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### CONSTITUTIONAL & STATUTORY PROVISION RELATED TO DEATH PENALTY IN USA

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#### Abstract

This paper explores the complex legal landscape surrounding the death penalty in the United States, focusing on statutory laws, procedural justice, and constitutional considerations. It examines the specific crimes designated for capital punishment, such as aggravated murder and treason, and scrutinizes landmark Supreme Court decisions that have significantly influenced the administration of the death penalty. These decisions address the exclusion of certain groups, like the legally insane and juveniles, from capital punishment, reflecting a shift towards more humane legal standards. The paper also discusses the procedural aspects of capital cases, highlighting the importance of fairness, due process, and the avoidance of racial bias in jury decisions. Through an analysis of case law and constitutional principles, the study sheds light on the ongoing challenges and debates surrounding capital punishment in the U.S., advocating for a justice system that balances retribution with fundamental human rights and procedural fairness.

#### Keywords

*Capital Punishment, Supreme Court Decisions, Statutory Laws, Procedural Justice, Evolving Standards of Decency*

## Introduction

"The Substantial Laws" delves into the intricate framework of statutory and procedural laws governing the death penalty in the United States of America. Enacted by state legislatures, Congress, and applicable within the military, these laws define crimes warranting capital punishment, including aggravated murder, treason, espionage, and major drug trafficking. This examination explores the legal boundaries and ethical considerations of imposing death sentences, highlighting landmark Supreme Court decisions that have shaped the application of capital punishment. Key rulings, such as *Ford v. Wainwright* and *Atkins v. Virginia*, underscore the exclusion of the legally insane and mentally incapacitated from death row, reflecting evolving standards of decency under the Eighth Amendment. Additionally, the narrative scrutinizes procedural dynamics, illustrating how historical cases like *Powell v. Alabama* have questioned the fairness and constitutionality of death penalty proceedings. Through critical analysis of case law and constitutional mandates, "The Substantial Laws" navigates the complexities of capital punishment, challenging the justice system to uphold fairness and due process while grappling with the moral implications of the ultimate penalty.

## The Substantial Laws:

The statutes that are enacted by the state legislatures and the Congress of the United States of America that designate particular actions as being unlawful and for which a penalty is determined, such as the death penalty or any other kind of punishment. Within the United States of America, there are three sorts of governments that have the authority to impose the death sentence. These are the fifty states, the federal government, and the United States military.<sup>1</sup>

It is the Statutory Law that determines the offences that are subject to state punishment. The majority of states, the federal government, and the United States Military all have essentially identical offences that are punished by the death sentence. The following is a short list of the crimes that are punished by the death penalty.

Murder with Aggravated Intent, which involves both murder and felony<sup>2</sup> or the commission of any other type of murder during the commission of a crime, including but not limited to the murder of a child, the murder of a police officer who is on duty, or the murder of a rape victim.

There are a few other offences that are considered to be committed against the state, such as treason, espionage, and the illicit distribution of drugs on a big scale, and these offences are punished with the death penalty.

Multiple case laws have been reviewed in order to determine who is qualified to get the death penalty, and a list can finally be compiled as a result of this discussion. In the landmark case of *Ford v.*

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<sup>1</sup> Robinson Mathew B *Death Nation: The Experts explain American Capital Punishment* Edu. 2007. p.52.

<sup>2</sup> *Ford v. Wainwright*, 477 U.S. 399 (1986)

Wainwrights, the Supreme Court of the United States ruled that a person who is legally insane cannot be sentenced to death. Even if a person with mental disease is still executed in the United States, a legally mad person is not the same thing as a mentally ill person.

This discussion will focus on the age at which the death penalty should be rendered. Different decisions were handed down by the Supreme Court of the United States of America in the case of *Thompson v. Oklahoma* in 1988. In that case, the Supreme Court decided that the age at which a person can be sentenced to death is just sixteen years old. After some time, this judgement was reversed. In the case of *Stanford v. Kentucky*, which took place in 1989, it was determined that the age of execution for individuals who committed the offences at the age of 17 was constitutional.

Finally in 2004 in *Cooper v. Simon*<sup>3</sup> in order to ensure that the death penalty that has been awarded can be carried out and cannot be deemed unconstitutional in accordance with the constitution of the United States of America, the honourable Supreme Court made the decision that the accused should be at least 18 years old at the time that the offence was committed. The establishment of norms of decency that were inherent in the Eighth Amendment of the Constitution of the United States served as the basis for this ruling.

In the case of *Atkins v. Virginia*, which took place in 2002, the issue of whether or not mentally retarded individuals should be executed was finally resolved on the basis of the standard of decency that was developed in the eighth amendment to the Constitution. As a result, even crimes committed by mentally retarded individuals who meet the required legal standards of a certain IQ are not permitted to be executed. *Roberts v. Louisiana*, which took place in 1977, and *Sunner v. Shuman*, which took place in 1987, were two of the most important decisions that led to the rejection of the mandatory death penalty.

