



DEPARTMENT OF SOCIOLOGY • UNIVERSITY OF FLORIDA

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Phone signer direct at: _____

October 30, 1987

TO: Various Friends of Watt Espy (Bill Bailey, Hugo Bedau, Bill Bowers, Bill Geimer, Jonathan Gradess, Sam Gross, Joe Ingle, Paul Keve, Mike Millman, Vic Streib, and Henry Schwarzschild)

FROM: Mike Radelet

DATE: October 30, 1987

On November 13-15, several of us will be attending the meetings of the National Coalition Against the Death Penalty in Washington. The meetings will be held at the D.C. District Building, 1350 Pennsylvania, and you can call the National Coalition at 202-797-7090 for more information.

At the suggestion of Bill Bowers, why don't we all get together and share ideas about how to fund Watt or find a permanent place for his collection? Henry and I have talked with Watt about this, and Watt has made arrangements to be there.

I propose that we meet from 10:45-11:30 on Saturday (although this means that we will have to miss Jonathan's session on Networking). That seems to be the best time for those making day-trips to Washington, since most of us are not involved in Networking. Spread the word.



The New York Times/Alan S. Weiner

Watt Espy at his home in Headland, Ala. Photos are of people who have been executed.

Headland Journal

Historian's Death Penalty Obsession

By RONALD SMOTHERS

Special to The New York Times



HEADLAND, Ala. — The framed pictures of the men and a few women cover the walls of Watt Espy's house. The older ones stare out with a stiff graininess. In some frames they are arranged in groups of six or eight smaller head-and-shoulders shots, and the subjects are dressed in high collars as if posing for some ancient graduating class.

They are the men and women of Watt Espy's 17-year-long obsession with officially authorized death. The 54-year-old Mr. Espy tells their tales of a shared fate as he progresses from exhilaration to depression.

They are a few of the 15,487 people legally executed in the United States from 1608 to the present. Well not exactly, said Mr. Espy, who is behind in his research. "That was as of Aug. 1 this year," he said, consulting a tally sheet taped on his large walnut desk.

By all accounts Watt Espy's collection is as unique as he is eccentric.

"He is widely recognized by everyone in the academic world as America's foremost death penalty historian," said Michael Radelet, a University of Florida sociologist who is also a death penalty expert.

Others who might lack some of this enthusiasm remain curious. Larry Greenfeld of the Justice Department's Bureau of Justice Statistics sent researchers to see Mr. Espy's work. It was interesting, he said, although "not academically and scientifically rigorous." "But there may be gold there," he added.

In December Mr. Espy's work will go into the computerized Criminal Justice Archive and Information Network in Ann Arbor, Mich. Some 14,000 execution cases, documented by him and checked by others, will be available to researchers.

Mr. Espy's grim, solitary world is defined by the record-filled rooms of the bachelor's gray, clapboard house in this small, southeast Alabama town.

He began his gruesome collection in the 1970's when

A bizarre collection is used to condemn the death penalty.

he was a salesman, working with everything from cemetery plots to security systems. While making calls he'd stop at a prison or courthouse for information. He became more systematic from 1977 to 1985 as a fulltime librarian. Since then he has operated out of his home, financing his own research.

Most states had public executions, he explained, since the goal was deterrence of crime. But that ceased in the early 1900's largely because hangings became an occasion for crimes by and against spectators and partly because reports of youngsters in attendance later hanging themselves or their playmates increased.

He says he once supported capital punishment but now opposes it. Deterrence doesn't work, he said, producing pictures of fathers and then their sons, who shared the same fate. Furthermore, there are too many cases with spotty verification in which innocent people were executed. In addition, from 60 percent to 85 percent of all those executed over the years were blacks convicted of killing or raping whites. Finally, almost all of those who have been executed were poor. These findings and more, he said, have persuaded him that execution is wrong.

"It's terrifying to consider that society generally has no greater sense of humanity than its basest citizens — the murderers," he says.

As of Aug. 1, 1,901 people were waiting on death row, and at the rate of one execution a day, it would take six years to carry out the sentences, he said.

"It's crazy," he said, "and if any other country did that, we'd call it a human rights violation."

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Watt Espy
Capital Punishment Project
P. O. Box 277
Headland, Alabama 36345
(205) 693-5225

The Capital Punishment Project represents the first time that a serious effort has been made not only to chronicle every legal execution that has taken place in the United States from the earliest colonial period down to and including the present, but also to gather as much information as possible in one location on each execution for the eventual use of interested researchers. The project was started in 1970 and supported by the efforts and resources of Watt Espy until 1977. In 1977 the University of Alabama Law Center began supporting the project by providing Espy with a position as a library clerk and other vital logistical support. During 1984 and 1985, the project operated under a grant from the National Science Foundation, which was provided for the purpose of computerizing portions of the data that had been gathered. Currently the project has confirmed approximately 15,000 legal executions, each of which has been documented to varying degrees.

Watt Espy, Research Specialist, was born on March 2, 1933. After serving in the U.S. Navy during the Korean War, he attended the University of Alabama for two years and then worked in various sales capacities until the 1977 affiliation of the project with the University of Alabama Law Center. Since leaving the University of Alabama in 1985, Espy has supported himself and the research by writing, lecturing, and various consulting projects.

Publications

"The Death Penalty in America: What the Record Shows," pp. 162-174 in Doug Magee, Slow Coming Dark: Interviews on Death Row. N.Y.: Pilgrim Press, 1980. Reprinted in Crisis and Christianity, June 23, 1980.

"Capital Punishment and Deterrence: What the Statistics Cannot Show." Crime and Delinquency 26: 537-544 (1980).

"Update on the Teeters-Zibulka Inventory of Executions Under State Authority." Pp. 394-593 in William J. Bowers, Legal Homicide. Boston: Northeastern University Press, 1984.

"Capital Punishment and the Mentally Ill." The Defender (N.Y. State Defenders Association) 8 (July/August, 1986), 31-32.

History Section of the Handbook, published by the National Coalition Against the Death Penalty, 1984.

An 18,000 word history of the Death Penalty in Tennessee, published in an eight-part series in the Nashville Tennessean, October 13, 14, 15, 16, 17, 20, 21, and 28, 1985.

A 7,000 word history of the Death Penalty in eastern Virginia published in the Norfolk Virginian-Pilot, April 13, 1986.

"Some Tales from the Gallows: What Deterrence?" Atlanta Constitution, July 26, 1985.

"Lethal Injection is not Humane." Columbus (Ohio) Dispatch, November 25, 1985.

"Capital Punishment: An Incentive to Kill." Los Angeles Times, December 9, 1985.

"Create Capital-Offense Courts and Spare us the Alday Anguish." The Atlanta Constitution, December 17, 1985.

"Death for Juvenile Crimes (Execution, a Practice Dating to 1642, May Continue This Week)." Los Angeles Times, January 7, 1986.

"Death Wish: State Should Not Honor a Murderer's Request to Be Executed." St. Louis Post-Dispatch, January 24, 1986.

"Women and the Death Penalty: Modern Day Executions Rare." Nashville Tennessean, February 9, 1986.

"Leo Frank's Due-Process Pardon Raises Concern for Others' Rights." The Atlanta Journal and the Atlanta Constitution, March 29, 1986.

"Georgia's Pardon of Leo Frank is Short on Courage." Memphis Commercial Appeal, April 20, 1986.

Articles about this work have also been published in the Florida Times Union (Jacksonville), 12/1/86 at 1; St. Petersburg Times, 6/22/86 at 1D (Reprinted from Southern Exposure, July/August 1986); Birmingham News, 10/13/85 at 1E; Detroit Free Press, 5/18/86 at 4B; Newsday, 8/24/82; Memphis Commercial Appeal, 1/27/85 at 1E; Student Lawyer, April 1984 at 44.

Invited Lectures

"Capital Punishment: The United States and Tennessee." Presented at the Law Week Lecture at Memphis Law School, April 5, 1985.

"The Press and Executions." Presented to a Special Conference on the Death Penalty, Atlanta, June 29, 1985.

"The Death Penalty in Tennessee." Presented to the Mid-Tennessee Chapter of Sigma Delta Chi, Nashville, November 11, 1985.

"The History of the Death Penalty in the United States." Lecture presented at San Francisco State University, October 18, 1986.

"15,000 Confirmed Executions in America Since Colonial Times: An Historical Data Base." Presented at the meetings of the American Society of Criminology, Atlanta, November 1, 1986 (with Michael L. Radelet).

"Recent Death Penalty Research." Presented at the Annual Meeting of the National Coalition Against the Death Penalty, New Orleans, November 15, 1986 (with Victor Streib).

TO: Bill Bailey
Hugo Adam Bedau
Bill Bowers
Watt Espy
Bill Geimer
Jonathan Gradess
Sam Gross
Joe Ingle
Mike Millman
Victor Streib
Henry Schwarzschild

FROM: Mike Radelet

DATE: April 1, 1987

As you know, I have been working closely with Watt Espy over the last two years. In this memo, I would like to summarize the current status of his work and outline some options for its future. My goal is to add to the dialogue most recently stimulated by Vic Streib's letter to Watt of February 20 and Watt's reply of February 28, copies of which some of you have received.

To begin, while I will not review the details of Watt's departure from Tuscaloosa in October 1985, I have learned nothing over the last 18 months that challenges my belief that he was exploited and screwed by the University of Alabama. For those of you not familiar with the sordid details of this scandal, in 1984 National Science Foundation awarded Alabama \$188,000 to computerize Watt's data. The grant was originally planned for two phases over two years, but the second part was cancelled by the University of Alabama in 1985.

On March 7, 1986, Watt and I travelled to Tuscaloosa to meet with Dr. Robert Wells, Assistant Vice President Research, to decide how to straighten out the coding problems in the original data file. Since then, essentially all my contact with the university has been through Dr. Wells and a graduate student who is correcting the coding errors. All contacts between Watt and the university, other than for payroll, are through me. The deal we negotiated in 1986 specified that Watt's salary would essentially be doubled, to \$15.00 per hour, to work half-time in Headland correcting the errors. Watt's salary during his last year in Tuscaloosa was \$16,200, half of which was paid by the NSF grant.

As of today, Watt's work on this task has been completed; I will be forwarding it to Tuscaloosa as soon as they straighten out some payroll hassles. Watt still needs to examine a final clean copy of the data, and has requested a couple of dozen cross-tabulations to double check for errors, but for all intents and purposes, he is out of work. I might add that our estimate is that between eleven and

twelve percent of the original codes were erroneous; Watt's concern about the quality of work being done at Alabama, a concern that apparently led to his dismissal, was well-founded.

The data tape that has now been completed includes in the neighborhood of 14,600 executions, including all post-Furman executions to date. Not included is any information on approximately 875 executions that Watt has confirmed since January 1, 1986. Variables coded are:

1. Defendant's name, race, age, sex, occupation, crime
2. Place of execution (city, county, or state)
3. Jurisdiction (state, federal, other)
4. State and county of execution
5. Method and date of execution

A number of crucial variables, which Alabama had planned to code in Phase II of the project, are thus not coded. For example, we have no victim characteristics.

The questions that face us today are short-term, more intermediate, and long-term. How will Watt meet his expenses for the rest of this year? For the next five years? What will happen to his work after his death?

1. Short-term: On March 5, I met with Watt in Headland. He needs an absolute minimum of \$700.00 per month to pay his rent and expenses. One possibility we discussed was to do more writing for newspapers; it was with this in mind that I prepared the enclosed vita.

Shortly thereafter, Henry agreed to check into short-term foundation funding (e.g., Playboy, Russell Sage). I have not heard back from him, however, and since he is out of the country, I do not expect to hear from him for several weeks.

A problem with this strategy is that I suspect no foundations will fund Watt simply to continue his work unless we can specify a very precise, short-term goal. Would they fund him to research Florida executions? Executions in the south? Of women? Of slaves? Any ideas you may have, either for funding sources or for how to pitch it, would be appreciated, especially if you can do the legwork yourself. Should we all write separate proposals for separate research projects, all of which fund Watt? Will you write a proposal?

2. Intermediate: On March 18 I talked with Felice Levine at the National Science Foundation. While they would be interested in entertaining a proposal to complete (essentially) Phase B of the Alabama project, it is a long shot. Such a proposal would compete with other data-improvement projects, and would rely in part on how Phase A of the data set was being used (which we won't know for awhile).

I could prepare such a proposal, though with some reluctance, as my research agenda for the next few years has other priorities. Bill Bowers has agreed to assist me, should we decide to do it. If funded, Watt could work on the project while in Headland, essentially coding in the same way as he has been for the last year.

3. Long-term: Watt's data would now fill about 4 or 5 filing cabinets; it sure would be nice if we could get fireproof cabinets today and store the data in them. Right now, his plan is to turn the papers over to me upon his death. While our library would be happy to receive the material, they are not willing to pay Watt now to move here and archive it. Further, I am unconvinced that Gainesville is the best permanent home for the work.

Watt might be interested in selling the collection or in photocopying it, but that would not solve his employment problem. I think the collection would be worth about \$100,000.

Another possibility that has recently emerged is to house the collection at Washington and Lee Law School. This idea comes from William Geimer, a professor there, who met Watt in Headland and me in Gainesville last month while researching recent Florida executions. Some of you no doubt have seen Bill's recent paper, "Death at any Cost: A Critique of the Supreme Court's Recent Retreat from its Death Penalty Standards," (FSU Law Review 12:737-785 (1980)). In any event, even at best, it would be a year before Watt and his collection could move there, and we all know that one professor's wish for a university's commitment does not mean that a commitment will be forthcoming. However, both Watt and I have definitely encouraged Bill to pursue the idea.

* * * * *

Any ideas -- reactions -- suggestions? I will follow with another memo to everyone as soon as there is any news to report.

PERSONS ON DEATH ROW AS OF MARCH 1, 1987
FOR CRIMES COMMITTED WHILE UNDER AGE EIGHTEEN

by

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March 6, 1987

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Victor L. Streib
1987

As of March 1, 1987, thirty-two persons are on death row for crimes committed while under the age of eighteen, the most typical age cutoff for juvenile court. These thirty-two juveniles constitute only 2% of the total number of persons on death row. No new juvenile death sentences have been imposed since October 2, 1986, when Oklahoma sentenced Sean Sellers to death. However, entries in previous editions of this report have been corrected and I have excluded four juveniles formerly included even though their sentences had been reversed and they were awaiting resentencing.

The rate of sentencing such juveniles to death has fallen to a remarkably low level. The annual number of juvenile death sentences during recent years has been as follows: eleven in 1982, nine in 1983, six in 1984, three in 1985, and seven in 1986. These are years in which the annual death sentencing rate for adults has been about 300 per year. Thus, juvenile death sentences comprise only about 1% or 2% of the total death sentences each year.

The practice of actually executing such condemned juveniles ended temporarily with the May 7, 1964, execution of James Echols in Texas. Juvenile executions began again on September 11, 1985, with the execution of Charles Rumbaugh in Texas. On January 10, 1986, South Carolina executed James Terry Roach, and on May 15, 1986, Texas executed Jay Kelly Pinkerton. Rumbaugh, Roach and Pinkerton were all age seventeen at the time of their crimes but were in their mid to late twenties when finally executed.

On February 23, 1987, the United States Supreme Court granted certiorari in the case of William Wayne Thompson v. Oklahoma. One issue is the use of improper evidence at the sentencing hearing. The second issue is the constitutionality of imposing the death penalty for a crime committed at age fifteen. Briefs will be filed this spring with argument sometime next fall. A final decision in the case is not expected until early 1988.

All thirty-two juveniles offenders now on death row were convicted and sentenced to death for murder, all but two in combination with some other crime such as robbery or rape. The characteristics of the thirty-two juveniles and their forty victims are as follows:

Offenders

<u>Age at Crime</u>	<u>Race</u>	<u>Sex</u>
15 = 5 (16%)	B = 18 (56%)	M = 30 (94%)
16 = 6 (19%)	W = 14 (44%)	F = 2 (6%)
17 = 21 (66%)	32 (100%)	32 (100%)
32 (100%)		

Victims

<u>Race</u>	<u>Sex</u>
B = 7 (18%)	M = 13 (32%)
H = 1 (2%)	F = 27 (68%)
W = 32 (80%)	40 (100%)
40 (100%)	

ALABAMA

Davis, Timothy: White male; 17 at crime and now age 25; robbery of store and rape and murder of white female age 60 in Coosa County in 1978; sentenced 7-28-80.

Jackson, Carnel: Black male; 16 at crime and now age 23; rape and murder of white male and female in Birmingham on 1-6-80; sentenced on 11-20-1981.

Lynn, Frederick: Black male; 16 at crime and now age 22; burglary and murder of elderly white female in Eufaula on 2-5-81; sentenced on 5-31-83 and 4-9-86.

ARKANSAS

Ward, Ronald: Black male; 15 at crime and now age 17 (DOB: 10-14-69); rape and murder of two white females, ages 72 and 75, and murder of white male age 12 in Crittendon County on 4-12-85; sentenced on 9-20-85.

FLORIDA

LeCroy, Cleo Douglas: White male; 17 at crime and now age 23; robbery and murder of white male adult and white female adult in Palm Beach County on 1-4-81; sentenced on 10-1-86.

Livingston, Jesse James: Black male; 17 at crime and now age 19 (DOB: 6-20-67); robbery of store and murder of white female age 50 in Perry in February 1985; sentenced on 10-23-85.

Magill, Paul Edward: White male; 17 at crime and now age 28 (DOB: 2-21-59); robbery of store and rape and murder of white female age 25 on 12-23-76; sentenced on 4-25-77 and 1-26-81.

Morgan, James A.: White male; 16 at crime and now age 26; rape and murder of white female age 66 in Martin County on 6-6-76; sentenced on 12-30-77, 12-7-81 and 6-7-85.

GEORGIA

Burger, Christopher: White male; 17 at crime and now age 27 (DOB: 1- -60); robbery and murder of white male cab driver in Wayne County on 9-4-77; sentenced 1-25-78 and 7-17-79; cert. granted by U.S.S.Ct. 11-3-86 (not on age issue).

Buttrum, Janice: White female; 17 at crime and now age 24 (DOB: 1-17-63); rape and murder (with husband) of white female age 19 in Dalton on 9-3-80; sentenced on 8-31-81.

Williams, Alexander, IV: Black male; 17 at crime and now age 18; rape and murder of white female age 16 in Richmond County on 3-4-86; sentenced on 8-29-86.

INDIANA

Cooper, Paula R.: Black female; 15 at crime and now age 17 (DOB: 8-25-69); robbery and murder of white female age 78 in Gary on 5-14-85; sentenced on 7-11-86.

Patton, Keith: Black male; 17 at crime and now age 20; murder of black male age 19 and rape of black female age 19 in Indianapolis on 10-22-83; sentenced on 7-18-84.

KENTUCKY

Stanford, Kevin: Black male; 17 at crime and now age 23; rape and murder of young white female in Jefferson County on 1-7-81; sentenced on 9-28-82.

LOUISIANA

Comeaux, Adam: Black male; 17 at crime and now age 19; rape and murder of two white females in Rapides Parish on 9-1-85; sentenced on 2-14-86.

Prejean, Dalton: Black male; 17 at crime and now age 27 (DOB: 12- -59); murder of white male police officer in Lafayette Parish on 7-2-77; sentenced on 5-3-78.

MARYLAND

Johnson, Lawrence: Black male; 17 at crime and now age 25; robbery and murder of white female age 78 in Baltimore on 1-9-79; sentenced on 10-6-82, 7-29-83 and 2-17-84.

Trimble, James Russell: White male; 17 at crime and now age 23 (DOB: 11-5-63); rape and murder of white female age 22 in Baltimore on 7-3-81; sentenced on 3-19-82.

MISSISSIPPI

Jones, Larry: Black male; 17 at crime and now age 29; robbery of store and murder of white male age 75 in Harrison County on 12-2-74; sentenced on 3-19-75 and 12-15-77.

Tokman, George David: White male; 17 at crime and now age 23; robbery and murder of black male age 65 in Hinds County on 8-24-80; sentenced on 9-10-81.

MISSOURI

Lashley, Frederick: Black male; 17 at crime and now age 22 (DOB: 3-10-64); robbery and murder of foster mother, black female age 55, in St. Louis on 4-9-81; sentenced on 4-26-82.

Wilkins, Heath A.: White male; 16 at crime and now age 18; robbery of store and murder of white female age 26 near North Kansas City on 7-27-85; sentenced on 6-27-86.

NEW JERSEY

Bey, Marko: Black male; 17 at crime and now age 21 (DOB: 4-11-65); rape and murder of black female age 19 in Monmouth County on 4-1-83; sentenced on 9-15-83.

NORTH CAROLINA

Brown, Leon: Black male; 15 at crime and now age 19 (DOB: 12-24-67); rape and murder of black female age 11 in Robeson County on 9-21-83; sentenced on 10-26-84.

OKLAHOMA

Sellers, Sean Richard: White male; 16 at crime and now age 17 (DOB: 5-18-69); murder of white male age 35 in Oklahoma City on 9-8-85 and murder of mother (age 32) and stepfather (age 43) in Oklahoma City on 3-5-86; sentenced on 10-2-86.

Thompson, William Wayne: White male; 15 at crime and now age 19 (DOB: 3-4-67); kidnap and murder of white male adult in Grady County on 1-23-83; sentenced on 1-6-84.

PENNSYLVANIA

Aulisio, Joseph: White male; 15 at crime and now age 20 (DOB: 3--66); kidnap and murder of white female age 8 and white male age 4 near Old Forge on 7-26-81; sentenced on 5-17-84.

Hughes, Kevin: Black male; 16 at crime and now age 23; rape and murder of black female age 9 in Philadelphia in 1979; sentenced on 10-27-83.

TEXAS

Cannon, Joseph John: White male; 17 at crime and now age 26; robbery and murder of white adult female in Bexar County on 9-30-77; sentenced on 2-22-82.

Carter, Robert Anthony: Black male; 17 at crime and now age 22; robbery of store and murder of teenage Hispanic female on 6-24-81; sentenced on 3-10-82.

Garrett, Johnny Frank: White male; 17 at crime and now age 22; rape and murder of white female nun age 76 in Amarillo convent on 10-31-81; sentenced on 9-2-82.

Graham, Gary L.: Black male; 17 at crime and now age 22; robbery of store and murder of black male adult in Houston on 5-13-81; sentenced on 10-26-81.

February 20, 1987

Mr. Watt Espy
Capital Punishment Research Project
P.O. Drawer 277
Headland, Alabama 36345

Dear Watt:

My research on executed females has finally resulted in a first, very preliminary inventory (see enclosed). I wanted you to have the very first copy off the presses because of your instrumental role in this research. As is true of almost all of my research, I absolutely could not have done it without you.

All of my efforts to locate a funding source to purchase your capital punishment research library have been unsuccessful. Everyone agrees that your holdings are priceless but no-one has any money to pay you for them. I will continue to search for funding but I can't be too optimistic at this point.

I share with you the great disappointment in not finding funding for your holdings. However, I think you and I interpret this differently. I fear you have concluded that unless people are willing to spend money to buy it, it is not of value to them. My view is that none of us in this business can sell our research libraries for anything except maybe for the few rare, leather-bound volumes we might have laying around. The really valuable papers, painfully extracted from court records and local historical societies, have no market value at all.

The lack of a market value does not outweigh the fact that all of us in death penalty research know of the unmatched value of your work and of your holdings. If you were to destroy your holdings, the loss to all of us would be enormous and perhaps impossible to recoup. Such a loss would hamper progress in our field so greatly as to be truly tragic.

For these reasons I implore you to treat your holdings for what they are, priceless. If you must get rid of them, even if just to get them out of your sight after 17 years of hard labor, I will send a truck for them. I, along with Mike, Hugo, Henry, Bill, and so many others, simply cannot acquiesce in your building a huge bonfire with them. Your work is a central pillar upon which our work rests. Take

it away, and we fall with it. I cannot pay you anything for your holdings but I will not sit quietly by while you do as you please with them. Like it or not, Watt Espy and his work have come to belong to all of us. Hurt them and you hurt us.

Despite the personal nature of this letter I have decided to share it with our mutual friends and colleagues. I know they share my views on this and will echo my pleas to you.

Sincerely,



Victor L. Streib
Professor of Law

VLS/jp

c.c. Hugo Bedau
Bill Bowers
Mike Radelet
Henry Schwarzschild

TO: Watt Espy Fan Club (Bill Bailey, Hugo Bedau, Bill Bowers, Bill Geimer, Jonathan Gradess, Sam Gross, Joe Ingle, Paul Keve, Mike Millman, Vic Streib, Henry Schwarzschild)

FROM: Mike Radelet

DATE: July 31, 1987

The purpose of this memo is to update you on Watt's situation and on the feedback I received from you after my April memo.

Watt has now completed his work correcting coding errors for the University of Alabama. His final corrections were sent to them two weeks ago, so early in the fall the computerized data file on executions should be available through ICPSR in Ann Arbor. Watt no longer has a source of income.

Bill Geimer will be raising the possibility of moving Watt and his collection to Washington and Lee during their first faculty meeting in August. Two possibilities will be pursued: buying the collection outright or giving Watt employment so he can move the collection there and continue to update it. Bill Bowers, by the way, is a graduate of William and Lee.

Henry Schwarzschild and I spent a couple of days with Watt in Headland earlier this month. We agreed that a top priority is to xerox the collection immediately so it will be protected from destruction. We think the way to do this would be to rent a xerox machine in Headland and spend a few days there copying in the fall. If all else fails, we might have to pass the hat among ourselves so we can get the cash to fund this chore. Watt would keep the copies, but at a site different from the original collection. We estimated that the most basic information on each case could be copied in 50,000 pages.

Meanwhile, Watt will be visiting Tuskegee soon to see if they might be interested in buying the collection outright. This would keep it in Watt's home state, plus fit nicely with Tuskegee's archive on lynching. Does anyone have any knowledge about how libraries make decisions to purchase special collections? It is probably worth in the neighborhood of \$100,000, and Watt would be interested in selling it if a buyer could be found.

Another great place for the collection would be at Northeastern, since they already have the Sara Ehrmann papers and it is located in an area that more people visit than Headland. Bill Bowers, could you make some phone calls and see if there is any interest up there?

Watt is also interested in identifying any foundations that may fund his work, but thus far we have come up with no leads. Any ideas?

At the suggestion of Sam Gross, we urged Watt to prepare a short book prospectus, with the thought that he may be able

to get an advance and do some writing. Does anyone know any publishers who may be interested?

There also may be a chance of getting another law school interested in supporting Watt's work. He is currently writing a short summary of "what he can offer a law school," and, if Washington and Lee falls through, perhaps we can circulate his proposal to a bunch of law schools.

Any other suggestions?

BIRD, Thomas

Bird, a seaman aboard the sloop MARY, was convicted in Portland, Me., of having murdered the master of the vessel, Capt. John Connor, sometime in early 1790 while the ship was off the coast of Africa. He was hanged on Bramhill's Hill in Portland on June 25, 1790, and it was stated in the Portland press at the time that this was the first instance of a person being executed under Federal law after the establishment of the National Government.

THE CUMBERLAND GAZETTE, Cumberland, Me., June 28, 1790.

"...Mr. Bird, an Englishman, and a Swede, Hans Hansen, were tried for murder and piracy. They murdered the master of a sloop on the coast of Africa in 1789. Then they came to Casco Bay where they commenced a traffic with inhabitants of Cape Elizabeth. Information was given to the Naval Officer of this port that a foreign vessel was anchored in Cape Cove. He proceeded to seize her but she put out to sea. Two vessels were fitted out from Falmouth (now Portland). They were manned by volunteers which came up with her and brought her into port on July 28, 1789..." Ltr. dtd. 1-26-1982 from Eileen O'Brien, Cumberland Historical Society, Cumberland Center, ME 04021. Over for more-same source

"An examination was held before the Supreme Court (then sitting here) and they were bound over the trial. Subsequent to the jurisdiction of Marine Cause, having yielded to the United States, the trial was held in District Court - Falmouth, May, 1790. The prisoners were defended by John Frothingham, and William Symmes, Esquire. The trial was conducted in the meeting house of The First Parish. At the close of the first day, the jury brought in a verdict of guilty for Bird, but acquitted Hansen, who was a boy of only 19 years..." See over for source - Ltr. from O'Brien.



TUFTS UNIVERSITY

Department of Philosophy

January 21, 1985

Mr. Watt Espy
School of Law
University of Alabama
University, Alabama 35486

Dear Watt:

I haven't properly thanked you for your informative reply to my letter of 17th September, concerning the earliest federal executions. I am particularly grateful for information about the cases of Bird in 1790 and the four mutinous sailors of 1793, as I had not heard of either. This is just what I wanted, and I shall cite them and express my appreciation for your help as well. But I need, if possible, some citeable source for both. The enclosed item from The Coastland Times (n.d.) is better than nothing for the four sailors, but you gave no source at all for the Bird case. Do you have one? I'd appreciate it if you could tell me what it is.

With all best wishes, I am

Sincerely,

Hugo A. Bedau
Professor

HAB/jli



TUFTS UNIVERSITY

Department of Philosophy

September 17, 1984

Mr. Watt Espy
Box 6205 - Law Library
University, Alabama 35486

Dear Watt,

In the course of writing an essay on the death penalty for a law journal, it suddenly struck me that you might be able to turn to your archives and answer a question or two for me.

In 1790, the First Congress enacted the first federal death penalty statute, to provide the (mandatory?) death penalty for murder, forgery of public securities, robbery, and rape; see Act of 30 April 1790, and Berger, Death Penalties, 47 (my source). Do you know whether there were any executions under this statute before 1800? Or shortly after? Bower's book, in both its original (1974) and its recent (1984) editions, has little to say about federal executions, and it includes no tally for the federal government as such (apart from the District of Columbia). Such scattered references as I can find to federal executions in my other books shed no light on the subject. I would be grateful, as always, for any help you may be able to provide.

Sincerely,

Hugo Adam Bedau
Professor of Philosophy

\$
4 SAILORS, hanged Oracoke Island, NC (Federal)

1793.

The following article was taken from THE COASTLAND TIMES, Manteo, N. C., date unknown.

MUTINY OFF ORACOCKE ISLAND IN 1793 BROUGHT FIRST DEATH SENTENCE IN U. S. By Aycock Brown.

"Four Sailors were hanged for mutiny at Oracocke Island, N. C., in 1793, when the first sentence of death imposed by a Federal Court in the United States was passed at Bern (New Bern), N. C."

"The foregoing was a newspaper filler a friend of mine had clipped from a Wilmington, Del., newspaper in 1941. He had sent it to me for publication in the shortlived Oracoke Island Beacon I was publishing at the time.

"I began a search for additional data about the incident in the old State and Colonial records on file in the courthouse at Beaufort, but failed to find anything.

"In the next edition of the Beacon, referring to the clipping and my fruitless search for additional data, I wrote: 'Perhaps some reader of this island newspaper could help me get facts about this 'first death sentence' resulting from the mutiny off Oracoke Island.'

My appeal for additional data did not go un-noticed and, a few days later, Romulus A. Nunn, widely known jurist and historian of New Bern sent me plenty of facts about the incident. His story in detail was published in the Beacon issue of Dec. 15, 1941. I had planned at the time, due to its human interest to send this ---- to various editors, but a War had started, and it was only a few weeks until I was in it up to my neck, and out of the writing business for four years or more. The story as Judge Nunn gave it to me from records he had in his possession follows:

"The first death sentence under authority of the United States was given in 1793 by the Federal Court at New Bern. It was the case of the United States against Maurier and five other mariners charged with mutiny and murder on the high seas off Oracoke. They were aboard a ship out of Charleston, S. C., bound for Bordeaux, France.

"Shortly after passing Tybee Bar, two Frenchmen, two Englishmen, an Irishman and an American conspired to murder the master and mate and take the ship to some northern European port. There they planned to dispose of the vessel and its cargo, divide the proceeds and escape.

"From an account of one present at the mutineer's trial, presided over by a Mr. Justice Patterson of the Supreme Court of the United States, it appears that:

"On the third day from port, and when the ship was off Oracoke Inlet, the villains carried into execution a part of their horrid plan. The captain's watch upon deck consisted of one Frenchman, the Irishman, the American and the Manxman. When his watch was out he retired to his cabin leaving the Irishman and the American lingering on deck.

"As the mate called his watch, an Englishman was set at the helm, the other standing near the cabin door. A couple of iron bolts were lying on the quarterdeck near at hand. The two Frenchmen stationed themselves at the bow where an axe lay against the windlass.

"One of the ~~XXXX~~ Frenchmen, looking over the bow, exclaimed: 'Voye! qu'el e'trange poisson.' (Look! What a strange fish!')

"This exclamation attracted the attention of the mate; he ran forward and as he looked over the bow, one of the Frenchmen caught up the axe and struck him in the back. The blow, not being instantly mortal, the mate made a loud outcry. Frenchmen seized and threw him overboard..... The outcry of the mate roused the captain. Springing from his berth, he rushed upon deck. As he left the cabin the Englishman stationed at the door struck him upon the head with an iron bolt. Then, both Englishmen seized the captain and threw him into the sea.

-2-

"With the mate and captain killed, the murderers broke open their chests, plundered and divided the money. They also began drinking the captain's wine and brandy.

"As they sobered up it developed that not one of them could navigate the ship. They permitted the ship to drive as the wind might carry it and this attracted the attention of a schooner out of Norfolk.

"The murderers got their plunder into a longboat, scuttled the ship and put off to Ocracoke, leaving the ship and the rest of the crew and passengers to sink, but the ship bore around and took a heel on the quarter and left the scuttle above the water.

"The captain and men from the schooner (out of Norfolk) boarded the scuttled ship and after learning what had happened went in pursuit of the murderers.

"At Ocracoke they learned that the longboat had passed about two hours previously going towards Edenton.

"The captain left his schooner at Shell Castle, near Ocracoke Inlet, under care of Captain John Wallace. They procured a whale boat and several volunteers and went in pursuit of the fugitives, whom they overhauled and took prisoners near Croatan Sound Narrows after a chase of 400 hours.

"The prisoners were then taken to Edenton and placed in the custody of the law. The schooner's skipper cancelled his trip to the West Indies, and sailed back to Norfolk. In the salvage of the scuttled ship he was rightly and justly rewarded.

"In those early days of North Carolina, Federal Court was only held in New Bern. The prisoners charged with mutiny and taken there were confined in a dungeon for a considerable time - so long, in fact, that complaints were expressed in the newspapers of the day.

"Francois X. Martin was attorney for the prisoners. In the course of the trial, the Court had to take one of the Englishmen for a witness and the Irishman had so cunningly conducted his part of the conspiracy that he was acquitted. The two Frenchmen, one Englishman and the American were found guilty and hanged.

"The solemn charge and exhortation of Justice Patterson to the prisoners gave a charge to the religious impulse of the people. A great religious revival grew out of it. On the morning of the execution, people ran together in multitudes to see the spectacle.

"The prisoners were to die between the hours of 10 and 2 o'clock. When they were brought to the gallows and placed on the drop after prayer, the Englishman first and then the American addressed the surrounding thousands and gave a brief sketch of their sinful lives. Their narratives were very much alike and exhibited nothing new in the progress of destruction.

"Both had religious parents by whom they were taught to fear God and to pray; both were drawn aside and enticed by wicked boys to profane the Sabbath and disobey their parents - profane swearing, cockfighting, gaming, drinking, stealing and strumpeting formed the black catalogues of their crimes, according to a newspaper account of the incident published in 1793.

"The Frenchman spoke English imperfectly and had little to say. A pious professed religion and the 1793 news reporter covering the day of the hanging wrote: 'These solemn scenes continued until 10 o'clock. The prisoners had yet another hour to live. After closing their addresses to the surrounding thousands, naming in particular the terrible consequence of Sabbath breaking and disobedience to parents, they shook hands, kissed each other, and bid adieu for a few moments to meet again beyond the grave. They told Marshall West (the hangman) they were done with life and bade him do his duty. The rope was cut - the drop fell. They died without a struggle as their ransomed souls ascended to paradise.'

"The immense assembly gathered to witness the hanging, felt ~~XXX~~ the awful presence of God,' the reporter concluded."



TUFTS UNIVERSITY

Center for the Study of Decision Making

May 3, 1985

Mr. Watt Espy
School of Law Library
University of Alabama
Box 6205
University, AL 35486

Dear Watt:

Thanks for sending me, as requested, a copy of your Memphis address of last month, and also for the memorandum provoked by Dr. Smykla's questions. I read with special interest the final page of the latter, in which you made reference to a meeting of the advisory board in Tuscaloosa later this year. I don't recall being advised of that before, but I hope it comes to pass.

Sincerely,

Hugo A. Bedau
Director

HAB/jli

MEMO FROM: WATT ESPY
C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486
PHONE (205) 348-~~XXXX~~ 4140

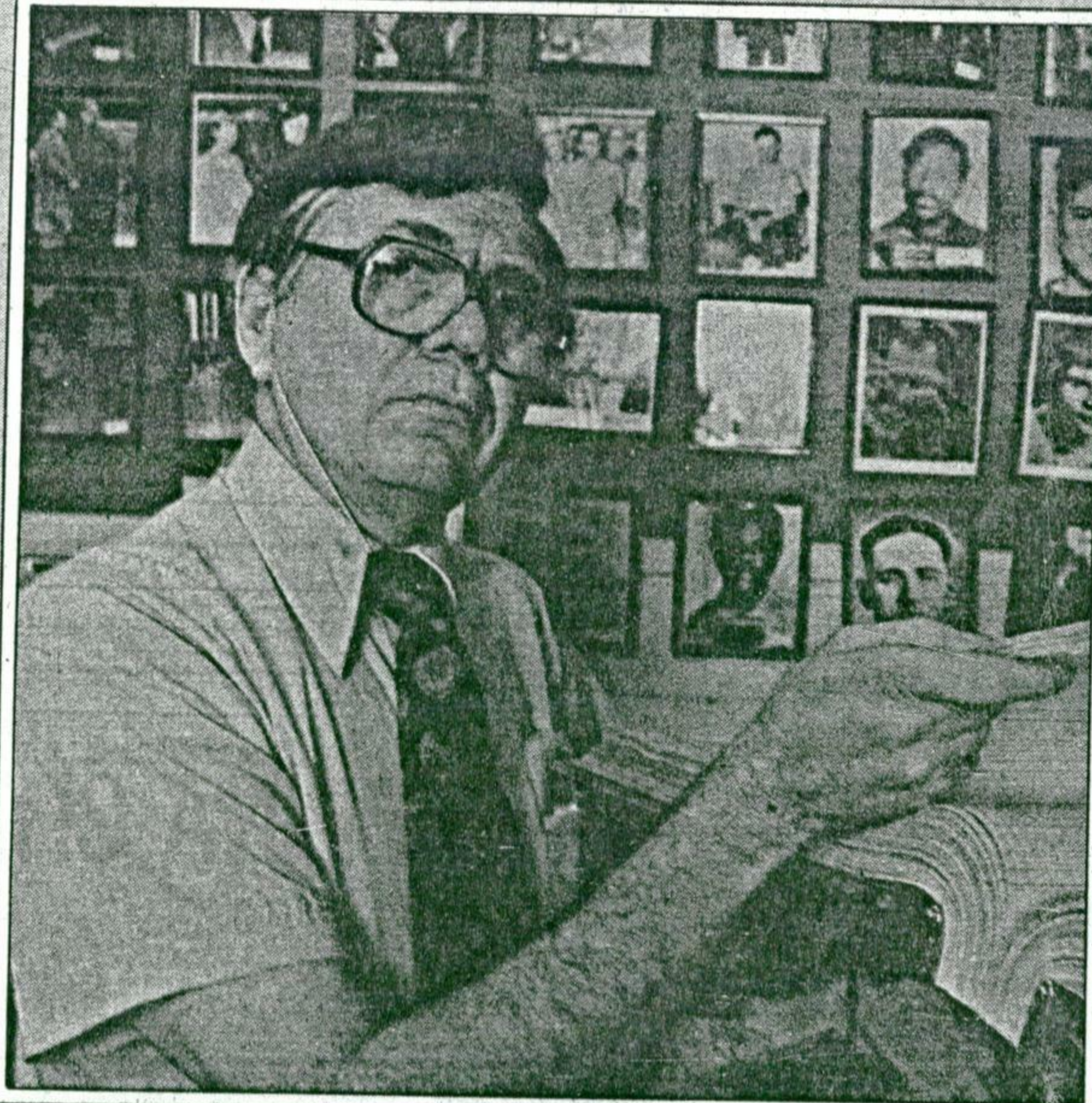
June 17, 1985.

