



## SUPREME COURT DECLARES JUVENILE DEATH PENALTY UNCONSTITUTIONAL

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*The Supreme Court on Tuesday outlawed the juvenile death penalty, the practice of executing those who commit murders below the age of 18, ending the debate about its constitutionality.*

In a move applauded by many civil rights, religious and legal organizations, the Supreme Court on Tuesday abolished the death penalty for juvenile offenders, criminals accused of committing crimes when they were under the age of 18.

The decision split the court, with just over half of the justices voting in favor of making the practice unconstitutional.

"The age of 18 is the point where society draws the line for many purposes between childhood and adulthood. It is, we conclude, the age at which the line for death eligibility ought to rest," wrote Justice Anthony Kennedy, who voted along with Justices David Souter, Ruth Bader Ginsburg, Stephen Breyer and John Paul Stevens in favor of the ban.

Chief Justice William Renquist and Justices Sandra Day O'Connor, Antonin Scalia and Clarence Thomas opposed the vote.

### **What does the decision mean?**

By abolishing the juvenile death penalty, the justices overturned a 1989 Supreme Court decision that allowed the juvenile death penalty to remain legal for 16 to 18 year olds, saying it did not violate constitutional rules against cruel and unusual punishment.

Since that ruling, 22 juvenile offenders have been executed, 13 of them in the state of Texas. A majority of those executed were African Americans, leading civil rights organizations such as the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU) to question the practice's fairness.

"[W]e raise the particular concern, that conscious and unconscious racism operates to punish adolescents of color more harshly, and that is yet another reason why the death penalty should not be used in these cases," Diann Rust-Tierney, director of the ACLU's Capital Punishment Project, said in a statement.

The states that currently allow executions for people under age 18 are Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, Utah, Texas and Virginia.

This decision throws out the sentences of 72 juvenile offenders currently on death row.

### **Arguing for and against the death penalty**

The question of whether capital punishment is a good deterrent when imposed on people who commit crimes as teenagers and whether the United States is behind the times in executing such offenders has been a critical social argument in recent years.

Because the United States is one of only three countries to maintain the practice of executing juvenile offenders -- Iran and the Democratic Republic of Congo are the others -- many people argue that the practice is cruel and archaic.

On the other hand, many argue that 16 and 17 year olds are capable of understanding the difference between right and wrong and are capable of making a decision about whether to kill or not.

"Just as you have juveniles far brighter than their compatriots or more athletic than their compatriots or more anything, you also have some juveniles far more brutal than their compatriots who knowingly and willingly go out and commit brutal offenses," Robert Horan, commonwealth attorney for Fairfax County in Virginia, has said.

Leading up to its decision on Tuesday, the court considered all sides of the argument. Does the Eighth Amendment's rule against cruel and unusual punishment prevent the execution of juveniles? Do "evolving standards of decency," the fact that most states now bar the execution of juveniles, mean that the country as a whole is moving away from the juvenile death penalty and therefore the court should also bar it? And should the views of the international community have an impact on how the United States treats its juvenile criminals?

### **The dissenting opinion**

Justices opposed to the decision criticized the court for taking power away from the states and said the United States should not consider what others do in making laws.

"The court says in so many words that what our people's laws say about the issue does not, in the last analysis, matter. ... The court thus proclaims itself sole arbiter of our nation's moral standards," Justice Scalia wrote in his dissent, adding that he does not feel qualified to fill that role.

*--Compiled for NewsHour Extra by Kristina Nwazota*

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