### **The procedural laws:**

The procedure that was used by the Supreme Court of the United States previous to 1968, which was effectively followed in the case of *Powell v. Alabama*<sup>4</sup> was said to be against the constitutional values of American constitution, in addition, it was stated that none of the accused were provided with any kind of defence attorney, nor were they granted any rights to effective assistance, which was a necessity that was fundamental to the 14th amendment to the Constitution.

There have been numerous cases in the history of the United States Supreme Court that raise questions about the belief of the jury to be opposed to the death penalty. Collectively, it has been accepted that the due process needs to be accepted without taking into consideration the personal views of the judges. There are many precedents already in place where the punishment was for lesser crimes when the evidence supported the same rather than awarding life imprisonment or the death penalty. The sentencing

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<sup>3</sup> No. 03-633 (2004)

<sup>4</sup> 287 U.S. 45 (1932)

had been a very interesting issue in the process of justice delivery, and there are many precedents already in place. Maintaining fairness throughout the process of carrying out the death penalty has been the most important necessity, and the accused should be given every opportunity to demonstrate their innocence. The jurors were not allowed to take into consideration any aspect of race in any way. During the time that the Supreme Court has been dealing with the issue of the death penalty, there have been a considerable lot of contradictions seen between the private papers and the inside reports of the justices. There are significant differences in the procedure that the Supreme Court has chosen to follow, whether it be the preliminary opinion or the final ruling. These inconsistencies are obvious across the entire timeline, which is the most shocking aspect of the situation.

### **The Case Laws:**

There have been four distinct cases that have been the most imminent in the history of the United States Supreme Court, and these cases have decided the conflicting choices that the Supreme Court has made. *Furman v. Georgia* (1972), *Gregg v. Georgia* (1976), and *Woodson v. North Carolina* are the four cases that fall under in this category (1976). The case of *McCleskey versus Kamp* (1987). Using three different sorts of consistency, the decision was reached in these four circumstances.<sup>5</sup>

1. In most cases, the decisions that were handed down by the honourable court were in direct opposition to the decisions that had been handed down by the same courts in earlier cases.
2. The written opinion of instances that were determined previously is in contradiction.
3. Making judgments that appear to be in violation of the rule of law and the president's authority. In the following chapter, we will go over the specifics of the situations that were presented earlier.

### **The Constitutional Law:**

There is a sense of ambiguity in the constitution of the United States of America. The job of the justice has been extremely challenging since it requires them to interpret the constitution in a literal sense while also drawing logical conclusions in order to enforce the principle of "stare decisis" when they are rendering a verdict. Several adjustments have been made in order to ensure that the procedure of applying the death penalty in accordance with the Constitution is fair and just for everyone. A jury trial was mandated by the fifth amendment of the Constitution, which also made it illegal to take a person's life without first ensuring that they have been afforded due process of law. In addition, the fourteenth amendment was ratified in order to provide support for the principles of the eighth amendment. This was accomplished by upholding the restriction against the state depriving a person of their life without first providing due process of law.

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<sup>5</sup> Robinson Mathew B *Death Nation: The Experts explain American Capital Punishment* Edu. 2007

Both the eighth amendment act, which prohibits cruel and unusual punishments, and the fourteenth amendment, which determines the outcome of constitutional appeals against the death penalty, are critical components of the United States Constitution. Both of these amendments are the foundation of the United States Constitution.

### **Conclusion**

The discourse on capital punishment within the United States reveals a deeply complex and evolving legal and ethical landscape. As this analysis has shown, the statutory laws that delineate the crimes eligible for the death penalty, such as aggravated murder and espionage, underscore a societal attempt to balance the scales of justice for heinous offenses. However, the journey through landmark Supreme Court decisions paints a picture of a nation in constant struggle with the moral implications and fairness of capital punishment.

The significant rulings from *Ford v. Wainwright* to *Atkins v. Virginia* and beyond reflect a judicial recognition of evolving standards of decency, prohibiting the execution of the legally insane and significantly mentally impaired. These decisions highlight a growing awareness and sensitivity towards the humane treatment of individuals within the justice system, acknowledging the inherent dignity of all persons, regardless of their crimes.

Procedural laws and the Supreme Court's oversight have further emphasized the necessity for fairness, due process, and the elimination of bias in the administration of the death penalty. The insistence on adequate legal representation, as seen in *Powell v. Alabama*, and the prohibition of racial considerations in jury decisions, underscore a commitment to justice that transcends the individual case to touch upon the broader values of the American legal system.

Yet, as this analysis has shown, contradictions and challenges remain. The fluctuating interpretations of the Constitution and the sometimes-contradictory decisions of the Supreme Court reveal the inherent difficulties in applying a punishment as irreversible and final as death. The ongoing debates around capital punishment reflect broader societal questions about retribution, deterrence, and the possibility of redemption.

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