The following recently published paper-back book contains accounts of the cases of Velma Barfield of North Carolina as well as 11 women who are currently on death row. I think that you would be interested in getting a copy:

LADIES WHO KILL, by Tom Huncle and Paul Einstein;
New York: Pinnacle Books, 1430 Broadway, New
York City, NY 10018; \$2.95. First Printing,
April, 1985.

Regards -





'I am not a prophet, I deal in the past' — Watt Espy, in the middle of his research on capital punishment at the University of Alabama law school

Crime buff's research is on capital punishment

By **Clarke Stallworth**
News associate editor

By day, he burrowed into Alabama courthouse records, looking for material on executions. At night, he sold encyclopedias.

When he exhausted the records, and the encyclopedia market, he moved on to another county seat.

That was Watt Espy's life for seven years, working in southeast Alabama, southwest Georgia and the Florida panhandle.

He compiled his records on executions on card files, and the trunk of his car bulged with records on hangings and electrocutions.

Then, in 1977, Henry Schwarzchild, an official of the American Civil Liberties Union, called him in Headland to ask him a question about an execution. He became so interested in Espy's work that he flew to Alabama to talk with him.

He wanted Espy to devote full time to his research. Schwarzchild talked to Dr. Marjorie Knowles, librarian David Brennan and Dean Thomas H. Christopher of the University of Alabama Law School, and an agreement was reached.

Alabama Journey

■ Tuscaloosa



Espy would bring his material to the law school, and do his research out of an office there. He became a clerk in the law library, and stacked his file cards into a tiny room.

"I came up here in August of 1977," he said. "It was in line with the policy of the University to become a major research institution. And my program is one of a kind. I have more data on capital punishment in this room and this library than any other place in the world."

Espy carries the title of research specialist, and he works day after day in the office, where the walls are lined with file cards and ledger books containing facts on executions in the U.S.

■ See **Alabama Journey**, Page 45

Photo special to The News by Larry Shaffield

Alabama Journey

■ From Page 1E

Espy grew up in Headland, where his father was a banker. He joined the FFA and the Boy Scouts, and enlisted in the Navy in 1950, serving in Morocco.

He went to the University of Alabama for a couple of years after the Navy, then went back home to help run the family business, a store in Headland.

He went into the antique business and became a salesman, selling everything from cemetery lots to encyclopedias. He made good money — "I remember I made \$1,800 in 45 minutes, I sold encyclopedias to the entire family, and all of them bought cemetery lots and vaults."

Always a true crime buff, Espy began gathering material on capital punishment. He discovered that official records were skimpy. Alabama, for instance, only kept official records from 1927, when the state began using the electric chair.

"But of course, they had been hanging people since Alabama became a state, and sometimes hangings were a county act, supervised by the sheriff. So my task has been to delve out additional information about executions, and put it into my files."

Espy and his assistants are entering the execution files onto computer disks at the University law school. It is a joint project with the University of Michigan in Ann Arbor, supported by a \$180,000 grant from the National Science Foundation.

So far, some 14,500 cases have been entered onto computer records, and there are thousands more to go.

Espy spends his days poring over microfilms of old newspapers, looking for accounts of executions. He reads backwards in time, starting in December of a year and going toward

November and October. This way, he finds the executions, then looks for a report of the crime that caused it.

He finds some interesting cases.

Porter Bibb, a Limestone County planter who was the son of Thomas Bibb, first Alabama governor, had a 14-year-old son. The son was killed by a 16-year-old slave in 1858, and Bibb held off a mob with a shotgun.

They wanted to lynch the slave boy, but Bibb said no, he must be tried. So the boy was tried, convicted and hanged. And this way, Bibb received from the state half the amount the slave was worth. If he had been lynched, Bibb would have been paid nothing by the state.

He also has found that children as young as 14 have been executed, and that there are some 1,500 people on death rows over the U.S.

"If we killed one person a day, seven days a week, it would be August of 1989 before we could kill all the people on death row today."

Espy was asked why he is devoting his life to research on capital punishment.

"I honestly think that information about it should be available to people

who want to use it. I just want to have the records, so that the subject will be treated accurately. It is so charged with emotion that few people want to deal with it factually, and that's what I want to do. Any discussion of so solemn a nature deserves to be handled in a factual manner."

When he started his research, Espy said he favored the death penalty.

"But I have found so many innocent people who have been killed, that I have changed. I am now convinced that the death penalty is not a deterrent to crime. I am also convinced that it is being used discriminatorily, since the percentage of blacks is so high."

Espy is 52, unmarried, and lives in a Tuscaloosa apartment with a chow dog named Teelock and a gray alley cat named Caroline.

He said he hopes to continue his research at the University.

"I have diabetes and I can't eat what I want to. And when you have lived with that for 15 years, and seen your parents die, death doesn't hold any terrors for you. I kind of look at death, as an old friend."

Betty Beale/7E
Day in Alabama/8E
Youth/10E
Weddings/13E
Miss Manners/18E
Dear Abby/18E

Sun., Oct. 13, 1985

The Birmingham News

E

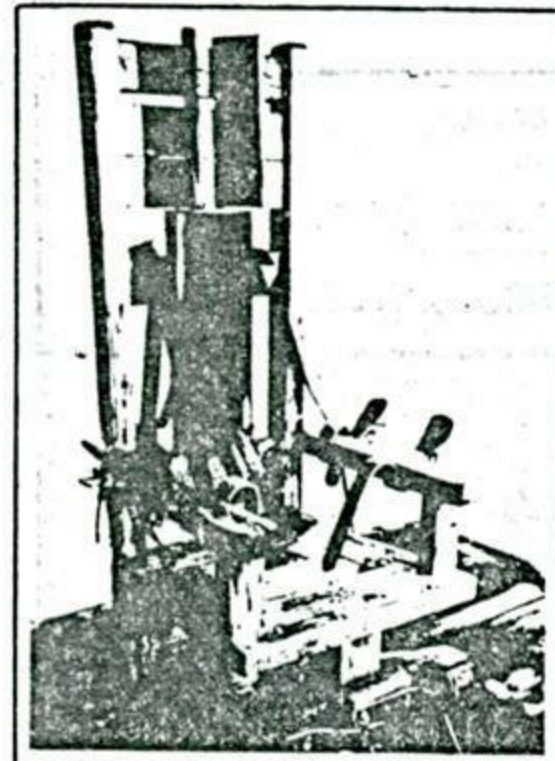
A GANNETT NEWSPAPER

TENNESSEAN

THE
 2.00

Sunday, OCTOBER 13, 1985

'Hanging Judge' Wrote First Chapter in State Executions



Legalized KILLING
 Tennessee style

FRANK RITTER
 Staff Writer

He was, as it turned out, literally a "hanging judge" and refused even to consider the jury's recommendation that the three convicted horse thieves be shown mercy.

The three — John Vann, Isaac Chote and William White — were found guilty in upper East Tennessee in the summer of 1782, and Judge Spruce McCay was determined to see that they paid the supreme penalty.

Widely known as "a heartless tyrant," the judge always had firm opinions about what should occur in cases before him, and he made his opinions known. Sometimes, if jurors returned a verdict with which he disagreed, he would lecture them publicly in abusive terms.

Now he had before him three guilty horse thieves. He could have spared their lives; but, ignoring the jury's recommendation of mercy, he sentenced the men to be executed.

● **First in a Series**

The record doesn't say how they died, but they probably were hanged, since that was the method of execution then in vogue.

Thus, unfortunate John Vann, Isaac Chote and William White had the dubious distinction of being the first persons executed by legal authority in Tennessee, some 14 years before the region gained statehood.

Since that September day in 1782, at least 331 other persons have been executed in Tennessee, according to Watt Espy, a research specialist for the University of Alabama. This is the first in a series of articles based on Espy's copyrighted work, which he says he started 15 years ago as "sort of a hobby."

"I have always been something of a crime buff," says Espy, 52, "and I had read so many accounts of executions that were in error. So I set out

◆ Turn to PAGE 14A, Column 3

'Hanging Judge' Wrote First Chapter in State Executions

From Page 1

to find out the truth." That may sound simple, but what Espy wanted to know was no less than "the truth" about every state-sanctioned execution in the United States, from Colonial times to the present day.

"The first execution in this country was in 1608, just a year after the colony of Jamestown was established in Virginia," Espy recounts. "George Kendall was convicted of being a spy for the Spanish, and ordered shot. The chief witness against him was a man already under a death sentence for spying. That man later was pardoned. Today, historians question whether he told the truth."

Espy estimates there have been 20,000 to 22,000 state-sanctioned killings in this country since 1608, about 90% of which can be documented. So far Espy has confirmed some 14,500 executions in the United States.

"The remaining 10% can't be confirmed because of lost records and other circumstances," he says. "I'm still working on confirming all that I can."

In Tennessee there have been no executions for a quarter of a century. William Tines, a black man from Knoxville, was put to death in the electric chair Nov. 7, 1960, for the rape and brutal beating of a white woman, a widow, while he was an escapee from Brushy Mountain State Prison.

At the time of his escape, Tines was serving a life sentence for mur-

der and robbery. When caught by the state Highway Patrol he confessed. "I beat her harder than I intended to," he said.

Over the years a number of changes in connection with executions have taken place in Tennessee. For example:

- In the early days, executions were carried out in public and usually were attended by huge crowds. In 1879 upward of 15,000 people from some 20 counties attended the hangings in Murfreesboro of two black men convicted of murder and a series of arsons. In 1883 the law was changed to provide for executions in private, although the law sometimes was ignored.

- The method of execution initially was by hanging. Pat Mulloy, convicted in Davidson County of the murder of Herman Henning, an aged Nashville merchant, was the last man to die by the gallows in Tennessee, on May 8, 1913.

It is said that, when asked the evening before his death if he wanted a preacher, his reply was: "If preachers can keep me from dropping through that hole [the gallows trapdoor], you can send me a carload." He died without any sign of repentance or remorse.

In September 1913 the electric chair was substituted for the gallows as the method for killing those sentenced to death in Tennessee. It was three years after that, however, before the first execution by electrocution was carried out.

- Executions formerly were su-

pervised by the sheriff of the county where the crime occurred, and the executions usually were held at the county jails. That means that if the old law prevailed today, Sheriff Fate Thomas would be responsible for executing people sentenced to die in Davidson County.

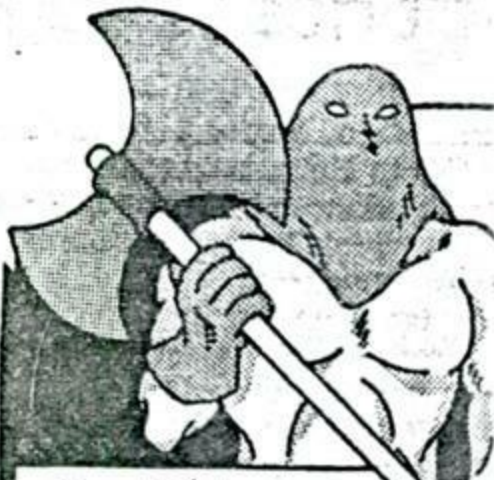
But in 1909 Gov. Malcolm R. Patterson signed into law a legislative act providing that all future executions were to be conducted at the state penitentiary in Nashville; that is where all executions have been held since.

For a time after passage of the new law, prisoners sentenced to die at any place in Tennessee were sent, after their conviction, to the Davidson County Jail in Nashville, where they were held until the day before their scheduled execution. Then they were taken to the state prison and lodged in the death cell, which also served as the execution chamber.

The gallows' trapdoor was concealed by a blanket on the floor; the noose was covered by a blanket hanging from the ceiling.

Today, criminals condemned to die are housed on death row, a pale-pink, cinder-block structure at the state prison. The electric chair is in the same building. Gov. Lamar Alexander wants to move death row and its inhabitants to the Brushy Mountain prison near Petros, but that plan is opposed by some legislators and there is no assurance the governor will have his way.

Next: The days when executions were held in public in Tennessee. ◆

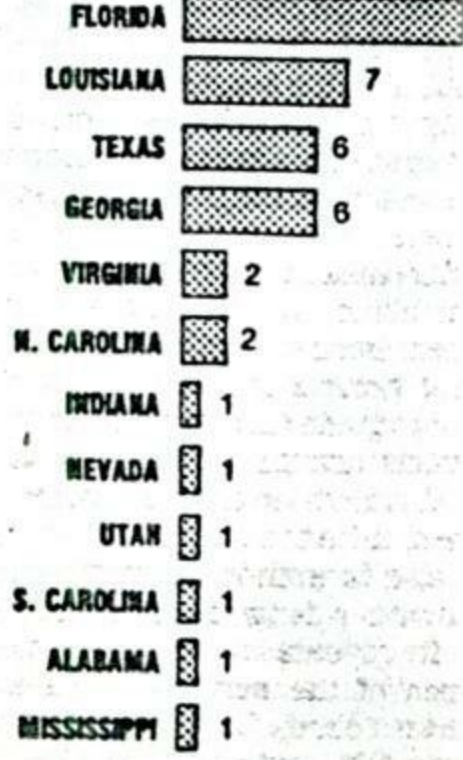


Capital punishment

Of the 34 states in the U.S. which have capital punishment, only 12 have held executions since 1972. Florida has had the most with 12, followed by three more states in the south — Louisiana, Texas and Georgia. Electrocution is the most used method.

EXECUTIONS IN THE U.S. 1972-85

Under civil authority, by state:



SOURCE: Department of Justice InfoGraphics
 © News America Syndicate, 1985

CAPITAL PUNISHMENT RESEARCH PROJECT

P. O. Drawer 277 - 100 East Main Street
Headland, Alabama 36345

Watt Espy
Research Specialist

Phone
(205) 693-5225

January 23, 1986.

Dr. Robert Wells,
Assistant Vice President for Research,
The University of Alabama,
P. O. Box 2846,
University, AL 35486.

Dear Bob:

Please accept my apologies for this tardy reply to your letter of December 9th. I drafted a rough reply on January 6th, but I simply have not had the time to complete it. I am not yet completely unpacked and my material is not yet completely arranged as I want it to be. I spend approximately one-half of my time in research (which I still believe to be the most valuable contribution that I can make) and the remainder is not only spent in getting my material unpacked and arranged, but also in writing and other projects necessary for the support of my work.

I am taking the time to get this letter off today because I leave on the 26th for two weeks in Baton Rouge where I shall research in the State Archives, a trip to which I committed myself some time ago and which is being sponsored by a Louisiana group. Of course, I hope not only to substantially add to the number of confirmations in Louisiana but also obtain much additional information on executions which have already been confirmed in that State. Upon my return, I am committed to some writing projects which will take a good deal of time as well as being quite remunerative financially.

Certainly if the results of the research of fifteen years of my life are released to and used by the academic community, I feel that they should be as free from error as possible - and that is far from the case at present. Not only is this my opinion but it is also the opinion of academics from all over the country, some of whom have been to Headland and looked over the material involved as well as drawn comparisons between that and the data base that was established under the supervision of the Criminal Justice Department at the University of Alabama. Any conclusions that might be drawn from what is currently on the data base would, of course, be not only misleading, but also inaccurate to an extent that could conceivably be embarrassing to those who used it. Not only do I plan to renounce any usage prior to corrections, but I will be joined in this by others, both in the academic world and outside of it.

As you are well aware, these errors were made not by me, but by others over a period of an entire year. Before leaving the University, I discussed with Dean Wade the possibility that, at some future time, I would be willing to confer with him, you and others as to the feasibility of my making the corrections. However, I cannot give an estimate as to the time that I would need to correct them, nor, for that

THE
UNIVERSITY
OF
ALABAMA



[Handwritten signature]

December 9, 1985

OFFICE FOR ACADEMIC AFFAIRS
SPONSORED PROGRAMS

Mr. M. Watt Espy
P. O. Drawer 277
Headland, Alabama 36345

Dear Watt:

I appreciate the time and effort you devoted in reviewing the Capital Punishment Data Base prior to leaving the University. As we discussed on a number of occasions, Dean Gamble and I are interested in your assistance in completing the error corrections for the states you have not reviewed.

To this end, I need some estimate with respect to the amount of time you will need to complete your review. Also, if you require the assistance of students or other support personnel, I would appreciate your providing an estimate of the time required. I realize that you do not have time to undertake this review immediately, but I would like to hear from you concerning the time estimates and when you might be able to initiate the review.

I appreciate your interest in completing this work so that the data file is as error free as we can make it. I look forward to hearing from you.

Cordially,

[Handwritten signature: Bob]

Robert L. Wells, Ph.D.
Assistant Vice President
for Research

RLW/pp

cc: Dean Charles W. Gamble
Dr. Felice Levine
Dean Roy R. Wade

The University of Alabama
School of Law

Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT.

24 October 1985.

From: Watt Esby

To: Bedau, Bowers, Radelet, Schwarzschild.

We have now gone through the State of Kansas and the following corrections made:

HAWAII:

Names Corrected: 12

Date changed: 2

Age change 1.

With respect to Hawaii, I might add that it has been researched less than probably any other State.

IDAHO:

Names corrected: 3

Dates changed: 1

Age Changed: 1

ILLINOIS:

Names corrected: 34.

Deletions: 4

Ages changed: 11

Dates changed: 4

INDIANA:

Dates changed: 2

Deletions: 3

Names Changed: 10

Ages changed: 3

*We also added Vandiver, since effec-
ted which, of course, was not counted
as an error.*

IOWA:

Dates changed: 2

Names corrected: 6

Ages changed: 5

KANSAS:

Deletions: 1

Names changed: 8

Ages changed: 3

Dates changed: 4.

Once again, I am sending Mike a copy of the computer print-out showing the changes, as well as keeping a copy for my own records.

Regards -

Watt

MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-~~5555~~4140

Oct. 31, 1985.

To: Members of the Advisory Committee of the
Capital Punishment Research Project.
: Dr. Felice Levine.

In view of Dr. John Ortiz Smykla's ~~XXXX~~ letter of October 21 notifying you of the University's decision not to seek further funding from the National Science Foundation and its statement that "...all indications are the data base looks good...", I feel that you should receive a copy of the enclosed final report from me on ~~the~~ corrections made this month to our Assistant Vice President for Research.

Sincerely yours,



CAPITAL PUNISHMENT RESEARCH PROJECT

October 31, 1985

Memorandum

To: Dr. Robert Wells
Assistant Vice President for Research

From: Watt Espy

Subj: Final Report

I am enclosing herewith, the final report of my project being submitted to your office.

Even though I had requested that two law students be assigned to assist me during this last month in making corrections, I only received one for two hours per day. Additionally, I did not receive the print-out of the data entered on the computer until October 7th.

The first thing that we did was to check each state for corrections in the means of execution used. I knew there were many errors there because I had earlier received a printout of the states and the numbers executed by each method in each state, and found that a number of states were shown to have executed persons by methods never used in that state. In going through these, we uncovered several other errors which are not included in this tally with the exception of an obvious one noted in Massachusetts.

We then began through each alphabetically, checking names, dates of executions and ages and the errors found and corrected are summarized in the report. We did not have the opportunity to complete the roster of states and only got into the State of New York. This, of course, leaves many other states, and a number of them large ones, that have not been checked on these variables.

The variables of race, jurisdiction, city or county, crime and occupation have been checked in none. There is every reason to suppose, in view of the magnitude of errors found in the checking that time permitted, that these other variables are filled with error as would probably be for the factors checked in those states that were not checked.

I would like to remind you at this point, that neither I nor any other person here at the Law School had anything to do with the selection or supervision of personnel employed to do the coding and entering of the data into the computer and I refuse to take any responsibility for the errors that now remain. In my opinion,

Page 2

for what it is worth, this data, as it now stands, would be worthless to anyone attempting to use it for any type of scientific or statistical study. However, I will consider meeting with you and Assistant Dean Wade at a later date to discuss correcting the listing so it will be in a useable form if properly encoded.

Healy

ALABAMA:

Burning changed to hanging: 1 (Alabama never used burning.)
Names changed or spelling corrected: 42
Dates of execution corrected: 50
Ages corrected or added: 27
Additions which were omitted: 2
Deletions which should not have been entered: 7

ALASKA:

Unknown execution changed to hanging: 1
Addition: 1

ARIZONA:

Names changed or spelling corrected: 7
Dates of execution corrected: 2
Ages changed or added: 5
Deletions: 2

ARKANSAS:

Names changed or spellings corrected: 48
Dates corrected: 18
Ages corrected or added: 24
Deletions: 5 (4 of these were duplication of entries carried in two separate years.)

CALIFORNIA:

Unknown executions changed to hanging: 7
Names changed or spelling corrected: 63
Dates corrected: 9
Ages changed or added: 9
Deletions: 6

COLORADO:

Electrocutions changed to hanging: 2
Electrocutions changed to asphyxiation: 3 (Colorado never used electrocution)
Hanged in chains to hanging: 1 (Colorado never used hanged in chains)
Names changed or spelling corrected: 10
Ages corrected or added: 6
Deletions: 2

CONNECTICUT:

Unknown executions changed to hanging: 2
Names changed or spelling corrected: 9
Ages changed or added: 6
Dates changed: 6
Deletions: 2

DELAWARE:

Names changed or spelling corrected: 2
Dates changed: 2
Ages changed or added: 2
Deletions: 2

DISTRICT OF COLUMBIA :

Unknown executions changed to electrocutions: 7
Names changed or spellings corrected: 9
Dates changed: 3
Ages changed: 5
Deletions: 1.

FLORIDA:

Names changed or spelling corrected: 20
Dates changed: 4
Ages corrected or added: 5
Additions: 2
Deletions: 6

GEORGIA:

Unknown changed to hanged: 1
Hanged changed to electrocution: 1
Names changed or spelling corrected: 60.
Dates changed: 26 (Note: one of these, Alpha Stephens, was executed on
Dec. 12, 1984, but was carried as Dec. 12, 1985, a
day that has not yet arrived.)
Ages changed or added: 19
Additions: 2
Deletions: 14

HAWAII:

Names changed or spelling corrected: 12
Dates changed: 2
Ages changed: 1.

IDAHO

Burning changed to hanging: 1 (Idaho has never used burning)
Names changed or spelling corrected: 3
Dates changed: 1
Ages changed: 1

ILLINOIS:

Hanging changed to electrocution: 1
Names changed or spelling corrected: 34
Dates changed: 4
Ages changed: 11
Deletions: 7

INDIANA:

Names changed or spelling corrected: 10
Dates changed: 2
Ages changed: 3
Deletions: 3
Additions: 1 (this was no error as it was the case of Vandiver ~~XXXXXX~~ who
was executed after ~~XXXXXXXXXX~~ print-out.)

IOWA:

Names changed or spelling corrected: 6
Dates changed: 2
Ages changed: 5

KANSAS:

Names changed or spelling corrected: 8
Dates changed: 4
Ages changed: 3
Deletions: 1

KENTUCKY

Names changed or spelling corrected: 27
Dates changed: 8
Ages changed or added: 16
Deletions: 9
Additions: 1

LOUISIANA:

Breaking on wheel to other: 1
Unknown changed to hanging: 59
Asphyxiation to electrocution: 1 (La. never used asphyxiation)
Names corrected or changed: 40
Dates corrected: 12
Ages changed: 11
Deletions: 13
Additions: 1

MAINE:

Unknown execution changed to hanged: 1
Name changed or corrected: 1
Date corrected: 4
Age changes: 3
Deletions: 1

MARYLAND:

Hanged in chains to hanged: 2
Unknown to hanged: 11
Unknown to burned: 1
Electrocution to hanging: 8 (Maryland never used electrocution)
Names changed or spelling corrected: 32
Dates changed: 9
Ages changed or added: 14
Additions: 2
Deletions: 7

MASSACHUSETTS:

Unknown to hanged: 3
Hanging to electrocution: 1
Names changed or spelling corrected: 30
Dates changed: 10
Ages changed: 14
Additions: 7
Deletions: 35

MICHIGAN:

Names changed or spelling corrected: 3
Additions: 1

MINNESOTA: Names changed or spelling corrected: 11
Age changed: 1

MISSISSIPPI:

Unknown executions changed to hanging: 3
Names changed or spelling corrected: 17
Dates changed: 9
Ages changed: 7
Deletions: 7
Additions: 1

MISSOURI:

Unknown execution changed to hanging: 1
Hanged in chains to hanging: 1 (Missouri never used hanged in chains)
Unknown execution was not confirmed, wrong year also
Electrocution deleted because it was a New Jersey case (Missouri never electrocuted)
Names changed or spelling corrected: 20
Dates changed: 12
Ages changed : 9
Additions: 1
Deletions: 1 (in addition to the one above mentioned.)

MONTANA:

Names changed or spelling corrected: 6
Ages changed: 1
Dates changed: 5

NEBRASKA:

Names changed or spelling corrected: 2
Age changed: 1
Date changed: 1

NEVADA:

~~XXXXXXXX~~ Unknown execution to hanging.
Electrocution deleted because it was Louisiana (Nevada never electrocuted)
Names changed or spelling corrected: 4
Dates changed: 4
Ages changed : 3
Deletion: 1 (in addition to the one above mentioned.)

NEW HAMPSHIRE:

Names changed or spelling corrected: 3
Dates changed : 2

NEW JERSEY:

Unknown executions to hanging: 12
Burnings to hanging: 2
Names changed or spell ings corrected: 37
Dates changed: 10
Ages changed: 9
Deletions: 8
Additions: 3.

NEW MEXICO:

Names changed or spellings corrected: 13
Age changes: 5
Deletions: 2

NEW YORK:

Burning to other: 1
Hanged in chains to hanged: 1
Hanged to unknown: 2
Other to broken on wheel: 1
Hanging to burning: 1
Burning to hanging: 1
Unknown to hanging: ~~18~~ 19
Hanged to hanged in chains: 1
Hanged to electrocuted: 8
Drowned to electrocuted: 1
Hanged in chains to electrocuted: 1
Asphyxiation to electrocution: 1 (N. Y. never asphyxiated.)
Names changed or spelling corrected: 56
Dates corrected: 15
Deletions: 16
Ages corrected or added: 22
Additions: 3.
(Note: New York was checked only through 1896 because time ran out.)

NORTH CAROLINA:

Unknown to hanged: 38
Burnings to hanged: 3
Electrocutions to asphyxiation: 4
Asphyxiation to electrocution: 2
Deletion: 1

OKLAHOMA:

Hanged to shot: 1
Drowning to hanged: 1 (Oklahoma never used drowning)

RHODE ISLAND:

Unknown to hanging: 1

SOUTH CAROLINA:

Unknown to hanging: 17

TENNESSEE:

Unknown to hanging: 3

TEXAS:

Unknown to hanging: 2
Electrocution to hanging: 1
Hanging to electrocution: 1

UTAH:

Burning to hanging: 1 (Utah never used burning)

VERMONT:

Shooting to hanging: 1 (Vermont never used shooting)

VIRGINIA:

Breaking on wheel to hanging: 2	Deletion: 1
Hanging in chains to hanging: 2	Addition: 1
Other to hanged: 4	
Electrocution to hanged: 1	
Unknown to hanging: 97	
Name corrected: 1	
Date corrected: 15	

WASHINGTON:

Electrocution to hanged: 1 (Washington never used electrocution .)

WEST VIRGINIA:

Unknown to hanging: 2

Electrocution to hanging: 3

Deletion: 1.

Explanations of changes.

Changes in the form of execution should be self-explanatory.

Changes in names or corrections in spelling should be self-explanatory.

Changes in age meant correcting age where incorrectly given, adding where not given at all or deleting where we have no confirmation of age.

Changes in dates mean correction of month, date or year or any combination thereof.

Additions mean adding an entry that was ~~XXXXXXXX~~ omitted. They were possibly carried in another state and if we got that far we deleted them there.

Deletions were for the following reasons: Executions were not confirmed; execution belonged to another state; duplicate entry; having no record. This latter category would, I suppose, indicate that both the year and the state were wrong. Both ledgers (both the state and chronological) were checked and no record found. Then the cards for the state to which it was credited ~~XXXXXXXXXXXX~~ were checked and no record found.

Once again, I would like to state that New York was checked only through 1896 for the name, date and age variables, and that the rest of that State as well as North Carolina through Wyoming were not checked on those variables. All forms of execution were checked as well as a total of 8,096 of the executions on the data base, totaling 14,905, for the other three factors.

Department of Criminal Justice
The University of Alabama
P.O. Box 6365
University, Alabama 35486

October 21, 1985

Dr. Hugo Bedau
Department of Philosophy
Tufts University
Medford, MA 02155

Dear Dr. Bedau:

I am writing this letter to inform you that The University of Alabama has withdrawn its request for second year funding from the National Science Foundation on the capital punishment project. I am sorry to say that we will not proceed with the two data base activities planned for the second year (the expanded data file and citation file). It is difficult to explain the reason for our decision but let me assure you that it was arrived at by all concerned at The University of Alabama.

The first year data base on almost 15,000 executions and accompanying documentation is at the University of Michigan. It is being cleaned, processed, and prepared for distribution. I expect those activities will continue through January 31, 1986. At this time all indications are the data base looks good. I believe the data base is an excellent authoritative description of society's ultimate expression in social control. When joined with other historical data bases in the Michigan archives the prospects for other kinds of analysis broadens. I hope once the data base becomes available you will request a copy of it from ICPSR and use it in your own research.

On behalf of all of us here at The University of Alabama, I want to extend our deepest appreciation to you for your involvement over the past year. Because the project will terminate with the end of the first year's activities it is unlikely that we will convene another advisory committee meeting of the whole. I would, however, appreciate your individual comments and guidance on various documents and materials announcing and accompanying the data set which I hope to circulate to you in November. In the future, after using the data base in your own research, I hope you will drop me a line and tell me what you think. I shall be happy to receive your feedback.

Very truly yours,

John Ortiz Smykla
John Ortiz Smykla
Associate Professor

SCHOOL OF LAW LIBRARY
UNIV. OF ALABAMA, BOX 6205
UNIVERSITY, AL 35486
(205) 348-5925

CAPITAL PUNISHMENT RESEARCH PROJECT

October 27, 1985.

From: Watt Espy
To: Bedau, Bowers, Radelet and Schwarzschild.

These are the corrections made on the States of ~~XXXXX~~ Kentucky through
~~XXXXXXXXXXXX~~ Minnesota.

~~XXXXXXXXXXXX~~ Kentucky:

Name corrections: 25
Deletions: 8
Additions: 1
Date changes: 8
Age changes: 16.

Louisiana:

Name corrections: 40
Date corrections: 12
Deletions: 12
Additions: 1
Age changes: 11.

Maine:

Date corrections: 4
Name corrections: 1
Age changes: 3

Maryland: ~~XXXX~~

Name changes: 30
Date changes: 9
Deletions: 7
Additions: 2
Age changes: 14

Massachusetts:

Name corrections: 55
Date changes: 30
Additions: 7

Deletions: 5 (these, of course, are in addition to deletions previously
made when checking forms.)

Michigan:

Names corrected: 3
Additions: 1

Minnesota:

Name corrections: 11
Age changes: 1.



The University of Alabama
School of Law

Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT.

October 19, 1985.

From: Watt Espy

To: Bedau, Bowers, Radelet and Schwarzschild.

The following is a summary of errors found in the jurisdictions of the District of Columbia, Florida and Georgia:

District of Columbia: Names changed or spelling corrected: ~~XXX~~ 9.
Deletion: 1
Date changed: 3
Age changed: 5

Florida:
Names changed or spelling corrected: 20
Deletions: 6
Additions: 2
Dates changed: 4
Age corrected: 5

Georgia: Names changed or spelling corrected: 59
Dates changed: 26 (one of these, Alpha Stephens, was executed on 12-~~12~~-1984 but was carried as 12-12-1985, a date which has not yet arrived!)
Deletions: 14
Additions: 2
Age changes: 19.

As I have indicated in earlier correspondence, am sending copies of all of the printouts corrected to Radelet as well as keeping copy for myself.

Regards -



*Will send each of you a copy of the
Funesse Series when it is completed
next week*

The University of Alabama
School of Law

Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT

October 17, 1985.

To: Bedau, Bowers, Radelet, Schwarzschild:

The law-student who is assisting me for two hours per day in making corrections to the errors computerized by the Criminal Justice Students in one-year of checking and re-checking are now down through the State of Delaware, and, in addition to the corrections summarized after going through to correct means of execution in each state where so many errors were found, we have found the following, state-by-state, in addition to those previously sent:

CALIFORNIA:

Names changed or spelling corrected: 63 cases.

Dates changed: 9

Deletions due to duplication, other states, or non-confirmed: 6

Age changes: 9

COLORADO:

Deletions due to other states or non-confirmation: 2 cases.

Name corrections: 10

Age corrections: 6

CONNECTICUT:

~~XXXXXXXX~~ Deletions due to no record or duplication: 2

Age corrections: 6

Date changes: 6

Name corrections: 8

DELAWARE:

Deletions due to not confirmed: 2

Date changes: 2

Age changes: 2

Name corrections: 2.

Once again, I would like to emphasize that we are not checking occupations, races, jurisdictions or places of execution and I suspect that the major errors lie in the latter three. Time simply will not permit and as we have only a few working days left, I doubt that we will get any further than New York or Ohio.

The errors, brought about the incompetence of those entering the data are so manifold as to make this one of the largest frauds in academic history if the data is released as being valid for the use of interested persons.

As indicated in my letter of 10-13, I am sending copies of computer print-outs with corrections to Radelet as well as keeping a copy for myself.

Regards -



The University of Alabama
School of Law
Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT

October 8th, 1985.

From: Watt Espy
To: Bedau, Bowers, Radelet, Schwarzschild.

Yesterday I finally received the print-out of confirmations from Sam Fisher and yesterday afternoon, the law student who is going to assist me in making the corrections and I worked for 2 hours and 20 minutes. The situation is not only bad, but much worse than I had anticipated.

We began by checking only the forms of execution because I had earlier received from Sam a listing of the forms of execution used in each state and the numbers executed. We got down to the execution of Slave Marja in Massachusetts on September 22, 1681, and the following errors were found just on the basis of checking this one factor:

- 1 Alabama Hanging was coded as burning. (Have no confirmed burnings in Ala.)
- 1 Alaska coded method unknown was hanging.
- ~~XXXXXXXXXXXX~~ 7 California unknowns were hanged.
- 2 Colorado listed as electrocuted were hanged.
- 3 Colorado listed as electrocuted were gassed. (Colorado never used elec.)
- 1 Colorado listed as hanged in chains was hanged. (Colorado never used hanging in chains.)
- 2 Connecticut listed as unknown were hanged.
- 6 District of Columbia listed as unknown were electrocuted.
- 1 Georgia listed as unknown was hanged.
- 1 Georgia listed as hanged was electrocuted.
- 1 Idaho listed as burning was hanged. (Idaho never used burning.)
- 1 Illinois listed as hanged was electrocuted.
- 1 Louisiana listed as breaking on wheel changed to other. (He was sawed in two by judicial decree)
- 59 in Louisiana from unknown to hanging
- 1 in Louisiana from gas to electrocution. (La. never used gas.)
- 1 in Maine from unknown to hanged.
- 2 in Maryland from hanged in chains to hanged.
- 11 in Maryland from unknown to hanged.
- 1 in Maryland from unknown to burned.
- 8 in Maryland from electrocution to hanging. (Maryland never electrocuted)
- 4 in Massachusetts from drowning to hanging.
- 30 in Massachusetts deleted because executions were not confirmed.

Corrections of name spelling in following states: Ala. (1); Connecticut (1); District of Columbia (1); Georgia (1); Kentucky (2) and Maryland (2). We were not checking names, but I would have the student give me from the list the names on the first and last of each method. Though we found no changes in method in Kentucky, the name corrections came solely from our check for correctness on forms of those executed for rape in that state during the period from 1920 to 1938.

10-8-1985.

Their records show five hangings in Arkansas in 1916 of men named Glau-bitz, Nichols, Spinks, Reed and Woods. We do not show them for that year in either Arkansas or chronological ledgers. Hopefully, we will be able to place them correctly when we start reviewing the names, state-by-state which will be next.

They show three slaves executed in Illinois in 1790 of which we have no record; 1 in Kentucky in which we do not have a record; 1 in Louisiana of which we have no record; 1 in Maine of which we have no record.

Changed the year of execution of one in Massachusetts.

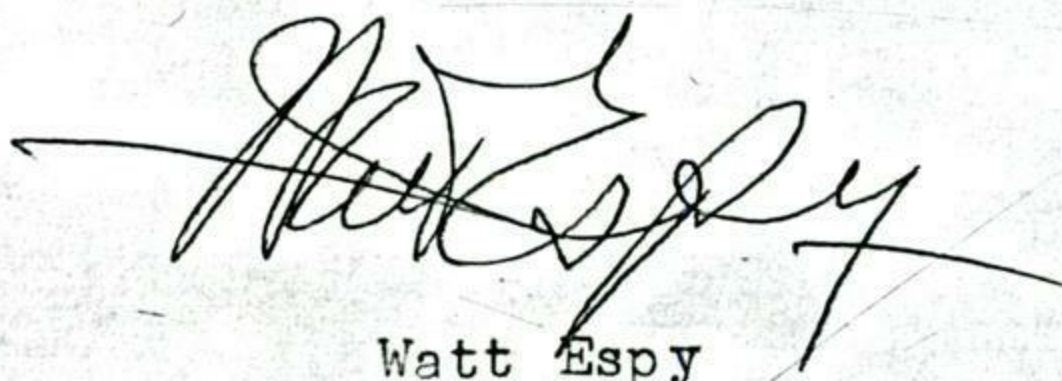
The law student who is helping me has classes all day today and will not be able to work, but we will resume tomorrow and carry it as far as we can. I understand that one of the girls who originally messed it up so much is supposed to help, but I think that is adding insult to injury. If they made so many errors in the course of a year, they can hardly be expected to do anything beneficial about straightening them out in less than three weeks.

All cannot be done in that time anyway, but I think that the above proves my contention that the entire inventory as entered into the computer is virtually worthless to anyone who wants factual information as the basis for their research. It is not my fault and I do not wish to share in any of the responsibility for the errors that have been made that we do not find prior to my departure on 10-31.

As far as the move is concerned, everything about packing, etc, is moving fast and I shall look forward to working with all of you after my move.

I just wanted to drop you this report to let you know the "obvious" errors found in 2 hours and 20 minutes of checking only one of the variables.

Regards to all of you -



Watt Espy

The University of Alabama
School of Law
Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT

Sunday, October 13, 1985.

To: Bedau, Bowers, Radelet and Schwarzschild.

This afternoon we finished the State of Arizona, reviewing for correct names, dates and ages. The following represents, by state, what we have found:

ALABAMA:

Names Changed or spellings corrected - 42 cases.
Dates of execution corrected - 50 cases.
Ages changed, corrected or added - 27 cases.
Added: two names that were omitted.
Deletions because of duplications or not confirmed: & 7

ALASKA

1 Addition which had been left out.

ARIZONA

2 deleted because they were not ~~XXXXXX~~ confirmed.
Dates of execution corrected: 2
Ages changed, corrected or added: 5
Names changed or spellings corrected: 7.

ARKANSAS:

Dates corrected: 18
Names changed or spellings corrected: 47
X Deleted because not confirmed: 5
Duplications of names: 9 (entries)
Ages changed, corrected or added: 24.

Now, we are not, as I ~~XXXXX~~ indicated previously checking races, jurisdictions or ~~XXXXXXX~~ cities and counties, and I doubt very seriously that we will finish getting through all of the States checking these.

