

Impact of the furman v. georgia case



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Whether people believe it or not, the consequences and outcomes of our actions are predicated on the time period and or people involved. With such a dynamic world, the eras we find ourselves in will heavily determine how people react to stimuli - the same can be said with the Supreme Court.

What may be considered right now may be completely outlawed a few years down the line. Whether it is fate or not that causes a specific case to be brought before the courts, it cannot be denied that the overall decision is made by the judges own beliefs - fitted by that era. To focus on a specific case, the Furman v. Georgia case was held in 1971, an era where peace was blossoming rapidly. While American soldiers were dying in Vietnam, citizens were fighting for their return home and promoting goodwill. Perhaps this played a role as to why the question of the death penalty was brought into existence in the first place. While this is merely speculation, it does not subtract from the fact that the 1970's were much different from now.

Perhaps the case would have had a completely different verdict if it was held now. It is very important that we evaluate all aspects of a case including the time and people surrounding it along with the outcome projected for the future.

In a society that has evolved so much socially and economically, it can seem a little primitive to still have an execution system in place of such an advanced nation. That very question of 'does carrying out the death penalty violate the eighth and fourteenth amendments for being a cruel and unusual punishment?' was brought into existence on January 17, 1972. To begin, William Henry Furman was " burglarizing a private home when a family member discovered him. He attempted to flee, and in doing so tripped and

fell. The gun that he was carrying went off and killed a resident of the home” (Furman 1972). This case along with the cases of Jackson v. Georgia and Branch v. Texas were convicted in their states and sentenced to death after being granted certiorari. The per curiam opinion “ held that the imposition of the death penalty in these cases constituted cruel and unusual punishment and violated the Constitution” m (Furman 1972). It was a 5-4 decision. As an outcome, the death penalty was temporarily banned in all states until it was reintroduced in 1976.

As with all Supreme Court cases, Furman v. Georgia had a very specific constitutional issue that brought it into the existence. The question again being “ Does the imposition and carrying out the death penalty (in these cases) constitute “ cruel and unusual punishment” of the eighth and fourteenth amendment?” (Furman 2015). The eighth amendment being “ Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted’ (LII Staff 2017) and the fourteenth amendment being, “ No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law...” (LII Staff 2018) it is easy to see why this question was created. It is evident by the ruling that people felt this form of punishment was distasteful and violated human rights - at least for a little while. Another case that dealt with those 2 amendments included Atkins V. Virginia. Daryl Atkins committed murder, abduction, and armed robbery, but his mental state lead to the question, “ Is the execution of mentally retarded persons “ cruel and unusual punishment” prohibited by the Eighth Amendment?” (Atkins 2002). Just like

in Furman V. Georgia, this uncertainty of if the death penalty violates human rights because of its cruel nature or not is at a hand. Also like Furman's case, the ruling declared the punishment cruel and the mentally retarded can not be sentenced to death. However, this case took place in 2002, and while that is far off from 1972 it still has a very emotional time period strapped to it. While Furman's case took place during Vietnam, Atkins' case happened a year after 9/11 - meaning that it was another vulnerable time where Americans felt that they needed each other more than ever, and our enemies deserve the killing blow, not our own people. It is just another interesting instance on how the time period more than likely affected the outcome and creation of the case.

The voting was far from unanimous in this case as it was a 5-4 decision where " Mr. justice Douglas, Mr. justice Brennan, Mr. justice Stewart, Mr. justice White, and Mr. justice Marshall have filed separate opinions in support of the judgments while The Chief Justice, Mr. justice Blackmun, Mr. justice powell, and Mr. justice Rehnquist have filed separate dissenting opinions" (Furman 1972). With a 5-4 vote, it is obvious that the opinions on the issue are almost half and half. Douglas talked about how the death penalty goes against the fourteenth amendment as only minorities and the poor suffer from this punishment. Brennan felt that the death penalty violated his four prongs that described them as " unusually severe." There is a " strong likelihood that they are inflicted arbitrarily." " They are substantially rejected by society." Lastly, " there exist less severe methods" (case brief summary). Both White and Stewart felt the jury is not consistent with their court decisions and the death penalty is distributed in a bias manner. Marshall felt

the death penalty is unacceptable in all conditions. As for the dissenting opinions, Burger felt that the death penalty was not in violation of the eighth amendment. Blackmun talked about the “ sympathy for the victims and their right to justice” (Furman 2015). This is an honorable opinion as he feels those who commit horrific crimes should be punished in a fatal way -brining honor to the victims and their families. Powell explained how the court should evaluate each case to determine if the death penalty is just or not. He also talked about how the penal system, like the death penalty is disproportionate, yet the penal system is not invalid, so why should the death penalty be? Finally, Rehnquist stated that the death penalty serves as a good method to scare people into avoiding high crimes as it is more alarming than the sound of life imprisonment. These differing interpretations presented by the judges show just how controversial the death penalty is and that people will always question the constitutionality of it.

Furman v Georgia had a very profound impact in the United States, albeit a temporary one - the verdict led to the complete outlawing of capital punishment by 1972. The short term effects were that people could no longer be killed for their crimes, and the long term effects were that people would never look at the death penalty the same again. To explain further, people from this case on will always question the death penalty here on out, and may even bring it back to trial to decide if it needs to be outlawed again. For the average American, this case does not really affect them as it only applies to those willing to commit the highest of crimes. Even with the death penalty reinstated in the United States, it seems heavenly in comparison to other countries whose punishments are much more disturbing.

Overall, the Furman v. Georgia case was a very unique case in American history as it shortly disposed of a system that goes back to the origins of the country. For better or worse, it showed how some people felt it was an unjust system. Judging how most of the world has an execution system, it is most likely safe to say that it's important to have a system like this in place. An additional benefit of the death penalty is the overlooked aspect of it - the fear that may keep people in check. If someone is terrified to go on death row, then they might avoid the crime all together. Justice must exist in the country, and obviously the majority feel that way otherwise the death penalty would have never been reinstated after its abolition.

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