

# Should Capital Punishment Be Considered Humane or Cruel and Unusual?

University of Phoenix  
HIS 301 - U.S. Constitution  
May 19, 2007

## Capital Punishment

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- History & principles of the Constitution/ M
- Arguments pros/ L
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# History of Capital Punishment and Constitutional Interpretation



## Overview

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- Throughout the years, the United States Constitution has been debated in the warranted use of capital punishment
- Idealisms of the death penalty has evolved over generations
- Amendments to the Constitution have been made in order to justify its use; however there are still concerns as to the further clarification of its proper implementation

## Capital Punishment Throughout the Years

- *Invention of the degrees of murder* – In 1793, Pennsylvania became the first state to distinguish between first and second degree murders, thus justifying that different kinds of murders were not necessarily deserving of a death sentence (Close,1999).
- *Sentencing by Trial Jury* – In the early 1800's, states began to authorize trial juries to make recommendations in capital cases (Close,1999).

## Capital Punishment Throughout the Years (cont.)

- *Reducing the number of capital crimes* – Also in the 1800's, states could execute for a number of crimes. Over the years states have reduced these. Since 1977, the only crime for which prisoners have been executed have been for criminal homicide (Close,1999).
- *Eliminating public executions and the search of more efficient methods of execution* – Starting with New York in 1835, public executions are presently banned in the United States to prevent graphic material and to avoid chaotic crowds. New York was also the first state to implement the electric chair. Methods of execution have evolved over the years to include the use of lethal gas and currently the use of execution by lethal injection (Close, 1999).

## Death Penalty vs. U.S. Constitution -Bill of Rights, 1791-

- In the Bill of Rights, James Madison wrote amendments to the U.S. Constitution that could protect prisoners on death row from certain execution (Close, 1999).
- Amendment V- Protected the right of due process of law in federal courts
- Amendment VI – Provided the right to a fair and speedy trial
- Amendment VIII – Prohibited cruel and unusual punishment

## Landmark Cases that have had an Impact on Constitutional Interpretation

- *Furman v. Georgia (1972)* The supreme court ruled that the death penalty violated the Eighth Amendment's prohibition of cruel and unusual punishment. They also stated that the juries were not given proper guidance in determining just sentencing (Close, 1999).

## Landmark Cases that have had an Impact on Constitutional Interpretation (cont.)

- *Gregg v. Georgia (1976)* The supreme court ruled that the death penalty did not violate the Eighth Amendment's prohibition of cruel and unusual punishment provided that juries are given guided discretion during trial (Close, 1999).

# For Death Penalty

By

## For Death Penalty

- **About this section:**
- This section deals with the execution of criminals found guilty of having committed serious crimes.
- This used to be a universal practice. Most democracies in the world have abandoned the death penalty. The U.S. and Japan and South Korea are the only exceptions.
- You may be infuriated by what you read in this section. Like other topics elsewhere in this, we try to explain objectively all viewpoints. Thus, no matter what your beliefs are, you will certainly see material with which you strongly disagree.

## Who speaks for the victims of those we execute?

- All over the country, news stories bemoan and hype the countdown to execution number 1,000. But where are the stories regarding the ripple effects of the heinous crimes that these murderers were executed for committing? Who is counting the victims?

A conservative estimate puts the number of victims of these 1,000 murderers at 1,895. Why do we hear so much about the killers and so little about the victims and their loved ones who are left behind to pick up the pieces?

A small sampling of case histories will leave readers shaken.

## Eighth Amendment

Excessive bail shall not be imposed nor be required, nor excessive imposed, nor cruel or unusual punishments inflicted.

## Methods of Execution

- Electric Chair
- Gas Chamber
- Lethal Injection
- Hanging (Federal only)
- Firing Squad (Federal only)

## Botched Executions

Alabama. John Evans. E  
Mississippi. Jimmy Lee Gray. GC  
Georgia. Alpha Otis Stephens. E  
Texas. Stephen Peter Morin. LI  
Indiana. William E. Vandiver. E  
Texas. Randy Woolls. LI  
Texas. Elliott Johnson. LI Texas.  
Raymond Landry. LI  
Texas. Stephen McCoy. LI  
Alabama. Horace F. Dunkins. E  
Florida. Jesse Joseph Tafero. E  
Virginia. Wilbert Lee Evens. E

Virginia. Derick Lynn Peterson. E  
Arkansas. Rickey Ray Rector. LI  
Oklahoma. Robyn Lee Parks. LI  
Texas. Billy Wayne White. LI  
Texas. Justin Lee May. LI  
Illinois. John Wayne Gacy. LI  
Missouri. Emmitt Foster. LI  
Indiana. Tommie Smith. LI  
Florida. Pedro Medina. E  
Oklahoma. Scott Carpenter. LI  
South Carolina. Michael Elkins. LI  
Texas. Joseph Cannon. LI

## Action Plan

- Legislation- Assembly to create public awareness
- Demonstration
- Initiative- Petition for Referendum
- Minority Influence
- When all else fails write your Congressman

# Conclusion

Final Statements and questions