM IMPACT PANELS: A CREATIVE SENTENCING OPPORTUNITY (rev. 4th prtg. 2001).
- MURPHY, JEFFRIE G. & JEAN HAMPTON, FORGIVENESS AND MERCY (1988).
- ROACH, KENT, DUE PROCESS AND VICTIMS' RIGHTS: THE NEW LAW AND POLITICS OF CRIMINAL JUSTICE (1999).
- SEBBA, LESLIE, THIRD PARTIES: VICTIMS AND THE CRIMINAL JUSTICE SYSTEM (1996).
- TOBOLOWSKY, PEGGY M., CRIME VICTIM RIGHTS AND REMEDIES (2001).
- TOWARDS A CRITICAL VICTIMOLOGY (Ezzat A. Fattah ed., 1992).
- Wiebe, Richard P., *The Mental Health Implications of Crime Victims'*

Rights, in LAW, MENTAL HEALTH, AND MENTAL DISORDER 414
(Bruce D. Sales & Daniel W. Shuman eds., 1996).

3. Periodicals

- Bandes, Susan, *When Victims Seek Closure: Forgiveness, Vengeance and the Role of Government*, 27 FORDHAM URB. L.J. 1599 (2000).
- Bayer, Peter Brandon, *Not Interaction but Melding — The “Russian Dressing” Theory of Emotions: An Explanation of the Phenomenology of Emotions and Rationality with Suggested Related Maxims for Judges and Other Legal Decision Makers*, 52 MERCER L. REV. 1033 (2001).
- Bazemore, Gordon & Leslie Leip, *Victim Participation in the New Juvenile Court: Tracking Judicial Attitudes Toward Restorative Justice Reforms*, 21 JUST. SYS. J. 199 (2000).
- Beloff, Douglas Evan, *The Third Model of Criminal Process: The Victim Participation Model*, 1999 UTAH L. REV. 289.
- Booth, Tracey, *Voices After the Killing: Hearing the Stories of Family Victims in New South Wales*, 10 GRIFFITH L. REV. 25 (2001).
- Cardenas, Juan, *The Crime Victim in the Prosecutorial Process*, 9 HARV. J.L. & PUB. POL’Y 357 (1986).
- Cassell, Paul G., *Barbarians at the Gates? A Reply to the Critics of the Victims’ Rights Amendment*, 1999 UTAH L. REV. 479.
- Cellini, Sue Anna Moss, Note, *The Proposed Victims’ Rights Amendment to the Constitution of the United States: Opening the Door of the Criminal Justice System to the Victim*, 14 ARIZ. J. INT’L & COMP. L. 839 (1997).
- Cunningham, Mark D. & Thomas J. Reidy, *A Matter of Life or Death: Special Considerations and Heightened Practical Standards in Capital Sentencing Evaluations*, 19 BETHAV. SCI. & L. 473 (2001).
- Domino, Marla L. & Marcus T. Boccaccini, *Doubting Thomas: Should Family Members of Victims Watch Executions?*, 24 LAW & PSYCHOL. REV. 59 (2000).
- Eisenberg, Nancy & Paul A. Miller, *The Relation of Empathy to Prosocial and Related Behaviors*, 101 PSYCHOL. BULL. 91 (1987).
- Feigenson, Neal, *“Another Thing Needful”: Exploring Emotions in Law*, 18 CONST. COMMENT. 445 (2001) (reviewing THE PASSIONS OF LAW (Susan A. Bandes ed., 1999)).
- Finkel, Norman J., *Commonsense Justice, Culpability, and Punishment*, 28 HOFSTRA L. REV. 669 (2000).
- Frankel, Tamar, *Lessons from the Past: Revenge Yesterday and Today*, 76 B.U. L. REV. 89 (1996).
- Garvey, Stephen P., *“As the Gentle Rain from Heaven”: Mercy in Capital Sentencing*, 81 CORNELL L. REV. 989 (1996).

