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## Notes and summary on the Death Penalty's audio lecture

Since ancient times to the colonial era, society has reserved for its most severe crimes its most severe penalty – the penalty of death.

1. It was a simple act, usually carried out by stoning
2. Executions were public to fulfill a deterrent effect; death executions were a public event
3. As society developed, hangings or decapitations became more common as principle form of death sentence

The 20<sup>th</sup> Century, the death penalty was used less often; most of the European countries no longer use a death penalty. In the United States though, the death penalty is still used. Methods to execute criminals were changing. The common forms of execution in the latter part of the 20<sup>th</sup> Century were electric chair, gas chamber, firing squad, hanging, and lethal injection.

Today in America there is only one capital crime – first degree or capital murder.

Inmates who are sentenced to death are housed in the part of prison called “death row” where the prisoner is held under careful guard.

### **The Eighth Amendment and the Death Penalty**

The Eighth Amendment reads: *“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”* Cruel and excessive punishment may be defined:

1. If the punishment inflicts unnecessary or wanton pain.
2. If the punishment is unacceptable in society
3. If the punishment is excessively or grossly disproportionate to the offense

Opposition to the death penalty began following World War II. Grounds of opposition:

1. Arbitrary punishment
2. Racially discriminatory
3. Cruel and unusual punishment

The U.S. Supreme Court ruled in *Furman v. Georgia* (1972) that the death penalty was cruel and unusual punishment, but did not say the death penalty was inappropriate to a civilized society. It said only that the death penalty as it was then being used was arbitrary, unfair, discriminatory, and capricious. The Supreme Court attacked the manner rather than the penalty itself. The result was that the states immediately

rewrote their death penalty laws to try to come up with statutes that would withstand Supreme Court scrutiny. In *Gregg v. Georgia* (1976), the Supreme Court allowed Georgia's death penalty statutes to stand, in effect defining a legal process to impose the death penalty that other states could follow as well. In order to impose a death sentence, the *Gregg* case established the following legal procedures:

1. A narrow definition of the crime
2. Bifurcated trial
3. Review of aggravating circumstances and mitigating circumstances
4. Automatic appeal and appellate review of the issue of proportionality

Death penalty controversy continues. Proponents believe it is a deterrent and deserved; Opponents say the death penalty is inhumane and believe **Life Certain** or **No Parole** is more effective and less costly.



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