Also enclosed is a copy of a letter received jointly signed by Bob Wells, our contracts and grants director and Dean Gamble who did so, I feel sure, under pressure from the University Administration after I refused to sign the letter on Thursday previously prepared and signed by Wells and Smykla, in the first paragraph of which I was described as having joint directorship of the project with Smykla which I never had or it would not be in such a mess now. In that letter which I refused to sign, "we" also endorsed the work that had been done and said "we" felt that the best job possible had been done. Of course, I do not go along with this at all.

As we are now finished through Arkansas, am sending Radelet a copy of the print-out with corrections through that State and keeping a copy for myself. Am sending to him as he is gathering all of this information. Also enclosed for each of you is a copy of an article appearing in B'ham NEWS today. Regards - *Heit*

THE
UNIVERSITY
OF
ALABAMA



October 11, 1985

OFFICE FOR ACADEMIC AFFAIRS
SPONSORED PROGRAMS

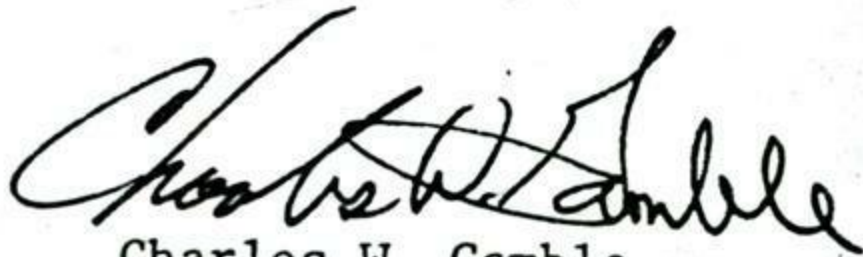
Mr. M. Watt Espy
Research Specialist
The University of Alabama
School of Law
P. O. Box 1435
University, Alabama 35486

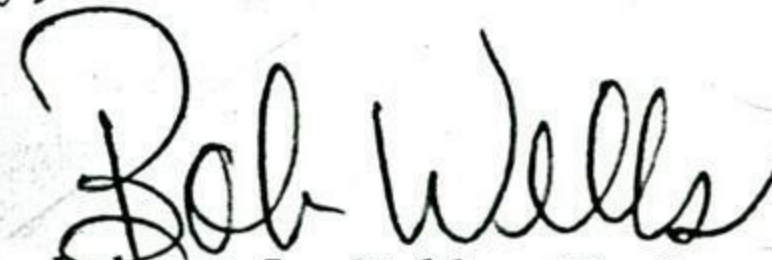
Dear Watt:

As you are aware, Dean Gamble and I made the decision to withdraw our request for continuing support of NSF funding for the capital punishment project. We need to emphasize that the National Science Foundation had no administrative role in this decision. NSF is only being responsive to our withdrawal request.

NSF has been most understanding and accommodating with respect to our taking the time to make an appropriate decision concerning the second year of support. It is in the best interest of the University that people outside the University community understand that we withdrew our request for support and that NSF in no way cancelled, terminated, or ended the grant. We would appreciate your assistance in insuring that our communications concerning this matter are accurate.

Cordially,


Charles W. Gamble
Dean and Professor of Law


Robert L. Wells, Ph.D.
Assistant Vice President
for Research

RLW/pp

cc: Dr. Felice Levine
Dr. John Ortiz Smykla

The University of Alabama
School of Law

Box 1435
University, Alabama 35486-1435

CAPITAL PUNISHMENT RESEARCH PROJECT.

October 11, 1985.

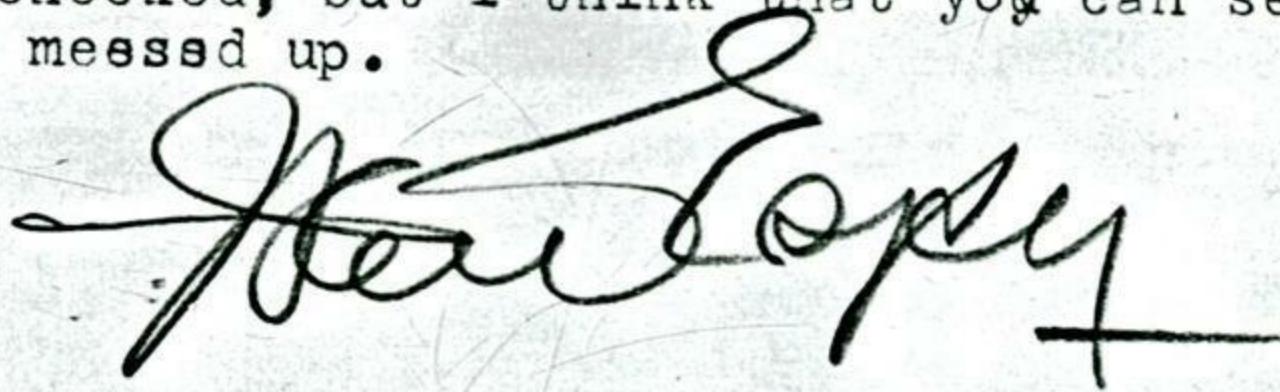
To: Bedau, Bowers, Radelet, Schwarzschild.

We have now finished going through the states to make sure that execution methods were correct, and the following corrections made:

- 3 Massachusetts from unknown to hanged.
- 1 Massachusetts from hanging to electrocution.
- 3 Mississippi from unknown to hanged.
- 1 Missouri unknown to hanged.
- 1 Missouri unknown was not confirmed (wrong year also.)
- 1 Missouri hanged in chains to hanged (Missouri never hanged in chains)
- 1 Missouri electrocution was actually a New Jersey electrocution.
- 1 Nevada unknown was hanged.
- 1 Nevada electrocution was actually a Louisiana electrocution (Nevada never electrocuted.)
- 12 New Jersey unknowns to hanged.
- 3 in New Jersey I have no record of at all.
- 2 in New Jersey from burning to hanging.
- 1 name corrected New Jersey
- 1 in New Jersey not confirmed
- 1 in New York from burning to other
- 1 in New York from hanged in chains to burning
- 2 in New York from hanged to unknown
- 1 in New York from other to broken on wheel
- 1 in New York from hanging to burning.
- 1 in New York from burning to hanging.
- 1 in New York from hanged to hanged in chains
- 19 in New York from unknown to hanging
- 2 in New York I have no record of at all.
- 8 in New York from hanged to electrocuted
- 1 in New York from drowned to electrocuted
- 1 in New York from hanged in chains to electrocuted
- 1 in New York from gas to electrocution (New York never asphyxiated.)
- 38 in North Carolina from unknown to hanged.
- 3 in North Carolina from burning to hanging.
- 1 in North Carolina I have no record of at all.
- 4 in North Carolina from electrocution to gas.
- 2 in North Carolina from gas to electrocution.
- 1 in Oklahoma from unknown to shot
- 1 in Oklahoma from hanged to shot
- 1 in Oklahoma from drowning to hanging (drowning never used there)
- 1 in Rhode Island from unknown to hanging.
- 17 in South Carolina from unknown to hanging.
- 3 in Tennessee from unknown to hanging.
- 1 in Texas from electrocution to hanging.
- 1 in Texas from hanging to electrocution
- 1 in Utah from burning to hanging. (Utah never used burning.)
- 1 in Vermont from shooting to hanging (Vermont never used shooting)

- 2 in Virginia from breaking on wheel to hanging.
- 2 in Virginia from hanging in chains to hanging.
- 4 from other to hanged in Virginia.
- 1 in Virginia I have no record of at all
- XXX 15 in Virginia, date or year wrong.
- 1 in Virginia added.
- 1 Virginia name corrected.
- 97 in Virginia from unknown to hanging.
- 1 in Virginia from electrocution to hanged.
- 1 in Washington State from electrocution to hanging. (Never used electric chair.)
- 2 in West Virginia from unknown to hanging.
- 1 in West Virginia I have no record of at all.
- 3 in West Virginia from electrocution to hanging.

We started correcting names, dates and ages in Alabama yesterday and are finding plenty of mistakes on those. I doubt that I will get through all of the States on these before the 31st. This will leave jurisdictions, races and occupations unchecked, but I think that you can see from this how badly everything is messed up.





TUFTS UNIVERSITY

Center for the Study of Decision Making

October 8, 1985

Mr. Watt Espy
University of Alabama
School of Law
Box 1435
University, Alabama 35486-1435

Dear Watt:

Thank you so much for sending me a month ago the full text of the Times-Picayune series on the death penalty in Louisiana. I had seen a bit of it, but not the whole series. The Velma Barfield book I had not known of, but I think I'll pass that up.

Your letter of 1 October, with enclosures, arrived the other day, informing me of the end of your association with the Law School and the termination of the NSF-funded support for your valuable research. I have, of course, heard bits and snatches of the whole sorry catalogue of problems that have plagued this grant since its inception, thanks to your own letters and conversation, and that of Mike and Henry from time to time. It is most unfortunate, both for you personally and for the work you are engaged in, that termination in this manner should seem to be the best thing to do to resolve the difficulties.

Let us hope that good health and good fortune attend your efforts to reestablish yourself and your work in Headland, and that opportunities for communication, even if only by correspondence, will continue as before.

Sincerely,


Hugo A. Bedau
Director

HAB/jli

The University of Alabama
School of Law

Box 1435
University, Alabama 35486-1435

Office of the Dean

October 1, 1985

Mr. Watt Espy
University of Alabama
School of Law
University, AL 35486

Dear Watt:

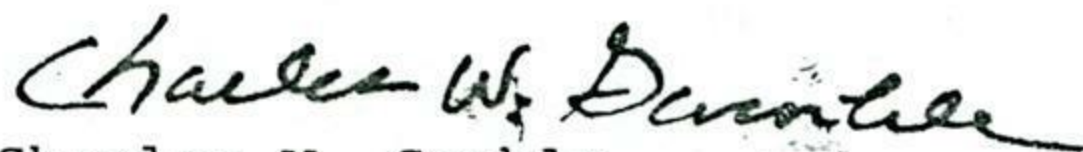
As I informed you earlier, the National Science Foundation funded Capital Punishment Research Project has been cancelled. Regrettably, all positions associated with the NSF project will be terminated. In this respect, your salary will end on October 31, 1985.

I appreciate your agreement to continue working on the data base during October to correct erroneous entries which will permit us to leave the NSF with a usable file. Bob Wells and I have identified funds to pay your salary as well as the students who will assist you in correcting the data base. In addition, I have asked Assistant Dean Roy Wade to support you as needed.

I, too, certainly appreciate your expression of gratitude and respect for those of us who have given to you the necessary cooperation and financial, logistical and moral support during the several years the Law School funded your project.

On behalf of the Law faculty and staff, I wish you the best of success in your future endeavors and hope you will be able to continue your worthwhile research project. Please do not hesitate to visit with us when you are in Tuscaloosa.

Yours sincerely,



Charles W. Gamble
Dean and Professor of Law

/gp

CAPITAL PUNISHMENT RESEARCH PROJECT

October 1, 1985

Dear Friends:

Due to an administrative decision on the part of the National Science Foundation and The University of Alabama, the second year of the 2-year grant by the National Science Foundation will not be renewed. Neither I, nor anyone else, for that matter, should expect the Law School, which has been so generous during the past several years with financial, logistical and moral support, to continue to fund this project alone. Consequently, my position as a research specialist is being abolished, and as of October 31, 1985, the project will no longer be located here at The University of Alabama.

I shall, on or about that date, return to my home-town of Headland, Alabama, where I began my work over fifteen years ago. Of course, I hope to continue my research activities to the greatest extent possible, but my earning the money with which to survive myself and to support my work must be my foremost consideration. This I shall attempt to do by writing and lecturing.

I will, of course, always be ready to be of assistance to the media, those in the academic community and others who might require assistance that I can provide though, in the future, where a large amount of time will be consumed in the hand-retrieval of the material, I will be obliged to charge a consultant's fee as well as photocopying and postage costs.

My new address will be Post Office Drawer 277, Headland, Alabama 36345. All correspondence to me after October 20, 1985 should be sent to that address and I will reply as quickly as I can get myself organized. I will have a telephone, but at this time I do not have a number that I can provide you. However, it will be listed under my name and may be obtained through a telephone inquiry. You can continue to call me here in Tuscaloosa until that time (Office phone (205) 348-4140; Home phone (205) 556-4921).

I do have a special favor to ask of those of you who are attorneys, physicians, historians, or connected with various libraries. As I will no longer have access to the various periodicals published by law schools, medical associations and historical societies, when you see an article in one of these containing anything on the death penalty, I would appreciate your providing me with the name, date and volume of the publication, the name of the article, the name of the author and his affiliation or address in order that I might write to him for a reprint when available. To those of you in the journalistic profession, I would still appreciate your sending me copies of your articles on the death penalty as they appear.

At this time, I wish to express my genuine appreciation to The University of Alabama Law School in general, and to Deans Thomas Christopher, Allen Smith and Charles Gamble in particular, for the support that they have given to this project since I came here in August, 1977. I have been able to accomplish much due to this support which otherwise might not have been accomplished.

My will provides that, upon my death, my entire work, including all notes and papers on the death penalty as well as my entire personal library on crime, will return here to the Law School Library permanently and, I hope, will eventually be used in ways that will help all humanity by enabling discussions on so serious a topic as the life and death of even the most miserable of God's human creations to be made on a factual, rather than an emotional level.

I have always felt that a just and fair set of laws, administered in a totally impartial manner, is the firmest foundation upon which any free society can exist. For the public to support such a system, their knowledge should and must be as accurate as possible. I have always thought and hoped that these same beliefs have, to some extent, been the motivating force behind the decisions of the three deans previously mentioned in so generously allocating funds, even during times of fiscal proration in our State Government to help support this work.

Once again, to them, and to the entire faculty and staff of the Law Center, I am and always shall be eternally grateful for their financial generosity, their constant encouragement, their many courtesies, and, above all else, their friendship which has never faltered and will be forever valued.

I shall look forward to keeping in touch with each of you and should any of you ever be in the vicinity of Headland (it is only 7 miles from Dothan in southeast Alabama), I want you to know that the latch-string is always out and I will enjoy having you drop by for a visit and look over the project for yourself.

With best wishes to all of you and expressions of appreciation to those of you who have assisted this project by providing information, etc. I am

Sincerely yours,



Watt Espy
Capital Punishment Research Project

September 30, 1985

Dean Charles Gamble,
University of Alabama School of Law,
Law Center,
University, Alabama 35486

Dear Dean Gamble:

This is to acknowledge and to thank you for your letter of September 27 informing me that the decision has been made to cancel the second year of the National Science Foundation Grant.

As I have verbally informed you and others on many occasions, I am extremely grateful to you and to the Law Center for the backing, financial logistical and moral that you have given me and this project. I can certainly understand the decision to terminate my position and I accept it. I also appreciate the generosity in your letter.

The mistakes that have been made in the data encoded were not my fault. I did not select the personnel that made them, I did not supervise them, nor did I enter them in the computer. I prefer not to have any direct contact whatsoever with John Smykla. Nonetheless, if I can have two capable law students to assist me through the month of October and provided a copy of the listing, I will do what I can to clear up the most obvious errors. Certainly this will not give a completely valid data base to the organization in Michigan, but the basic errors should be cleared up. I will, also, be packing my things for my return to Headland on October 31st.

Consequently, I would appreciate a letter terminating my position as Research Specialist with the Law Center effective October 31st, 1985, in order that I might apply for and draw my employment compensation to which I feel that I am due.

I also want to take this opportunity to let you know that I have never had anything but the greatest admiration, respect and appreciation for you and for your generous personal assistance to me and to my work and I hope that nothing in my actions have been a disappointment to you or indicative of any distrust. Most of all, I sincerely hope that you are not hurt personally or in any other way by any of this. The fault and the blame lies elsewhere and in an area with which we are both familiar and have no control, but it would do neither of us any good to rehash that.

I leave the University with not only a sense of gratitude but of real love for the Law Center because of all that it has done for me and I would like to assure you that this will be reflected in all of my future actions.

With grateful appreciation to you for everything, I am,

Respectfully yours,



Watt Espy
Capital Punishment Research Project

MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-~~5925~~ 4140

August 28, 1985.

The enclosed tabloid is a collection of death penalty articles on the State of Louisiana written by Jason DeParle of the TIMES-PICTAYUNE. In my opinion, this is an exceptional piece of journalistic reporting and, in case that you have not seen it, I wanted you to have a copy.

Additionally, while browsing in a book store last weekend in Birmingham, I ran across a book written by the late Velma Barfield who was executed last year in North Carolina. I did not know that she had written a book prior to her death. It is a paperback (which I hate), but I published a copy anyway and it was obviously never published in hard cover form. If you wish a copy, its title is WOMAN ON DEATH ROW, by Velma Barfield; Nashville, Tenn.: Oliver-Nelson Books, a Division of Thomas Nelson, Publishers, 1985, and the cost is \$6.95.

Regards -

A handwritten signature in cursive script, reading "Watt Espey". The signature is written in dark ink and is positioned below the typed name "WATT ESPY".



THE UNIVERSITY OF ALABAMA
College of Arts and Sciences
Department of Criminal Justice

August 14, 1985

MEMORANDUM

TO: Advisory Committee
Capital Punishment Project

FROM: John Ortiz Smykla

RE: September Advisory Committee Meeting

There has been an unanticipated delay in our plans to draw the sample for the extended and citation data files. This phase of the project was being planned as a key agenda item for the September advisory meeting. After consultation with Dr. Felice Levine we thought it best to delay the meeting. As soon as I can make alternate plans I shall contact you. In the meantime, I regret the inconvenience and what seems to be a last minute notice of rescheduling.

JOS/mgf

SCHOOL OF LAW LIBRARY
UNIV. OF ALABAMA, BOX 6205
UNIVERSITY, AL 35486
(205) 348-~~3926~~ 4140

CAPITAL PUNISHMENT RESEARCH PROJECT

From: Watt Espy
To: The Advisory Board Members.

Dr. Smykla has provided me with a written summary of your questions concerning my work which arose at your meeting in November of last year. He explained that the inquiry had been circulated among you prior to its being given to me and while I assume that each of you already has a copy, I am, at the suggestion of one of your peers, enclosing another ~~for~~ you. I shall now attempt to reply to you as exactly as I can in the sincere hope that I will then be allowed to continue with my work.

Several years ago, in response to a question by a newspaper reporter who asked me how many legal executions I thought had occurred in the United States, I gave a rough, or "ball-park" estimate of from 20,000 to 22,500. ^{feel} I do not apologize for having given these figures, an estimate only, and I still ^{feel} that that the final figure would be within these limits. However, this estimate has come back to haunt me in that I have been told that members of your committee want me to justify it. I emphasize that it was only an estimate and those of you who differ with this are free to make your own.

Even though to answer some of the questions contained in your memorandum would be pure speculation, I shall, nonetheless, address each of them to the best of my ability, even though I shall not enter into the realm of guess-work by stating things that I simply cannot prove.

You ask me to state the completeness of my inventory for periods of time, by states and by the types of execution. I can safely assure you that all executions have been recorded since that of Gary Gilmore on January 17, 1977, and I feel reasonably certain that all have been recorded since May 31, 1957, when John Joseph Michel was electrocuted at the Louisiana State Prison. I have found no others executed on a local or county level in the states that continued to execute locally since that date and I do not believe that there were any, but I will not state categorically that this is a fact. For the period from September 11, 1941, when the State of Louisiana began using a portable electric chair to May 31, 1957, I believe that the only executions not carried as confirmed at this time are in the States of Louisiana and Mississippi, but, once again, I do not state this as a **fact**, but only a supposition. Prior to that time, I simply cannot tell you just how complete the inventory is for any given time period.

With respect to the completeness of the inventory **by** states, I **will** not guarantee and categorically state that any state is complete, even though I think that several, such as Maine, Michigan, Minnesota, Montana, New Hampshire, Rhode Island, Pennsylvania, Oregon and Washington are complete. However ~~had~~ previously thought that some of these were, only to find new cases in the state. For example, in his

inventory of Pennsylvania executions, published in SCAFFOLD AND CHAIR, Dr. Negley Teeters of Temple University published what was then the longest list of executions for any single state. He did not claim to have confirmed all of the executions in Pennsylvania, but only to have done the best that he could do. I have found others in Pennsylvania, not carried in SCAFFOLD AND CHAIR, and I am enclosing a copy of the information on one such new Pennsylvania case (that of Thomas Beers, hanged at Chester on July 2, 1737.) I simply cannot state factually that there have been no others, not already confirmed, in Pennsylvania or any of the other states mentioned above, and, of course, without knowing the exact number in a given state, I cannot tell you how complete my inventory is for that state.

With respect to the completeness of the inventory with regard to types, I can state definitely that all of those by lethal injection have been confirmed; that I believe that all of those by asphyxiation have been (they were, after all, carried out at the state prisons; however, I have found omissions from state inventories of persons executed at the prisons); and I believe that all who were electrocuted, with the exception of a few in Mississippi and Louisiana have been confirmed (as you know, these two states used a portable electric chair for a number of years and all persons executed during that period have not been confirmed). Without knowing the precise number of hangings, burnings, etc, that have taken place, I cannot tell you how complete my inventory is for those means of execution. I do not feel that I am qualified to "guess" on those.

Regarding the question of "research strategy," I would like to begin by stating that in May, 1970, I wrote my first two letters to Departments of Corrections requesting that they provide me with listings of persons executed within their state prisons. Enclosed are copies of the lists provided by those two states - Oklahoma and Tennessee - and, as the information contained in the Teeters-Zibulka inventory was provided by the various State Departments of Corrections and Prisons, I would assume that they were the same provided to me by each state that has executed prisoners at a central location. These were my original materials on which my research was based. When I ordered a reel of microfilm of a newspaper through interlibrary loan, purchase with my own funds or otherwise, I have read the entire reel from the last date carried thereon backwards to the first date. In such a manner, I have turned up new executions or indications that a person was under sentence of death. These latter are not carried as confirmed executions until such time as I can get verification of the fact that they were actually executed. When I find such a record of a potential or possible execution, the name, date and place are entered in my state-by-state ledger in pencil, and a small card prepared which is chronologically with the actual executions in that state. When I confirm that the execution took place, the ledger card is corrected to indicate that the execution took place. In the case of a commutation, death, suicide or disposal of the case by means other than execution, the pencil entry in my ledger is erased and the facts of the disposition noted on the card which is then moved from the chronological arrangements of the cards to the front of the section for the state. Examples of this process are enclosed. Once again, in connection with "research strategy", you ask for how much variation exists with respect to time, state and type of execution. I believe that I have already answered this to the best of my ability without entering the sphere of guess-work or even clairvoyance, and I don't think that I should be expected to do something of this nature.

I am next asked to tell you "...what sources were consulted to obtain information about the circumstances of each execution..." and, if possible, "...to specify certain sources that were always consulted..." Naturally, if there was any source that could

always be consulted, I would never have started this work as there would have been no need for it. The source for each item of information (varying from newspapers, court records, correspondence with local Historical Societies, State and Regional Reports, and books on state local and county history) is noted on the small cards (example enclosed) or on the large cards or worksheets to which I am referred by the small cards. All of this information is available to those doing the computerization of this data and I assume that they will, in due time, note it. For me to tell you how the sources "...vary in accessibility and competence by period of time, state and type of execution..." would be an almost impossible task unless I were to stop my work completely, go through everything that I have accumulated over the past fifteen years, noting the source on each piece of information, and then, somehow, obtaining a list of every newspaper ever published in the United States of which there is a copy now extant, as well as the now extant records of every court that has tried a capital case, and every book ever published with a reference to an execution and compare those with the sources that I have used. This would, of course, take considerably longer than the period of the grant and would mean that I would have to completely stop my work of confirming new executions and adding the other data to those already confirmed.

I believe that the above explanation of my treatment of putative or rumored executions answers the question "Are there any relative consistent rules about when information was recorded as opposed to an opinion, rumor, or vaguely described," even though I have never noted the exact date on which I confirm a new execution or obtain a new piece of information concerning a previously confirmed execution.

The last question asked is the only one that I feel that I can give a precise answer to. When different sources provide conflicting information on the same execution, I use, for my own purposes and work, that source which I consider the most reliable. If the information is contained in the various State and Regional reports, I accept this as it is, in fact, the basis of the legal records of the case. I consider most local and county histories and genealogies to be an excellent source for factual information because of the authors of these, even though the majority of them are not academics, are generally thorough in their research, particularly insofar as dates and other important matters are concerned. Where newspaper accounts differ, I generally accept the information contained in a paper published in the city or state where the execution took place as opposed to one from out-of-state, and, by the same token, I generally accept the information published in a contemporary paper over that of an article that is published retrospectively. I do gather and keep all of the different accounts obtained and I realize very well that others may differ in their choice of the most valid source.

When the grant proposal was being drafted, I attempted to provide all of the information requested of me, sending copies of every tenth large information card and worksheet to the consortium at the University of Michigan as well as preparing a very lengthy (35 pages - see Appendix B of the grant proposal which I believe, or have been told, each of you has) bibliography of some of the sources researched for each state. In addition to other samples, previously mentioned, I am also enclosing a specimen worksheet as well as a small card - at one time I only went to a worksheet form of recording information after space on the large card ran out, while now I go directly from the small card to the worksheet with few exceptions. As you will notice, the source for the information on each is noted, and I am always glad to provide sources on specific cases to interested parties as well as to provide them with copies of the information that I have if they are either reciprocative or appreciative.

Inasmuch as the purpose of this inquiry was "...to provide the research community with information of what went into data collection...", I am sending copies of the inquiry as submitted by Dr. Smykla as well as this reply to others, academics and otherwise,

who have used data from my work. Even though they have not asked for this, they may, nonetheless, find the information useful to them in their work.

Any of my data that is requested is being made available to those who are entering it in the computer. In my opinion, the reliability and dependability of the finished product to you and to others of the scientific community will depend as much on the accuracy with which it is entered into the computer as it does on the data that I provide and I sincerely hope that your committee is as much concerned with this aspect of the grant project as it is with my own efforts.

Dr. Smykla informed me last week that the committee will meet here in Tuscaloosa some time next fall and if any of you have further questions concerning my work, I will be delighted to try to answer them at that time. If you feel that they cannot wait, please feel free to write to me or to call me and I will do the best that I can.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John E. Speer". The signature is written in dark ink and extends across the width of the page.

Received
2-12-1985

In order to provide the research community with information of what went into data collection the Advisory Committee raised the following issues in their November 1984 meeting. Your responses may spur new questions although every effort was made this time to focus the committee's concerns into specific questions. The questions, of course, are not critical of your scholarship. They just reflect the fact that coverage, in any investigation, will vary in completeness and, when one is interpreting analysis based on the data, it is helpful to know as much as possible about the characteristics of the variation. You are being asked to address four broad areas of methodological interest so that other scholars may understand your scholarship. Each one of the four areas begins with a statement to link the questions by a common theme. Undoubtedly the four areas are related, but for purposes of preparing a statement of your methods it is necessary to separate them.

The first issue deals with the completeness of your inventory of executions. A user of the data might want to assess how much confidence can be placed in the completeness of the inventory by period of time, state, and type of execution. Could you respond to the completeness of the inventory for each of these?

The second question is one of research strategy. The user will want to know how executions came to your attention and how were they verified? Specifically, what methods do you employ to uncover and verify (a) executions you know about (e.g. executions

provided you from state departments of corrections, capital newspapers, Teeters-Zibulka, etc.) and (b) those you don't know about, are putative (supposed or rumored) or find unexpectedly? How systematic have been your methods in (a) and (b) above? How much do your methods vary in completeness, for example, by period of time, state, and type of execution? If so, the user might like to have your best estimate of the variation in your methods of verification.

The third issue, closely related to the second, asks what sources were consulted to obtain information about the circumstances of each execution. Is it possible to specify certain sources that were always consulted and others that were used when the standard ones failed to yield the necessary information for (a) executions that you knew about as a result of your proactive methods (discussed above) and (b) those that you didn't know about beforehand but uncovered as a result of your proactive search? And again, a user of the data might want to know how the sources vary in accessibility and completeness by period of time, state, and type of execution.

The fourth question is one of confidence or reliability in the level of documentation and it too will be important to users of the data. A user will want to know how much confidence or reliability can be placed in documentation of the data. Are there any relatively consistent rules about when information was recorded as a fact as opposed to an opinion, rumor, or vaguely described? When sources are in conflict, are there rules that were applied to determine which was the most credible?

February 13, 1985.

These two executions were confirmed today. Small cards had been prepared at some time since I came to the University on August 15, 1977, from a review of Volume 28 of the Southern Reports, pages 846 and 946. These not only showed the affirmation of the death sentences by the Mississippi State Supreme Court, but set the dates of execution for January 5, 1901. Even though I had read other newspapers for January 5 and January 6, 1901 (none from Mississippi), this was the first confirmation that I had that either of these executions had taken place. They were not carried as confirmed until today even though they had been carried in the ledger (with the writing in pencil). This is, in my opinion, a good example of (1) a possible execution about which I had a note; and (2) the means by which said execution was affirmed. Attached is a small card of an execution, the lead for which was also taken from the affirmation by the Mississippi Supreme Court, and the fact that the sentence was commuted on July 15, 1932, with the Jackson, Mississippi CLARION-LEDGER for that date (1:4) as the citation.

KIRBY, Will
(Need a confirmed.)
Will Kirby, convicted of murder, Warren County, Miss., and sentenced to death. Affirmed setting the date of execution for January 5, 1901: 28 SOUTHERN 846.

"TWIN LEGAL HANGINGS (AP) - Jackson, Miss., Jan. 5, 1901. - Two legal executions took place in Mississippi today. William McCullough, a white man, was hanged at Woodville, for the murder of a man named Dole, and Will Kirby, a negro, was hanged at Vicksburg, for the murder of Isaiah Johnson. The Governor had refused to commute sentences in both cases." TIMES, Richmond, Va., January 6, 1901 (1:6.)

MCCULLOUGH, Wm.
(Need to be confirmed.)
Wm. McCullough convicted of murder, Wilkinson County, Miss., and sentenced to be hanged. Affirmed with the date for execution set for January 5, 1901: 28 SOUTHERN 946.

"TWIN LEGAL HANGINGS (AP) - Jackson, Miss., Jan. 5, 1901. - Two legal executions took place in Mississippi today. William McCullough, a white man, was hanged at Woodville for the murder of a man named Dole, and Will Kirby, a negro, was hanged at Vicksburg, for the murder of Isaiah Johnson. The Governor had refused to commute sentences in both cases." TIMES, Richmond, Va., January 6, 1901 (1:6.)

below
The ~~new~~ small card is a note on a possible execution in Mississippi. It was duly noted in my state-by-state ledger in pencil. When I found that he was not executed, it was noted on the small card and the pencil entry in the ledger was erased.

PARKS, Jesse
(Not confirmed)
convicted of murder, Sharkey County, Miss., and sentenced to death. Affirmed on appeal: 141 SOUTHERN 278 and date set for May 20, 1932.
According to CLARION-LEDGER. July 14, 1932 (7:1), plea for commutation still before Governor Conner, with date extended to July 15.

*Committed - Clarion Ledger
7-15-1932 (1/4)*

Jefro Price, electrocuted at Clarksdale, Miss., on Dec. 21, 1951, was the 90th person to be executed in Mississippi's portable electric chair. ~~XX~~ 70 were black and 20 were white. A separate card on Price but am making this notation to go in front of Mississippi as it is the first statistical information as to numbers & race I have obtained on electrocutions in Mississippi up to and including a given date.

The above small card is typical of a note that I make from a newspaper article on a confirmed execution (this from the Clarksdale, Mississippi, PRESS-REGISTER of December 21, 1951 - I sincerely regret that I did not copy the page and column on this particular item). While this does not actually give a clue to a particular execution, it does indicate the number and the races of those electrocuted in Mississippi prior to that time, and serves as something that I can use to check to make certain that I have all. Now, I do not state that these figures are accurate and ~~WILLIAM~~ will not stake my life on them (newspaper reporters, not unlike myself and practically everyone else, have been known to make mistakes) it is at least something that I thought worthy of noting and serves as an example of a check that I try to maintain on myself.

DURKE, Elmer Francis (Trigger)

Burke, a white man born on Sept. 17, 1917, in New York City, looked up to his older brother, Charles, a petty crook. ~~XXXXXXXXXX~~ After serving 9-months of a two year sentence in the Elmira Reformatory, he enlisted in the Army where he proved his proficiency with fire-arms and served with distinction as a Ranger during World War II, participating in the Normandy Invasion and fighting in France, Germany and at the Battle of the Bulge. After the war, he attempted to rob a liquor store and received a prison sentence which he was serving when his brother Charles was shot to death. Burke emerged from prison determined to avenge his brother's murder and became a hired killer. There is no way of knowing how many gangland murders he figured in. In addition to killing for a fee, he was quick to liquidate any real or fancied ~~XXXXXX~~ personal enemy and was able to do so in such a way that ~~XXXXXX~~ evidence was unavailable to tie him in with the crime. On the night of July 23, 1953, following a petty quarrel, he shot and killed his best friend, Edward (Poochy) Walsh in a crowded New York bar and it was for this killing that he was ultimately executed several years later. Burke ~~XXXXX~~ went to Boston where he figured in some gangland shootings, but was able avoid detection for some

time even though he was already on the F. B. I.'s list of the 10 most wanted criminals. Finally he was captured and lodged in the Charles Street Jail from which he escaped a week later. He made his way to South Carolina, assumed an alias, and remained at large until Aug. 27, 1955, when he was captured by F. B. I. agents. Returned to New York, he was convicted of the murder of Walsh which was the only one of his crimes about which he would talk and, on Jan. 9, 1958, he was electrocuted in Sing Sing's electric chair.

BLOODLETTERS AND BAD MEN

DETECTIVE DRAGNET, May, 1969. Page 30

*Before final write-up see Front Page Detective,
December, 1955 - Page 26*

117 NE -2nd- 250 (Memo); 140 NE (2nd) 866 (Memo); 136 NE -2nd- 866
(Memo)

Worksheet - My Mem - Bound -

BURKE, Elmer F. ("Trigger"), white, 40, electrocuted Sing Sing (New York) on Jan. 9, 1958.

"Elmer Francis (Trigger) Burke died in the electric chair at Sing Sing Prison tonight for the murder of alongshoreman. The 40-year-old gunman was found guilty of the fatal shooting of Edward (Poochy) Walsh, a 23-year-old dock worker two years ago. The shooting took place in a Columbus Avenue tavern on July 12, 1952. Burke contended at the trial that he was insane from head injuries and that he had also been drunk. The execution had been stayed three times. The New York Police have said that they suspected Burke of 5 or 6 other murders, a \$305,000 bank holdup in Queens and the disappearance of a crime subject. He also had been described as a key to the \$1,210,000 Brink's holdup in Boston in 1950. He was arrested in 1954 on the charge of possessing a sub-machine gun that had been used in an attempt to murder a suspect, but he escaped from jail. He was arrested again on August 27, 1954." TIMES, New York, NY, Jan. 10, 1958 (14-6.)

"The Federal Bureau of Investigation announced the arrest at Folly Beach, S. C., tonight of Elmer Francis (Trigger) Burke, 37 years old, described as a 'self-professed New York killer.' The FBI said Burke had been sought for unlawful flight to avoid prosecution for murder as a result of the fatal shooting of Edward Walsh in New York on July 24, 1952. He was also sought for unlawful flight to avoid prosecution for assault with a dangerous weapon on a prison guard at Boston on Aug. 28, 1954...J. Edgar Hoover, FBI Director, said Burke had previously been arrested by the Boston Police on June 17, 1954, for possessing a sub-machine gun...He was arrested on the street at Folly Beach by Julius Lopez, special agent in charge, and other FBI agents of the Savannah, Ga., office. The FBI said he offered no resistance and admitted his true identity. The FBI said it found two .38 caliber revolvers and two .22 caliber rifles in Burke's beach cottage. Burke was delivered from the Suffolk County Jail in Boston in a bold break exactly a year ago tomorrow. Two accomplices dressed in guard's uniforms broke into the jail on a Saturday afternoon, and, acting with the same daring and precision as the fabulous Brink's robbers freed Burke. Burke was awaiting trial for illegal possession of a sub-machine gun that police say was used in the ambush of Joseph J. (Specs) O'Keefe, at one time a prime suspect in the \$1,219,000 Brink's holdup in 1950." TIMES, New York, 8-28-1955 (1-1.)

"A prosecution witness testified yesterday ~~XXX~~ in General Sessions court that after the fatal shooting of Edward (Poochy) Walsh, he had seen Elmer F. (Trigger) Burke leave the bar in which the shooting had occurred. Burke is being tried as the slayer of Walsh in 1952, assertedly because Walsh interfered in an argument Burke was having with another man. The witness, Raymond Rogers, who is being held in Bronx County Jail had not seen Burke's face. Nor did he see a pistol in the hands of Burke, the witness testified. He had recognized Burke by his height and bushy hair. (Rogers) said he had served prison time for larceny and possession of narcotics. A second witness, William Quinn, now serving a prison term for assault, testified he had borrowed a pistol from Burke the day before the shooting and had returned it about four hours before Walsh was murdered." TIMES, New York, N. Y., Nov. 19, 1955 (40/4.)

"A Long Island housewife testified yesterday that on the morning of July 23, 1952, she saw Elmer F. (Trigger) Burke walk into a bar, pull a pistol from under his shirt and shoot Edward F. (Poochy) Walsh. The witness, Mrs. Ann McAllister, said that after the shooting Burke 'pivoted like a soldier' and walked out of the bar...Under cross examination by Maurice Edelbaum, defense counsel, Mrs. McAllister became a bit confused over whether Burke's hair was curly, sandy, or wavy, but she went on 'I couldn't forget his face.'" TIMES, New York 11-23-1955 (50-1)

"...John Eklof of 106 West 47th St., a hotel clerk, testified that he was in the bar drinking at the time of the shooting. He said he heard what sounded like a shot, turned and saw Walsh slump to the floor. Then, he said, Burke walked past him and out of the door. Mr. Ecklof picked out Burke at the defense table as the man whose face he got a 'good look' at after the shooting." TIMES, New York, NY, 11-23-1955 (50:1.)

"Elmer Francis (Trigger) Burke was found guilty of first degree murder by a General Sessions jury last night. The death sentence is mandatory...In the trial Burke contended he was innocent on one of several grounds - that he had not done the shooting, or that if

he did he was insane or drunk. He testified that he had suffered head injuries in a 1932 auto accident and was so drunk on the night of the killing he could remember nothing. Charges against Burke are still pending in Boston for breaking jail and assaulting a guard. But he will not have to face charges there unless his conviction here is upset on appeal, or if the sentence is commuted." TIMES, New York, NY, 12-3-1955 (p38, col 1.)

BEERS (?), Thomas
"Philadelphia, July 7, 1737-The same day (July 2, 1737),
was executed at Chester (Pa.) Thomas Beers(?) for firing
and robbing a house. He confessed himself to have been
guilty of a great number of thieveries, for which he long
since deserved the end he was not brought to, and desired
all to take warning by him. His first fact was only steal-
ing a pack of cards, which was followed by many others of
more consequence in England, whence he was at length trans-
ported into Maryland, where he continually added to their
number, 'till he came to the commission of that for which
he died." SOUTH CAROLINA GAZETTE, Charleston, SC, Septem-
ber 3, 1737 (2:2.) NOTE: THIS IS NOT CARRIED IN THE
TEETERS' LISTING.

*fyi
jpe*

The University of Alabama
School of Law

Box 1435

University, Alabama 35486-1435

June 19, 1985

Office of the Dean

Professor John O. Smykla
436 Farrah Hall
Box 6365
University, AL 35486

Dear John:

Watt Espy informed me that the Capital Punishment Project Advisory Committee will meet at the University during September 1985. During a meeting with Dean Gamble, I mentioned the upcoming visit to him. He asked me to communicate with you on this matter and to offer our assistance in making the visit enjoyable and rewarding to these distinguished visitors.

