



JUVENILE DEATH PENALTY AMONG CASES TO BE HEARD IN NEW SUPREME COURT TERM

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The Supreme Court begins its new session this week with a full rundown of controversial cases to consider, including teens and the death penalty, medical marijuana, and the use of drug sniffing dogs during traffic stops.

Is capital punishment a good deterrent or cruel and unusual punishment when imposed on people who commit crimes as teenagers? Is the United States -- one of only a few countries that allows teens to face the death penalty -- behind the times or a leader in crime prevention?

These, and many other legal questions, will be answered by the Supreme Court in its 2004/2005 session scheduled to begin on Monday.

"This is already shaping up to be a very important year for criminal law," said Supreme Court reporter Jan Crawford Greenburg. The juvenile death penalty issue, she noted, is an "enormously controversial issue that comes on the heels of their ruling two years ago that the government could not execute mentally retarded criminals."

Roper v. Simmons

In considering the juvenile death penalty, the Supreme Court will revisit its own 1988 ruling that executing anyone under the age of 16 was unconstitutional. That ruling did not extend to older juveniles between the ages of 16 and 18.

In 1986, 17-year-old Christopher Simmons was accused of raping and killing a woman in Missouri. A lower court in the state convicted Simmons and sentenced him to death. In 2003, the Missouri Supreme Court overturned Simmons' sentence, ruling that the execution of 16- and 17-year-old murderers was unconstitutional.

Now the court must decide whether to treat these juveniles like those 15 and younger or should they face the same punishment as adults.

Factors affecting the court's decision

As part of the review, the Supreme Court justices will focus on several key questions: Does the 8th Amendment of the Constitution that bars "cruel and unusual" punishment prevent the execution of juveniles? Does 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? If so, would the practice qualify as "unusual" and therefore compel the High Court to outlaw it?

Another factor the judges might consider is whether the views of the international community should have an impact on the United States? According to the human rights group Amnesty International, since 2000 the only countries, besides the United States, to execute juvenile offenders were Iran, Pakistan, China and the Democratic Republic of Congo. China and Pakistan have since abolished the juvenile death penalty.

Four members of the Court, Justices Souter, Ginsburg, Breyer and Stevens are expected to favor outlawing the death penalty for juveniles-- Stevens having once called it a "shameful practice." Justices Scalia, Thomas and Rehnquist have ruled in the past that the death penalty serves as deterrent in preventing criminal acts.

The outcome is expected to hinge on two judges: Justices O'Connor and Kennedy, whose centrist views on many issues will play a key role in many of this year's decisions.

The Court is set to hear arguments in the case on Oct. 13.

Other cases on the docket

Also as part of the 2004/2005 session, which runs from Oct. 4 to June 16, 2005, the Supreme Court will hear cases involving federal sentencing guidelines, specifically whether a judge has the right to impose a stiffer sentence on a criminal over a jury's recommended sentence; the use of drug-sniffing dogs during routine traffic stops; and the right of Congress to pass a law restricting the use of marijuana for medical purposes.

The nine justices have been together now for more than ten years -- making this the longest running court since the early 19th century.

--Compiled for NewsHour Extra by Kristina Nwazota

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