- Amendment: A Prosecutor's, and Surprisingly, a Defense Attorney's Support in Sentencing*, 59 MICH. L. REV. 628 (2000).
- Posner, Eric A., *Law and the Emotions*, 89 GEO. L.J. 1977 (2001).
- Posner, Richard A., *Legal Narratology*, 64 U.CHI. L. REV. 737 (1997) (reviewing LAW'S STORIES: NARRATIVE AND RHETORIC IN THE LAW (Peter Brooks & Paul Gewirtz eds., 1996)).
- Rapping, Elaine, *Television, Melodrama, and the Rise of the Victims' Rights Movement*, 43 N.Y.L.S. CH. L. REV. 665 (1999-2000).
- Sanborn, Joseph B. Jr., *Victims' Rights in Juvenile Court: Has the Pendulum Swung Too Far?*, 85 JUDICATURE 140 (2001).
- Sandage, Steven J. et al., *Seeking Forgiveness: Theoretical Context and an Initial Empirical Study*, 28 J. PSYCHOL. & THEOLOGY 21 (2000).
- Sanger, Carol, *The Role and Reality of Emotions in Law*, 8 WM. & MARY J. WOMEN & L. 107 (2001).
- Schulze, Victor-Hugo II, *Out in the Cold No Longer: A Primer on Victims' Rights*, N. EV. L. AW., Apr. 2001, at 14.
- Sigler, Mary, *The Story of Justice: Retribution, Mercy, and the Role of Emotions in the Capital Sentencing Process*, 19 LAW & PHIL. 339 (2000).
- Simon, Leonore M. J., *Legal Treatment of the Victim-Offender Relationship in Crimes of Violence*, 11 J. INTERPERSONAL VIOLENCE 94 (1996).
- Simonson, Lynnell J., *The Victim's Rights Movement: A Critical View from a Practicing Sociologist*, 31 SOC. IMAGINATION 181 (1994).
- Smith, Brent L. & C. Ronald Huff, *From Victim to Political Activist: An Empirical Examination of a Statewide Victims' Rights Movement*, 20 J. CRIM. JUST. 201 (1992).
- Sprott, Jane B. & Anthony N. Doob, *Fear, Victimization, and Attitudes to Sentencing, the Courts, and the Police*, 39 CANADIAN J. CRIMINOLOGY 275 (1997).
- Symposium, *International Terrorism, Victims' Rights and the Lockerbie Criminal Trial*, 29 SYRACUSE J. INT'L L. & COM. 1 (2001).
- Umbreit, Mark S., *Crime Victims Seeking Fairness, Not Revenge: Toward Restorative Justice*, FED. PROBATION, Sept. 1989, at 52.
- Umbreit, Mark S. & Betty Vos, *Homicide Survivors Meet the Offender Prior to Execution: Restorative Justice Through Dialogue*, 4 HOMICIDE STUD. 63 (2000).
- Zipperstein, Steven E., *Victim-as-Defendant, Defendant-as-Victim: Role Reversal Defenses and Departures at Sentencing*, 7 FED. SENTENCING REP. 190 (1995).

2003]

A SELECTED BIBLIOGRAPHY

113

E. Death Penalty

1. *Books and Monographs*

- AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT, AND FUTURE OF THE ULTIMATE PENAL SANCTION (James R. Acker et al. eds., 1998).
- AMNESTY INT'L, THE DEATH PENALTY WORLDWIDE: DEVELOPMENTS IN 2001 (2002).
- BALDUS, DAVID C. ET AL., EQUAL JUSTICE AND THE DEATH PENALTY: A LEGAL AND EMPIRICAL ANALYSIS (1990).
- CRUMP, DAVID & GEORGE JACOBS, CAPITAL CASE IN AMERICA: HOW TODAY'S JUSTICE SYSTEM HANDLES DEATH PENALTY CASES FROM CRIME SCENE TO ULTIMATE EXECUTION OF SENTENCE (2000).
- U.S. DEP'T OF JUSTICE, THE FEDERAL DEATH PENALTY SYSTEM: A STATISTICAL SURVEY (1988-2000) (2001).
- MACHINERY OF DEATH: THE REALITY OF AMERICA'S DEATH PENALTY REGIME (David R. Dow & Mark Dow eds., 2002).
- REIN, MEILING, CAPITAL PUNISHMENT: CRUEL AND UNUSUAL? (2002).
- SARAT, AUSTIN, WHEN THE STATE KILLS: CAPITAL PUNISHMENT AND THE AMERICAN CONDITION (2001).
- THE DEATH PENALTY: OPPOSING VIEWPOINTS (Mary E. Williams ed., 2002).

2. *Periodicals*

- Karl, Alix M., *Suggestions for Capital Reform in Virginia*, 12 CAP. DEF. J. 123 (1999).
- Kaufman-Osborn, Timothy V., *Regulating Death: Capital Punishment and the Late Liberal State*, 111 YALE L.J. 681 (2001) (reviewing AUSTIN SARAT, WHEN THE STATE KILLS: CAPITAL PUNISHMENT AND THE AMERICAN CONDITION (2001)).
- Pulaski, Charles A., Jr., *Capital Sentencing in Arizona: A Critical Evaluation*, 1984 ARIZ. S.T.L.J. 1 (1984).
- Radelet, Michael L. & Marian J. Borg, *The Changing Nature of Death Penalty Debates*, 26 ANN. REV. SOC. 43 (2000).
- Whitehead, John T. & Michael B. Blankenship, *The Gender Gap in Capital Punishment Attitudes: An Analysis of Support and Opposition*, 25 AM. J. CRIM. JUST. 1 (2000).