I understand a visit to the site of the operation is proposed. In this respect, we would like to offer you space in the Law Center to conduct your meetings so you and the committee will be near Watt Espy's office and the workroom.

We understand that time may be limited, however, Dean Gamble indicated that he would be open to hosting a social event for the visitors. An early morning coffee or a late afternoon reception with the criminal justice, faculty and law faculty could be arranged at the Law Center. Another option would be to host a dinner for the visitors, two people from each school and Watt Espy. I will be glad to make the necessary arrangements.

Thank you and we look forward to discussing the matter with you.

Sincerely,

Roy

Roy R. Wade
Assistant Dean

RRW:sm

cc: Dean Charles Gamble
Dean Richard Peck
Vice Dean Nathaniel Hansford
Mr. Watt Espy ✓

MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925X 4140

July 17, 1985.

The enclosed items are self-explanatory. I sincerely hope that at the meeting in September I can meet with ~~with~~ friends such as yourself and make a new will and agreement that will not make my material inaccessible to responsible members of the academic community and others. You, and some others, of course, I would like to have access to the material, but ~~anti~~ after something else is developed, this must stand.

I am to leave tomorrow for Mobile, and will be in Birmingham Sunday and Monday, Montgomery on Tuesday and Huntsville Wednesday and Thursday of next week.

Will appear on a tv show here this afternoon. Am going to do my best to help our position, but with Smykla constantly firing at my rear my nerves are a wreck. The doctor has advised me to cancel trips, but I am committed and will proceed - I might add, incidentally, that the OpEd for the Constitution has already gone off. The one for the Times would have been written yesterday had it not been for the trauma that Smykla has seen fit to put me through.

If he wants to continue with the grant and not have to pay the money back, he had better hope that I live or do not become incapacitated. Both of these documents were written and drafted with legal assistance.

Regards and best wishes -


Watt.

MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925 41140

July 16, 1985.

This memorandum is to make note of a telephone call received by me from John Smykla around 9 o'clock this morning.

Sam Fisher was told at the beginning of this month that I had planned to be in and out during the last two weeks of the month on television and other appearances through the State.

Due to the fact that Criminal Justice had messed up Rick Dent's payroll one month, they owed him two weeks pay which he elected to take as comp. time while he studied by the bar. Michael Smith was told that he would not begin work until the 29th of this month.

When I explained this situation to Sam Fisher, he said that he would have other things for his people to do. Nonetheless, yesterday, he told me that they would be rechecking each other on the small cards. Once again I explained that I would be out and would not authorize him or anyone else from Criminal Justice to enter my office, the reason being that I consider them all incompetents who have messed up practically everything that they have touched. Rick agreed to be here on the days that I was gone and to check items in and out, but only if he is paid to do so and he should not be expected to do so without compensation. After all, he went to Richmond for a full week, without pay other than living and travel expenses to check the records of executed slaves which was a very fruitful endeavor.

This morning, John Smykla called me around the above mentioned time and ordered me not to leave this campus without turning over my material to his people and then hung up the telephone without even waiting for a reply.

MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925

Page two

July 16, 1985.

The matter so upset me that I had to have someone drive me to my doctor (my car was in the shop) where I was told my blood pressure had gone high and was advised to go into the hospital. Time will not prevent this, but I was given prescriptions for medications which I am now taking.



MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925
XXX

7-15-1985.

R : Smykla.

This is an addition to my memorandum of earlier today.

Rick called Smykla offering to work on the days that I would not be here, putting the stuff out for his personnel and taking it in at night, if he was paid for so doing. Smykla finally agreed to this but said it would be my responsibility to have someone do it after Rick left and before the 29th when Michael Smith goes to work.

It was Smykla's people who messed up Rick's time and told Michael not to come to work until the 29th and I will not pay someone to do it. Saw Michael and he is to call Smykla and see what can be worked out there.

Rick said that Smykla was absolutely rude in his conversation.

Had lunch with Scott Morton, one of Smykla's people who informs me that Smykla is hard to get along with and insists on having his own way on everything. Morton, who is leaving to go to work, says the biggest mistake he ever made was being conned into a criminal justice major (he is getting his master's now) as it will lead to virtually nothing.

Watt Espy

SCHOOL OF LAW LIBRARY
UNIV. OF ALABAMA, BOX 6205
UNIVERSITY, AL 35486
(205) 348-~~5925~~ 4140

CAPITAL PUNISHMENT RESEARCH PROJECT.

July 16, 1985.

To: Ms. Cherry Thomas, Acting Law Librarian,
Dean Charles Gamble, School of Law.

In the event of my incapacitation due to a stroke, accident, operation or other impairment, physical or mental, I direct that all of my materials, books, ledgers, cards, worksheets, magazines, papers or any other material relating to the capital punishment research project be locked up and sealed here in the Law School until such time as I have recovered sufficiently to continue with my work, at which time I will resume control myself and the computerization under the grant proposal will continue. In no event do I want Profess or John Smykla or any other person connected with him in any way to have any access to this material during said incapacitation.

In the event of my death, the terms of my holographic will, a copy of which is included will go into effect.

Major Watt Espy, Jr.
MAJOR WATT ESPY, JR.

Witness by: *Mary Freyer*

Witness by: *W. Paul Wolf*

SCHOOL OF LAW LIBRARY
UNIV. OF ALABAMA, BOX 6205
UNIVERSITY, AL 35486
(205) 348-~~5925~~ 4140

June 17, 1985.

From: Watt Espy
To: Henry S. Schwarzschild

I hope that your trip to Colorado was successful and that you and your colleagues were able to accomplish much good.

John Smykla has finally agreed to let the Advisory Committee meet here in Tuscaloosa. Of course, he keeps me advised of absolutely nothing and I have to rely on Mike for information. Enclosed is a copy of Smykla's memorandum of June 6 providing for the Tuscaloosa meeting (provided by Radelet - Smykla continually ignores my repeated requests for copies of these items); my memorandum (written on May 22 expressing my view that the committee should meet here; Smykla's memorandum of May 22 to members of the committee suggesting that the meeting be in Birmingham - he had told me that it was the members of the committee who wanted to meet there instead of here- and Radelet's reply (both provided by Radelet.) I also know that Bill Bowers asked that the meeting be held here and suspect that others did also. Smykla is obviously trying to keep the Committee and myself separated if at all possible in order that he might serve as a conduit. Much has transpired to confirm my belief that he has acted in a most duplicitous and insincere manner.

At any rate, I hope that you can plan to be here in Tuscaloosa when the Committee does meet here either on September 20th or 27th. I have talked with Mike and he says that if you do plan to do so, please advise him and he will, as I am sure that Bowers and Hugo will, join me in doing everything possible to get you into all of the meetings. I hope that each of you four or others on the committee who I do not know if they are interested in my work and in protecting both it and me can stay both Friday and Thursday nights in order that we might meet together after the full committee. Needless to say, at this session between those who I do trust and rely on for advice, I shall make decisions that will affect this work and its availability in the event of my death or incapacitation.

What has been done, thus far, has been a complete perversion of my work though, at my insistence, they are making an effort to correct the errors, which are numerous enough to make one sick.

I will be in Atlanta on the 29th for National Death Penalty Day and hope to see you there. Mike says he is going to try to make it if his health will permit.

Will call you later in the week.

Regards:



CC: Bedau, Bowers, Radelet.

PS: Also enclosed, for your information, is a list of the members of the Committee. Of course, I am familiar with Baldus but with none of the others. Would appreciate anything you can tell me about them & their backgrounds.

MEMORANDUM

TO WHOM IT MAY CONCERN

RE: Oversight of the Capital Punishment Research Project

FROM: Holt *W. Watt*

DATE: July 16, 1985

Watt Espy has just come into my office, as agitated as I have ever seen him. He has been to his doctor and has been prescribed medication for high blood pressure and for other problems, all associated with the manner in which John Smykla is handling this project.

Watt plans to be out of town during the end of this week and for most of next week, in each instance related to his professional work, giving speeches and interviews related to the death penalty. He refuses to give the criminal justices students who are coding his information onto the computer access to his files unless he, or his own assistant, is here to supervise their use, given the track record of use by the students and the condition of Watt's files. His present assistant (Rick Dent) went off the payroll yesterday (July 15), and due to a snafu with respect to Dent's pay which was caused elsewhere, the next assistant (Michael Smith) will not go on the payroll until July 29. Thus, neither Watt nor his assistant will be here during the time Watt is scheduled to be out of town, and the students will not have access to the information in Watt's files.

Watt informed the supervisor of the criminal justice students (Sam Fisher) about this situation. Fisher assured Watt that they would be given other work to do, but then reneged on this understanding and said that they must have access to the cards next week. Rick Dent can be here to supervise, but only if he is paid. Watt has no funds to pay him and should not have to pay; Rick has every right to expect pay for work he does.

At this point John Smykla telephoned Watt and ordered him (Watt) to stay on the campus, telling him not to leave unless he turned the appropriate material over to the criminal justice students. Smykla then hung the telephone up, not awaiting any response from Watt. This is rude and unprofessional behavior. When Dent telephoned Smykla to attempt to ameliorate the situation, offering to allow the students the needed access if he were to be paid, Smykla treated him rudely also but eventually agreed to pay Rick. However, Dent will be absent three days next week in order to take the bar examination. Smykla told Dent to tell Watt that it was up to him (Watt) to cover those three days, at his own expense.

I believe that this situation has gotten beyond misunderstanding. I believe that Smykla should be told (a) that he is not in any position to order Watt around; (b) that Watt is within his rights and within the terms of the grant in doing his own professional work; and (c) that it is up to Smykla to ensure proper pay to Watt's assistant so that criminal justice students can do their work.

Dear Hankle suggest that each of you be sent a copy of this also.
Holt



THE UNIVERSITY OF ALABAMA

College of Arts and Sciences
Department of Criminal Justice

June 6, 1985

*called 19 June 85
OK either day*

MEMORANDUM

TO: Advisory Committee
Capital Punishment Project

FROM: John Ortiz Smykla *Ortiz*

RE: September Meeting

In my earlier memorandum to you I suggested a half day advisory committee meeting on Friday, September 27 in Birmingham. Thinking about the agenda (e.g., your reaction to the first data file on 15,000 cases now being processed at Michigan, sampling and codebook issues for the expanded data file, creation of the citation file to accompany the expanded data file, review of the first draft of project introduction and methodology to accompany the data file, and discussions with Watt Espy) I'm afraid we would not accomplish our goals in a five hour meeting. After talking about it with others, I would like to propose a full day's meeting on the campus of The University of Alabama. I'm sensitive to your work schedule, the beginning of the Fall semester, and the distance and time involved in travel to Tuscaloosa. There are so many important issues to discuss we would be remiss if we didn't provide ample meeting time. You know we value your input on the project. You already helped us shape the data base in a very significant way.

What I'm proposing then is a full day's meeting, either Friday, September 20 or Friday, September 27, from 9 a.m. to 5 p.m. on the campus of The University of Alabama. If you have a conflict with one of these dates let me know. If either Friday is open, let me know that too and I'll schedule the meeting to fit the majority of your schedules.

There are two ways to get to Tuscaloosa by air. You can fly into Birmingham and someone from the University will meet you and drive you the one hour to Tuscaloosa. Or, if you're able to connect in Atlanta, you can fly direct to Tuscaloosa on Atlantic Southeastern Airlines. If you're coming in Thursday evening from Atlanta, the last flight to Tuscaloosa is 8:45 p.m. On Friday, the last Tuscaloosa to Atlanta flight is 5:15 p.m. (we'll get you to the Tuscaloosa Airport on time). If you're unable to make connections after the meeting on Friday, the first Tuscaloosa to Atlanta flight on Saturday is 7 a.m. I will arrange lodging if you are staying in Tuscaloosa Thursday and/or Friday evening and arrange your travel to and from the airport (Tuscaloosa or Birmingham).

I know it's sometimes hard to plan three and one half months in advance but let me ask you to think about your schedule and look into travel arrangements. I'll call you next month to confirm the meeting. Or, if you wish, write me your travel plans and needs.

Thank you for your understanding and I apologize for the confusion.

JOS/mgf



TUFTS UNIVERSITY
Centre Européen

13 June 85

Professor John Ortiz Smykla
Department of Criminal Justice
University of Alabama
Box 6365
University, AL 35486
U.S.A.

Dear Professor Smykla,

Your memorandum of 22nd May was forwarded to me here and arrived a week or so ago. I have checked my schedule for the fall term as well as I can and it appears that any of your three proposed dates is OK with me. That is, my date book is just a blank at this point on all three. However, I think I would prefer the 27th September, because I think that when I return home I will find a memo awaiting me to the effect that I have something scheduled already on either the 20th September or on the 4th October. I will be back at home by Tuesday the 16th July, and if necessary I could be reached by phone (617-369-0127) to check on these dates if you are ready to finalize them by that time.

Sincerely,

Hugo Bedau



THE UNIVERSITY OF ALABAMA

College of Arts and Sciences
Department of Criminal Justice

May 22, 1985

MEMORANDUM

Prof. Bedaw,

TO: Advisory Committee members, Capital Punishment Project

FROM: John Ortiz Smykla

RE: Committee meeting

Recently I wrote each one of you requesting your thoughts on the sample of capital executions cases we plan to draw. Several of you responded, some with very detailed feedback and we appreciate it. We're still hoping others of you will comment on our proposal. The sampling design is a major decision deciding the path for all future analysis.

I am still interested in learning your schedule for a September meeting. Committee members who responded to my earlier letter said a Friday meeting would be more convenient for their work schedules. Our next meeting will be a most important one. Our agenda includes the first data base, the first draft of the methods statement and codebook, and progress of the sample and development of the citation file. We do need your participation. We take your role seriously and value your opinion. Committee review tends to uncover more and better review than individual dialogue. I do hope you will check your September schedule and let me know if you can attend a meeting of the Advisory Committee on Friday, September 27, beginning at noon and ending around 5 p.m. Instead of commuting from Birmingham to the main campus of The University of Alabama in Tuscaloosa (one hour's drive), I am going to suggest we stay in Birmingham. I shall find us a meeting place there. You'll be able to take a taxi from the airport to our meeting place, thereby avoiding excessive travel to and from Tuscaloosa. Hopefully, by meeting in Birmingham, you'll be able to make the connections you need to leave Friday evening. Or, if your schedule needs it, we'll make your hotel reservations for Friday evening. If Friday, September 27 is not convenient for you, please tell me if Friday, September 20 or Friday, October 4 is better.

Please let me know as soon as possible. Thank you.

JOS/mgf

*Thank you for your letter.
What date is better?*



THE UNIVERSITY OF ALABAMA

College of Arts and Sciences
Department of Criminal Justice

May 8, 1985

Dr. Hugo Bedau
Department of Philosophy
Tufts University
Medford, MA 02155

Dear Dr. Bedau:

Last Thursday and Friday I traveled to the University of Michigan to deliver the file on 14,700 executions and had a productive working session at ICPSR. One of the many issues we discussed was the sample of executions we plan to draw in the next phase of the project. The purpose of this letter is to ask your opinion of the nature of the sample we propose to draw.

The group discussed several options for drawing a representative sample. We propose stratifying on the basis of (a) South and Non-South States (South as defined by the original Confederate States) and (b) Eras ((1) Pre-Civil War Era, up to 1860; (2) Civil War and Reconstruction Era, 1861-1888; (3) Progressive Era, 1899-1916; (4) Pre-Depression and Depression Era, 1917-1941; and (5) World War II and Post-War Era, 1941 and beyond). Our rationale for the stratum of South and Non-South States includes the availability of indicators showing that capital punishment is greater in Southern than in non-Southern States, the incidence of homicide is punished differently in Southern than in non-Southern States, and more globally, the politics of Southern and non-Southern States is different.

Our rationale for the use of Eras seemed an appropriate parallel to the stratum of South and Non-South States in terms of changes in public opinion about crime and punishment, role of government and the economy. Stratification based on historical eras was considered more appropriate than stratification based on decade, century or any other choice.

In the interest of moving forward on drawing our first sample of approximately 3,000 cases and coding data for an additional 42 variables per case we ask your opinion of the nature of our proposed sample. If you have suggestions and/or comments, please mail them to me before Monday, May 20, 1985 or call me at my office. (I'll get back to you if I'm not in when you call.) If I don't hear from you by then I'll assume you have no reservations.

The group also discussed future Advisory Committee meetings. In my letter to you of April 30, 1985, I said we were looking at a September meeting here on the campus of The University of Alabama and another one in November in conjunction with the American Society of Criminology in San Diego. Let me ask you about your September schedule and suggest a change in the November meeting. Would you, for example, be available to travel to The University of Alabama here in Tuscaloosa for a one day meeting Friday, September 27, 1985 or Monday, September 30, 1985?

Dr. Hugo Bedau
May 8, 1985
Page 2

If connections to Birmingham or Tuscaloosa are a problem perhaps you might want to travel in the day before. If you can look into airline schedules and give me an idea of your availability I'll make arrangements for your accommodations in Tuscaloosa if you need to travel in early or it's necessary for you to spend the night after the meeting as well as pick you up in Birmingham with travel to Tuscaloosa (one hour's drive). If another date in September is more convenient for you please let me know as soon as you can so that I can coordinate committee members' schedules. What we would expect to do at this meeting is to introduce you to Watt Espy and others, provide you with a first edition of the execution file now being prepared at Michigan, and ask your opinion of the codebook which will accompany the file. The codebook, as you may remember from our Cincinnati meeting, will be designed with the non-technical person in mind. Not only will it introduce the project and its methodology but it will also present some data in tabular form for users without access to computers.

Regarding the proposed November meeting in conjunction with ASC in San Diego it might be better for us to wait and meet in the Spring in Santa Barbara, California, in conjunction with the Law and Society meetings. At that time we will be able to report on the status of the first sample of 3,000 cases which, I expect, will be completed by the end of 1985. I'll provide you with more information about the Spring meeting when you travel to Tuscaloosa.

Please remember, if you have comments or suggestions on the nature of our sample, let me know by Monday, May 20. Thank you.

Sincerely,



John Ortiz Smykla
Associate Professor

JOS/mgf

In order to provide the research community with information of what went into data collection the Advisory Committee raised the following issues in their November 1984 meeting. Your responses may spur new questions although every effort was made this time to focus the committee's concerns into specific questions. The questions, of course, are not critical of your scholarship. They just reflect the fact that coverage, in any investigation, will vary in completeness and, when one is interpreting analysis based on the data, it is helpful to know as much as possible about the characteristics of the variation. You are being asked to address four broad areas of methodological interest so that other scholars may understand your scholarships. Each one of the four areas begins with a statement to link the questions by a common theme. Undoubtedly the four areas are related, but for purposes of preparing a statement of your methods it is necessary to separate them.

The first issue deals with the completeness of your inventory of executions. A user of the data might want to assess how much confidence can be placed in the completeness of the inventory by period of time, state, and type of execution. Could you respond to the completeness of the inventory for each of these?

The second question is one of research strategy. The user will want to know how executions came to your attention and how were they verified? Specifically, what methods do you employ to uncover and verify (a) executions you know about (e.g. executions

provided you from state departments of corrections, capital newspapers, Teeters-Zibulka, etc.) and (b) those you don't know about, are putative (supposed or rumored) or find unexpectedly? How systematic have been your methods in (a) and (b) above? How much do your methods vary in completeness, for example, by period of time, state, and type of execution? If so, the user might like to have your best estimate of the variation in your methods of verification.

The third issue, closely related to the second, asks what sources were consulted to obtain information about the circumstances of each execution. Is it possible to specify certain sources that were always consulted and others that were used when the standard ones failed to yield the necessary information for (a) executions that you knew about as a result of your proactive methods (discussed above) and (b) those that you didn't know about beforehand but uncovered as a result of your proactive search? And again, a user of the data might want to know how the sources vary in accessibility and completeness by period of time, state, and type of execution.

The fourth question is one of confidence or reliability in the level of documentation and it too will be important to users of the data. A user will want to know how much confidence or reliability can be placed in documentation of the data. Are there any relatively consistent rules about when information was recorded as a fact as opposed to an opinion, rumor, or vaguely described? When sources are in conflict, are there rules that were applied to determine which was the most credible?



TUFTS UNIVERSITY

Center for the Study of Decision Making

May 9, 1985

Professor John Ortiz Smykla
The University of Alabama
436 Farrah Hall
Box 6365
University, Alabama 35486

Dear Professor Smykla:

Thank you for your letter of 30th April. I have indeed had a direct communication from Watt, so I am informed to that extent about the matters discussed in your letter.

As Michael Radelet and I are on the ASC program this November, I expect to be in San Diego and so could attend that meeting of the Advisory Committee--at last! As for a visit to your campus earlier in the fall, I would enjoy that, but may have some trouble fitting it into my schedule--it now looks as if I will have a prior obligation here on the second Thursday/Friday of both September and October; other weekends, however, may be available.

Sincerely,

Hugo A. Bedau
Director

HAB/jli



THE UNIVERSITY OF ALABAMA

College of Arts and Sciences
Department of Criminal Justice

April 30, 1985

Dr. Hugo Bedau
Department of Philosophy
Tufts University
Medford, MA 02155

Dear Dr. Bedau:

This is a good time to write each of you on the capital punishment Advisory Committee because Watt Espy has responded to the methodological questions and issues I presented him on the Committee's behalf after last year's meeting in Ohio. Watt informed me that he mailed you a copy of his response. If you don't have one by now, please let me know and another one will be sent.

We've made good progress on the research. Twelve variables have been coded for approximately 14,700 executions. Detail to data reliability and validity has been paramount and this week we're delivering the first dataset to ICPSR. I hope some of you will request the dataset early this summer from ICPSR and use it in your own research.

The next phase of the research involves drawing a representative sample of the data base and coding an additional forty-two variables per case. The codebook for this phase of the research project benefits immensely from the Committee's meeting in Ohio. Variables on appeals, for example, are included to provide researchers access to a wealth of information for theory building.

We are planning to invite the Advisory Committee to this campus early in the Fall to review our progress. We are also planning to invite you to San Diego in November (in conjunction with American Society of Criminology meetings) for another Advisory Committee meeting. I shall provide you with more detail in the near future.

In the interim, as we prepare a methodological statement to accompany the dataset at ICPSR, please send me your comments on Watt's response to the methodological concerns the Committee raised last Fall. I am enclosing a copy of the questions and issues I assembled on the Committee's behalf.

Sincerely yours,

John Ortiz Smykla
Associate Professor

JOS/mgf



TUFTS UNIVERSITY

Department of Philosophy

November 15, 1984

Professor John Smykla
436 Farrah Hall
University of Alabama
Box 6365
University, AL 35486

Dear Professor Smykla:

I regret very much being unable to attend the recent Cincinnati meeting owing to sudden illness on my part. It was merely a brief bout with the flu, but it did require me to spend the day in bed that I had planned to be with you, and I'm now fully recovered.

Other work prevents me from devoting the time now to developing in writing for you all the things that I would have said at the meeting had I been able to attend. I do, however, want to jot down for the record some thoughts inspired by the various things that have come into my hands since being invited to serve on the advisory board of the project.

(1) The Espy letter of 27 October. Espy raises seven points on pages 2 and 3 of his letter concerning appropriate variables for study, and several prompt me to comment. On his first point, concerning actual or possible innocence, I am doubtful whether you should attempt to incorporate this variable, because to do so you will have to repeat the efforts that Radelet and I are engaged in in current research on this very issue in so far as it involves executions since 1900. What you might consider doing is (a) entering, as Espy suggests, such a judgment on the pre-1900 cases, which Bedau-Radelet are not studying (and neither is anyone else, so far as I know), and (b) reporting the Bedau-Radelet judgment on innocence for all post-1900 cases. Unfortunately, you cannot do (b) until after Bedau and Radelet publish their research, or at least make available to you (which, of course, we would do) the final results as submitted for publication. This should be possible during 1985. As to Espy's second point, concerning exact appeal citation, I agree such citation should be included. On Espy's question about sex, I agree that it is important to determine the sex of the offender and that given name is not always a reliable indicator; beyond that, no special problems seem to be involved in researching this variable.

On Espy's point regarding age, again I agree; but there is more than one way to cope with the problem of a gap of more than a year or so between commission of the capital crime and the execution. So long as those two dates are variables entered into the record, and so long as the offender's age as of one or the other of those two dates is also recorded, no problem should arise. Finally, on the issue of crime partners, I agree with Espy that it is highly desirable to know this information, since trial and sentencing disparities for co-defendants in capital cases is one of the notorious areas of prima facie injustice in the system as it actually works. On the other hand, this may require considerable additional effort in basic research, and in any case expands the research project beyond (a) the study of persons actually executed, into the much larger topic of (b) the study of persons liable, or potentially liable, to capital convictions. I can understand why you might be reluctant to move from (a) on to (b). I have no comments on the other points Espy raises.

(2) The Schwarzschild letter of 22 October. Schwarzschild raises a number of particular criticisms, and hints at more, regarding the specific variables and the coding proposed in the "Preliminary Code-book" (I take it the version to which he refers is the same as the one you sent to me with your covering letter of 3 October). Without agreeing with him on every point he raises, I would express my general concurrence on the need to reexamine carefully the proposed coding procedures. I would also add that I have particular confidence on this kind of point in the advice that our colleagues Bowers and Radelet can give you, since both have had experience on this matter (as I have, too); I will not attempt to improve upon whatever advice they may already have given you in this regard. On the point about executions under military law, Schwarzschild has made an important proposal that should be adopted. His comparable point about executions under American Indian tribal authority is, as he implies himself, perhaps less well taken, except for those cases where the execution was carried out in effect under United States law, i.e., where federal law gave jurisdiction over the trial and sentence to the tribe. As I know nothing about any such cases (and would be amazed to learn that the Great White Father did permit the tribes to exercise such jurisdiction), I cannot comment further on the point. As for the point raised in Schwartzschild's final paragraph, he touches on a delicate matter. I cannot judge, as he does, the record of your University's treatment to date of Espy and his work, so I will not. I agree that posterity should have no obstacles placed in its way in the recognition of Espy's signal contribution in this whole area, although a somewhat similar problem seems to arise (and Schwarzschild does not seem to worry about this) in preserving recognition for the late Teeters and Zibulka, whose research apparently precedes Espy's (though the discussion published in Bowers, Legal Homicide, at 395-397, leaves the question of relative priority in the dark). One might, of course, argue that the record for posterity has already been provided in large part, thanks to the use made of the

Teeters-Zibulka-Espy research in Bowers's two books. On the other hand, I would hope that the Espy Archive (as I prefer to call it) will continue to be recognized under that or some equivalent designation.

(3) "Preliminary Codebook". I have not given this the careful study it deserves, but a few items have caught my eye. On Var 14, "other crime involved" is too ambiguous. One issue is (a) whether the accused was indicted for any other (non-capital or capital) crimes, but not tried and convicted of them (because he was tried, convicted and sentenced on the capital charge that led to his execution). Another issue is (b) whether he might have been indicted for other crimes, such might-have-beens being based on newspaper reports, or whatever. As it stands, this variable is ambiguous as between (a) and (b), and it shouldn't be. Under the several offender variables, I see no variable for Time Served Under Death Sentence, which is roughly the elapsed time between the date sentence is imposed and the date sentence is carried out. (I say 'roughly', of course, because appeals or transfers to an institution for the criminally insane, etc., can make the time under death sentence shorter than the time between sentence and execution). Since the Department of Justice has long reported this datum in its studies of death row prisoners since 1930, it seems to me desirable to have your research include it also. Finally, it seems to me that the post-sentencing variables are in need of expansion. After Var 46 a new variable needs to be introduced as to whether the appeal was in (a) state or (b) federal court, or (c) both. Also, at least for Twentieth century sentences, it is useful to know whether the appeal was (a) mandatory under state statute or (b) optional upon defendant's initiative.

A comment on your Appendix B, "Representative List of Original Sources." Are these sources (a) items already searched by Espy or others on the project, or (b) items to be searched, or (c) a mixture of both? As it stands, no one reading the appendix can tell which it is. If needless redundancy in research is to be avoided, it is crucial that each item on this list and any successor to it be clearly indicated as to category (a) or (b).

I apologize for the rather incomplete and unsystematic character of these comments, but they are about the best that I can do under the circumstances.

I hope you will keep me informed of the progress of the project, and not hesitate to call on me in the future for any assistance that I can provide.

Sincerely,

Hugo A. Bedau
Professor

CC: Watt Espy, Michael Radelet, and Henry Schwarzschild

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CAPITL PUNISHMENT RESEARCH PROJECT

October 15, 1984.

Dr. Hugo A. Bedau,
Department of Philosophy
Tufts University
Medford, MA 02155.

Dear Hugo:

Thank you for your letter of October 10. When I was first approached about going to the Cincinnati meeting about three weeks ago, I expressed an interest in being there and I told Professor Smykla that I would attend.

However, the prospect of flying made me extremely nervous and actually began having an effect on my ulcer. Many years ago (1953 to be exact), when I was returning from Morocco for discharge from the navy, one of the engines of the airplane on which I was flying became defective about 10 minutes from the point of no return over the Atlantic Ocean and we were forced to go back to Africa. We boarded another plane and came on to the States, but after that ordeal, I get queazy just thinking about flying. I spoke with my family and they advised me not to go unless I could get other accomedations. There is no Amtrak service from here to Cincinnati, so I decided not to go.

The primary reasons for my wanting to attend were (1) to express my views on some of the matters that would be considered, and (2) to have the opportunity of meeting you, Bill Bowers and Mike Radelet. Prior to the meeting, I will send each of you a memorandum outlining my ideas and areas of concern and, should you feel they are valid, I have the utmost confidence in the three of you to state my position and my case for me. I specifically asked that each of you be considered for membership on the advisory committee and, while I do not know the other members except for an acquaintance with the work of two or three, I feel that it is a good panel which will arrive at the best possible solutions to the matters considered. I only wish that the meeting might have been held here in Tuscaloosa where all of you could become more familiar with the project in its every detail.

I hope that any misunderstandings that might have existed between Professor Smykla and myself as to the publicity given the project have been handled now and that all will be smooth sailing in the future. In the memorandum that I plan to send to you, Radelet and Bowers prior to the meeting, I will explain my position on this and other matters.

Incidentally, since I won't be seeing you in Cincinnati, I would like very much to have an inscribed and autographed photograph of you for my office wall (8x10 if possible).

Thanks again and best wishes -
CC: Mike Radelet and Bill Bowers.



October 10, 1984

John Ortiz Smykla, Ph.D.
Associate Professor
The University of Alabama
436 Farrah Hall
Box 6365
University, Alabama 35486

Dear Professor Smykla:

Thank you for your letter of 3rd October
and the enclosures, which arrived in my office
mail yesterday.

I look forward to meeting you and the others
at the Cincinnati meeting next month and to help-
ing develop the Espy data into a model of its kind.

Sincerely,

Hugo A. Bedau
Professor

HAB/jli



THE UNIVERSITY OF ALABAMA

College of Arts and Sciences
Department of Criminal Justice

October 3, 1984

Professor Hugo Bedau
Tufts University
Department of Philosophy
Medford, MA 02155

Dear Professor Bedau:

Thank you for agreeing to join the Advisory Board of the Capital Punishment Project. I'm confident your participation will enhance the scientific potential of the data base that we are creating with Watt Espey's execution data.

Some particulars:

(1) The Advisory Board will meet Tuesday, November 6, 1984, from 1-7 p.m. in the Butler Room of the Clarion Hotel, Cincinnati, Ohio (Phone: 513/352-2100). (We're meeting the day preceeding the start of the annual meeting of the American Society of Criminology.)

(2) Please be aware that Tuesday, November 6 is election day. If you're traveling long distance you may want to make alternate voting arrangements.

(3) At present, we are not anticipating subsequent Board meetings. However, if the need arises we may call on you again.

(4) Please make your own travel arrangements and hotel accomodations. If you encounter any scheduling problem that will delay your arrival for the start of our 1 p.m. meeting, please let me know at once.

(5) In return for your participation, we will pay your round-trip airfare, limousine/bus transportation to and from the airport, one night's hotel accomodation, and meals. Please bring your receipts to the meeting. We'll ask you to complete some paperwork for processing your reimbursement.

(6) At this time Board members are: Professors David Baldus (Iowa), Hugo Bedau (Tufts), William Bowers (Northeastern), Eric Monkkonen (UCLA), Michael Radelet (Florida), and Stanton Wheeler (Yale). Commitments from two others are still pending.

(7) Representing the grant at the meeting will be Chris Innes (Michigan), Watt Espey (Alabama), myself, Sam Fisher, the staff member who supervises data coding on a daily basis at The University of Alabama, and Dr. Felice Levine, Law and Social Science Program Director at NSF.

Professor Hugo Bedau

October 3, 1984

Page 2

Enclosed is the original grant proposal and codebook. Perhaps I can tell you a few things that will put the project and the Board's role into perspective. You can conceive the project in two phases. The first phase started August 15, 1984 and will continue through January, 1985. During this time data entry personnel are coding eight variables that are recorded on large ledger sheets for each confirmed execution. These variables are name, place of execution, date of execution, offense convicted of, age at execution, race, method of execution, and jurisdiction. Although occasional questions arise about this phase of data collection, for the most part these data are relatively straight-forward. These data are included for the almost 15,000 confirmed cases of execution by Watt Espey. Some of the questions we're facing at this point that bear on the theoretical utility of the data that we'll discuss with you include: How do we deal with an alias? What is the theoretical utility of an alias? How do we deal with two or more executed persons from the same family? What is the theoretical utility of having age at offense versus age at execution in light of the issue of juveniles condemned to die? Because names of counties change or counties consolidate, how much geographic specialization is necessary? We anticipate bringing to the meeting sample runs of the data computerized up to that point.

In the second phase of the project (January 1985-August 1986) data entry personnel will read qualitative data from historical sources compiled by Watt Espey onto small and large index cards, and standard size paper. Data entry personnel will be familiar with the variables given in the codebook and will read the records for the data. Our question for you is to consider the scientific utility of the variables shown in the codebook. If you were using this kind of data base what kind of potential would it hold for you? What kind of data would you want it to include? And, how theoretically relevant would the data be? There is, in the proposal, a discussion of how the codebook was developed.

We envision the Board having a proactive and instrumental role in the conceptualization and structure of the data base to assure that the ultimate data resource has scientific opportunity for present use and future expansion of knowledge in the field. The levels of expertise represented on the Board promises to offer challenging criticism and comment at the meeting. I look forward to meeting with you personally and deeply appreciate your willingness to participate with us.

Very truly yours,



John Ortiz Smykla, Ph.D.
Associate Professor

JOS/mgf

Enclosures

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CAPITAL PUNISHMENT PROJECT

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Henry Schwarzschild
DIRECTOR

Norman Dorsen
PRESIDENT

Ira Glasser
EXECUTIVE DIRECTOR

October 22, 1984

Dr. John Ortiz Smykla
Dept. of Criminal Justice
University of Alabama
436 Farrah Hall, Box 6365
University, Alabama 35486

Dear John:

Thank you for the copies of the proposal and the draft code book. It is both interesting and useful to have them.

Inasmuch as it now looks as though I could not attend the Cincinnati meeting, even inofficially, let me give you such thoughts as occur to me in this fashion.

I am not a specialist in the encoding of such data, but I have some trouble with a lot of minor aspects of the code book. Let me merely cite some examples: For V13, you should probably add both an "attempt" and a "conspiracy" category for all the crimes specified. For V14, a lot of other crimes might be listed, e.g. bank robbery, kidnapping, train robbery, plus the "attempt" and "conspiracy" elements. There should be some way of distinguishing the actual killer (triggerman, etc.) from capitally guilty non-killers. Under V18, code 099 seems entirely frivolous and the other categories too vague to be helpful and too vague, even, for the data available. On V19 and V20, I am not sure I understand the distinction between race and ethnicity (and the matter arises again for the victim); where does a charcoal brown Mexican go to register under V19, for example? Or a Puerto Rican? Code 5 is not going to be specially illuminating. The ethnicity variable rather blows my mind, I must admit. Surely, European Jew (12) is a puzzling combination, at least by these standards, of race and ethnicity; is that how Judah Touro or Henry Morgenthau get coded? Code 14 now relates to personal provenance, no longer ethnicity (what happens to a German-Jewish refugee friend who was born in Bombay, or the second-generation American child of high-caste folks from Calcutta?). Do you mean "ethnic extraction," and if so what do you do about mixed ethnicities (my kids are half Code 12, a quarter 06, and a quarter 08). There must be standard categories that avoid some of these problems, no? In V23, you seem to assume that everybody was executed for murder and had victims in that sense of the word, but that is not the case, as you know. Or do you also mean victims of, say, attempted rape? In V22, do you mean only a veteran of the United States military? How about deserters from the Tsar's army or people who fought for King and Country in the Revolutionary Wars (on the losing side...)? In V34, you're expecting a lot of tricky

judgment calls as between codes 28 and 29, and as between 23 and 24 it may be that fellow employees or partners may as often have cause to bump each other off as anyone else. The status categories in V35 strike me as woefully inadequate; if Hinkley had succeeded, I would have thought that, for his victim, codes 01, 03, 04, and 99 would all have been appropriate. For V37, I, too, have always liked the word defenstration (once I had learned the cause of the Thirty Years' War), but is there a reason for this category and not for being thrown off a bridge or crammed into a garbage compactor?

I am wearying of this. I have problems with V38, V40, V41, V43, V44, and V48. I suspect that you have far more sophisticated and experienced people than I at your meeting and that I need not worry about any of this pedantic stuff.

On a somewhat larger note: To the extent to which this data base will be the more useful the more comprehensive it is, I want to suggest one very significant and several minor areas that Watt Espy has so far entirely omitted from his compilations (for reasons that I have never understood). The first is executions under military law and military authority. Much of the data is readily available, and I have myself over the years supplied a good deal of it to Watt. Much additional research would be easily fruitful in the archives. There are hundreds upon hundreds of executions, ready for the listing. There are the cognate areas of executions by war-crimes tribunals, especially in Europe and Asia after World War II, some of them under entirely United States military authority, some of them under international authority. Again: the records are available. The Preliminary Codebook also seems to take no account of the fact that executions on these shores have no doubt taken place under English, French, Spanish, Mexican, and perhaps other, codes of law when the areas in question were not "territories" of the U.S. There are executions on record under American Indian legal authority in the many tribes. I recognize that this may take you far afield, and if the answer is that you are encoding Watt Espy's data purely and simply, so be it.

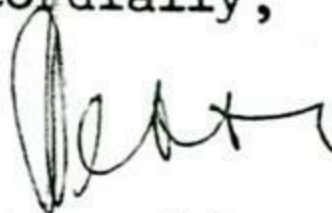
Finally, this comment, on a matter that no doubt vastly transcends the competence of the Cincinnati group: I am deeply concerned lest this project deprive Watt Espy of the fruits of his labors over what seems like half a lifetime. His has been a solitary, unrewarding devotion (unrewarded rather shamefully by the University of Alabama, not least), performed with exacting and meticulous scholarship and with a selflessness bordering on the maniacal. I think it would be a scandal (indeed: I would propose to make it into a public one) if

the valuable material he has accumulated over years of hard work would now become the common property of everyone with access to a computer in such a way as to leave him no intellectual sovereignty over his findings. Is there not a way of protecting him? Could the data base thrive without name identities, for example, those being reflected merely as codes to which he holds the key? Could it not be more plainly established that this is a project to encode Espy's data, a computer-mechanical, ancillary support system for his work, over which he should retain essential substantive control? I plan to be extremely cross if the upshot of this venture is to bring some money into the University of Alabama budget and into the University of Michigan's criminal-justice entrepreneurs and some burnishings to the reputation of a series of academicians who will have contributed little but computer whiz -- and leave Espy devoid of anything but a footnote of gratitude for his invaluable assistance with all this.

I trust you will forgive me for speaking plainly.

With every good wish for a successful meeting,

Cordially,



Henry Schwarzschild

HS:c

CC: Prof. Hugo Adam Bedau
Dr. William J. Bowers

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CAPITAL PUNISHMENT RESEARCH PROJECT

October 27, 1984.

