

## Tribute to Professor Welsh S. White

*Professor Welsh S. White, one of the nation's pre-eminent authorities on the death penalty and interrogation law, and holder of the Bessie McKee Walthour Endowed Chair at the University of Pittsburgh School of Law, died on December 31, 2005. He was sixty-five years old.*

*The OHIO STATE JOURNAL OF CRIMINAL LAW never had the opportunity to publish any of Professor White's influential scholarship, although well before his diagnosis of cancer we made plans to review his most recent book, LITIGATING IN THE SHADOW OF DEATH, published posthumously by the University of Michigan Press. That review, written by Professor Al Alschuler, is found in the Review section of this volume on page 223.*

*For this Tribute, we asked Andrew Taslitz to provide a former student's perspective of Welsh White. We sought out John Burkoff and John Parry to write about Welsh White, their colleague, and we requested James Tomkovicz to write about Welsh White, his scholarly partner. Although these authors provide their different perspectives, what will be evident to readers is what everyone who knew Welsh White realized: He was a remarkable man, of tremendous decency, respected and loved by many.*

### PROFESSOR WELSH WHITE'S SCHOLARSHIP

#### *Books*

- LIFE IN THE BALANCE: PROCEDURAL SAFEGUARDS IN CAPITAL CASES (1984)
- PENNSYLVANIA INTERROGATIONS AND CONFESSIONS (1985)
- THE DEATH PENALTY IN THE EIGHTIES: AN EXAMINATION OF THE MODERN SYSTEM OF CAPITAL PUNISHMENT (1987)
- THE DEATH PENALTY IN THE NINETIES: AN EXAMINATION OF THE MODERN SYSTEM OF CAPITAL PUNISHMENT (1991)
- MIRANDA'S WANING PROTECTIONS: POLICE INTERROGATION PRACTICES AFTER *DICKERSON* (2001)
- CRIMINAL PROCEDURE: CONSTITUTIONAL CONSTRAINTS UPON INVESTIGATION AND PROOF (2004) (with Professor James Tomkovicz)
- LITIGATING IN THE SHADOW OF DEATH: DEFENSE ATTORNEYS IN CRIMINAL CASES (2006)

## Articles

- The Fourth Amendment Rights of Parolees and Probationers*, 31 U. PITT. L. REV. 167 (1969)
- Standing to Object to Search and Seizure*, 118 U. PA. L. REV. 333 (1970) (with Professor Robert Greenspan)
- A Proposal for Reform of the Plea Bargaining Process*, 119 U. PA. L. REV. 439 (1971)
- Federal Habeas Corpus: The Impact of the Failure to Assert a Constitutional Claim at Trial*, 58 VA. L. REV. 67 (1972)
- The Constitutional Invalidity of Convictions Imposed by Death-Qualified Juries*, 58 CORNELL L. REV. 1176 (1973)
- The Inchoate Crimes Provisions of the New Pennsylvania Penal Code*, 35 U. PITT. L. REV. 235 (1973)
- Cruel and Unusual: The Supreme Court and Capital Punishment*, 74 COLUM. L. REV. 319 (1974) (reviewing MICHAEL MELTSNER, *CRUEL AND UNUSUAL: THE SUPREME COURT AND CAPITAL PUNISHMENT* (1973))
- The Role of the Social Sciences in Determining the Constitutionality of Capital Punishment*, 13 DUQ. L. REV. 279 (1974)
- Witherspoon Revisited: Exploring the Tension Between Witherspoon and Furman*, 45 U. CIN. L. REV. 19 (1976)
- The Question of Negotiated Pleas*, 55 TEX. L. REV. 185 (1976) (reviewing ARTHUR ROSETT & DONALD R. CRESSEY, *JUSTICE BY CONSENT: PLEA BARGAINS IN THE AMERICAN COURTHOUSE* (1976))
- Disproportionality and the Death Penalty: Death as a Punishment for Rape*, 38 U. PITT. L. REV. 145 (1976)
- Police Trickery in Inducing Confessions*, 127 U. PA. L. REV. 581 (1979)
- Rhode Island v. Innis: The Significance of a Suspect's Assertion of his Right to Counsel*, 17 AM. CRIM. L. REV. 53 (1979)
- Death-Qualified Juries: The "Prosecution-Proneness" Argument Reexamined*, 41 U. PITT. L. REV. 353 (1980)
- Waiver and the Death Penalty: The Implications of Estelle v. Smith*, 72 J. CRIM. L. & CRIMINOLOGY 1522 (1981)
- Book Review*, 129 U. PA. L. REV. 994 (1981) (reviewing YALE KAMISAR, *POLICE INTERROGATION AND CONFESSIONS: ESSAYS IN LAW AND POLICY* (1990))
- Interrogation Without Questions*, 78 MICH. L. REV. 1209 (1980)
- The Psychiatric Examination and the Fifth Amendment Privilege in Capital Cases*, 74 J. CRIM. L. & CRIMINOLOGY 943 (1983)
- Arraignment*, in 1 ENCYCLOPEDIA OF CRIME AND JUSTICE 67, 67-71 (Sanford H. Kadish ed., Free Press 1983)
- Defending Miranda: A Reply to Professor Caplan*, 39 VAND. L. REV. 1 (1986)
- Herbert L. Sherman, Jr.: Outstanding Teacher*, 46 U. PITT. L. REV. xxi (1985)
- Defendants Who Elect Execution*, 48 U. PITT. L. REV. 853 (1987)

