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# Victim Impact Statements in Capital Trials: A Selected Bibliography

Jean M. Callihan

*Cornell Law Library*, [jc374@cornell.edu](mailto:jc374@cornell.edu)

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# 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*

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† 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 LegalTrac, 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 other social sciences.

#### *SCIENCEDIRECT*

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.

#### *WORLDCAT (OCLC Web)*

WorldCat compiles 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*,<sup>1</sup> and *South Carolina v. Gathers*,<sup>2</sup> the Court disallowed the use of victim impact statements during the sentencing phase of a capital trial. In the third case, *Payne v. Tennessee*,<sup>3</sup> 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.

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<sup>1</sup> 482 U.S. 496 (1987), *overruled by* *Payne v. Tennessee*, 501 U.S. 808 (1991).

<sup>2</sup> 490 U.S. 805 (1989).

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C. *Payne v. Tennessee*

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## III

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

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

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