

# United states vs. bass argumentative essays example

[Law](#), [Evidence](#)



## **Facts**

In this case, the defendant, who is black, was charged with intentional firearm killing of individuals. The prosecution filed a death penalty notice, however the defendant moved to suppress that notice, alleging that he became a victim of a selective prosecution on the grounds of his race. In his defense, the defendant presented the nationwide statistics which clearly shows that the United States charges African Americans with capital crimes twice as often as it charges white people, and that the United States is more willing to enter into plea bargain with whites than with blacks. The defendant also filed a request for the discovery of certain information pertaining to the prosecution`s capital charges procedures. The District Court of Michigan accepted defendant`s motion for discovery of such information. The prosecution refused to comply with the court`s discovery order and so the court moved to dismiss the death penalty notice. The United States appealed to the Sixth Circuit Court of Appeals which affirmed the prior decision of the district court. The United States filed a petition to the Supreme Court for a writ of certiorari which was granted. The issue in the following case is whether the defendant, by the presentation of the statistics, met the standard evidence requirement for the deposition of information in a selective prosecution case.

## **Court`s ruling**

In its holding, the Court primarily referred to its ruling in *United States vs. Armstrong*. In that case the Court stated that in a case of selective prosecution the defendant must present certain evidence that proves the

discriminatory effect and intent of the Government. The defendant must present a proof, that individuals who were placed in a similar situation could have been prosecuted but were not. Basing on this principle, the Court ruled that the statistics that was presented by the defendant in United States vs. Bass did not meet the United States vs. Armstrong standard of credible evidence, sufficient enough to justify the discovery. The Court argued that the statistics did not include the information about the individuals who could have been prosecuted but were not.

## **Analysis**

Despite the fact that the Court`s decision did not cause any contradictions or objections within the Court itself, it raises important issues on the question of legal effect and propriety of the ruling.

In Bass and Armstrong the faultiness of the Court`s decision is clear. In those cases the Court established a seemingly fair rule for a selective prosecution cases: if the defendant is willing to proceed with the discovery of information which proves the discriminatory effect and intent of prosecution, he must present credible evidence of that effect by indicating that certain individuals, who were placed in the similar situation, as a result were not prosecuted. Considering the relatively low amount of successful selective prosecution cases that the defendants could use in the upholding of their defense, the respondents had to use auxiliary sources to support their claim, like statistics. Naturally, the Court barred such evidence as being vague, indirect and not sufficient to justify the discovery. By establishing of the abovementioned rule the Court practically eliminated the possibility to prove

the discriminatory effect and/or intent of the prosecution in the selective prosecution cases. The problem is that the only valid information that can potentially be regarded as admissible evidence needed to justify the discovery, in most cases, is placed in the hands of the prosecution. Thus, the Court created basically a “vicious circle” - the information needed to justify the discovery is initially prohibited from the public display and therefore, cannot be freely accessed. This excludes the possibility of obtaining necessary evidence proving that there were individuals who could have been prosecuted but were not, as well as it makes further defense of the respondent's claim on selective prosecution virtually impossible.

However, we see a clear contradiction of that important principle with the problem of evidence standard in selective prosecution cases. The Court has placed a higher value on the importance of keeping of prosecution's discretion than on the providing of a free possibility to establish a defense in selective prosecution cases, especially if it involves a death-penalty sanction.

The rule, established by the Court could be relevant in Armstrong considering the fact that the defendant was charged with a non-capital offense. But in Bass the gravity of the possible sentence should have convinced the Court to reconsider the Armstrong evidence standard. The defendant charged with capital offense must be given any opportunity to establish his/her innocence, even if it violates the fundamental principle of the prosecution's discretion in the enforcing of the laws.

## **Works Cited**

- United States vs. Bass, 536 U. S. 862, No. 01-1471, Supreme Court of the United States.
- United States vs. Armstrong, 517 U. S. 456, No. 95-157, Supreme Court of the United States.