FROM: Watt E. Spivey

TO: The Advisory Board Members of the Capital Punishment Project.

As you know, I will not be in attendance at the meeting of your committee in Cincinnati on November 6. While I am not an academic, because of the work that I have done during the past fifteen years in accumulating the data that is being computerized, I feel that I have a legitimate interest in having my views on certain aspects of the materials to be placed in the computer known and taken into consideration as you make your decisions. For this reason, I am taking this opportunity to write this memorandum in order that each of you might know my feelings. While this approach might, and possibly will, be resented by some, I sincerely hope that each of you will realize that it is prompted only by my desire to have my data utilized to the greatest extent possible by the academic community.

I have never been selfish with my work and I have always been glad to provide information to any responsible persons (and some who, to my dismay, I subsequently found to be totally irresponsible) provided the gathering of it was not too time-consuming in that it has, heretofore, been necessary to hand-retrieve it. I only regret that this meeting could not have been held here at the University of Alabama in order that each of you might view the project for yourself because I believe that would have given each of you a better insight into what I have and how it might be best utilized. That would also, of course, have given me a chance to meet each of you personally. I feel that I already know several of you very well, having worked closely with you in the past, and this is a relationship that I sincerely intend to maintain and continue.

I also deeply regret that Henry Schwarzschild of the Capital Punishment Project of the American Civil Liberties Union will not be at the meeting, even in an unofficial capacity as his knowledge of and familiarity with this project is most intimate. I think that he made a number of very good points in his letter of October 22 to Professor Smykla and I hope that either he or Dr. Bedau or Dr. Bowers (both of whom received copies) will present Henry's views for your consideration. With respect to one point in Henry's letter - that of military executions of servicemen - I have considerable information on these and agree with him also that these should be entered into the computer and, if they are wanted, they will be made available.

October 26, 1984.

1) The question of innocence. Both Drs. Bedau and Radelet are well aware of the fact that many persons have been legally executed in this country and that their subsequent innocence has been established in one of several different ways - deathbed confessions of others, newly found evidence, etc. Certainly a category should be established citing, at the very least, "possible " or "probable" innocence.

2) The question of appeals. Since the material is being en-coded and computerized, I have consistently maintained that, instead of just noting whether or not an appeal was filed, the actual citation should be given, using the various regional reports as the source of the citations. Of course, prior to the inception of the regional reports, the local, territorial or state reports should be used for the citations.

3) The question of aliases. We have many instances where a man was tried under one name and it subsequently developed that this was only an alias. Frequently, appeals will cite one name while newspaper accounts and sometimes the actual prison records will use another. I have tended to let the name given in the appeals report be the one carried in my records, but this can be very confusing if aliases also are not carried. Of course, I do not advocate the use of nick-names ("Tiny," "Big Boy", "Flat Head," etc) as aliases to be listed on the computer, but serious aliases should and must be used if at all possible. Everyone is familiar with celebrated mass-murderer H. H. Holmes, hanged at Philadelphia, on May 7, 1896. This was the name by which he was known throughout his criminal career and under which he committed his murders. Yet, one would be hard-put to locate him as an executed felon as he was hanged under his real name which was Herman W. Mudgett.

4) The questions of relatives. Some effort should be made to establish the relationship between near-kin who have been executed. For instance Will Golson was hanged in Alabama in 1900. Twenty years later his son and namesake died from the same gallows. On March 21, 1913, Arthur Jones was hanged at the Birmingham jail and two weeks later, his brother, Walter, was hanged there for another murder. We have numerous examples of fathers and sons being executed; of brothers being executed; of uncles and nephews being executed and even one of a mother and son being hanged together (May and Howard Carey in Delaware in 1935). There is also a case where a girl was hanged in New York and several years later her elderly father was hanged for having killed a man who had given damaging testimony against her at her trial.

5) The question of sex. Because of the use of names generally associated with one specific gender by members of the opposite, there must be some method of determining the actual sex of the offender. For instance, we have both males and females to have been executed who bore the following given names among others: Pearl, Pearlle, Bernice, Massy, Wilmot, Tony, Willie and Robin. In my ledgers, I have attempted to put the capital letter (F) following the entry on a female and something of this nature might be desired.

October 26, 1984.

6) The question of age. I have consistently maintained that two ages, where available, for each offender should be used: the age at the time of the commission of the crime, and the age at the time of execution. This is particularly vital in order to separate juveniles. For instance, on June 26, 1885, James Arcene was hanged at the age of 25 for a crime which he committed at the age of 10, and on October 3, 1879, James Kemp was hanged, also at the age of 25, for a crime which he had committed 10 years earlier while only 15. To merely give their ages as 25 would leave the user to assume that they were adults at the time of the murders for which they lost their lives. This would be a serious error that I feel no responsible person would desire.

7) The question of crime-partners. No apparent effort has been made to show the disposition of the cases of others who were actually involved in the commission of a crime for which the offender died. This has always been a glaring oversight in my opinion. As recently as December 7, 1982, Charlie Brooks, Jr., was executed by lethal injection in the State of Texas. His crime partner, also originally sentenced to die in the same crime, was granted a new trial, pleaded guilty and was given a life sentence from which he will ultimately be eligible for parole. The truly astounding part of this is that neither confessed to having fired the actual shot and no person knows to this day whether or not the truly guilty gunman was executed. History is replete with examples of persons receiving totally different sentences for the same crime and, in all too many instances, the more guilty has received the lesser sentence. Some effort should be made to show this disparity and to fail to do so would be a tremendous and lamentable oversight.

I hope that none of you will take offense by this memorandum from a non-academic, and that each of you will accept it in the spirit in which it is being written, that spirit being my desire to see my work utilized by your community to the greatest extent possible. If any of you would care to discuss any of these points or others related to this project with me, I will be glad to hear from you.

I would also like to take this opportunity to wish all of you success in your deliberations in Cincinnati and to express the hope that you devise the best and most practical use for my work.

Sincerely yours,



WATT ESPY.

October 2, 1984

Mr. Martin Yant
Wire Editor
THE COLUMBUS DISPATCH
34 So. 3rd Street
Columbus, Ohio 43216

Dear Mr. Yant:

My friend, Randall Dana, the Ohio Public Defender, very kindly sent me a copy of your column "Behind the News" which appeared in the September 23, 1984, issue of the DISPATCH. As this article concerns the Capital Punishment Research Project on which I have been working for the past fifteen years and contains information that is both erroneous and misleading, I am writing this letter in order that you might have the correct facts available.

The primary reason I began this research - an effort not only to chronicle every legal execution that has taken place in the United States from colonial days down to and including the present, but also to gather as much information on each case as possible in one central location for the eventual use of interested persons. After I had financed this research myself for a period of eight years, the Law Center at the University of Alabama, under the leadership of then Dean Thomas Christopher, began sponsoring this work by paying me a salary in order that I might devote full time to the research. Additionally, the Law Center provided the vital logistical funding that has been necessary to attain the progress that has been made. This generosity, began by Dean Christopher in 1977, has been followed by his successors, Deans Allen Smith and Charles Gamble, using funds that could have been used in other law programs, to carry this project until such time as outside funding could be obtained. In essence, I am disappointed that the University of Alabama Law School did not receive some credit and recognition for funding the program for so long. And, I feel my efforts were overlooked, too.

Your column states that we have already confirmed over 15,000 legal executions that have occurred in the United States. This is completely erroneous. At present, we have confirmed and documented slightly over 14,300. The computerization of this data only started after we, in a joint proposal submitted by the School of Law, the Department of Criminal Justice, and the University of Michigan, were awarded a grant from the National Science Foundation, effective August 15, 1984. While I have always been glad to provide information to responsible journalists such as yourself, involved requests means that the information must be hand retrieved from my records and files which is, of course, time consuming. The computerization of this data will, naturally, enable us to give more accurate and up-to-date information.

Mr. Martin Yant
October 2, 1984
Page Two

Your column states: ". . . So far, project director John Ortiz Smykla, an associate professor of justice, and his assistant, Watt Espy (sic), have fed into the computer up to 50 facts about each crime, victim and criminal for more than 15,000 state-ordered executions. They expect to add another 5,000." Once again, these figures are not correct. As I stated earlier, the computerization of this work only started August 15, 1984. Since that time, and as of last Friday, September 28, 1984, basic data such as names, ages, and races of criminals, the date, place and method of execution as well as the crime on only 6,484 of the confirmed executions have been entered on the work sheets for transferral to a computer and only 289 actual transferrals of information had been made as of that day.

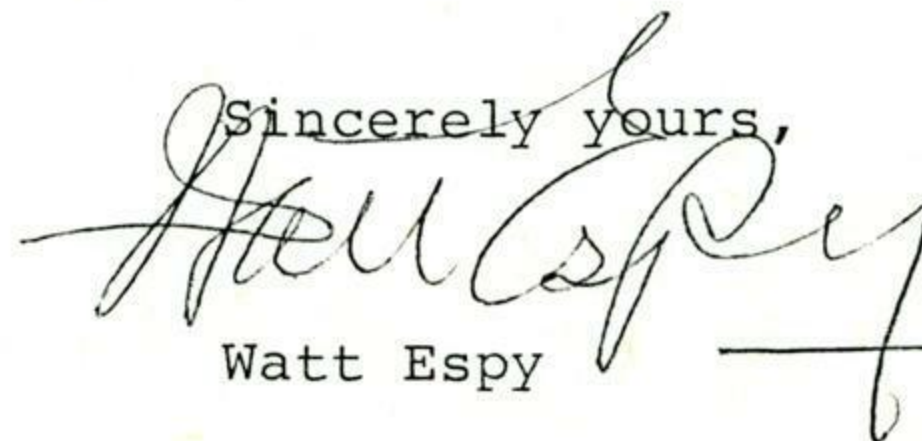
I think that you should also check with Mr. Richard Brodie of the Legal Defense Fund, 99 Hudson Street, New York, NY 10013 and ask for a copy of the Death Row Census, a new issue of which will be promulgated this month. Your column states that there are now 1,600 persons on death row in the United States. The figure is nearer 1,400. I feel certain that Mr. Brodie (and please feel free to mention my name to him) will be glad to send you a copy of this list which gives the names and numbers, by states, of all persons now on death row.

For your general information, I am enclosing, herewith, some items concerning this project in order that you might better understand it. I am also enclosing a sheet containing some general data on executions in the State of Ohio and Franklin County, which you might find useful.

When you decide to do your article on the death penalty and innocent persons I will, of course, be glad to assist you in any manner possible and should you ever decide to escape from the cold in Ohio for a few days and find yourself in the neighborhood of Tuscaloosa, I would be delighted to have you drop by and look over the project for yourself.

With best wishes, I am,

Sincerely yours,


Watt Espy



Martin Yant

BEHIND THE NEWS

Survey probes death penalty ramifications

With the execution last week of the 25th convict since the U.S. Supreme Court allowed states to restore the death penalty in 1976, capital punishment seems to be a dead issue.

Executions are coming in ever-quicker succession, and few seem to care. James Henry, who died in the Florida electric chair Thursday, was the seventh person executed in that state alone this year.

But researchers at the University of Alabama could breathe new life into the capital punishment debate. They are compiling the nation's first comprehensive collection of capital-punishment executions, from Colonial times to the present with the hope it will clear up whether the death penalty is discriminatory or an effective deterrent to crime.

SO FAR, project director John Ortiz Smykla, an associate professor of justice, and his assistant, Watt Espey, have fed into the computer up to 50 facts about each crime, victim and criminal for more than 15,000 state-ordered executions. They expect to add another 5,000.

When completed, the data will be coded and put on microfilm.

Smykla said the two most salient factors he has observed in the data so far are the race and poverty of those executed.

"It makes one wonder about discrimination and the broader question about whether capital punishment is administered fairly," Smykla said.

Smykla said capital punishment has a long history in America. It was quite common in Colonial America, where the predominant form was public hanging. "It was believed that if people could see what happened to criminals, they would obey the law," Smykla said.

But this practice began to be questioned by the end of the 18th century, Smykla said, and the idea of imprisonment rather than execution for most crimes gained support.

The first prison was built in Philadelphia in 1796 and many more quickly followed.

Executions reached their peak in the 1930s, Smykla said. Not surprisingly, that was also a time of great poverty.

"In the first half of the decade, executions were averaging almost one per week," Smykla said. "But in the late '30s people began becoming repulsed and executions began slacking off."

IN THE NEXT three decades, "there was a big change in attitude in this country toward capital punishment, but then there was an upswing again in the late '60s and '70s because we misled ourselves into believing executions deter crime," Smykla said.

"Unfortunately, capital punishment *hasn't* deterred crime," Smykla contended. "What *has* decreased crime is the decline in the population group that commits crimes — the young."

What concerns Smykla is that, while there is little evidence that capital punishment deters crime, the number of people on death row nationally is now 1,600 and is growing at a rate of one per week.

Smykla spent his sabbatical last year interviewing these inmates, and found their backgrounds conformed with those of inmates executed in the past. They are either black, come from an impoverished, often harsh background, or a combination of the two.

Henry, the man executed last week, fit that description.

In fact, his attorney had cited new findings by a New York University psychiatrist that suggested Henry, a black, may have suffered permanent brain damage when he was abused as child.

The attorney said the damage may have caused Henry to react violently when confronted with stress. But the courts didn't buy the argument.

Whether they will in the future could depend a lot on Smykla's research.

Martin Yant is wire editor of The Dispatch.

October 10, 1984

Mr. Watt Espy
c/o Law Library
P.O. Box 6205
University, AL 35486

Dear Watt:

Thank you for your note and enclosures of the 2nd October, which arrived in my mail yesterday, the 9th. I regret to learn of your troubles with the development of your project--perhaps it is one more example of the failures of success! Of course, as you know, Professor Smykla is not to be held accountable for the misleading, unfair, and inaccurate journalism of Mr. Yant, however well-intentioned his essay may have been. I do not know Professor Smykla, and was pleased to have his invitation to join the advisory board as well as to learn that Bill Bowers and Mike Radelet will be on it with me.

In your note, last paragraph, you state that, contrary to my assumption, you will not be at the Cincinnati meeting next month. In his letter to me of the 3rd October, Professor Smykla mentions that you will be there. I, of course, hope that you will be, as meeting you is long overdue. As Radelet and Bowers have no doubt received a letter just like mine from him, and as you have sent your note to both of them as well as to me, you might send a further note to each of us clarifying this particular matter concerning your attendance at the Cincinnati meeting.

With all best wishes, I am

Sincerely,

Hugo A. Bedau
Professor

HAB/jli

MEMO FROM: WATT ESPY
C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486
PHONE (205) 348-5925 ~~XXX~~ 41140

October 2nd, 1984.

To: Bedau, Bowers, Radelet, Schwartzchild.

I am sending each of you a copy of an article which appeared in the Columbus, Ohio, DISPATCH of September 23, 1984, as well as a copy of my letter to the columnist in reply.

Our dean is already very upset at the lack of recognition that our school has received, considering the fact that for five and one-half years the Law Center alone supported this program here at the University. And, of course, I find it particularly galling that I am considered a more or less unnecessary appendage to the project. I am consulted on absolutely nothing and it is very frustrating when I consider that I have spent the best part of my life working on this project.

I understand that Bedau, Bowers and Radelet have each accepted invitations to be on the advisory committee for this project which will meet in Cincinnati in November. Of course, I will not be there, but I requested that you three be asked to serve so, at least, I would have "a voice in court." I do not mean to impose on any of you, but prior to the meeting, I will correspond with you as to my feelings, ideas and suggestions. I have the utmost confidence in each of you and feel that you will be protective of my interests.

With best wishes -



John Ortiz Smykla

CURRENT ADDRESS

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EDUCATION

- B.A. Sociology, California State University/Northridge,
1969
M.A. Sociology-Criminology, California State University/
Northridge, 1970
Ph.D. Interdisciplinary Social Science-Criminal Justice,
Sociology, Anthropology, Michigan State University, 1977

PROFESSIONAL EMPLOYMENT: TEACHING

- Associate Professor, Department of Criminal Justice, University
of Alabama, 1979-present. Tenured 1981. Sabbatical leave,
Fall 1983
Assistant Professor, Department of Criminal Justice, University
of Alabama 1977-1979
Instructor, Department of Administration of Justice, Ohlone
College (Fremont, California), Fall 1976
Assistant Professor and Chairperson, Department of Criminal
Justice, Aurora College (Aurora, Illinois), 1972-1974

TEACHING PREFERENCES

Courses I teach on both undergraduate and graduate levels
include corrections (institution and community), juvenile
justice, history and philosophy of crime control, simulations
in criminal justice, criminological theory and research
methodology.

PROFESSIONAL EMPLOYMENT: ADMINISTRATION

- Acting Chairperson, Department of Criminal Justice, University
of Alabama, brief summer periods 1978, 1981, 1982
Supervisor, Behavior Sciences Instructional Laboratory, Computer
Center, Michigan State University, Winter 1975. Supervision
of faculty, students, and staff using social science data sets.
Chairperson, Department of Criminal Justice, Aurora College,
(Aurora, Illinois), 1972-1974. Administrative responsibility
for department budget, curriculum, faculty, staff and
coordination/representation of the department within the
college.

RELATED PROFESSIONAL EMPLOYMENT

Research Intern, Women Police of Michigan, Summer 1975.
Research responsibility for survey design and implementation of employment and deployment practices.
Juvenile Court Intake Officer (Kane County, Illinois), Summer 1974. Presentence investigation, recommendation and case supervision.
Facilitator of Transactional Analysis, Federal Correctional Institution (Marion, Illinois), 1971-1972.
Criminal Justice Research Analyst, Space Utilization Associates (Beverly Hills, California), 1970-1971.
Research responsibility for survey design and implementation of innovations in juvenile justice and physical environment variables associated with new jail construction.

PUBLICATIONS

BOOKS

Co-Corrections: Case Study of a Coed Federal Prison.
Washington, D.C.: University Press of America, 1978.
(Revised, 1979).
Coed Prison. New York: Human Sciences Press, 1980.
Community-Based Corrections: Principles and Practices.
New York: Macmillan, 1981. (Instructor's Manual included)
Probation and Parole: Crime Control in the Community.
New York: Macmillan, 1984. (Instructor's Manual included)

PROFESSIONAL JOURNAL ARTICLES, BOOK CHAPTERS, AND REVIEWS

"The Humanity of Coed Prison." Criminal Justice Columns, 1978, 3, 1, 7.
"Blaming Our Children: Problems With the Alabama Juvenile Code Governing of Children In Need of Supervision." Social Perspectives, 1979, 5 (2), 18-23. (With E. Folts)
"Coed Corrections." In Vergil L. Williams, Dictionary of American Penology. Westport, CT: Greenwood, 1979.
"Coed Corrections in the United States: A Look at Theory, Practice, and Research Issues." Howard Journal of Penology and Crime Prevention, 1979, 18, 44-53.
"Does Coed Prison Work?" Prison Journal, 1979, 59, 61-72.
"Problems With Research in Co-Corrections." In John Ortiz Smykla, Coed Prison.
"Annotated Bibliography in Co-Corrections." In John Ortiz Smykla, Coed Prison.
"Impact of Co-Corrections." In Sherwood Zimmerman and Harold Miller, Corrections at the Crossroads: Designing Policy. Beverly Hills, CA: Sage, 1981.
"The Incidence of Learning Disabilities and Mental Retardation in Children Under the Jurisdiction of the Juvenile Court." Journal of Criminal Justice, 1981, 9, 219-225.
(With T. Willis)

- "Citizen Awareness in Crime Prevention: Do They Really Get Involved?" Journal of Police Science and Administration, 1981, 9, 398-403. (With W. Formby)
- "Community-Service Sentencing: Moving from the 70s to the 80s." In Chris Eskridge (Ed.), Community-Based Alternatives: A Reader Lexington, MA: Ginn, 1982. (With W. Selke)
- "The Model Muddle in Co-Corrections." Criminal Justice and Behavior, 1982, 9, 101-114.
- "Guidelines for Juvenile Law: Series Review. Review of Juvenile Justice Standards by IJA-ABA." Choice, 1982, 19, 1204-1210. (With W. Formby, F. Morgan, R. Sigler, R. Sumrall, J. Watkins, and V. Williams)
- "Impact of Home Detention: A Less Restrictive Alternative to the Secure Detention of Juveniles." Juvenile and Family Court Journal, 1982, 33 (2), 3-9. (With W. Selke)
- "Lowering the Jurisdiction of the Juvenile Court: Problems and Prospects of Simple Solutions." Law and Psychology Review, 1982, 7, 17-37.
- "Impact of Prison on the Regional Economy." Journal of Criminal Justice, in press. (With D. Cheng, C. Ferguson, C. Trent, B. French, A. Watters)

OTHER RESEARCH

- Aurora Youth Attitudes Toward the Aurora Police and Aurora Police Perceptions of These Attitudes. Aurora, IL: Aurora College, 1973. (With G. Dibble)
- Preliminary Analysis of Employment and Deployment of Women in Michigan Law Enforcement. East Lansing: Criminal Justice Systems Center, Michigan State University, 1975.
- WOMENCOPS: A Computer Codebook for the Social Sciences. East Lansing: Behavior Sciences Instructional Laboratory/Computer Center, Michigan State University, 1976.
- A Phenomenological Analysis of the Social Environment in A Coed Prison. Doctoral Dissertation, Michigan State University 1977. Dissertation Abstracts International, 1978, 38, 6338-A. University Microfilms no. 7803560
- Issues Facing the Proposed TVA Facility. University, AL: Center for Business and Economic Research, University of Alabama, 1982. (With D. Cheng, C. Ferguson, C. Trent, B. French, A. Watters)

CONFERENCE PAPERS AND PARTICIPATION

- Coed Prison: An Ethnography of Inmate Sex and Violence. Paper presented to the Academy of Criminal Justice Sciences, New Orleans, LA, 1978.
- Theory, Practice, and Research in Sexually Integrated Prisons. Paper presented to the Mid-South Sociological Association, Jackson, MS, 1978.

New Directions in Corrections: Co-Correctional Prisons. Invited paper presented to the Alabama Council on Crime and Delinquency, Birmingham, AL, 1979.

The Impact of Co-Corrections. Paper presented to the Academy of Criminal Justice Sciences, Cincinnati, OH, 1979.

Criminal Justice and Racism in Alabama. Invited paper presented to the Alabama Lawyers Guild, Tuscaloosa, AL, 1979.

Community Service Sentencing: Moving from the 70s to the 80s. Paper presented to the Western Society of Criminology, Newport, Beach, CA 1980. (With W. Selke)

Legal-Ethical Issues in Corrections. Program discussant of the Academy of Criminal Justice Sciences, Oklahoma City, OK 1980.

Women Inmates in Sexually Integrated Prison: The Myth of Equal Treatment. Paper presented to the American Society of Criminology, San Francisco, CA, 1980.

Research on the Use of Imprisonment. Paper presented to the American Society of Criminology, San Francisco, CA, 1980. (With W. Selke).

Citizen Awareness in Crime Prevention: Do They Really Get Involved? Paper presented to the Academy of Criminal Justice Sciences, Philadelphia, PA, 1981. (With W. Formby)

Crime and Criminal Justice: Understanding Crime. Program Chair of the Crime and Criminal Justice Session of the Association for Humanist Sociology, Cincinnati, OH, 1981.

Probation and Parole. Panel Chair and Discussant of the Academy of Criminal Justice Sciences, Louisville, KY, 1982.

Penology. Invited Panel Chair and Discussant of the Society for the Study of Social Problems, San Francisco, CA, 1982.

Alabama Prisons and Their Impact on the Local Economy: A Matched Study of Prison and Non-Prison Counties. Paper presented to the Alabama Criminal Justice Educators Association, Birmingham, AL, 1983.

Prediction in Probation and Parole: Its Consequences and Implications. Paper presented to the Academy of Criminal Justice Sciences, Chicago, IL, 1984.

The People on Death Row Only Die Once But the Family Dies A Hundred Times. Paper presented to the Academy of Criminal Justice Sciences, Chicago, IL, 1984.

UNIVERSITY SERVICE (Sample of Last Five Years)

Graduate thesis and dissertation direction; Department Honor's Day Coordinator; Department Library Liason; Department Curriculum Committees; Undergraduate and graduate new course proposals; Department faculty search committees; Undergraduate and graduate student advising; Continuing Education Program Development; Department intern and independent study supervisor; Department representative to Dean; Department Tenure and Promotion Review; College Committee on Student Academic Affairs.

COMMUNITY SERVICE (Sample of Last Five Years)

Advisory Board, Genesis Group Home, Tuscaloosa, AL; Tuscaloosa Juvenile Agency Council; Training Seminar, Tuscaloosa County Juvenile Court; Advocate for Alternatives to Juvenile detention, Tuscaloosa, AL; Steering Committee and Board of Directors, Alabama Juvenile Justice Association; Consultant, West Alabama Planning Council, Board of Directors, Innovative Resources, Inc., Birmingham, AL; Guest-Speaker, Inmate Rights, WSGN Radio, Birmingham, AL; Consultant, Center for Business and Economic Research, University of Alabama; Consultant, ABC News, Special Report: Coed Prison; Alabama Prison Project.

OTHER PROFESSIONAL DEVELOPMENT

University Fellow, Michigan State University, 1975, 1976.
Competitive Fellow, U.S. Department of Justice, 1977.
University of Alabama Research Grants Award, 1978, 1980.
National Institute of Corrections Scholarships on Community Corrections, 1978.
Guggenheim Foundation Award, 1980.
Teaching Invitation, Honors Program, College of Arts and Sciences, University of Alabama, 1981, 1984.
State of Alabama Governor's Office Grant, 1982.
Colloquium Speaker, "Capital Punishment and the Family," Women's Studies Program, University of Alabama, 1984.

RESEARCH IN PROGRESS

Using interview data from families with persons on Alabama's death row, several pieces of research are being written focusing on the impact of capital punishment on the death row inmate's family. Another piece of research underway is on the consequences of prediction in probation and parole.

ADVISORY BOARD MEMBERS OF THE CAPITAL PUNISHMENT PROJECT

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Introduction

By the penalty of death, a society imposes its most severe sanction by absolutely and irrevocably excluding one of its members from the domain of human experience. This unique penalty has, of course, often engendered discussion and debate in religious, philosophical and legal arenas (for some recent examples, see Bedau, 1982). And over the last 30 years, many empirical analyses have also been conducted on such topics as racial bias in the use of the death penalty and its deterrent effects on crime. However, the information which has been available for scientific study has often been fragmentary or incomplete in a variety of ways. As will be discussed below, this problem has had a serious effect on the understanding of how the death penalty has been applied. Much further work is needed on such subjects as the nature of violence and reactions to it, the presence and functions of discrimination or bias in the use of the death penalty, and the effects of its use on society. To facilitate the production of such work, the proposed project will make publicly available, in a usable and accessible form, computerized data on each confirmable execution carried out under civil authority in the United States. By doing so, this project will provide to the entire community of social science and legal researchers a unique and valuable resource for empirical analysis on the use and effects of the death penalty.

The collection of these data was begun by Watt Espy in 1971, first with private resources and later with the support of the University of Alabama Law Center. To date, information has been located on over 14,100 executions performed under civil authority since the first occurred in 1608 when George Kendall was shot in Virginia Colony. These data are the product of an exhaustive search of every available source of information on executions occurring from Colonial times to the present. When a report of an execution is found, contemporary accounts, authoritative secondary sources, or official records are used to confirm the event and collect data about it. In this manner, basic data has been collected on the name, race, age, sex, and occupation of each person executed, the crime with which they were charged, and the place, date and method of their execution.

This collection represents nearly three times as many cases as are available in the only other source of national data on individual executions. The alternative source is an inventory limited to executions performed under state authority compiled by Teeters and Zilbulka and included in Bowers (1974). Further, the Espy data contain additional information on over 8,000 of the 14,100 confirmed cases, including the circumstances of the crime, trial and execution and the victims' race, age, sex, occupation, and relation to the offender. None of these data are in computerized form and all retrievals of information must now be done by hand. The proposed project will complete collection of

data, prepare them, and place them in computerized form to facilitate retrieval and permit extensive statistical research.

This potential will be still further improved, beyond the intrinsic value of these data, by the organization of the project itself. It will be carried out as a joint venture between the University of Alabama Law Center, where the data have been compiled, and at the Inter-university Consortium for Political and Social Research (ICPSR), based at the Institute for Social Research at the University of Michigan. Now entering its third decade, the ICPSR is the home of the world's largest repository of computerized social science data. Among its recent activities has been the development, over the last seven years, of the Criminal Justice Archive and Information Network. This project, funded by the Bureau of Justice Statistics, has now acquired, processed, and is distributing over 100 different data collections relevant to crime and the criminal justice system. This is in addition to over 15,000 data files on every aspect of social life, contemporary and historical, being maintained and distributed by ICPSR. The capacities and services of the ICPSR are discussed further in its subcontract proposal to the University of Alabama, which also details the processing and distribution plans for these data. That proposal and its supporting documents are reproduced in their entirety in the Appendix A. Briefly, the proposed plans call for the Law Center and ICPSR to work in close collaboration, to complete, computerize, process and document the data collected

on civil executions. These data will then be made publicly available by inclusion in the general archive of ICPSR data. While the maintenance and distribution of the computerized data files will be continued by the ICPSR beyond the proposed project period, the Law Center will remain responsible for retaining and updating the original project material.

It is evident that there will be a continuing need for factual information on the use of capital punishment in the United States. The last decade has already seen sweeping changes as a result of Supreme Court rulings, new legislation reinstating the death penalty, and the resumption of executions following an eleven year de facto moratorium. The NAACP Legal Defense Fund (1983) reports that 1,268 inmates are now under sentence of death and there is reason to believe that many of these sentences will be carried out. Given this situation, there is a great need for the type of reasoned public discussion of this issue which can only take place with an understanding of its historical and contemporary context. While surveys indicate that a majority of the American public favor the death penalty, there is little general interest or awareness of the problems which the current situation presents to the criminal justice system (see Vidmar and Ellsworth, 1982). There is thus a pressing need for objective and empirically based research on the use of the death penalty and its effects.

The Capital Punishment Project

It is clear that the type of research just described requires, at a minimum, as complete an inventory of the universe of events under investigation as possible. To understand and evaluate capital punishment and the manner in which it has been used in the United States, comprehensive data on the executions that have occurred under civil authority from the earliest Colonial period to the present are needed. But the collection of basic information such as the name of the person executed, when and where they died, by what means and for what reason, is difficult. It involves locating several thousand events scattered in no predictable pattern across an extended period of time in a very large number of jurisdictions and reported in many sources. The data which now exist at the Law Center of the University of Alabama are the product of an exhaustive 14 year effort to search every available source of information on the occurrence of executions. Further, they are a unique example of individual scholarship in that the project was supported from private sources for the first six years until moving to the Law Center in 1977. The nature of the project, as an open-ended and broadly drawn data collection program, was the only kind which could hope to search the enormous volume of information necessary. This ambitious undertaking has yielded the unique data resource this project proposes to complete and computerize.

The data collection effort has involved an extended search for any reference to an execution which could then be confirmed through the use of authoritative reports. These are primarily contemporary newspaper accounts in original form or microfilmed records, authoritative secondary accounts based on them, or sometimes by direct or indirect query of other historical records. Such records include published and unpublished county histories, records of state or local courts, and holdings of historical societies, museums, and archives. Where another source was referenced or, as is often the case in newspapers, many accounts are available, the different reports are compared to complete and confirm details. This often required a systematic search of the editions of a newspaper over a period of months or years. Such newspapers as The York Times, Richmond Times Dispatch and Birmingham News have been used in this way. Such Colonial newspapers as the Virginia Gazette the South Carolina Gazette have been extensively used. Major works on executions in particular periods and jurisdictions which have been drawn upon include Teeters' (1960) on Pennsylvania, Trenerry's (1962) work on Minnesota and Fogle's (1909) eyewitness accounts of executions in Ohio. An extended listing of a representative sample of sources which have been drawn upon is included in Appendix B. This procedure of systematic search and cross referencing has been successful in identifying over 14,100 executions, compiling basic information about each of them and additional information on over 8,000 of these cases.

The adequacy of these data collection procedures can be assessed in part by comparing the results with the only similar effort. Teeters and Zibulka collected data on executions from state officials or agencies and supplemented them from other sources. Their data were limited to executions performed after authority was centralized in the state and record keeping was routinized. Vermont was the first state to centralize authority in 1864 and Louisiana the last in 1957. Two states never removed this authority from local jurisdiction, Delaware and Montana. The inventory lists the name, race, age, offense, state, county, method of execution, and presence of an appeal for 5,706 cases. A detailed comparison of the data at the Law Center with the Teeters-Zilbulka inventory reveals in the latter a number of omissions and many apparent inaccuracies. In over half of the states, additional state imposed executions have been confirmed which were not included in the Teeters-Zilbulka inventory. These include 52 persons executed between 1910 and 1918 in Louisiana when that state briefly centralized authority before returning it to local jurisdiction and 14 persons hanged in Tennessee before 1916. And Espy (1983) reports that a number of corrections and additions to the Teeters-Zilbulka inventory can be made with the data available at Alabama. In all, of the 5,706 cases of state imposed executions, 2,906 separate corrections can be made for missing or incomplete data elements. Further, by including executions performed under local authority and covering the period from Colonial times to the present, the data at the University of

Alabama Law Center substantially increase the number of cases available for analysis.

In the ongoing collection effort at the Law Center, 14,195 executions had been confirmed by the end of 1983. These represent cases in which an original reference has been confirmed as described above. When an execution is confirmed, basic information about the event is recorded in each of two ledgers. In the first, executions are arranged by state in chronological order and the name, race, age, occupation, county of conviction, crime, date, and method of execution are recorded as available. The second ledger contains all cases in chronological order with the name, race, age, county, state, and date of execution entered. Where additional information is available beyond these elements, the account was transcribed onto cards or worksheets and cross referenced with the ledgers. The current organization of these data reflect the modest resources with which it has operated and the unavailability of computer facilities until recently. The ledgers were originally organized to facilitate retrieval of information by hand and the additional information retained to allow individual cases to be reviewed.

The current organization of the data will allow the information in the ledgers to be entered directly into computerized form in a straightforward manner. The additional information, however, will be more cumbersome to computerize since

it is usually verbatim transcripts of the original accounts and is not organized for coding and entry. This additional information has been recorded for over 8,000 of the 14,195 confirmed cases thus far and includes extensive and detailed descriptions of the characteristics of the executed person, the circumstances of the crime, victim information, the trial, and execution. Below is the preliminary list of variables proposed for inclusion in the database. While this list is intended to indicate in detail the type of information which will be included in the database, it in fact under-represents the full range of information which will be available. Several items below, such as dates, places, circumstances, and mentions may become several variables in the final database. Many of the more complex coding schemes, such as occupation, status in the community, and offense need to be developed. The progress to date in these areas is described in greater detail in the subcontract proposal. Included with that proposal are the preliminary codebook and coding instructions for these data and an evaluative report on the completeness of the data in a small sample of cases.

Variables Proposed for Inclusion in the
Capital Punishment in America Database

Execution Variables

State of Execution

Date of Execution (day, month, and year)

Execution check digit (to uniquely identify cases

where more than one execution occurred on a single day)

Current plans call for coding of one record for each person executed, including all the information in both of the ledgers and uniquely identifying each case with a number based on the state and date of execution. This will yield a database with the basic information on each of the confirmed executions, now numbering over 14,100. To this database will be added the additional information contained in the transcriptions of the original source material. This expanded database will be managed using software available at the University of Michigan which allows different data record types to be stored together and linked by a common identification number. This will allow the additional variables drawn from the transcribed accounts to be coded and entered as a separate phase of the proposed project and later added to the database. Where multiple victims are present, multiple victim records will be coded and all records will be linked by the identifier used in the master file. Additionally, a citations file, containing one record for each source for the execution reports and including the identifier for each execution will be developed. This last file will both facilitate independent verification and will aid researchers seeking further information on cases in the files. Because it is machine readable, this file also can be managed as a database, permitting computer searches of it.

Data Resources and Research on Capital Punishment

Any body of literature will be strongly shaped by the distinctive nature and limitations of the information on which it is based. Research to date on executions nationally has depended on the limited data in the Teeters-Zilbulka inventory of state imposed executions or on state-level data which has been compiled by the Bureau of Prisons since 1930. Other studies have been limited to single states or to selected jurisdictions in a few states. The data used in past research on racial bias illustrate this tendency. Thus Johnson (1941) used selected jurisdictions in four southern states, Wolfgang and Riedel (1973) sampled counties in seven southern states, Garfinkel (1949) used data on ten North Carolina counties, and both Zeisel (1981) and Radelet (1981) use data on the same twenty Florida counties. The research on the deterrent effects of capital punishment on crime has been still more limited, using only state level data of recent vintage (see Sellin (1959), Ehrlich (1975), Bowers and Pierce, 1980)). The data collected by Espy are important in that they contain information on several thousand individual events across an extended period and for all states. Among the variables listed above as those proposed for inclusion in the database on capital punishment are many which have never before been available nationally for executions. The access to this new information which the proposed project will make possible thus carries with it enormous potential for new insights and findings.

The availability of these data would be of immediate value in allowing research in several areas in which our understanding is as yet incomplete. For instance, a complete chronicle of the development of capital punishment or description of the incidence, frequency and distribution of its actual use is still unavailable. A general account of the nature and function of the death penalty, not only in terms of racial bias, but in a social context including influences such as ethnicity and class or change and conflict is needed. The characteristics and circumstances of the violent events which came to be identified as capital crimes and how they have changed over time is similarly required. Basic data on the use of the death penalty is also needed in order to examine the many current questions concerning its more general effects on society at large.

Most of the historical literature on capital punishment consists of works which trace the public debates between those seeking to abolish the death penalty and its defenders (cf. Cooper, 1974; McCafferty, 1972). Mackey (1976) summarizes this history in the United States by presenting an overview of the major cycles that capital punishment legislation has undergone. He notes a general increase in the resistance to public executions but ascribes this more to concerns over maintenance of public order at such events rather than the efforts of reformers. Two periods of reform are identifiable however, one from 1833 to 1855, under the influence generally of the anti-gallows societies, and

the other from 1895 to 1917 as part of the Progressive era. Each of these periods was followed by something of a reaction, the first during the years surrounding the Civil War and Reconstruction and the second during the years immediately following World War I. It should be noted that these periods also roughly correspond with those identified by Gurr (1982) as experiencing significant changes in crime levels. To date, no work has been done on any of these periods which include a detailed examination of the actual use of the death penalty or the effect of executions on public opinion or legislative processes. Mackey (1982) has recently identified the absence of an accurate record of executions as "...a serious impediment to historical study..." and specifically identifies Espy's data as a resource with which "...future historians will be able to contribute valuable additions to the literature of this long-neglected field".

While executions in more recent periods, especially after 1930, have been more fully examined, the current understanding would benefit from more complete data on the precise frequency with which they took place. Even the most thorough account by far yet available (Bowers, 1974), is limited in a number of ways. In describing general national trends since the Civil War, he must draw reports or estimates from five different sources and limit his account to state imposed executions. These figures come from a variety of sources and are often based upon questionable

assumptions. He pieces together his data by drawing on Bye (1919) for the years 1890-1917, Bedau (1967) for 1918-1920, takes Barnes and Teeters (1942) report of annual averages for the entire period from 1921 to 1926, and finally Sellin (1950) for the years 1927-1929. Using these counts together with the Bureau of Prisons post 1930 data, he argues that four periods can be distinguished. He identifies them as 1) a period of dormancy or stability lasting until the 1890's followed by, 2) a growth period continuing into the 1920's, 3) a peak period in the 1930's and finally 4) a long period of decline beginning after 1940.