- Patterns in Capital Punishment*, 75 CAL. L. REV. 2165 (1987) (reviewing FRANKLIN E. ZIMRING & GORDON HAWKINS, CAPITAL PUNISHMENT AND THE AMERICAN AGENDA (1987))
- Evidentiary Privileges and the Defendant's Constitutional Right to Introduce Evidence*, 80 J. CRIM. L. & CRIMINOLOGY 377 (1989)
- Fact-finding and the Death Penalty: The Scope of a Capital Defendant's Right to Jury Trial*, 65 NOTRE DAME L. REV. 1 (1989)
- Prosecutors' Closing Arguments at the Penalty Trial*, 18 N.Y.U. REV. L. & SOC. CHANGE 297 (1991)
- Effective Assistance in Capital Cases: The Evolving Standard of Care*, 1993 U. ILL. L. REV. 323
- Capital Punishment's Failure*, 91 MICH. L. REV. 1429 (1993) (reviewing RAYMOND PATERNOSTER, CAPITAL PUNISHMENT IN AMERICA (1991))
- Confessions Induced by Broken Government Promises*, 43 DUKE L.J. 947 (1994)
- Government Psychiatric Examinations and the Death Penalty*, 37 ARIZ. L. REV. 869 (1995)
- Improving Constitutional Criminal Procedure*, 93 MICH. L. REV. 1667 (1995)
- Accomplices' Confessions and the Confrontation Clause*, 4 WM. & MARY BILL RTS. J. 753 (1996)
- False Confessions and the Constitution: Safeguards Against Untrustworthy Confessions*, 32 HARV. C.R.-C.L. L. REV. 105 (1997)
- What is an Involuntary Confession Now?*, 50 RUTGERS L. REV. 2001 (1998)
- Adapting to Miranda: Modern Interrogators' Strategies for Dealing with the Obstacles Posed by Miranda*, 84 MINN. L. REV. 397 (1999) (with Professor Richard Leo)
- Miranda's Failure to Restrain Pernicious Interrogation Practices*, 99 MICH. L. REV. 1211 (2001)
- Curbing Prosecutorial Misconduct in Capital Cases: Imposing Prohibitions on Improper Penalty Trial Arguments*, 39 AM. CRIM. L. REV. 1147 (2002)
- Interrogating Suspected Terrorists: Should Torture be an Option?*, 63 U. PITT. L. REV. 743 (2003) (with Professor John Parry)
- Confessions in Capital Cases*, 2003 U. ILL. L. REV. 979
- False Confessions in Criminal Cases*, 17 CRIM. JUST. 5 (2003)

