

Capital punishment california death penalty essay

[Law](#), [Capital Punishment](#)



Introduction

Imposition of the death penalty by the state has been practiced around the world for centuries; the first occasion in what is now the USA was in 1607. Since that time, capital punishment has been a tool of this country's system of criminal justice. The purpose of this paper is to firstly respond to the question of how two specific court cases impacted capital punishment in this country and in particular in California, and secondly, to review the evidence for and against the effectiveness (or otherwise) of the death penalty being a crime deterrent in the U. S.

Question 1: How did the cases of *Furman v. Georgia*, 408 U. S. 238 (1972) and *Gregg v. Georgia*, 428 U. S. 153 (1976) impact capital punishment both in the United States and in California? Describe and discuss.

According to an article entitled " *Furman v. Georgia*" (n. d.) 26 years old William Henry Furman was charged with the murder of William Joseph Micke, Jr., in August 1967 after Furman had broken into his home, then had shot him whilst running away. In the 1972 U. S. Supreme Court case, Furman's lawyers pleaded that the death penalty contravened the U. S. Constitution's Eighth Amendment which stipulates that government and therefore the states (according to the Fourteenth Amendment) may not impose " cruel and unusual punishments." The reasons Furman's lawyers claimed the death penalty imposed to be " cruel and unusual" were:

Juries were not (then) given guidance reference choosing the death penalty;

Studies showed that as a consequence juries adjudicating in similar cases sometimes chose the death penalty, other times prison;

Black, poor, uneducated, or mentally ill defendants were more likely to be sentenced to death than whites who were affluent, educated and mentally normal.

As a consequence, a majority of five of the nine judges reversed the imposition of the death penalty in Furman's case, although they did not agree on the precise reasons for that decision. The direct result was that many U. S. states rewrote their laws so that juries were given guidance to determine the appropriateness of the death penalty in individual murder cases.

The Gregg v. Georgia case followed some years later, and arose from a shooting near Atlanta in 1973, when Gregg shot, killed and robbed two men who had picked him up while he was hitchhiking. An article entitled " Gregg v. Georgia" (n. d.) states that Gregg was found guilty in the Georgia Supreme Court by the jury, on two counts of armed robbery and two counts of murder. The judge then instructed the jury that to impose the death penalty they had to determine " beyond reasonable doubt" that one of the following circumstances applied:

That the murders were committed whilst robbing the two victims;

The murders were committed for monetary gain and to acquire the car involved;

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That the murders were “ outrageously and wantonly vile, horrible and inhuman.”

Having found the first two applicable, the jury ruled for the death penalty on all four counts. That sentence was confirmed by the court. In addressing the claim by Gregg’s lawyers, that the death sentence was “ cruel and unusual”, the U. S. Supreme Court judges, after due consideration, including taking into account the Furman decision, ruled that in this instance (and considering the revised guidelines now in existence), the death sentence should be confirmed.

Thus the Furman decision caused the courts to take a fresh look at the imposition of the death penalty, in order to seek more consistency in its application in different cases. The Gregg case verdict confirmed that the death penalty could and would still be imposed when appropriate.

In California, according to Lovechilde (29 June 2012), following the Furman decision, California reinstated its death penalty. Then in 1976 when the U. S. Supreme Court cancelled mandatory death penalty laws, California found their own measure to be unconstitutional, and in 1977 passed a new state death penalty law, followed in 1978 by the “ Briggs Amendment” which permitted application of the death penalty for a much wider range of crimes, including “ unintentional” murders. The article claims that since Furman the cost to California has been \$4 billion and that the state still has a capital punishment system that the last two California Chief Justices – people who should know – have described as “ not effective” and “ dysfunctional.”

Question 2: What evidence is there (for or against) that capital punishment is either effective (or ineffective) in helping to deter crime in the U. S? Solidify your position with examples that lend support to your stance.

An article published by the National Journal and entitled “ Does the Death Penalty Deter Crime? Studies are Inconclusive” (April 2012), states that because we still don’t have enough information to prove that the death penalty deters crime, our policymakers should ignore any such claims. That verdict is said to be from the National Academy of Sciences, which advises the government on important issues. The article claims that many studies have been made, but that the results overall are inconclusive and even contradictory. One reason why the death penalty may not be a deterrent is that only 15 percent of people sentenced to death since 1976 have actually been executed. That does suggest the deterrent has been weakened as a consequence.

Works Cited:

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