This description, especially as refined in its original presentation taking into account region and crime specific rates, is extremely informative, but is based on data which are quite weak. The data are limited to only executions performed under state authority and do not take into account any executions which occurred under local authority during the period before 1900, which Bowers argues was characterized by great stability. In fact, there are no data, other than those now at the Law Center, on which accurate counts of the number of persons executed in each state and for each year before 1930 can be based. By covering a longer period and including executions carried out under local as well as state authority, these data would provide important additions and revisions to this account. The additional information which would be available would allow the apparent stability of the late 19th century to be tested and a more precise

examination of the increasing use and spread of executions during the growth period.

The period of growth, from approximately 1890 into the 1920's, is especially relevant to research on capital punishment. It was a time of significant social change, including an influx of new immigrants, World War I, and black migration from the south. All of these influences may have had an effect upon the rise in crime observed at the time (Gurr, 1982). Several states also experimented with the abolition of the death penalty and some of them reinstated it within a short period. Of special interest, would be data on executions in the 1920's, a period which witnessed both a significant number of new death penalty statutes enacted (see Mackey, 1976) and a rise in the rate of crime. The only figures previously available on the number of executions in this period is the estimate by Barnes and Teeters (1942) that an average of 114 executions took place annually from 1921 to 1926. Precise data on the number of executions would contribute to the study of a period in which crime rates were changing, new penalties were being enacted and executions were being carried out.

Along these lines, the type of work which has generally centered on the issue of racial discrimination could be broadened. This topic has been one of great interest, partly for the practical significance of its findings on the administration of

justice. Several influential studies pointed to evidence that the death penalty was applied in an inequitable manner (Bowers, 1974, Garfinkle, 1949; Wolfgang and Riedel, 1973) and many have argued that this condition has persisted after recent reforms (Bowers and Pierce, 1980; Riedel, 1976). Some recent reviews however have found the body of evidence less clear cut on this question (Hagan, 1974; Kleck, 1981) and many would still agree today with Bower's statement of a decade ago on the question of discrimination that, "...the picture is still incomplete, segmented and possibly biased" (p. 75). What has been interesting in recent work has been the introduction of other variables and definitions. Several have argued that sentencing decisions are affected by broader concerns of class and ethnicity (Chambliss and Seidman, 1971, Quinney, 1979), have pointed to the need for examining more of the organizational processes involved (LaFree, 1980; Baldus et al., 1980) or have argued for a closer examination of the nature of the crime and offender victim relationships (Parker and Smith, 1979; Mayers, 1979; Radelet, 1981). Such research would become possible using the data which the proposed project will make available. In addition to the race of both the offender and victim, their ethnicity, nativity, and occupations will be available. Also included will be the relation of the victim to the offender and the circumstances surrounding the crime and trial.

These data may also be seen as an unusual social indicator in

that they represent a special example of the exercise of social control. For each execution the penalty of death was imposed on an individual by the exercise of a legitimate civil authority, often with public participation through the jury system. Many of the considerations in the capital punishment debate revolve around various versions of retributionist arguments which rest upon judgments of social norms and their legitimation. Data including details of the crime, on the offenders and victims, and the circumstances surrounding each execution are thus unique resources. They represent cases in which, through the fairly visible mechanisms of social control in the invocation of the legal system and legitimate authority, the operation of such norms across time periods can be observed. Comparisons across these periods, of the apparent effects of the social status of offender and victim, access to due process and the protection of the law, and the standards applied in weighing aggravating and mitigating circumstances, will provide significant insight into changing normative structures. The allowing research of a fundamental scientific nature on social control in American society, the proposed project is appropriate for funding by the National Science Foundation. Other, more mission oriented, funding sources have expressed greater interest in data collections more relevant to their current priorities. The ICPSR, through its other sources of support is developing such related resources. The nature of the data which would become available through this project would provide the potential for addressing this topic in the broadest

terms.

Organization of the Project

This activity will be carried out through a joint project of the Law Center of the University of Alabama and the Inter-university Consortium for Political and Social Research (ICPSR) based at the University of Michigan. The project will draw on the relative strengths of the two partners in performing the separate tasks involved. These tasks are, 1) the continuation of collection in the identification of new cases and the addition of information to ones already confirmed, 2) the coding and entry of the data for inclusion in a single database, and 3) the processing of the data files and preparation of the appropriate documentation for distribution with the data.

Task 1, the ongoing data collection effort, will be carried out using the procedures established over the past fourteen years at the Law Center, where the expertise and materials for this work already reside. Task 2, coding and entry, will similarly be performed at the Law Center under the general supervision of those most familiar with these data. The procedures to be employed in this task are those which have already been largely developed in close consultation between the Center and ICPSR. This drew on the extensive experience of the ICPSR with computerized social science data. Through the life of the project, it is anticipated that

this interaction will be an ongoing aspect of each phase of the coding and entry process. Once these data are in machine-readable form, they will be transferred on tape to the computer facilities at the University of Michigan for final processing. Following the established procedures of the ICPSR, the data will be reformatted, checked, and placed into standardized forms to maximize transportability to other installations. The documentation, similar to that which has been routinely prepared for each of the collections in the ICPSR's holdings, will also be developed at this time. The products of this project will then be archived with the ICPSR and be made available for distribution publicly under its normal policies.

Task 1 will entail a continuation of the traditional practice of the project in confirming new cases and cross checking known executions to complete the records with all available information. It is estimated that there may have been up to 20,000 executions in total and that more than 80% of those are confirmable. Much of this effort has, of course, already been completed over the past fourteen years and it is anticipated that the staffing provided for in the proposed project will allow significant additions to the database to the point where it is complete for purposes of use by the research community. One activity of the project which will also be maintained is responding to information requests by interested persons or agencies. This will include researchers using the data files as they begin to become available. This

function has been an important part of the project in the past in providing access to information, publicizing its existence, and insuring that users of the data understand its sources and the details of its use.

Task 2 involves the coding of the data and their entry into machine-readable form using the formats and procedures which have been developed jointly by the Law Center and ICPSR. These procedures, which are described in greater detail in the subcontract proposal included in Appendix A, are designed to produce data files of general utility to researchers with a variety of interests in a form which will ease access. The development has been guided by the ICPSR's experience with similar projects to produce data files which can be efficiently transported to a variety of computing environments and are in a form which minimizes the effort required to begin using the data. This includes the translation of data elements into consistent numeric code categories appropriate for information retrieval or statistical analysis. Also multiple missing data categories will be used to identify items inappropriate or not ascertained, and items identified in the original as unknown.

The ICPSR staff will be deeply involved in the process of refining the preliminary coding procedures and in establishing techniques for verification and checking of data as it is entered. Other recent projects at ICPSR have involved the entry of data

similar to these using special purpose programs on microcomputers and ways will be explored to apply this technology to the execution data. The ICPSR will also advise the project staff at the Law Center in the selection and use of other appropriate software and hardware for use in the entry of the data. In the budget described below, provision is made for expert staff and support for travel to facilitate these activities.

This further processing comprises task 3 of the project and will follow the well established techniques of the ICPSR in preparing data for distribution. A machine-readable data directory will be prepared which includes variable names, data element locations and widths, type specifications, and missing data codes. This directory will be used in conjunction with software available on the University of Michigan mainframe and the ICPSR's own minicomputers to produce fixed format data files. These files will, in turn, be used to examine each variable in each case for invalid or inconsistent coding which will be corrected when found. These corrections will be done, when necessary, with information provided by the Law Center staff using original sources.

At the same time the data are being processed, complete machine-readable documentation will be prepared to accompany each file. This documentation will provide detailed technical information about each variable in each file, its name and

meaning, valid codes and their meaning, the location and width of each variable, its type, and their missing data codes and meanings. Also included will be full descriptions of the project itself, the data collection methods employed, coding conventions used, and any notes or comments needed to clarify the contents of the data. The documentation for the citations file will contain extensive notes and references on each of the source documents used in developing the database. Provision of documentation in machine-readable form will allow it to be distributed on the same tape with the data themselves and allow users of the data files to generate multiple copies on demand in a economical fashion. Printed copies will also be produced at the time the data are released and will be made available for examination by persons interested in using this data.

Time Schedule and Budget of the Project

The project is scheduled to be carried out across a two year period with a total budget for all activities, including the subcontract to the University of Michigan, of \$188,449. The major portion of these funds will be spent at the University of Alabama in the collection, preparation and coding of the data. These tasks will be carried out in close consultation with the project staff at ICPSR, who will have primary responsibility for task 3, the processing of the data for distribution. The project will aim at scheduling activities to allow the initial release of data by

the end of the first year with additional files being made available throughout the second year. Release of the data in portions, for instance all of the basic variables from the ledgers or by regions, will speed availability to researches. Early release of portions of the data collection will also allow project staff to interact with researchers using these data and aid in identifying data problems or weaknesses in the documentation for correction. In this way, this information will be developed into a generalized resource for use by the research community.

The project staff at the University of Alabama is designed to maintain both continuity with past practice and provide sufficient staff to allow completion of the tasks. General supervision of the project's operation and progress at the Law Center will be provided by Dr. John Smykla, who will devote 3 months of his time over the two year period. Mr. Espy will devote full time effort to this project for the entire period and will split his time evenly between data collection efforts and assisting staff in the preparation, coding and entry activity. The University of Alabama will assume responsibility for one half of his support and only 12 person-months of his time are requested. Primary management and supervisory responsibilities will be handled by a project associate to be selected and supervised jointly by Dr. Smykla and Mr. Espy. This position will be filled on a half-time basis by a candidate with significant experience with the University of Alabama computing environment, training in database management,

and past practice in supervisory roles. They will be assisted by data entry and clerical staff under the supervision of the project associate. Working in close collaboration with the project staff at ICPSR, they will complete the coding and entry of the basic data in time to allow processing and release of these data by the end of the first year. By this time also, procedures for coding and entering the additional variables will have been completed and significant progress made in entering this data. Plans call for the expanded file to be transferred to the ICPSR for processing and release by the end of the second year.

Project activities performed by the ICPSR will draw upon the talents of existing staff there. General oversight of project progress, advice and assistance to Law Center staff, and the coordination and supervision of data processing and documentation preparation will be the responsibility of Dr. Christopher A. Innes. He is Assistant Archival Director of the ICPSR and project manager for the Criminal Justice Archive there. He thus has extensive experience in all phases of the management of criminal justice data and administration of the archival activity entailed in its processing, distribution and use. He will be assisted by a Data Archive Specialist, who will devote 9 person-months to the project over the two year period. The Data Archive Specialist will aid in the refinement of procedures for coding data, checking it at entry, and be responsible for managing and correcting the machine-readable database. Four person-months of clerical

assistance are requested for documentation preparation. A total of \$2,500 is requested for computer costs, with \$1,500 allocated to the University of Michigan mainframe* for data processing and \$1,000 in time for the ICPSR minicomputer, mainly for text editing and preparation of the citations file. Also requested, is \$2,000 for other expenses including \$250 for supplies, \$500 for communications and postage, and \$1,250 for duplicating, most of which will go for the printing of multiple copies of the final documentation. Finally, \$ 2,250 is requested for 3 person-trips between Michigan and Alabama to allow the two staffs to consult directly on project activity and progress. These costs, which are detailed in the subcontract proposal together with fringe benefit and indirect cost rates, total \$52,728.

APPENDIX A

Archival Development of the Executions
in America Data

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Introduction

In the proposed project, the Inter-university Consortium for Political and Social Research (ICPSR) will assist in the computerization of the data compiled at the University of Alabama Law Center on executions performed under civil authority in America. Since the collection of these data was begun in 1971, information has been gathered on over 14,100 executions since the first occurred in 1608. In gathering these data, contemporary accounts, authoritative secondary sources, or official records were used to confirm the event and collect data about it. In this manner, basic data has been collected on the name, race, age, sex, and occupation of each person executed, the crime with which they were charged, and the place, date and method of their execution. This basic information has been recorded in two ledgers, one arranged by state and the other in chronological order. Further, the data also contain additional information on over 8,000 of the 14,100 confirmed cases, including the circumstances of the crime, trial, execution, and the victims' race, age, sex, occupation, and relation to the offender. This additional information is contained in typed transcripts of the original account, often copied directly from a newspaper report. None of these data are now in computerized form and all retrievals of information must now be done by hand. The ICPSR will assist the Law Center in computerizing these data and will then assume responsibility for the processing and public distribution of them.

The current organization of the data will allow the basic variables to be entered directly into a computerized form in a straightforward manner. Plans call for coding of one record for each person executed, including all the information in both of the ledgers and a unique identifying number based on the state and date of execution. This will yield a database with the basic information on each of the confirmed executions, now numbering over 14,100. To this database will be added the additional information contained in the transcriptions of the original source material. This expanded database will be managed using software available at the University of Michigan which allows different data record types to be stored together and linked by a common identification number. Where multiple victims are present, multiple victim records will be coded and all records will be linked by the identifier used in the master file. Additionally, a database of citations, containing one record for each source of information on an execution or appeal and including the identifier for each execution, will be prepared. This last file will both facilitate independent verification and will aid researchers seeking further information on cases in the files. Placing this file in machine-readable form will allow it also to be managed as a database and will provide the capacity for computer searches on it.

The proposed project will be carried out as a joint venture between the University of Alabama Law Center, where the data have

been compiled, and at the Inter-university Consortium for Political and Social Research (ICPSR). While responsibility for the maintenance and updating of the original source material will remain with the Law Center, the computerized data file resulting from this project will be immediately available for public distribution from the ICPSR. The preparation and distribution of public use data files will be the sole responsibility of the ICPSR, who will follow established archival procedures for the treatment of individual level data. In this, the standard policies for the preservation of confidentiality of data will be adhered to.

Data Archiving Plans

The role of the ICPSR in the proposed project will be to assist the Law Center in the computerization of the data on civil executions in America and then process these data for public distribution. In the first task, the provision of technical assistance to the Law Center, the ICPSR will aid in the development of coding procedures and in planning for the organization of the coding and entry of the data. In the second task, processing of the data, the ICPSR will assume responsibility for preparing the data for general distribution. This will involve the use of established procedures to develop and manage a database from the computerized data on executions as prepared by the Law Center staff. As part of this task, complete

documentation for the data will be developed for distribution with it. Finally, the ICPSR will build and manage a database containing the citations of the original sources from which these data have been drawn. In the performance of these activities, the ICPSR will draw upon its substantial experience and expertise in dealing with computerized data in the social sciences.

Task 1: Provision of Technical Assistance

This activity will be a continuation of efforts already begun, to develop well defined procedures for coding the executions data. Several previous consultations between representatives of the Law Center and ICPSR have taken place including an on-sight visit to the Law Center by ICPSR staff. This has allowed a thorough evaluation of the condition of the execution data and provided the opportunity for the basic planning for its computerization. On the basis of these discussions a proposed list of the variables to be coded has been drawn up and a preliminary codebook developed. This codebook contains detailed coding schemes for most of the proposed variables. Work will continue in the project period to refine and extend them. The ICPSR will also work in close collaboration with the Law Center project staff in the evaluation of available hardware and software for use by the project. Finally, ICPSR staff will work with the Law Center project staff in organizing the coding and entry tasks, designing coding and verification checks, and implementing

procedures for the efficient completion of the project tasks.

The development of the preliminary list of variables and procedures for coding them has taken place as part of the evaluation of these data. During the on-sight visit to the Law Center by ICPSR staff, an initial evaluation of the executions data was performed. Arrangements were also made at that time to have a systematic sample of cases photocopied and provided to the Archive. This subsample yielded approximately 300 cases which were used to develop and test the preliminary coding scheme. One-third of the subsampled cases were used to develop provisional coding procedures and the second third used to test and revise them. This process involved the adaption of coding schemes from other sources such as those used by the Federal Bureau of Investigation in their Supplemental Homicide Reports for relation of offender and victim, motive, and circumstances of the crime. Rules for coding age terms like "young" or "elderly" and for dealing with ranges (i.e. dollar amounts or the size of the crowd witnessing an execution) were established. The preliminary codebook developed in this process is attached in the Appendix and describes in detail the variables and coding schemes.

During the project period work will continue to refine and extend the procedures which have been developed for the executions data. Some of the more complex coding schemes, such as occupation and offense, require further work beyond that already completed.

Coding of this information is complicated by the period of time covered, over 300 years. During this time a number of changes have occurred in both the labor market and the definition of a capital offense and this will require special coding conventions. The treatment of variables relating to the level of authority, the trial, and type of appeal similarly present difficulties. Court organization and procedure not only differ between jurisdictions, but have also changed dramatically over time. A number of other variables in the preliminary codebook such as mention of the offender's past history, their social status, and the reaction of the community to their crime will also be refined.

The process of developing and refining these procedures is essentially an iterative one in which provisional approaches are evaluated against available data. The table below summarizes the results of the final evaluation of the procedures described above. It shows the number and proportion of cases which could be coded using the preliminary schemes. The data used are the last third of the subsample of cases provided to ICPSR by the Law Center. There were 111 executed persons and 143 victims of a capital crime in the subsample. As can be seen from the table, many of the proposed variables are codable in a high proportion of the cases. A few variables had missing data in only one or two cases and this information should be recoverable. For instance, place of execution and method used will usually be available from other records. Some variables could be coded for only a few cases in

this subsample. but will be retained because of their significance for some time periods. For instance, the number of persons in the crowd is important for periods in which public executions were common and veteran status will be more common in years following a war.

Number and Percentage Codable Cases from a
Subsample of Executions (111 Executions and 143 Victims)

Variable number and name	Number Codable	Percent Codable	
V1 STATE OF EXECUTION	111	100.0 %	
V2 DATE OF EXECUTION: DAY	110	99.1	
V3 DATE OF EXECUTION: MONTH	111	100.0	
V4 DATE OF EXECUTION: YEAR	111	100.0	
V5 CHECK DIGIT: EXECUTION	110	99.1	
V6 SITUATION CODE	111	100.0	
V7 NAME OF THE OFFENDER	108	97.3	
V8 PLACE OF EXECUTION	104	93.7	
V9 CIVIL AUTHORITY	94	84.7	
V10 METHOD OF EXECUTION	110	99.1	
V11 EXECUTION UNSUCCESSFUL	6	5.4	
V12 NUMBER IN AUDIENCE			
	(actual #)	9	8.1
	estimated size: (99997/99998)	18	16.2
	size unknown or (00000)	36	32.4
	unknown if private		
	inap., private (99999)	48	43.2
V13 CRIME COMMITTED	111	100.0	
V14 OTHER CRIME INVOLVED	111	100.0	
V15 AMOUNT OF THEFT: MONEY			
	(actual #)	17	15.3
	theft, but amt. unknown	16	14.4
	inap., no theft	78	70.2
V16 AMOUNT OF THEFT: PROPERTY			
	property theft amt. lge/sm	9	8.1
	property theft amt. unknown	12	10.8
	inap., no property theft	90	81.1
V17 SEX OF THE OFFENDER	111	100.0	
V18 AGE OF THE OFFENDER	70	63.1	
V19 RACE OF THE OFFENDER	99	89.2	
V20 ETHNICITY OF THE OFFENDER	21	18.9	
V21 OCCUPATION OF THE OFFENDER	56	50.5	
V22 OFFENDER WAS A VETERAN	6	5.4	

V23	PLACE OF CRIME	111	100.0
V24	WEAPON USED	101	91.0
V25	PAST HISTORY OF OFFENDER	46	39.6
V26	OFFENDER WAS OUTSIDER	22	19.8
V27	COMMUNITY REACTION	24	21.6
V28	CHANGE OF VENUE	3	2.7
V29	TYPE OF TRIAL	29	26.1
V30	CONFESSION	69	62.2
V31	TYPE OF DEFENSE	67	60.4
V32	AGGRAVATING CIRCUMSTANCE	21	18.9
V33	TYPE OF APPEAL	41	36.9
V34	MOTIVE: ALCOHOL/DRUGS	14	12.6
V35	MOTIVE OR CIRCUMSTANCE	98	88.3
V36	NUMBER OF VICTIMS	109	98.2
V37	NUMBER OF VICTIMS KILLED	109	98.2
V38	DATE OF CRIME: DAY *	82	73.9
V39	DATE OF CRIME: MONTH *	96	86.5
V40	DATE OF CRIME: YEAR *	102	91.9
	* missing just day	14	
	missing month		
	missing day, month,		
V41	CHECK DIGIT: VICTIM	143	100.0
V42	SEX OF THE VICTIM	136	95.1
V43	AGE OF THE VICTIM	67	46.9
V44	RACE OF THE VICTIM	52	36.4
V45	ETHNICITY OF THE VICTIM	17	11.9
V46	OCCUPATION OF THE VICTIM	86	60.0
V47	RELATION TO OFFENDER	125	87.4
V48	VICTIM'S STATUS	43	30.1

Task 2: Data Processing

The main effort in this task is concentrated upon the processing of the executions data and the preparation of documentation. This activity will follow well-established procedures which have been developed and utilized by the ICPSR archive staff. This will involve initially verifying that the appropriate number of units of analysis and variables are present, and that there is correspondence between the data and the

documentation received from the Law Center staff. Subsequent steps involve establishing the internal consistency of the data by examining the relationships between variables. The distribution of the variables is checked using frequencies or measures of dispersion of the distribution, as appropriate. Through this process, undocumented or "wild" codes will be discovered and corrected.

All of the above procedures will be implemented with tested software which contains extensive data management capabilities developed specifically for archival purposes. In maximizing cost effectiveness and efficient staff use, the archive actually uses a variety of software packages and mixes its use of the University of Michigan's mainframe and the ICPSR's own minicomputer and microcomputer facilities. With these systems, the Archive has broad flexibility in data processing capacities, including merging and deleting records, checking data values and correcting them, and computing additional measures. Among the capacities of the Archive is the ability to build and manage hierarchical databases. In such a database, different record types can be stored together and linked to one another. In the executions database this will allow data on each person executed to be associated with one or more separate victim records. Data organized in this manner can be reorganized in a variety of ways to allow analysis focusing on executions, persons executed, or victims of capital crimes.

No matter how adequate the technical condition of the data, maximum utilization depends to a large extent upon the effectiveness of the documentation. Beyond appropriate technical completeness in describing data record formats, the documentation must be substantively thorough and understandable. Although the minimum requirements for a codebook entry would include the physical location of the variable in the data file and the name or description of the variable, further documentation elements should include a full description of the design and implementation of the study, coding schemes and categories employed, and distributional properties of the variables. In the case of the executions data, this will involve a thorough description of the methods of data collection, sources of information, and procedures for coding the data.

In addition to these general content points, the value of documentation is enhanced when it is available both in printed and machine-readable form. Printed documentation is valuable for initial distribution to potential users in order to describe the availability and contents of the data collection. Documentation in machine-readable form, however, can be physically associated with the dissemination of the actual data files. Machine-readable documentation can be reproduced in full, or subsetted upon demand, on tape as needed. Any user of the data then has the capability at any time to produce upon command a custom copy of the relevant portions of the documentation in as many copies as required.

This project involves the preparation of both machine-readable and printed or bound documentation. For the vast majority of eventual users of the data, an initial distribution of the printed codebook will serve as an introduction to the data and provide the stimulus for working with the data. Printed documentation will be initially produced in sufficient quantity that any individual interested in receiving a copy of a codebook will be able to do so. When the initial printing is exhausted, additional copies of the documentation will be printed and distributed under standard ICPSR servicing policies.

Institutional Capacities

The success of an archival project depends upon both the capacity to not only prepare readily usable data and provide documentation to insure that those interested in analyzing it have the necessary information to do so. Its purpose is to extend or generalize the utility of the data and documentation beyond the level which was satisfactory for the use of the original project staff. This is necessary in order to allow secondary users who are one or more steps removed from the study to make profitable use of the materials. It is equally important, of course, to be able to supply the data files in a readily usable format for analysis. This implies that data must be available in a wide variety of output formats, in order to satisfy the needs of

analysts who are operating under a wide range of technical conditions. This includes the routine retrieval of subsets of selected data cases and/or variables, as well as data amenable to analysis with a variety of hardware configurations and by any of the commonly available software packages. The staff of the Inter-university Consortium for Political and Social Research has a demonstrated capacity, generally, and with particular regard to criminal justice data, to provide these archival data services and the supporting technical capabilities as well.

The ICPSR is organized as a partnership between the Center for Political Studies and over 250 member universities, colleges, and non-profit research organizations in the United States and abroad. Most of the support for ICPSR operations is provided by the annual dues paid by member institutions. All of the data archived under this project will be made available in a routine manner to individual faculty and students at these institutions under regular Consortium servicing policies without charge, and no funds are requested for support of this activity beyond the printing costs of the codebooks. In addition, the ICPSR will assume the financial responsibility through its sustaining support for maintenance and, where appropriate, updating of these data files beyond the proposed project period. The potential value of the proposed project will in fact be significantly enhanced by the many other activities of the ICPSR which will serve to publicize the executions data, provide for the distribution of public use

files, and assist in the utilization of these data.

One activity of the ICPSR which is especially relevant to the proposed project is the Criminal Justice Archive and Information Network (CJAIN). Now in its sixth year of operation, CJAIN has successfully developed a rich archival collection of data and provided extensive assistance, training and services to maximize its use. The Archive has been maintained most recently through a Cooperative Agreement between the Bureau of Justice Statistics (BJS) and ICPSR. This arrangement has allowed continuous interaction with the criminal justice research community in accumulating a wide variety of data resources and facilitating their accessibility and effective use. Several data collections currently in the holdings of the ICPSR would be available for use in conjunction with the executions data. The ICPSR distributes a wide variety of demographic, economic, social, and political data. Examples are county and state level demographic and economic data for the years from 1790 to the present, incidents of political and social violence since 1819, and macro-economic data dating back to the early 19th century. As part of the development of the proposed project, the ICPSR began to acquire other data collections on the death penalty, including the data compiled by the Bureau of Prisons for 1930 to the present. This activity will continue and plans are underway to seek other funding to expand further the holdings in areas relevant to the death penalty.

Upon completion of the processing of the data, the staff of the Consortium will prepare public use files for general distribution. In the most common or usual form of dissemination, the data services section of the ICPSR copies, subsets, or otherwise retrieves data for distribution on magnetic tape in a wide variety of technical formats. It is common practice for CJAIN staff to carry out extensive consultations with researchers interested in using larger or more complex collections. Often these data are reformatted or subsetted to ease accessibility for the individual researcher. The speed and accuracy of this operation has recently been further enhanced by the implementation of an automated system to aid in recording and responding to data requests. The guiding concept here is the ability to provide "readily usable" data. This means supplying data in a technical form amenable to the individual user's specific hardware and software environment and accompanying the data by documentation which is clear and correct. Through its existing network of contact, the Consortium distributed over 1.7 billion card-image equivalents of data in this fashion during 1982-83 fiscal year and indications are that this level of distribution will be exceeded in the current year.

In addition to the dissemination of the data themselves, several documents are prepared to announce the availability of these resources. The ICPSR publishes annually its Guide to Resources and Services listing of archival holdings. This is

supplemented on a quarterly basis by informational mailings which describe interim additions to the archive. One section of the ICPSR is entitled "Crime and the Criminal Justice System," and all current criminal justice data holdings are listed. These dataset descriptions have also been extracted from the Guide in the form of a memorandum, updated quarterly, for convenient distribution to interested individuals. Timely announcements of the newest acquisitions or the completion of processing of datasets are made through an on-line computer conference maintained as part of the project and also on a 24 hour hotline. CJAIN also publishes its own newsletter to announce information about data resources and training activities and distributes it to a mailing list of thousands.

Members of the project staff have also attended a number of annual meetings representing a broad disciplinary range of professional groups. The nature of participation at these meetings has ranged from technical demonstrations along with other exhibitors to formal presentations about archival resources and the range of available project services. Staff participate in the meetings of large academic professional associations whose membership is composed of significant numbers of individuals who have an interest in research on crime, deviance, law and the criminal justice system. These include the American Society of Criminology, American Political Science Association, and the American Sociological Association.

Time Schedule and Budget of the Project

This project will be carried out jointly by Law Center and the ICPSR and will draw on the relative strengths of the two partners. Task 1, coding and entry, will be performed at the Law Center under the general supervision of those most familiar with these data. The procedures to be employed in this task are those which are being developed in close consultation between the Center and ICPSR. Through the life of the project, it is anticipated that this interaction will be an ongoing aspect of each phase of the coding and entry process. Once these data are in machine-readable form, they will be transferred on tape to the computer facilities at the University of Michigan for final processing. Following the established procedures of the ICPSR, the data will be reformatted, checked, and placed into standardized forms to maximize transportability to other installations. The documentation, similar to that which has been routinely prepared for each of the collections in the ICPSR's holdings, will also be developed at this time. The products of this project will then be archived with the ICPSR and be made available for distribution publicly under its normal policies.

Task 1 involves the coding of the data and their entry into machine-readable form using the formats and procedures which have been developed jointly by the Law Center and ICPSR. The ICPSR

staff will be deeply involved throughout the project period in the process of refining the preliminary coding procedures and in establishing techniques for verification and checking of data as it is entered. Other recent projects at ICPSR have involved the entry of data similar to these using special purpose programs on microcomputers and ways will be explored to apply this technology to the execution data. The ICPSR will also advise the project staff at the Law Center in the selection and use of other appropriate software and hardware for use in the entry of the data. In the budget described below, provision is made for expert staff and support for travel to facilitate these activities.

Plans call for the basic data recorded in the two ledgers to be in computerized form and transferred to the ICPSR in time for release by the end of the first year of the project. In addition, the procedures for coding and entering the information from the typed transcripts will be finalized and tested. Coding and entry of these data will begin in the first year and will be completed by the middle of the second year of the project. These data will then be processed and added to the database for release by the end of the second year. Release of these data in parts will allow some types of research to begin during the project period rather than waiting until all the data become available. This will provide the opportunity for the project staff to interact with users of these data, identify problems in it or the documentation, and incorporate suggested changes in the final products of the

project. Every effort will also be made to include in the database data on the executions which occur during the project period.

PRELIMINARY CODEBOOK

VAR 0001 STATE OF EXECUTION NO MISSING DATA CODES
REF 0001 LOC 1 WIDTH 3

State of execution

001 - 099 States and possessions [use FIPS State Codes]
101 - 199 Area later included in a state (i.e., a territory)

blank Missing data [MAKE CARD for any missing cases]
.....

VAR 0002 DATE OF EXECUTION: DAY NO MISSING DATA CODES
REF 0002 LOC 4 WIDTH 2

Date of execution - day

Range 01 - 31

blank Missing data [MAKE CARD for all cases missing a
complete date of execution, see REF 2 - 4]
.....

VAR 0003 DATE OF EXECUTION: MONTH NO MISSING DATA CODES
REF 0003 LOC 6 WIDTH 2

Date of execution - month

Range 01 - 12

blank Missing data [MAKE CARD for all cases missing a
complete date of execution, see REF 2 - 4]
.....

VAR 0004 DATE OF EXECUTION: YEAR NO MISSING DATA CODES
REF 0004 LOC 8 WIDTH 4

Date of execution - year

Range 1620 - 1984

(CONTINUED)

blank Missing data [MAKE CARD for all cases missing a complete date of execution, see REF 2 - 4]

.....

VAR 0005 CHECK DIGIT: EXECUTION NO MISSING DATA CODES
REF 0005 LOC 12 WIDTH 1

Execution check digit

[Number of executions conducted on a given day]

Single execution

- 0. Only one execution

Multiple executions

- 1. First execution
- 9. Ninth execution

[NOTE: If reference is made to more than one execution for given day, but information is not available for all cases, code as for multiple executions and MAKE CARD for case(s).]

.....

VAR 0006 SITUATION CODE NO MISSING DATA CODES
REF 0006 LOC 13 WIDTH 1

Situation code

- 1. Single offender/Single victim
- 2. Single offender/Multiple victims
- 3. Single offender/Unknown number of victims
- 4. Multiple offenders/Single victim
- 5. Multiple offenders/Multiple victims
- 6. Multiple offenders/Unknown number of victims

VAR 0007 NAME OF THE OFFENDER NO MISSING DATA CODES
REF 0007 LOC 14 WIDTH 21

Name of the offender

Alphabetic variable

[Last name, blank, first name, blank, (Jr., Sr., Roman numeral)]

[Use name at top of sheet. MAKE CARD for cases where name at top of sheet is an alias or there is some question as to the correct spelling of the name, or for cases where the name is missing or not specified, e.g., "slave."]

.....

VAR 0008 PLACE OF EXECUTION NO MISSING DATA CODES
REF 0008 LOC 35 WIDTH 23

Place of execution

Alphabetic variable

Code location preferentially in the order listed below. Desired entry format is listed after each choice.

Prison name (_____ Prison)
County (_____ County)
City (_____)
Fort/territory/state name (Fort _____ /
_____ territory / _____)

blank Missing data [MAKE CARD for all missing cases]

.....

VAR 0009 CIVIL AUTHORITY NO MISSING DATA CODES
REF 0009 LOC 58 WIDTH 1

Civil authority responsible for carrying out the execution

- 1. Federal
- 2. State

4
(CONTINUED)

3. County
4. Local
5. Territorial (e.g., trial in "Indian Territory" - 1876)
6. Other (e.g., colonial) [MAKE CARD]

blank Missing data [MAKE CARD for all missing cases]
.....

VAR 0010 METHOD OF EXECUTION NO MISSING DATA CODES
REF 0010 LOC 59 WIDTH 1

Method of execution

1. Hanging
2. Electrocution
3. Asphyxiation (gas chamber)
4. Shot
5. Injection
6. Pressing
7. Drowning
8. Breaking on the wheel
9. Disembowelment

blank Missing data [MAKE CARD for any cases using method not listed above, or for cases where there is a discrepancy as to the method used.]
.....

VAR 0011 EXECUTION UNSUCCESSFUL NO MISSING DATA CODES
REF 0011 LOC 60 WIDTH 2

Execution unsuccessful code

[Code if failure or unsuccessful attempt is mentioned. Do NOT use length of time until death pronounced as indicator.]

01. Struggle or movement; obvious strangulation
02. Rope too long or broken
03. Several jolts of electricity were needed
04. Other death not immediate

(CONTINUED)

99. Inap., execution was successful; no mention of problem

.....
VAR 0012 NUMBER IN AUDIENCE NO MISSING DATA CODES
REF 0012 LOC 62 WIDTH 5

Was the execution conducted publicly? If yes, how many were present in the audience?

[Include instances where the place of execution is visible or when barriers were removed. Code the midpoint for ranges (i.e., code 300 - 500 as 400) or the lower level for approximations (i.e., code "over 1,000" or "at least 1,000" as 1,000). Conflicting estimates should be averaged.]

Actual number is coded.

- 99996. Number in audience could not be estimated
- 99997. Number in audience was "small"
- 99998. Number in audience was "large"

- 99999. Inap., execution was not public (i.e., official witnesses only)

blank No mentions (and execution were typically public, during that time period.)
.....

VAR 0013 CRIME COMMITTED NO MISSING DATA CODES
REF 0013 LOC 67 WIDTH 2

Crime committed (for which executed)

- 01. Murder
- 02. Rape
- 03. Criminal assault
- 04. Housebreaking
- 05. Horse stealing
- 06. Conspiracy to commit murder (includes murder for hire)
- 07. Treason

(CONTINUED)

- 08. Slave revolt
- 09. Other [MAKE CARD]

.....

VAR 0014	OTHER CRIME INVOLVED	NO MISSING DATA CODES
REF 0014	LOC 69 WIDTH 2	

Other crime involved

- 01. Robbery
- 02. Arson
- 03. Assault
- 04. Burglary
- 05. Sexual assault (rape)
- 06. Other [MAKE CARD]

- 99. Inap., no other crime involved; cannot be determined

.....

VAR 0015	AMOUNT OF THEFT: MONEY	NO MISSING DATA CODES
REF 0015	LOC 71 WIDTH 8	
		IMP DEC= 2

If theft was involved, what was the amount of the theft?

Actual number is coded.

- 00000000. Theft was involved - Amount not mentioned
- 99999997. Theft was involved - Small amount
- 99999998. Theft was involved - Large amount

- 99999999. Inap., no theft involved

.....

VAR 0016	AMOUNT OF THEFT: PROPRTY	NO MISSING DATA CODES
REF 0016	LOC 79 WIDTH 1	

Amount of theft involved - property

(CONTINUED)

0. Property theft was involved, but item(s) are not mentioned
7. Small amount ("petty theft"), e.g., clothes
8. Large amount ("grand theft"), e.g., automobile
9. Inap., no property theft involved

.....
VAR 0017 SEX OF THE OFFENDER NO MISSING DATA CODES
REF 0017 LOC 80 WIDTH 1

Sex of the offender

1. Male
2. Female

blank Missing data
.....

VAR 0018 AGE OF THE OFFENDER NO MISSING DATA CODES
REF 0018 LOC 81 WIDTH 3

Age of the offender at time of execution

[Conflicting reports should be averaged. MAKE CARD for instances where age can be inferred or estimated, e.g., offender is a father of a "middle aged" son.]

Actual number is coded.

099. 99 years old or older
110. Child
115. Youth
120. Young
145. Middle age
160. Old or elderly

blank Missing data

VAR 0019
REF 0019

RACE OF THE OFFENDER
LOC 84 WIDTH 1

NO MISSING DATA CODES

Race of the offender

- 1. White
- 2. Black
- 3. Native American
- 4. Asian or Pacific Islander
- 5. Other

blank Missing data
.....

VAR 0020
REF 0020

ETHNICITY OF THE OFFENDR
LOC 85 WIDTH 2

NO MISSING DATA CODES

Ethnicity of the offender

- 01. German
- 02. Dutch
- 03. Italian
- 04. French
- 05. Irish
- 06. English
- 07. Scottish
- 08. Welsh
- 09. Polish
- 10. Russian
- 11. Other Eastern European
- 12. European Jew
- 13. Arabic
- 14. Native of India
- 15. Chinese
- 16. Japanese
- 17. Other Oriental
- 18. Pacific Islander
- 19. Native American
- 20. Mexican American
- 21. Mexican
- 22. Puerto Rican
- 23. Cuban
- 24. Central or South American Spanish
- 25. Other Hispanic

(CONTINUED)

- 26. Mulatto
- 27. Black (African)
- 28. Another group not listed [MAKE CARD]

blank Missing data
.....

VAR 0021 OCCUPATION OF THE OFFNDR NO MISSING DATA CODES
REF 0021 LOC 87 WIDTH 3

Occupation of the offender

Range 000 - 999

blank Missing data
.....

VAR 0022 OFFENDER WAS A VETERAN NO MISSING DATA CODES
REF 0022 LOC 90 WIDTH 1

Offender was a veteran

- 1. Yes
- 2. No

blank Missing data
.....

VAR 0023 NUMBER OF VICTIMS NO MISSING DATA CODES
REF 0023 LOC 91 WIDTH 3

Number of victims

[This is the total number of victims of the crime for which the offender was executed. Do NOT include past victims of the offender.]

Actual number is coded.

(CONTINUED)

blank Missing data

.....

VAR 0024 NUMBER OF VICTIMS KILLED NO MISSING DATA CODES
REF 0024 LOC 94 WIDTH 2

Number of victims killed

[This is the total number of victims killed during the crime for which the offender was executed. NOTE: This includes ALL victims and not just the victim(s) for which the offender was tried and sentenced to death.]

Actual number is coded.

000. Inap., no victims killed

blank Missing data

.....

VICTIM RECORD - ONE FOR EACH CAPITAL VICTIM

.....

VAR 0025 DATE OF CRIME: DAY NO MISSING DATA CODES
REF 0025 LOC 96 WIDTH 2

Date of crime - day

Range 01 - 31

blank Missing data [MAKE CARD for all cases missing a complete date of crime, see REF 25 - 27]

.....

VAR 0026 DATE OF CRIME: MONTH NO MISSING DATA CODES
REF 0026 LOC 98 WIDTH 2

Date of crime - month

(CONTINUED)

Range 01 - 12

blank Missing data [MAKE CARD for all cases missing a complete date of crime, see REF 25 - 27]

.....
VAR 0027 DATE OF CRIME: YEAR NO MISSING DATA CODES
REF 0027 LOC 100 WIDTH 4

Date of crime - year

Range 1620 - 1984

blank Missing data [MAKE CARD for all cases missing a complete date of crime, see REF 25 - 27]

.....
VAR 0028 CHECK DIGIT: VICTIM NO MISSING DATA CODES
REF 0028 LOC 104 WIDTH 2

Victim check digit

[Number of capitol victims of the crime for which offender was executed]

Single victim

00. Only one victim

Multiple victims

01. First victim

99. Ninety-ninth victim

blank Missing data [MAKE CARD for all missing cases]

VAR 0029 SEX OF THE VICTIM NO MISSING DATA CODES
REF 0029 LOC 106 WIDTH 1

Sex of the victim

1. Male
2. Female

blank Missing data
.....

VAR 0030 AGE OF THE VICTIM NO MISSING DATA CODES
REF 0030 LOC 107 WIDTH 3

Age of the victim

[Discrepancies should be averaged. MAKE CARD for instances where age can be inferred or estimated, e.g., victim is a father of a "middle aged" son.]

Actual number is coded.

- 000. Birth to 12 months
- 099. 99 years old or older
- 110. Child
- 115. Youth
- 120. Young
- 145. Middle age
- 160. Old or elderly

blank Missing data
.....

VAR 0031 RACE OF THE VICTIM NO MISSING DATA CODES
REF 0031 LOC 110 WIDTH 1

Race of the victim

[In instances where the race is given for one parent, assume the same race for the children.]

(CONTINUED)

- 1. White
- 2. Black
- 3. Native American
- 4. Asian or Pacific Islander
- 5. Other

blank Missing data

.....

VAR 0032 ETHNICITY OF THE VICTIM NO MISSING DATA CODES
 REF 0032 LOC 111 WIDTH 2

Ethnicity of the victim

[In instances where the ethnicity is given for one parent, assume the same ethnicity for the children.]

- 01. German
- 02. Dutch
- 03. Italian
- 04. French
- 05. Irish
- 06. English
- 07. Scottish
- 08. Welsh
- 09. Polish
- 10. Russian
- 11. Other Eastern European
- 12. European Jew
- 13. Arabic
- 14. Native of India
- 15. Chinese
- 16. Japanese
- 17. Other Oriental
- 18. Pacific Islander
- 19. Native American
- 20. Mexican American
- 21. Mexican
- 22. Puerto Rican
- 23. Cuban
- 24. Central or South American Spanish
- 25. Other Hispanic
- 26. Mulatto
- 27. Black (African)
- 28. Another group not listed [MAKE CARD]

(CONTINUED)

blank Missing data
.....

VAR 0033	OCCUPATION OF THE VICTIM	NO MISSING DATA CODES
REF 0033	LOC 113 WIDTH 3	

Occupation of the victim

Range 000 - 999

blank Missing data
.....

VAR 0034	RELATION TO OFFENDER	NO MISSING DATA CODES
REF 0034	LOC 116 WIDTH 2	

Victim's relation to the offender

Within family

- 01. Husband
- 02. Wife
- 03. Common-law husband
- 04. Common-law wife
- 05. Mother
- 06. Father
- 07. Son
- 08. Daughter
- 09. Brother (include half brother)
- 10. Sister (include half sister)
- 11. In-law
- 12. Stepfather
- 13. Stepmother
- 14. Stepson
- 15. Stepdaughter
- 16. Other family (e.g., niece)

Outside family but known to victim

- 20. Neighbor
- 21. Acquaintance
- 22. Friend

(CONTINUED)

- 23. Employee
- 24. Employer
- 25. Business partner (include accomplice)
- 26. Master/overseer
- 27. Slave
- 28. Boyfriend/Girlfriend
- 29. Lover/Mistress
- 30. Ex-husband/Ex-wife
- 31. Homosexual relationship
- 32. Other - known to victim

Offender not known to victim.

98. Stranger

Unknown relationship

blank All instances where relationship of victim to
offender cannot be determined

.....

VAR 0035	VICTIM'S STATUS	NO MISSING DATA CODES
REF 0035	LOC 118 WIDTH 2	

Indication of victim's status

- 01. Public official
- 02. Police officer
- 03. Wealthy
- 04. Prominent/well-known/well-respected

- 99. Negative mention was made

blank No mention; missing data

.....

VAR 0036	PLACE OF CRIME	NO MISSING DATA CODES
REF 0036	LOC 120 WIDTH 20	

Place of crime

(CONTINUED)

Alphabetic variable

Code location preferentially in the order listed below.
Desired entry format is listed after each choice.

City (_____)
 County (_____ County)
 Prison name (_____ Prison)
 Fort/territory/state name (Fort _____ /
 _____ territory / _____)

blank Missing data

.....

VAR 0037	WEAPON USED	NO MISSING DATA CODES
REF 0037	LOC 140 WIDTH 2	

Weapon used

[If several weapons were used, code the one which caused death. If this cannot be determined, code the most lethal.]

01. Handgun (pistol, revolver, etc.)
02. Shotgun, rifle
03. Gun (unspecified)
04. Knife
05. Other cutting instrument (icepick, ax, screwdriver, etc.)
06. Blunt object (hammer, club, etc.) [Include instances where a cutting instrument (e.g., an ax or pick) is used as a blunt object.]
07. Personal weapons (beating by hands, feet, and/or body members or use of teeth)
08. Poison (does not include gas)
09. Pushed or thrown out window (defenestration)
10. Explosives
11. Fire
12. Narcotics and drugs (sleeping pills, etc.)
13. Drowning
14. Strangulation (hanging, etc.)
15. Asphyxiation (death by gas, etc.)
16. Other - type unknown

00. Inap., no weapon was used

blank Missing data

VAR 0038
REF 0038

PAST HISTORY OF OFFENDER
LOC 142 WIDTH 2

NO MISSING DATA CODES

Past history of the offender

- 01. Prior record of murder conviction(s)
- 02. Prior record of other criminal conviction(s)/
criminal history
- 03. Delinquency
- 04. Suspected of crimes
- 05. History of being dishonest
- 06. Reports of mental illness
- 07. History of being "troublesome" or "quarrelsome"
- 08. History of alcoholism or drug use/addiction
- 09. History of abusing family

- 99. Positive mention

blank No mention; missing data
.....

VAR 0039
REF 0039

OFFENDER WAS OUTSIDER
LOC 144 WIDTH 2

NO MISSING DATA CODES

Offender was seen as an "outsider"

- 01. Non-local resident
- 02. Short time resident
- 03. Foreign born or non-English speaking
- 04. "Disreputable"
- 05. Loner/outcast/drifter

- 99. Positive mention

blank No mention; missing data
.....

VAR 0040
REF 0040

COMMUNITY REACTION
LOC 146 WIDTH 2

NO MISSING DATA CODES

Community reaction to the crime

(CONTINUED)

[Use only specific mentions. Do NOT infer the community's reaction from the general "tone" of the account.]

- 01. Community "outraged" or "incensed"
- 02. Posse was formed
- 03. Lynching was threatened

- 98. Sympathy for the offender was divided along racial/ethnic lines
- 99. Public support or sympathy for the offender

blank No mention; missing data

VAR 0041 CHANGE OF VENUE NO MISSING DATA CODES
 REF 0041 LOC 148 WIDTH 1

Change of venue

- 1. Requested because of community reaction
- 2. Requested for other reason

blank Missing data

VAR 0042 TYPE OF TRIAL NO MISSING DATA CODES
 REF 0042 LOC 149 WIDTH 1

Type of trial

- 1. Jury
- 2. Judge only

blank Missing data

VAR 0043
REF 0043

CONFESSION
LOC 150 WIDTH 1

NO MISSING DATA CODES

Confession

1. Confession prior to trial
2. Repudiated confession
3. Confession after trial
4. Confession at time of execution
5. Profession of innocence to the end

blank Missing data
.....

VAR 0044
REF 0044

TYPE OF DEFENSE
LOC 151 WIDTH 1

NO MISSING DATA CODES

Type of defense used by the offender

[Code last plea if more than one plea was entered.]

1. Insanity
2. Justifiable homicide - Self-defense
3. Justifiable homicide - defense of others
4. Pled guilty
5. Pled guilty - Accidental
6. Pled guilty - Coersed into committing crime
7. Pled innocent

blank Missing data
.....

VAR 0045
REF 0045

AGGRAVATING CIRCUMSTANCE
LOC 152 WIDTH 1

NO MISSING DATA CODES

Other aggravating circumstances

1. Post mortum abuse, multiple efforts, torture, etc.
2. Other brutality

Place of execution
Civil authority responsible for execution
Method of execution
Execution unsuccessful (to indicate unsuccessful attempts)
Execution in public (if so, size of audience)

Offense Variables

Related

Crime executed for
Other crime involved
If theft involved, amount mentioned
Theft property involved
Date of crime (day, month and year)
Place of crime
Number of victims (present)
Number of victims killed
Number of offenders
Type of weapon used
Mention of community reaction (lynch threatened)
Mention of alcohol or drugs
Motive or circumstances

for the offense < indicted / accused < convicted

Offender variables

Name of executed person
Sex of executed person
Age at time of execution
Race of executed person
Ethnicity of executed person
Occupation of executed person
Mention of past history (criminal record or delinquency)
Mention of offender as "outsider" (nonresident, foreign born)
Veteran Status

Time under DS prior to X

Victim variables

Sex of victim
Age of Victim
Race of Victim
Ethnicity of Victim
Occupation of Victim
Other indication of victim's social status in community
Victim's relation to offender

Trial Variables

Type of trial
Change of venue motion made
Type of defense
Mention of confession
Aggravating circumstances < ?
Appeal type

plea

↳ Sent? / Reg or Opt?

Duration of trial
Sentence Recommended by Jury (if any)
D. Sentence mandatory / discretionary

Sentencing



(CONTINUED)

blank Missing data

.....

VAR 0046	APPEAL			NO MISSING DATA CODES
REF 0046	LOC 153	WIDTH 1		

Sentence was appealed

[Use references to "new trial", "reversal" of court decision or decision "upheld" as indication that there was an appeal. Do NOT include requests for clemency, e.g., intervention by governor, as an appeal.]

- 1. Appeal was made
- 2. No appeal

blank Missing data

.....

VAR 0047	MOTIVE: ALCOHOL/DRUGS			NO MISSING DATA CODES
REF 0047	LOC 154	WIDTH 1		

Motive or circumstance - involvement of alcohol or drugs

- 1. Offender was under the influence of alcohol
- 2. Offender was under the influence of drugs

blank Missing data

.....

VAR 0048	MOTIVE OR CIRCUMSTANCE			NO MISSING DATA CODES
REF 0048	LOC 155	WIDTH 2		

Motive or circumstance

Felony type

- 01. Rape

(CONTINUED)

- 02. Robbery
- 03. Burglary
- 04. Larceny
- 05. Motor Vehicle Theft
- 06. Arson
- 07. Prostitution and commercialized vice
- 08. Other sex offense
- 09. Abortion
- 10. Narcotic drug laws
- 11. Gambling
- 12. Mutiny/spying
- 13. Conspiracy for gain (e.g., collect inheritance, insurance money, etc.)
- 14. Other [MAKE CARD]

Other than felony type

- 20. Lover's triangle
- 21. Family intervention in a romance
- 22. Argument with spouse
- 23. Argument with mistress/lover
- 24. Jealousy
- 25. Anger at refusal of (sexual) advances
- 26. Family/domestic argument
- 27. Child killed by babysitter/family member
- 28. Threats to kill family - reason unknown
- 30. Argument over money/property
- 31. Argument over racial/ethnic slur, etc.
- 32. Tension between slave and master
- 33. Dispute ("bad blood") between families/individuals
- 34. Revenge
- 40. Brawl
- 41. Gangland killings
- 42. Juvenile gang killings
- 43. Institutional killings
- 44. Public endangerment (e.g., sniper attack, bandit raid)
- 45. Other argument
- 46. Other [MAKE CARD]

blank Missing data

APPENDIX B

Representative List of
Original Sources

ALABAMA

NEWSPAPERS

Advertiser (Montgomery), 1910-1916
Eagle (Dothan), 1930-1935
News and Age Herald, 1890-1924

Selected dates prior to 1870:

Advertiser and Gazette (Montgomery)
Gazette and Commercial Advertiser (Mobile)
Journal (Montgomery)
Mirror (Tuscaloosa)
Monitor (Tuscaloosa)
Press and Alabama Intelligencer (Cahawba)
Register (Mobile)
Republican (Huntsville)
Southern Advocate (Huntsville)

JOURNALS &
MAGAZINES

Selected issues:
The Alabama Historical Quarterly. State Department of
Archives and History.
The Alabama Review. University of Alabama Press.
Escambia County Historical Society Magazine.

GOVERNMENT
DOCUMENTS

Alabama. Acts of Alabama (prior to 1865) (Showing
compensation when appropriated by legislature to owners
of executed slaves.)
Alabama. State Treasury Disbursement Journals (prior to 1865)
(Showing compensation when not appropriated by legislature
to owners of executed slaves.)

BOOKS

Clanahan, James F. History of Pickens County. Carrollton:
Clanahan Publications, 1965.
Sellers, James B. Slavery in Alabama. University: University
of Alabama Press, 1950.

ALASKA

BOOKS

Murton, Thomas O. The Administration of Criminal
Justice in Alaska, 1867 to 1902. Berkeley, CA: 1965.

ARIZONA

NEWSPAPERS

Selected dates:
Arizona Miner (Prescott)
Epitaph (Tombstone)
Mohave County Miner (Kingman)

BOOKS &
PAPERS

- Coolidge, Dane. Fighting Men of the West. Freeport, NY: Books for Libraries Press, 1968.
- Harrison, Fred. Hell Holes and Hangings. New York: Ballantine Books, 1968.
- Hayes, Jess G. Sheriff Thompson's Day. Tucson: University of Arizona Press, 1968.
- Ladd, Robert E. Eight Ropes to Eternity. Tombstone: Tombstone Epitaph, 1965.
- Moore, Daniel G. Enter Without Knocking. Tucson: University of Arizona Press, 1969.
- Murphy, James M. Laws, Courts and Lawyers Through the Years in Arizona. Tucson: University of Arizona Press, 1970.
- Paher, Stanley W. Northwestern Arizona Ghost Towns. Las Vegas, NV: Gateway Press, 1970.
- Rees, Donna. "The History, Development and Present Administrative Structure of the Mohave County Jail, 1850-1970."

ARKANSAS

NEWSPAPERS

Arkansas Gazette (Little Rock), 1901-1905; 1909-1914
Daily Record (Malvern), "50th Anniversary Edition", 1966

HISTORICAL
SOCIETY
PUBLICATIONS

Selected issues:
Publications of the Arkansas Historical Society.
White County Heritage.

BOOKS

Jackson, Bruce. Killing Time: Life in the Arkansas Penitentiary. Ithaca: Cornell University Press, 1977.

McKennon, C. H. Iron Men: A Saga of the Deputy United States Marshals Who Rode the Indian Territory. Garden City, NY: Doubleday & Co., Inc., 1967.

Shinn, Josiah E. Pioneers and Makers of Arkansas. Genealogical and Historical Publishing Co., 1908.

Webb, Robert T. History and Traditions of Clay County. Mountain Brook, AR: Bruce Brown and Patsy Truscott, 1933.

CALIFORNIA

NEWSPAPERS

Bee (Sacramento), July 1872-June 1876
Chronicle (San Francisco), July 1890-December 1895
Times (Los Angeles), January 1885-December 1887

Selected dates:
Chronicle Extra (Chico)
Contra Costa Gazette (Martinez)
Courier (Shasta)
Daily Colusa Sun (Colusa)
Daily Evening News (Modesto)

Daily Journal (Hanford)
Daily Telegram (San Luis Obispo)
Daily Times (Visalia)
Dispatch-Democrat (Ukiah)
Enterprise (Riverside)
Humbolt Times (Eureka)
Independent-Journal (San Rafael)
Kern County Californian (Bakersfield)
Mercury (Madera)
Mercury Herald (San Jose)
Morning Republican (Fresno)
Mountain Democrat (Placerville)
Placer-Herald (Auburn)
Red Bluff Daily News (Red Bluff)
Redwood Journal (Ukiah)
Star (St. Helena)
Sun (San Bernadino)
Tribune (Oakland)
Union (San Diego)
Weekly-Post (Ventura)

BOOKS

- Bancroft, Hubert Howe. Bancroft's Works. Selected vols.
 San Francisco: History Company Publishers, 1887.
- Catton, Joseph. Behind the Scenes of Murder. New York:
 W. W. Norton & Co., 1940.
- Colby, Robert. The California Crime Book. New York: Pyramid
 Books, 1971.
- Davis, Bernice Freeman and Al Hirshberg. The Desperate
 and the Damned. New York: Thomas Y. Crowell Co., 1961.
- de River, J. Paul. The Sexual Criminal. Springfield, IL:
 Charles C. Thomas, 1950; 1956.
- Dickensheet, Dean W., ed. Great Crimes of San Francisco.
 New York: Ballentine Books, 1974.
- Dillon, Richard H. The Hatchet Men. New York: Coward-McCann,
 1962.
- Duffy, Clinton T. and Al Hirshberg. 88 Men and 2 Women.
 Garden City, NY: Doubleday & Co., 1962.
- Eshelman, Byron and Frank Riley. Death Row Chaplain.
 Englewood Cliffs, NJ: Prentice-Hall, Inc., 1962.
- Jackson, Joseph Henry, ed. San Francisco Murders. New York:
 Duell, Sloan and Pearce, 1947.
- Patton, Richard E. The Bowman Case. Volcano: The California
 Traveler, Inc., 1973.
- Pitt, Leonard. The Decline of the Californios. Berkeley:
 University of California Press, 1966.
- Rawson, Tabor. I Want to Live! New York: Figaro, Inc., 1958.
- Shirley, Glenn. Born to Kill. Derby, CT: Monarch Books, Inc.,
 1963.
- Stanford, Leland G. Footprints of Justice in San Diego.
 San Diego: San Diego County Law Library, 1960.
- Wells, Harry L. History of Siskiyou County, California.
 Oakland: D. J. Stewart & Co., 1881.
- Wyden, Peter. The Hired Killers. William Morrow & Co., 1963.

COLORADO

NEWSPAPERS

Selected dates:
Chieftan (Pueblo)
Chronicle-News (Trinidad)
Coloradan (Fort Collins)
Daily Sentinel (Grand Junction)
Daily Tribune (Greeley)
Eagle Valley Enterprise (Eagle)
Independent (Delta)
Independent (Littleton)
Republican (Gunnison)
Weekly Gazette (Colorado Springs)

BOOKS

Cook, D. J. Hands Up! A Condensed Criminal History of the Far West. Reprint ed., Norman: University of Oklahoma Press, 1958.
Cooper, Courtney Ryley. Ten Thousand Public Enemies. Boston: Little, Brown & Co., 1935.
Hall, Frank. History of the State of Colorado. Chicago: The Blakely Printing Co., 1890.
Hough, Emerson. The Story of the Outlaw. Grossett and Dunlap, 1907.
Warford, Sherrill. Verdict: Guilty as Charged. Leadville: Silver City Printing Co., 1977.

CONNECTICUT

NEWSPAPERS

Selected dates:
Courant (Hartford)
Times (Hartford)

BOOKS

Kilbourn, Dwight C. Bench and Bar of Litchfield County, Connecticut, 1709-1909. Litchfield, CT: By the author, 1909.
Osborne, Norris Galpin, ed. History of Connecticut in Monographic Form. New York: The States History Co., 1925.
Osterweis, Rollin G. Three Centuries of New Haven, 1638-1938. New Haven: Yale University Press, 1953.
The Sad Tale of the Christian Indian. Waterbury, CT: Nattatuck Historical Society, 1945.
Webster, Clarence M. Town Meeting Country. New York: Duell, Sloan and Pearce, 1945.
Wilson, Lynn Winfield. History of Fairfield County. Hartford: S. J. Clarke Publishing Co., 1929.

DELAWARE

PAPERS

Brandner, I. M. H. "Legal Executions in Delaware." Prepared for seminar in criminology, University of Pennsylvania, 1956.
"An Historical Overview of the Delaware Correctional System."
February 1, 1972.

FLORIDA

NEWSPAPERS

Democrat (Tallahassee), 1905-1910
Florida Times Union (Jacksonville), 1889-1893; 1909-1912
Journal (Pensacola), 1910-1916

Selected dates:

Daily News (Naples)
Gazette (Milton)
Herald (Miami)
Herald (Panama City)
Jackson County Floridian (Marrianna)
Journal (Jacksonville)
News (Panama City)
News (Pensacola)
Record (St. Augustine)
Sentinel (Orlando)
Sun (Gainesville)
Sun News (DeLand)
Times (St. Petersburg)
Tribune (Tampa)

JOURNALS &
MAGAZINES

Selected issues:
The Quarterly. Florida Historical Society.

BOOKS

Pizzo, Anthony P. Tampa Town, 1824-1886. Miami: Hurricane House Publishers, 1958.

GEORGIA

NEWSPAPERS

Constitution (Atlanta), 1900-1917
Daily Constitutionalist and Republic (Augusta), 1851-1853
Enquirer-Sun (Columbus), November 1855-September 1858;
1892-1899
Journal (Atlanta), 1900-1917
Morning News (Savannah), 1853-1854

Selected dates:

Brantley Enterprise (Nahunta)
Bulloch Times (Statesboro)

Carroll Free Press (Carrollton)
Citizen (Dalton)
Dade Neighbor (Trenton)
Daily Herald (Albany)
Early County News (Blakely)
Enterprise (Douglas)
Gazette (Tifton)
Local (Sylvester)
McDuffie Progress (Thomson)
Messenger (Cairo)
Montgomery County Monitor (Mount Vernon)
News (Adel)
News (Dawson)
News Record (Fort Gaines)
News-Tribune (Rome)
Observer (Moultrie)
Pike County Journal (Zebulon)
Post Searchlight (Bainbridge)
Sentinel (Jessup)
Telegraph (Macon)
Telephone (Sylvania)
Times (Calhoun)
Times (Thomasston)
Times-Enterprise (Thomasville)
Times Herald (Newnan)
The True Citizen (Waynesboro)
Union-Recorder (Milledgeville)
Upson Enterprise (Thomasston)
Walker County Messenger (LaFayette)
Weekly Courier (Rome)
Weekly Herald (Albany)

JOURNALS &
MAGAZINES

Selected issues:
Georgia Historical Quarterly.

BOOKS

Barnes, Margaret Ann. Murder in Coweta County. New York:
 Readers Digest Press, 1976.
 Coulter, E. Merton. The Tree That Owned Itself and Other
 Chapters of Georgia History. Athens: University of
 Georgia Press, 1966.
 Flanders, Ralph Betts. Plantation Slavery in Georgia.
 Chapel Hill: University of North Carolina Press, 1933.
 Grice, Warren. Georgia Through Two Centuries. Edited by
 E. Merton Coulter. New York: Lewis Historical Publishing
 Co., Inc., 1965.
 Harris, Nathaniel E. Autobiography. Macon, GA: J. W. Burke
 Co., 1925.
 Knight, Lucian Lamar. Georgia Landmarks, Memorials and
 Legends. Atlanta: E. Byrd Printing Co., 1914.
 McQueen, Alex S. History of Charlton County. Atlanta:
 Stein Printing Co., 1932.
 Steed, Hal. Georgia-Unfinished State. Atlanta: Cherokee
 Publishing Co., 1971.
 Temple, Sarah B. Gober and Kenneth Coleman. Georgia Journeys.

Athens: University of Georgia Press, 1961.
Wylie, Lollie Belle, ed. Memoirs of Judge Richard H. Clark.
Atlanta: Franklin Printing & Publishing Co., 1898.

HAWAII

No local sources

Listing of persons executed at Oahu Prison from 1897-1944
obtained from Superintendent of State Prison.

IDAHO

NEWSPAPERS

Selected dates:
Daily News (Twin Falls)
Evening Capital News (Boise)
Idaho World (Idaho City)
News (Nez Perce)
Register (Blackfoot)
Semi-Weekly Democrat (Boise)
Semi-Weekly Record (Idaho Falls)
Statesman (Boise)
Wood River Times (Hailey)

BOOKS & PAPERS

"Capital Punishment in Idaho." Paper issued by R. D. Newberg,
Records Administrator, Idaho Board of Corrections, 1976.
An Illustrated History of North Idaho. Western Publishing
Co., 1903.
McConnell, William John and Howard Roscoe Driggs. Frontier
Law: A Story of Vigilante Days. AMS Press, Inc., 1974.

ILLINOIS

NEWSPAPERS

Selected dates:
Courier (Urbana)
Daily Journal (Jacksonville)
Daily News (Waukegan)
Daily Pantagraph (Bloomington)
Daily Register (Harrisburg)
Daily Republican-Times (Ottawa)
Evening Citizen (Cairo)
Evening Sentinel (Centralia)
Gazette (Urbana)
Illinoisan (Carbondale)
Illinoisan (Wheaton)

Iroquois County Times (Watseka)
Journal (Quincy)
The Penny Press (Peoria)
Press (Newton)
Record (Chicago)
Republican (Wheaton)
Saline County Register (Harrisburg)
Times-Leader (McLeansboro)
Tribune (Chicago)
Way County Press (Fairfield)
Weekly Advocate (Belleville)
Whiteside Sentinel (Morrison)

JOURNALS &
MAGAZINES

Selected issues:
Illinois State Historical Society Journal.

BOOKS &
PAPERS

Angle, Paul M. Bloody Williams: A Chapter in American Lawlessness. New York: Alfred A. Knopf, Inc., 1952.
Block, Eugene B. Fingerprinting. New York: David McKay Co., 1969.
Block, Eugene B. Lie Detectors: Their History and Use. New York: David McKay Co., 1977.
Bonney, Edward. The Bandit of the Prairies. Norman: University of Oklahoma Press, 1963.
Clay, R. B. "The Only Hanging in Wayne County."
DeNeal, Gary. A Knight of Another Sort. Danville, IL: Interstate Printers and Publishers, 1981.
Flynn, John J. History of the Chicago Police. Montclair, NJ: Patterson Smith, 1973.
Halper, Albert, ed. The Chicago Crime Book. New York: World Publishing Co., 1967.
Jordon, Philip D. Frontier Law and Order: Ten Essays. Lincoln: University of Nebraska Press, 1970.
Longstreet, Stephen. Chicago, 1860-1919. New York: David McKay Co., 1973.
Small, Curtis G. Mean Old Jail. Harrisburg, IL: Register Publishing Co., 1970.
Wilcox, J. F. Historical Souvenir of Williamson County, Illinois. Effingham, IL: LeCrone Press, 1905.

INDIANA

NEWSPAPERS

Selected dates:
Banner (Brownstown)
Clarion (Princeton)
Courier (Madison)
Daily Express (Terre Haute)
Daily Herald-Argus (LaPorte)
Daily Journal (Evansville)
Daily News-Times (Goshen)
Daily Reporter (Greenfield)

Daviess County Democrat (Washington)
Evening Item (Richmond)
Evening Journal (Crawfordsville)
Evening News (Jeffersonville)
Evening Republican (Columbus)
Gazette (Evansville)
Gazette (Fort Wayne)
Gazette (Terre Haute)
Gazette (Washington)
Herald (Liberty)
Herald Press (Huntington)
Journal (Delphi)
Journal-Gazette (Fort Wayne)
News (Hartford City)
News (LaGrange)
News-Sentinel (Fort Wayne)
Newton County Enterprise (Kentland)
Post (Columbia City)
Post-Tribune (Gary)
Press (Evansville)
Reporter (Lebanon)
Star (Terre Haute)
Sun (Vincennes)
Tribune (New Albany)
Vidette-Messenger (Valparaiso)
Weekly Times (Fort Wayne)

JOURNALS &
MAGAZINES

Selected issues:
Indiana Magazine of History.

BOOKS &
PAPERS

Bradsby, H. C. History of Vigo County. Chicago: Nelson, 1981.
Grooms, Morgan (an inmate at the Indiana State Prison).
"Indiana Executions in the Twentieth Century."
Hopkins, William Foster. Murder is My Business. Dayton,
Ohio: Landfall Press, Inc., 1970.

IOWA

NEWSPAPERS

Selected dates:
Beacon (Spirit Lake)
Daily Times (Dubuque)
Democrat (Fort Madison)
Evening Tribune (Des Moines)
Intelligencer (Charles City)
Messenger (Fort Dodge)
Nonpareil (Council Bluffs)
Press-Citizen (Iowa City)
Register and Leader (Des Moines)
Republican and Standard (Waukon)
Telegraph-Herald (Dubuque)

JOURNALS &
MAGAZINES

Selected issues:
The Palimpsest. State Historical Society of Iowa.

BOOKS

Murphy, J. W. Outlaws of the Fox River Country. Reprint ed.,
Kahoka, MO: Kahoka Gazette-Herald, 1963.
Strong, Phil. Hawkeyes. New York: Dobbs, Mead & Co., 1940.
Wellman, Paul I. The Spawn of Evil. Garden City, NY:
Doubleday & Co., 1964.
White, Edward S. Past and Present of Shelby County, Iowa.
1915.

KANSAS

NEWSPAPERS

Selected dates:
Beacon (Wichita)
Courier (Winfield)
Eagle (Wichita)
Kansas Chief (Troy)
News-Herald (Hutchinson)

JOURNALS &
MAGAZINES

Barry, Louis. "Legal Hangings in Kansas." Kansas Historical
Quarterly (August 1950).

BOOKS

Capote, Truman. In Cold Blood. New York: Signet, 1965.
Johnson, Lester Douglas. The Devil's Front Porch.
Wichita: 1970.

KENTUCKY

NEWSPAPERS

Courier-Journal (Louisville), 1878-1892
Herald (Lexington), 1903-1906

Selected dates:
Advocate Messenger (Danville)
Boyd County Press Observer (Ashland)
Central Record (Lancaster)
Commonwealth (Frankfort)
Crittenden Press (Marion)
Daily Commonwealth (Covington)
Daily News (Middlesboro)
Daily Register (Richmond)
Daily Sun (Paducah)
Daily Times (Glasgow)
Gleaner and Journal (Henderson)
Journal (Somerset)
Kentucky Gazette (Lexington)
Kentucky Post (Covington)
Leader (Greenville)

McCreary County Record (Stearns)
Messenger (Owensboro)
Sun (Winchester)
Sun-Democrat (Paducah)
Times-Argus (Central City)
Wayne County Outlook (Monticello)

JOURNALS &
MAGAZINES

The Filson Club History Quarterly. Selected issues.
Ireland, Robert M. "Law and Disorder in Nineteenth Century
Kentucky." Vanderbilt Law Review Vol. 32 No. 1
(January 1979).

GOVERNMENT
DOCUMENTS

Kentucky. Auditor's Report. Doc. #1. 1855-1856. (Showing payment
for executed slaves)

BOOKS

The Ashland Tragedy. Ashland, KY: J. M. Huff; reprint ed.,
Ashland, KY: Boyd County Historical Society, 1969.
Boyd, L. Chronicles of Cynthiana and Other Chronicles.
Cincinnati: Robert Clarke & Co., 1894.
Cobb, Irvin S. Exit Laughing. New York: Garden City
Publishing Co., 1942.
Coleman, J. Winston, Jr. Slavery Times in Kentucky. Chapel
Hill: University of North Carolina Press, 1940.
Cooper, Courtney Ryley. Designs in Scarlet. Boston: Little,
Brown & Co., 1939.
Hayes, Charles. The Hanging of Bad Tom Smith. Reprint ed.,
Breathitt County Historical Society, 1969.
Johnson, L. F. Famous Kentucky Trials and Tragedies.
Lexington: Henry Clay Press, 1972.
Johnson, L. Frank. History of the Franklin County Bar.
Frank K. Kavanaugh, 1932.
Scalf, Henry P. Kentucky's Last Frontier. Pikeville:
Pikeville College Press of the Appalachian Studies Center,
1972.

LOUISIANA

NEWSPAPERS

Picayune and Times-Picayune (New Orleans), 1855-1859;
1928-1937

Selected dates:

Advocate (Baton Rouge)
Crescent (New Orleans)
Delta (New Orleans)
Florida Parishes Times (Amite City)
Gazette (Baton Rouge)
Madison Journal (Tallulah)
Times (Shreveport)
Weekly Gazette (Villa Platte)

JOURNALS &
MAGAZINES

Selected issues:
Louisiana History. Louisiana Historical Association.

BOOKS

- Asbury, Herbert. The French Quarter. New York: Garden City Publishing Co., Inc., 1938.
- Castellanos, Henry C. New Orleans As It Was: Episodes of Louisiana Life. Baton Rouge: LSU Press, 1978.
- Fontenot, Mary Alice and Vincent Riehl. The Cat and St. Landry. Baton Rouge: Claiborne's Publishing Division, 1972.
- Historical Sketchbook and Guide to New Orleans and Environs. Edited and compiled by New Orleans Press. New York: Will H. Coleman, 1885.
- King, Grace. New Orleans - The Place and the People. New York: MacMillan & Co., 1896.
- The Life and Letters of William Dunbar. Jackson, MS: 1938.
- Saxon, Lyle. Father Mississippi. New York: The Century Co., 1927.
- Saxon, Lyle. Old Louisiana. New York: The Century Co., 1929.
- Sterkx, H. E. The Free Negro in Antebellum Louisiana. Rutherford: Fairleigh Dickinson University Press, 1972.
- Tallant, Robert. Ready to Hang. New York: Harper & Brothers, 1952.
- Taylor, Joe Gray. Negro Slavery in Louisiana. Baton Rouge: Louisiana Historical Association, 1963.

MAINE

NEWSPAPERS

Selected dates:
Eastern Argus (Portland)
Evening Journal (Lewiston)
Gazette (Cumberland)
Gazette (Portland)
Press Herald (Portland)
Telegram (Portland)

JOURNALS &
MAGAZINES

Selected issues:
Collections of Maine Historical Society.

MARYLAND

NEWSPAPERS

American and Commercial Advertiser (Baltimore), 1823-1824
Evening Sun (Baltimore), 1871-1877; 1899; 1920-1923

Selected dates:
Herald (Frederick)
Journal (Denton)
Ledger (Easton)

News (Frederick)
Post (Frederick)
Sentinel (Rockville)
Sun (Baltimore)
Wicomico News (Salisbury)

JOURNALS &
MAGAZINES

Selected issues:
Archives of Maryland. Baltimore: Maryland Historical Society.
Maryland Historical Magazine. Baltimore: Maryland Historical
Society.

GOVERNMENT
DOCUMENTS

Maryland. "Report of the Legislative Council Committee on Capital
Punishment." (October 3, 1962).

BOOKS

Brackett, Jeffrey R. The Negro in Maryland. Baltimore:
Johns Hopkins University, 1889.
Scharf, J. Thomas. Chronicles of Baltimore. Baltimore:
Turnbull Brothers, 1874.
Scharf, J. Thomas. History of Maryland. 3 vols. Hatboro, PA:
Tradition Press, 1967.
Semmes, Raphael. Crime and Punishment in Early Maryland.
Baltimore: Johns Hopkins Press, 1938.

MASSACHUSETTS

NEWSPAPERS

Selected dates:
Berkshire Eagle (Pittsfield)
Berkshire Sampler (Pittsfield)
Chronicle (Boston)
Evening Gazette (Worcester)
Evening Standard (New Bedford)
Globe (Boston)
The National Aegis (Worcester)
Republican (Springfield)
Telegram (Worcester)
Traveler (Boston)
Union (Springfield)

BOOKS

Barber, Samuel. Boston Common. Boston: Christopher Publishing
House, 1916.
Bradford, William. History of Plymouth Plantations. Boston:
Wright & Potter Printing Co., 1901.
Curley, James M. I'd Do It Again. Englewood Cliffs, NJ:
Prentice Hall & Co., 1957.
Greene, Lorenzo Johnston. The Negro in Colonial New England,
1620-1676. New York: Columbia University Press, 1942.
Hamilton, Luther, ed. Memoirs, Speeches and Writings of Robert
Rantoul, Jr. Boston: John P. Jewett & Co., 1854.
Hansen, Chadwick. Witchcraft at Salem. New York, 1969.
Hofer, Peter C. and N. E. H. Hull. Murdering Mothers:
Infanticide in England and New England, 1558-1803. New

- York: Linden Studies in Anglo-American Legal History, 1981.
- Jameson, J. Franklin, ed. Privateering and Piracy in the Colonial Period. New York: Augustus M. Kelley, 1970.
- Mather, Cotton. Magnalia Christi, or, the Ecclesiastical History of New England. 1852; reprint ed., New York: Russell, 1967.
- Powers, Edwin. Crime and Punishment in Early Massachusetts, 1620-1692, A Documentary History. Boston: Beacon Press, 1966.
- Records of the Court of Assistants of the Colony of Massachusetts Bay, 1630-1692. 3 vols. Boston: Suffolk County, 1901-1908.
- Savage, Edward H. Police Records and Recollections. Reprinted ed., Montclair, NJ: Patterson Smith, 1971.
- Shurtleff, Nathaniel B., ed. Records of the Colony of New Plymouth in New England. Boston: White, 1855.
- Snow, Edward Rowe. The Islands of Boston Harbor. New York: Dodd, Mead & Co., 1971.
- Sullivan, Robert. The Disappearance of Dr. Parkman. Boston: Little, Brown & Co., 1971.

JOURNALS &
MAGAZINES

- Selected issues:
Publications of the Colonial Society of Massachusetts. Boston.

MICHIGAN

JOURNALS &
MAGAZINES

- Burbey, Louis H. "History of Executions in Michigan." Michigan History Magazine 22 (1938): 444-445.

MINNESOTA

NEWSPAPERS

- Selected dates:
Journal (Minneapolis)
News-Tribune (Duluth)
Pilot (Walker)
Post (Alexandria)
Sunday Tribune (Albert Lea)

JOURNALS &
MAGAZINES

- Selected issues:
Minnesota History. Minnesota Historical Society.

BOOKS

- Baker, Roy A. History of Fergus Falls to January 1, 1893. Otter Tail County Historical Society, 1935.
- Trenerry, Walter N. Murder in Minnesota. St. Paul: Minnesota Historical Society, 1962.

MISSISSIPPI

NEWSPAPERS

American (Hattiesburg), 1936
Commerical Dispatch (Columbus), 1948
Delta Times-Democrat (Greenville); 1921-1925; 1933-1937; 1941-1942.
Democrat (Natchez), 1934-1935
News (Jackson), 1934; 1950-1952
Press (Clarksdale), 1944

Selected dates:

American Banner (Yazoo City)
Enterprise (Jackson)
Herald (Yazoo City)
Journal (Tupelo)
Madison County Herald (Canton)
Mississippi Press (Pascagoula)
Post (Vicksburg)
Rankin County News (Brandon)
Tocsin-Enterprise (Indianola)

JOURNALS &
MAGAZINES &
MISC.

Selected issues:
Journal of Mississippi History. Mississippi Department of
Archives and History.
Source Material for Mississippi History. Vol. 22. Compiled by
the W. P. A. Writer's Project, 1930's.

BOOKS

Claiborne, J. F. H. Mississippi as a Province, Territory and
State. Jackson: Power & Barksdale, 1880.
Higgenbotham, Jay. Mobile-City by the Bay. Mobile: Azalea
Printers, 1968.
Mars, Florence. Witness in Philadelphia. Baton Rouge: ISU
Press, 1977.
Pitts, J. R. S. Life and Confession of the Noted outlaw James
Copeland. Jackson: University of Mississippi Press,
1980.
Street, James H. Look Away: A Dixie Notebook. New York:
The Viking Press, 1963.
Wells, James. The Chisholm Massacre. Reprint ed., New York:
Haskell House Publishers, 1969.

MISSOURI

NEWSPAPERS

Mail (Nevada), 1896
Post (St. Louis) 1886; 1903; 1906; 1908; 1934; 1938
Post Dispatch (St. Louis) 1886; 1903; 1906; 1908; 1934; 1938
Republican (St. Louis), 1838; 1868; 1871
Star (Kansas City), 1904

Selected dates:
Banner-Press (Marble Hill)
Enterprise (Charleston)
Evening Press (Farmington)
Gazette-Journal (Kahoka)
Johnston County Star (Warrensburg)
Leader (Springfield)
Republican (Charleston)
Star Journal (Warrenton)
Statesman (Versailles)
Times (Kansas City)
Weekly Herald (Rolla)
Weekly Record (New Madrid)

JOURNALS &
MAGAZINES

Selected issues:
Missouri Historical Review. Missouri Historical Society.

BOOKS

Barker, John T. Missouri Lawyer. Philadelphia: Dorrance and Co., 1949.
Bray, W. V. N. Recollections of the Bench and Bar of Missouri. St. Louis: F. H. Thomas & Co., 1878.
Burrows, William E. Vigilante! New York: Harcourt Brace Jovanovich, 1976.
Hahn, Mary. Bits of History. Cape Girardeau: Ramfee Press, 1972.
History of Missouri, Illustrated. Goodspeed Publishing Co., 1889.
Thompson, George. Prison Life and Reflections. Hartford: A. Work, 1851.
Rutt, Chris L., ed. History of Buchanan County and the City of St. Joseph. Chicago: Biographical Publishing Co., 1904.

MONTANA

NEWSPAPERS

Selected dates:
Boulder Monitor & Jefferson News (Boulder)
Daily Herald (Helena)
Daily Interlake (Kalispell)
Daily Star (Miles City)
Fergus County Argus (Lewistown)
Gazette (Billings)
Independent (Helena)
Madisonian (Virginia City)
Missoulan (Missoula)
Montanian (Choteau)
River Press (Fort Benton)
Spokesman-Review (Missoula)
Times (Forsyth)
Tribune (Great Falls)
Tribune Examiner (Dillon)
Weekly Herald (Helena)
Weekly Montanan (Helena)

JOURNALS &
MAGAZINES

Selected issues:
Montana: The Magazine of Western History. Montana Historical
Society.

BOOKS &
PAPERS

Historical Highlights. Kalispell: Trippett Publishers, 1956.
McCarthy, Dan. Afternoons in Montana. Aberdeen, SD: North
Plains Press, 1971.
Raffety, Robert O. "The History and Theory of Capital Punishment
in Montana." Masters Thesis, University of Montana, 1968.

NEBRASKA

NEWSPAPERS

Selected dates:
Daily Tribune (Fremont)
Pierce County Call (Pierce)
Star (Lincoln)
Weekly Herald (Fremont)
World Herald (Omaha)

JOURNALS &
MAGAZINES

Selected issues:
Nebraska History. Nebraska State Historical Society.

BOOKS

Allen, William. Starkweather. Boston: Houghton Mifflin
Co., 1976.
Buss, William H., Rev. and Thomas T. Osterman, eds. History
of Dodge and Washington Counties, Nebraska and Their
People. Chicago: The American Historical Society, 1921.

NEVADA

NEWSPAPERS

Selected dates:
Age (Las Vegas)
Courier (Belmont)
Courier (Genoa)
Daily Appeal (Carson City)
Daily Tribune (Goldfield)
Evening Gazette (Reno)
News (White Pine)
Review-Journal (Las Vegas)
Sun (Las Vegas)
Territorial Enterprise (Virginia City)

JOURNALS &
MAGAZINES

Selected issues:
Nevada Historical Society.
The Nevada Magazine.

BOOKS

Ashbaugh, Don. Nevada's Turbulent Yesterday. Westernlore

Press, 1963.
Chalfant. W. A. Gold, Guns and Ghost Towns. Stanford, CA:
Stanford University Press, 1947.
History of the State of Nevada. 1881, reprint ed., Berkeley,
CA: Howell and North, 1958.
Rusco, Elmer R. "Good Times Coming?" Black Nevadans in the
19th Century. Westport, KY: Greenwood Press, 1975.

NEW HAMPSHIRE

NEWSPAPERS

Selected dates:
Citizen (Laconia)
Daily Union (Manchester)
Guardian (Manchester)

JOURNALS &
MAGAZINES

Selected issues:
Granite Monthly.
Yankee Magazine.

BOOKS

Adams, Nathaniel. Annals of Portsmouth. Reprint ed., Hampton:
Peter E. Randall, 1971.

NEW JERSEY

NEWSPAPERS

Selected dates:
Advertiser (Newark)
Apollo (Belvidere)
Cape May County Gazette (Cape May Court House)
Daily Record (Morristown)
Daily Union (Atlantic City)
Evening Journal (Jersey City)
Evening News (Bridgeton)
Evening Post (Asbury Park)
Herald (Mount Holly)
Jerseyman (Morristown)
Press (Asbury Park)
Press (Blairstown)
New Jersey Herald (Newton)
News (Newark)
Star (Washington)
Star Ledger (Newark)
Sussex Independent (Newton)
Warren Journal (Belvidere)

JOURNALS &
MAGAZINES

Bedau, Hugo A. "Death Sentences in New Jersey, 1907-1960."
Rutgers Law Review, Vol. 19 No. 1, 1965.
The Proceedings of the New Jersey Historical Society. Selected
issues.

BOOKS

- Barber, John W. and Henry Howe. Historical Collections of the State of New Jersey. New York: S. Tuttle, 1845.
- Cooley, Henry Scofield. A Study of Slavery in New Jersey. Baltimore: Johns Hopkins Press, 1896.
- Documents Relating to the Colonial History of New Jersey. Selected vols. Patterson: Press Printing and Publishing Co.
- A History of Wesley Warner's Crime. Mount Holly, NJ: 1894.
- Pratt, Fletcher. The Cunning Mulatto. New York: 1935.
- Reed, Henry. Chapters in a History of Crime and Punishment in New Jersey. Ann Arbor, MI: University Microfilms, 1977.

NEW MEXICO

NEWSPAPERS

- Selected dates:
Daily Times (Farmington)
Enterprise (Silver City)
Independent (Silver City)
Journal (Albuquerque)
Range (Raton)
Reporter (Raton)
Republican (Rio Grande)
Tribune (Albuquerque)

BOOKS & PAPERS

- Hertzog, Peter. Legal Hangings. Santa Fe: The Press of the Territorian, 1966.
- Myers, Lee C. The Pearl of the Pecos. Compiled from Eddy newspapers Oct. 12, 1889 and Oct. 23, 1895. By the author, 1974.
- Poldervaart, Arie W. Black-robed Justice. Albuquerque: Historical Society of New Mexico, 1948.
- Simmons, Marc. Albuquerque, A Narrative History. Albuquerque: University of New Mexico Press, 1982.
- Stanley, F. Desperadoes of New Mexico. Denver: The World Press, Inc., 1953.
- Williams, O. W. "Past Hangings in Grant County." July 9, 1901.

NEW YORK

NEWSPAPERS

- New York Times (New York City), 1853-1868
- Selected dates:
Chenango Telegraph (Norwich)
Courier Express (Buffalo)
Daily Freeman (Kingston)
Delaware Express (Delhi)
Democrat (Amsterdam)

Evening Standard (Cortland)
Freeman's Journal (Cooperstown)
Fulton County Republican (Johnstown)
Gazette (Utica)
Journal (Utica)
Leader-Herald (Johnstown)
Morning Express (Buffalo)
News (Batavia)
North Countryman (Rouses Point)
Observer (Utica)
Otsego Republican (Cooperstown)
Palladium (Oswego)
Press (Binghamton)
Recorder (Amsterdam)
Repository-Messenger (Canandaigua)
Republican (Plattsburgh)
Republican (Livingston)
Republican (Lyons)
Republican Watchman-News (Monticello)
Steuben Advocate (Bath)
Sullivan County Reporter (Jeffersonville)
Sun (Binghamton)
Sun (Norwalk)
Times (Troy)
Times (Watertown)
Tribune (Medina)
Yates County Chronicle (Penn Yan)

JOURNALS &
MAGAZINES

Selected issues:
The New York Historical Society Quarterly.

BOOKS

Byrnes, Thomas. 1886 Professional Criminals of America.
 New York: Chelsea House Publishers, 1969.
 Carey, Arthur A. Memoirs of a Murder Man. Garden City:
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 Collins, Ted., ed. New York Murders. New York: Duell,
 Sloan and Pearce, 1944.
 Desmond, Charles S. Sharp Quillets of the Law. Buffalo:
 Dennis & Co., 1949.
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 York: A Study in Criminal Procedure (1664-1776).
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 of New York, 1691-1776. Ithaca: Cornell University
 Press, 1974.
 Hammond, L. M. History of Madison County, State of New York.
 Syracuse: Truair, Smith & Co., 1872.
 Horsmanden, Daniel. The New York Conspiracy. Reprint ed.,
 New York: Negro Universities Press, 1969.
 Kessler, Henry H. and Eugene Rachlis. Peter Stuyv Esant and
 His New York. New York: Random House, 1959.
 Lawes, Lewis E. Life and Death in Sing Sing. Garden City:

- Sun Dial Press, 1937.
- Lawes, Lewis E. Meet the Murderer. New York: Harper & Bros., 1940.
- Levine, Emanuel H. The Third Degree. New York: Vanguard Press, 1930.
- McGrath, Edward F. I Was Condemned to the Chair. New York: Frederick A. Stokes Co., 1934.
- Mann, Enos R. The Bench and Bar of Saratoga County. Ballston: Waterbury & Inman, 1876.
- Manual of the Corporation of the City of New York. Selected vols. New York: 1842-1870.
- Minutes of the Court of Albany, Rensselaerswyck and Schenectady, 1668-1683. Translated and edited by A. J. F. Van Laer. Albany: The University of the State of New York, 1926.
- Reynolds, Quentin. Courtroom. New York: Farrar, Strauss and Cudahy, 1950.
- Schappes, Morris U., ed. A Documentary History of the Jews in the United States, 1654-1875. New York: Schocken Books, 1971.
- Singleton, Esther. Social New Yorker Under the Georges, 1714-1776. New York: D. Appleton & Co., 1902.
- Thompson, Harold W. Body, Boots & Britches. Philadelphia: Lippincott, 1940.
- Train, Arthur. True Stories of Crime From the District Attorney's Office. New York: Scribner, 1908.
- Walling, George W. Recollections of a New York Chief of Police. Montclair: Patterson Smith, 1972.
- Whitehead, Don. Border Guard. New York: McGraw-Hill, 1963.

NORTH CAROLINA

NEWSPAPERS

Gazette (Raleigh), 1897
News and Observer (Raleigh), 1881-1889
Register (Raleigh), 1802-1805
Recorder (Hillsboro), 1820-1827; 1851-1853

Selected dates:

Ansonian (Wadesboro)
Banner (Oxford)
Beacon (Roanoke)
Catawba County News (Newton)
Chatham Record (Pittsboro)
Cherokee Scout (Murphy)
Citizen (Ashville)
Courier (Roxboro)
Daily Record (Dunn)
Daily Times (Wilson)
Davie Record (Macksville)
Dispatch (Lexington)
Enquirer-Journal (Monroe)

Gazette (Gastonia)
Herald (Smithfield)
Intelligencer (Wadesboro)
Ledger (Oxford)
The Messenger (Wadesboro)
Mountaineer (Waynesville)
News (Greensboro)
Observer (Charlotte)
Observer and Times (Fayetteville)
Observer-News-Enterprise (Newton)
Pamlico County News (Bayboro)
Patriot (Greensboro)
Post (Salisbury)
Press (Franklin)
Progress (Marion)
Star (Wilmington)
Times (Greensboro)
Tribune (Concord)

JOURNALS &
MAGAZINES

Selected issues:
The North Carolina Historical Review. North Carolina
 Historical Commission.

GOVERNMENT
DOCUMENTS

North Carolina. "Capital Punishment in North Carolina." Special
 Bulletin #10. Raleigh: North Carolina State Board of
 Charities and Public Welfare, 1929.

BOOKS

Abstracts of Vital Records From the Raleigh, N.C., Newspapers,
1799-1819. Compiled by Lois Smathers Neal. 2 vols.
 Spartanburg, SC: The Reprint Co., 1979.

Basset, John Spencer. Slavery in the State of North Carolina.
 Baltimore: Johns Hopkins Studies in Historical and
 Political Science, Series XVII, 1899.

Battle, Kemp Plummer. Memories of an Old-Time Tar Heel.
 Edited by William James Battle. Chapel Hill: University of
 North Carolina Press, 1945.

Davis, Edward Hill. Historical Sketches of Franklin County.
 Raleigh: Edwards & Broughton Co., 1948.

Eaton, Clement. The Growth of Southern Civilization, 1790-
1860. New York: Harper & Brothers, 1961.

Evans, W. McKee. To Die Game. Baton Rouge: LSU Press, 1971.

Franklin, John Hope. The Free Negro in North Carolina, 1790-
1860. Chapel Hill: University of North Carolina Press,
 1943.

Johnson, Guion Griffis. Antebellum North Carolina: A Social
History. Chapel Hill: University of North Carolina Press,
 1937.

Wheeler, John Hill. Historical Sketches of North Carolina
From 1584 to 1851. Reprint ed., Baltimore: Regional
 Publishing Co., 1964.

NORTH DAKOTA

NEWSPAPERS

Selected dates:
Daily News (Minot)
Tribune (Bismark)

OHIO

NEWSPAPERS

Selected dates:
Advertiser (Tiffin)
Blade (Toledo)
Call and Post (Cleveland)
Citizen (Columbus)
Daily Bulletin (Van Wert)
Daily News (Mansfield)
Daily Record (Wooster)
Daily Times (New Philadelphia)
Democrat (Bryan)
Democrat (Greenville)
Democrat (Urbana)
Democratic Northwest (Napoleon)
Dispatch (Columbus)
Evening Repository (Canton)
Gazette (Springfield)
Gazette and Torchlight (Xenia)
Herald (Steubenville)
Herald-Standard (Steubenville)
Holmes County Farmer Hub (Millersburg)
Journal (Dayton)
Journal-Gazette (Sidney)
News (Dayton)
News (Fremont)
News (Portsmouth)
News Bee (Toledo)
News-Journal (Mansfield)
Ohio State Journal (Columbus)
Plain Dealer (Cleveland)
Republican (Elyria)
Richland Shield and Banner (Mansfield)
Sentinel (Mount Gilead)
Star (Marion)
Telegram (Youngstown)
Telegraph (Painesville)
Times (Dayton)
Times-Signal (Zanesville)
Torchlight (Xenia)
Tribune (Coshocton)
Tribune-Chronicle (Warren)
Vindicator (Youngstown)
Wayne County Democrat (Wooster)

Western Star (Lebanon)

HISTORICAL
SOCIETY
PUBLICATIONS

Ohio History. Ohio Historical Society.

BOOKS

- Baker, Oliver Weld., ed. Cleveland Murders. New York: Duell, Sloan and Pearce, 1947.
DiSalle, Michael V. The Power of Life or Death. New York: Random House, 1965.
Fogle, H. M. The Palace of Death. Columbus: By the author, 1909.
Howe, Henry. Historical Collections of Ohio. 3 vols. Columbus: Henry Howe & Son, 1889-1891.
Meek, Basil. Twentieth Century History of Sandusky County. Chicago: Richmond-Arnold Co.

OKLAHOMA

NEWSPAPERS

Selected dates:
Daily Tribune (Enid)
Democrat (Tulsa)
News (Ada)
News (Enid)
News-Star (Shawnee)
Record-Register (Coalgate)
World (Tulsa)

JOURNALS &
MAGAZINES

Gregory, Bob. "They Died for Their Sins." Oklahoma Monthly (December 1976).

HISTORICAL
SOCIETY
PUBLICATIONS

The Chronicles of Oklahoma. Oklahoma Historical Society.

BOOKS

From Gun to Gavel, The Courtroom Recollections of James Mathers of Oklahoma. As told to Marshall Houts. New York: William Morrow & Co., 1954.

OREGON

NEWSPAPERS

Selected dates:
Argus (Hillsboro)
Astorian (Astoria)
Astorian-Budget (Astoria)
Courier (Oregon City)
Crook County Journal (Prineville)
East Oregonian (Pendleton)

Gazette-Times (Corvallis)
Globe-Times (Condon)
Grant County News (Canyon City)
Guard (Eugene)
Herald (Albany)
Herald (Kamath Falls)
Herald (Tillamook)
Journal (Portland)
Lake County Examiner (Lakeview)
Mail Tribune (Medford)
The Oregon Observer (Grant's Pass)
Oregon Statesman (Salem)
Oregonian (Portland)
Polk County Observer (Dallas)
Register (Eugene)
The Rogue River Courier (Grant's Pass)
Times (Coos Bay)
Times-Herald (Burns)

JOURNALS &
MAGAZINES

Bedau, Hugo A. "Capital Punishment in Oregon, 1903-1964."
Oregon Law Review. Vol. 45 No. 1. (December 1965).
Oregon Historical Quarterly. Oregon Historical Society.
Selected issues.

BOOKS

Block, Eugene B. Science vs. Crime. San Francisco: Cragmont
Publications, 1979.
Brimlow, George Francis. Harney County, Oregon and Its
Range Land. Portland: Binfords and Mort, 1951.

PENNSYLVANIA

NEWSPAPERS

Gazette (Philadelphia), 1788-1802
Inquirer (Philadelphia), 1871-1873; 1891-1900
Post (Pittsburg, 1883-1886)

Selected dates:

Call (Allentown)
Compiler (Gettysburg)
Democrat (Mauch Chunk)
Derrick (Oil City)
Dispatch (York)
Eagle (Butler)
Franklin Repository (Chambersburg)
Herald (Somerset)
Independent (Montrose)
Intelligencer (Lancaster)
Juniata Sentinel and Republican (Mifflintown)
News (Mauch Chunk)
News (New Castle)
News Tribune (Beaver Falls)
Observer (Washington)

Patriot (Harrisburg)
Pike County Press (Milford)
Potter Enterprise (Coudersport)
Public Ledger (Philadelphia)
Public Opinion (Chambersburg)
Record (Lansford)
Record-Argus (Greenville)
Register (Oil City)
Republican (Scranton)
Sentinel (Gettysburg)
Snyder County Tribune (Selinsgrove)
Star and Sentinel (Gettysburg)
Times (Chester)
Times (Scranton)
Times (Stroudsburg)
Tribune (Johnstown)
Venango Spectator (Franklin)
Wayne Independent (Honesdale)

JOURNALS &
MAGAZINES

Selected issues:
Pennsylvania Magazine of History and Biography. Historical
 Society of Pennsylvania.

BOOKS

Broehl, Wayne G., Jr. The Molly Maguires. Cambridge: Harvard
 University Press, 1964.
Colonial Records of Pennsylvania. 16 vols. Harrisburg:
 1851-1853.
 Faber, Elmer. Beyond the Law. Greensburg, PA: Charles M.
 Henry Printing Co., 1933..
 Franke, David. The Torture Doctor. New York: Hawthorne Books,
 1975.
 Lane, Roger. Violent Death in the City. Cambridge: Harvard
 University Press, 1979.
 Lewis, Arthur H. Lament for the Molly Maguires. Harcourt,
 Brace and World, 1964.
The Manheim Tragedy. Lancaster: H. A. Rockafield, 1858.
 Stocker, Rhmanthus M. Centennial History of Susquehanna
 County Pennsylvania. Reprint ed., Baltimore: Regional
 Publishing Co., 1974.
 Teeters, Negley K. Scaffold and Chair. 2 vols. Philadelphia:
 Pennsylvania Prison Society, 1963.
 Whisker, Vaughn E. Tales from the Allegheny Foothills.
 Bedford: Bedford Gazette, 1975.

RHODE ISLAND

NEWSPAPERS

Selected dates:
Gazette (Newport)
Gazette (Providence)
Journal (Providence)

Mercury (Newport)

GOVERNMENT
DOCUMENTS

Report of the Committee on Education in the Senate of the
State of Rhode Island on the Subject of Capital
Punishment. Providence: Albert C. Greene, 1852.

BOOKS

Colonial Records of Rhode Island. 10 vols. New York: AMS
Press, 1856.
Haley, John Williams. "The Old Stone Bank" History of Rhode
Island. Vol II. Providence: Providence Institution for
Savings, 1931.

SOUTH CAROLINA

NEWSPAPERS

Courier (Charleston) 1810; 1820-1831; 1840
Gazette 1732-1779
South Carolina and American General Gazette 1732-1779
State (Columbia), 1892-1893; 1905-1913

Selected dates:
Independent (Anderson)
Ledger (Gaffney)
Ledger (Lancaster)
Pee Dee Advocate (Bennettsville)

JOURNALS &
MAGAZINES

Selected issues:
The South Carolina Historical Magazine. South Carolina
Historical Society.

BOOKS

Crow, Jeffrey J. and Larry E. Tise. The Southern Experience
in the American Revolution. Chapel Hill: University
of North Carolina Press, 1978.
Henry, H. M. The Police Control of the Slave in South
Carolina. New York: Negro Universities Press, 1941.
Johnson, Herbert A., ed. South Carolina Legal History.
Spartanburg, SC: Reprint Co. Publishers, 1980.
Kirkland, Thomas J. and Robert M. Kennedy. 2 vols. Historic
Camden. Columbia: The State Co., 1926.
Lee, Lawrence. The Lower Cape Fear in Colonial Days.
Chapel Hill: University of North Carolina Press, 1965.
McTeer, J. E. High Sheriff of the Low Country. Beaufort:
Beaufort Book Co., 1970.
Ravenal, Beatrice St. J., ed. Charleston Murders. New York:
Duell, Sloan and Pearce, 1947.
Wallace, David Duncan. South Carolina, a Short History.
Chapel Hill: University of North Carolina Press, 1951.
Williams, Jack Kenney. Vogues in Villainy. Columbia:
University of South Carolina Press, 1959.

SOUTH DAKOTA

NEWSPAPERS

Selected dates:
Argus-leader (Sioux Falls)
Daily Pioneer Times (Deadwood)
News (Aberdeen)
Weekly Record (Sturgis)

TENNESSEE

NEWSPAPERS

News-Scimitar (Memphis), 1904-1905
Sentinel (Knoxville), 1908-1909
Tennessean (Nashville), 1907; 1909-1915
Times (Chattanooga), 1892

Selected dates:
Banner (Nashville)
Democrat (Lebanon)
Free-Press (Chattanooga)
Herald (Cleveland)
Herald (Columbia)
Journal (Knoxville)
Press (Woodbury)
Press and Herald (Knoxville)
Press and Messenger (Knoxville)
Reporter and Falcon (Somerville)
Sun (Jackson)
Times (Maryville-Alcoa)
Times-News (Kingsport)

JOURNALS &
MAGAZINES

Selected issues:
Tennessee Historical Quarterly. Tennessee Historical Society.

BOOKS

Allison, John. Dropped Stitches in Tennessee History.
Nashville: Marshall & Bruce, 1897.
Beach, Ursula Smith. Along the Warito, a History of
Montgomery County, Tennessee. Nashville: McQuiddy
Publishing Co., 1964.
Crane, Sophie and Paul Crane. Tennessee's Troubled Roots.
Old Hickory: Earle-Shields, 1979.
Spurlock, Donald E. The Brassell Hangings of Putnam County,
Tennessee. Southland Printing Co., 1981.

TEXAS

NEWSPAPERS

News (Galveston) 1880-1899; 1905-1916
Record and Star Telegram (Fort Worth) 1906; 1912-1914

Times Herald (Dallas) 1880-1881; 1893; 1903; 1918

Selected dates:

Advertiser (Bastrop)
Advocate (Victoria)
American (Austin)
Avalanche (Alpine)
Avalanche-Journal (Lubbock)
Bulletin (Brownwood)
Calhoun County Times (Port Lavaca)
Chronicle (Houston)
Courier (Sherman)
Courier Times (Tyler)
Daily Express (San Antonio)
Daily News (Amarillo)
Democrat (Weatherford)
Democrat (Sherman)
Democratic Stateman (Austin)
Enterprise (Beaumont)
Floyd County Hesperian (Floydada)
Herald (Edna)
Herald (Killeen)
Inquirer (Gonzales)
Journal (Beaumont)
Leader-News (Littlefield)
Light (San Antonio)
Mirror (Gilmer)
News (Dallas)
News-Beacon (Beaumont)
News-Tribune (Waco)
Patriot (LaGrange)
Post (Houston)
Press (Claredon)
Record (San Marcos)
Reporter-News (Abilene)
Reporter-Telegram (Midland)
Standard-Times (San Angelo)
Taylor County News (Abilene)
Telegraph (Houston)
Texas Advocate (Van Horn)
Times (El Paso)
Times (Vernon)
Times (Wichita Falls)
Tribune-Herald (Waco)
Wise County Messenger (Decatur)

JOURNALS &
MAGAZINES

Selected issues:

Southwestern Historical Quarterly. Texas State Historical Association.

BOOKS

Bates, Ed. F. History and Reminiscences of Denton County.
Denton: McNitzky Printing Co., 1918.
Bruce, Leona Banister. Banister Was There. Fort Worth:
Branch-Smith, 1968.

- Green, A. C. The Santa Claus Bank Robbery. Cisco: First National Bank, 1958.
- Lindquist, Allan Sigvard. Jess Sweeten, Texas Lawman
San Antonio: The Naylor Co., 1961.
- Reid, Don and John Gurwell. Eyewitness. Houston: Cordovan Press, 1973.
- Sanders, J. B. Hangings in Shelby County. Center: J. B. Sanders, 1966.
- Sonninhsen, C. L. I'll Die Before I'll Run. New York: Devin-Adair Co., 1962.
- Sterling, William Warren. Trails and Trials of a Texas Ranger. Norman: University of Oklahoma Press, 1959.
- Sullivan, Sgt. W. J. L. Twelve Years in the Saddle for Law and Order. New York: Bullalo-Head Press Books, 1966.

UTAH

NEWSPAPERS

Selected dates:
Carbon County News (Price)
Eastern Utah Advocate (Price)
Standard Examiner (Ogden)

BOOKS

Walters, Jean Ann. A Study of Executions in Utah. Orem: Psychological Resources, 1975.

VERMONT

NEWSPAPERS

Selected dates:
Daily Press (Burlington)
Free Press (Burlington)
Vermont Standard (Woodstock)

JOURNALS & MAGAZINES

Selected issues:
Vermont History: The Proceedings of the Vermont Historical Society. Vermont Historical Society.

BOOKS

Hill, Ralph Nading. The Winooski. New York: Rinehart & Co., 1949.

VIRGINIA

NEWSPAPERS

Enquirer (Richmond), 1846-1860
Evening Leader (Richmond), 1901-1902
Times-Dispatch (Richmond), 1903-1907
Virginia Gazette (Williamsburg), 1732-1780

Selected dates:

Express (Petersburg)

Leader (Staunton)

New Era Progress (Amherst)

News (Lynchburg)

Peninsula Enterprise (Accomack Court House)

Peninsula Express (Accomack Court House)

Progress (Charlottesville)

Virginian (Covington)

Virginian Pilot and Norfolk Landmark (Norfolk)

JOURNALS &
MAGAZINES

Selected issues:

Virginia Magazine of History and Biography. Virginia
Historical Society.

BOOKS

Arber, Edward, ed. Travels and Works of Captain John Smith.
2 vols. Edinburgh: 1910.

Ballagh, James Curtis. A History of Slavery in Virginia.
Baltimore: Johns Hopkins University, 1902.

Chitwood, Oliver. Justice in Colonial Virginia. Baltimore:
Johns Hopkins University, 1905.

Dickinson, Josia Look. The Fairfax Proprietary. Front Royal:
Warren Press, 1959.

Lutz, Francis Earle. Chesterfield, an Old Virginia County.
Richmond: William Byrd Press, Inc., 1954.

Mann, Etta Donnan. Four Years in the Governor's Mansion of
Virginia, 1910-1914. Richmond: Dietz Press, 1937.

Rankin, Hugh F. Criminal Proceedings in the General Court of
Colonial Virginia. Williamsburg: Colonial Williamsburg
Publications, 1965.

Scott, Arthur P. Criminal Law in Colonial Virginia. Chicago:
University of Chicago Press, 1930.

Sturgill, Roy L. Crimes Criminals and Charters of the
Cumberlands and Southwest Virginia. By the author, 1970.

Tragle, Henry Irving. The Southampton Slave Revolt of 1831:
A Compilation of Source Material. Amherst: University
of Massachusetts Press, 1971.

WASHINGTON

NEWSPAPERS

Selected dates:

Bulletin (Aberdeen)

Bulletin (Kalama)

Chronicle (Centralia)

Chronicle (Spokane)

Columbian (Vancouver)

Gazette-Commoner (Colfax)

Herald (Everett)

Independent (Vancouver)

Intelligencer (Seattle)

Journal (Walla Walla)
Ledger (Tacoma)
News (Longview)
News (Port Angeles)
News-Searchlight (Bremerton)
News-Tribune (Tacoma)
Olympian (Olympia)
Post (Grey's Harbor)
Post Intelligencer (Seattle)
Record (Yakima)
Republic (Yakima)
Review (Spokane)
The Searchlight (Bremerton)
Shelton-Mason County Journal (Shelton)
Spokesman-Review (Spokane)
Statesman (Walla Walla)
Transcript (Olympia)
Union (Walla Walla)
Union-Bulletin (Walla Walla)
World (Wenatchee)

JOURNALS &
MAGAZINES

Selected issues:
Pacific Northwest Quarterly. Washington State Historical
Society.

BOOKS

Bonney, W. P. History of Pierce County, Washington. Chicago:
Pioneer Historical Publishing Co., 1927.

WEST VIRGINIA

NEWSPAPERS

Selected dates:
Echo (Moundsville)
Herald-Dispatch (Huntington)
Mail (Charleston)
Star (Charleston)
Telegram (Clarksburg)

BOOKS

Davis, Dorothy. History of Harrison County, West Virginia.
Edited by Elizabeth Sloan. Clarksburg: American Association
of University Women, 1970, reprint ed., 1972.
Dudding, Earl E. Miracle at Moundsville. By the author, 1915.
Rice, Otis K. The Allegheny Frontier: West Virginia
Beginnings, 1730-1830. Lexington: University of
Kentucky Press, 1970.

WISCONSIN

JOURNALS &
MAGAZINES

Cropley, Carrie. "The Case of John McCaffary." The Wisconsin Magazine of History (Summer 1952) pp. 281-288.

WYOMING

NEWSPAPERS

Selected dates:
Bulletin (Buffalo)
Carbon County Journal (Rawlins)
Daily Press (Casper)
Gazette (Kemmerer)
Northern Wyoming News (Worland)
Post (Sheridan)
Record (Casper)
Republican (Kemmerer)
Republican (Rawlins)
State Leader (Cheyenne)
Tribune (Cheyenne)

BOOKS

Horn, Tom. The Life of Tom Horn. Norman: University of Oklahoma Press, 1964.
Mokler, Alfred James. History of Natrona County Wyoming, 1888-1922. Chicago: R. R. Donnelley & Sons, Co., 1923.

FEDERAL

BOOKS

Gaddis, Thomas E. and James O. Long. Killer: A Journal of Murder. New York: The MacMillan Co., 1970.
Gregory, Jack and Rennard Strockland, eds. Hell on the Border. Indian Heritage Publications, 1971.
Howard, Warren S. American Slavers and The Federal Law. Berkeley: University of California Press, 1963.
Lewis, Jerry D., ed. Crusade Against Crime. New York: Random House, 1962.
Ransom Kidnapping in America, 1874-1974. Carbondale: Feffer & Simons, Inc., 1978.
Tully, Andrew. The FBI's Most Famous Cases. New York: Dell Publishing Co., 1965.
Waters, Harold. Smugglers of Spirits: Prohibition and the Coast Guard Patrol. New York: Hastings House Publishers, 1971.

GENERAL

NEWSPAPERS

Daily National Intelligencer (Washington, D. C.), 1808-1818
National Police Gazette (New York), 1845-1881

JOURNALS &
MAGAZINES

Selected issues:
American Bar Association Journal.
American Historical Review.
American Journal of Legal History.
Criminology and Police Sciences.
Crisis. National Association for the Advancement of Colored
People.
Illinois Medical Journal.
Journal of Criminal Law.
Journal of Negro History.
Journal of Southern History.
Magazine of American History.
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MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925 ~~XXX~~ 4140

Jan. 28, 1985.

To: Hugo A. Bedau.

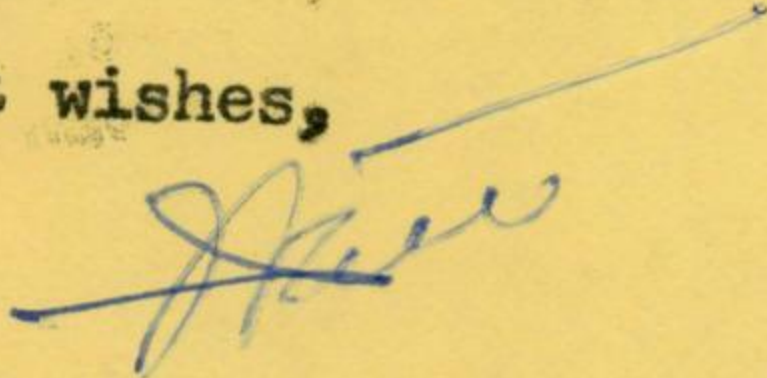
Thanks for your letter of the 21st which I only received today.

What I sent to you regarding the mutinous sailors is all that I have on that case.

Enclosed is a copy of notes on the Bird case, together with sources and I am sorry that I did not include them before.

My trip to Richmond was very profitable indeed, resulting in the confirmations of 340 new slave executions in Virginia (15 accredited to West Virginia), including an additional 12-year-old and a thirteen-year-old. Also, in addition to ~~xx~~ leading in overall numbers (1159, I believe), Virginia also now leads in women executed - 77.

Regards and best wishes,



P.S.: Would appreciate a copy of your article when published

MEMO FROM: WATT ESPY

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PHONE (205) 348-5925
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Sept. 20, 1984.

Dr. Hugo A. Bedau
Department of Philosophy
Tufts University
Medford, Massachusetts 02155.

The first execution that I show under Federal Law was that of Thomas Bird, hanged at Portland, Maine, on June 25, 1790, for the murder of Captain John Conner, master of the sloop MARY on which Bird was a seaman.

I am enclosing, herewith, a copy of an article on the hanging of four sailors under Federal authority at Oracoke Island, North Carolina. This article states that this was the first sentence of death imposed by a Federal Court, but, in view of Bird, this was in error. There were many, many early executions under Federal authority - but sometimes the articles, etc, concerning them are rather hazy as to jurisdiction, and, without reviewing the cases of the period, it would be impossible for me to give you a listing. I do know that Joseph Thompson Hare was hanged for mail robbery at Baltimore, Md., on October 10, 1818; that William Holmes, Thomas Warrington and Edward Rosewaine were all hanged at Boston in 1818, for Piracy; that William Wyatt was hanged at New Orleans on 6-25-1818 for the murder of a ship's captain on the high seas; John Hobson Furlong was hanged at Savannah, Ga., on 4-28-1820 for murder and piracy on the high seas; A Winnebago Indian was hanged at Kaskaskia, Ill., in August, 1821 for the murder of 2 soldiers; Perez Anthony was hanged at Boston on 12-21-1824 for murder on high seas; William Hill was hanged at New York in 1826 for murder on ship; Casares, Barbieto and Morando were hanged at Richmond, Va., for piracy and murder on high seas; There were others, of course, but these are the only ones that I noted as Federal in my chronological ledger. Best wishes -

Watt

Hugo - Please send reprint of
your U.C. Davis Article to me

MEMO FROM: WATT ESPY address.

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Watt

October 17, 1985.

To: Hugo A. Bedau

Thank you so much, Hugo, for your kind letter of the eighth relative to my leaving the University which has been my home for the past 8½ years. Letters from you and others who I trust, respect and admire mean a lot to me at this particular time.

As you can see from the enclosed and the items previously sent, the computerization of my data was done in the most incompetent manner imaginable. There is no way that the completion of corrections can be made. I can hardly be expected to clear up errors made over a period of an entire year. The data is not and will not be valid for any useful purposes.

The Law School has been especially generous and kind to me for the past 8½ years and Dean Charles Gamble and Assistant Dean ~~WAM~~ Roy Wade have really stood by me, even to the extent of going out on some limbs. They had nothing at all - none of the Law School did - in the messing up of the data. All encoding and entering was done by Smykl a and his Criminal Justice people.

I shall look forward to working with you in the future as I have in the past, so lets keep in touch.

Best wishes -

Watt

MEMO FROM: WATT ESPY

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April 2, 1984.

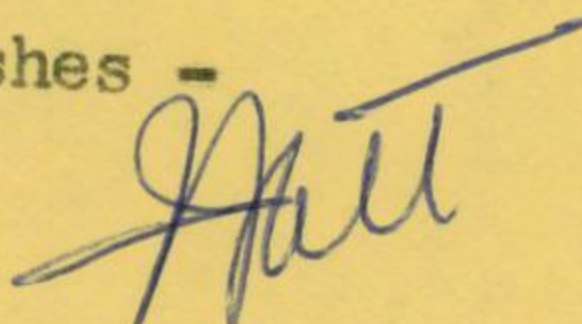
To: Hugo A. Bedau.

Many thanks for the copies of the Goodman article and the piece about Dukakis pardoning Daley and Halligan. Dukakis is a great governor and can always be depended on to do the right thing, including correcting the mistakes of the past. I only wish that there were many, many more like him. You dwellers in the "land of the Cod" just don't know how lucky you are. I would gladly give you two dozen Wallaces for him, but I don't suppose that you would be interested.

My contract with the University was to have expired the 31st of last month, but Thursday the Dean's secretary called and they have extended me to August 31st which should be more than enough time to hear from the grant proposal to NSF. If it doesn't materialize, my days here will definitely be numbered.

Did you ever have a chance to speak with my friend, Larry Yackle, on the law faculty here but currently teaching at Boston University's College of Law? He has been my mainstay and if you haven't spoken with him yet, you might enjoy talking with him. Larry is a brilliant young man (far, far younger than I) and Alabama is very lucky, indeed, to have him as a part of our law faculty. Unfortunately (and this is not for quotation) most of our law professors are carry-overs for the days of the dinosaurs.

Thanks again and best wishes -



MEMO FROM: WATT ESPY

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September 5, 1985.

Dear Hugo:

Thank you very much for your kind note of the 14th which I only received yesterday. It was real thoughtful of you to think of me.

I am feeling much better now. The anti-depressant on which I was placed seems to be having a good effect.

As I understand it, the grant is, for the time being at any rate, suspended and the Law School itself is funding the project. Hopefully we can get the grant going again with someone besides Smykla involved. I had frankly rather be dead and see my work lost forever than to allow him to take it over completely which he wanted to do.

As you know, he has cancelled the meeting for later this month. I still think that the practical thing would be for Dr. Levine, you, Radelet, Bowers, or others to come down yourselves, look over the project and decide what can be best done to salvage it. I know that I can never again work with anyone like Smykla - he had done enough and, I might add, deliberately in my opinion to destroy me both physically and mentally.

Once again, thanks for your concern-



MEMO FROM: WATT ESPY

C/O LAW LIBRARY -- P. O. BOX 6205 -- UNIVERSITY, AL. 35486

PHONE (205) 348-5925

Mar 25, 1985

Hugo:

Would appreciate it
very much if you would
inscribe & sign the
enclosed book & return
to me.

Thanks
J. Watt

done
4-2-85



THE UNIVERSITY OF ALABAMA
College of Arts and Sciences
Department of Criminal Justice

November 10, 1984

Hugo Bedau
Department of Philosophy
Tufts University
Medford, MA

Dear Hugo:

I'm sorry you were unable to attend the Capital Punishment Advisory Board meeting. The group met as scheduled and generated a wealth of ideas for maximizing the scientific potential of the data set. If you have any concerns you wish to express, feel free to relate them to me. We're moving forward on a couple of suggestions, weighing others, and will be back in touch with the whole group.

Regards,

John

John Ortiz Smykla
Associate Professor

JOS/mgf