

Writing Prompt: The Death Penalty and Juveniles

In March 2005, the United States Supreme Court ruled in a 5-4 decision that the death penalty for those who committed crimes while juveniles (less than 18 years of age) was cruel and unusual punishment and hence barred by the Constitution. The majority argued that a national consensus had emerged in opposition to the execution of juveniles. However, dissenting Justices pointed out that because 20 states authorized the death penalty for juveniles at the time of the ruling, it was clear that no such consensus has emerged. "The rule decreed by the court rests, ultimately, on its independent moral judgment that death is a disproportionately severe punishment for any 17-year-old offender. I do not subscribe to this judgment. Adolescents as a class are undoubtedly less mature, and therefore less culpable for their misconduct, than adults," she says. "But the court has adduced no evidence impeaching the seemingly reasonable conclusion reached by many state legislatures: that at least some 17-year-old murderers are sufficiently mature to deserve the death penalty."

-Source: Justice O'Connor, dissenting opinion in Roper v. Simmons

"When a juvenile offender commits a heinous crime, the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

-Source: Justice Kennedy, majority opinion in Roper v. Simmons

Those who **favor** the death penalty for juveniles make the following arguments:

State legislatures should determine whether or not juveniles should be executed for capital crimes, not the courts.

Juries should determine the culpability of juveniles on a case-by-case basis, on the nature of the crime and the maturity level of the individual juvenile.

In a society, which is experiencing an increase in violence by juveniles, banning the death penalty would remove a much-needed deterrent.

What other countries do concerning executing juveniles should not be relevant to the court's consideration of what the United States Constitution demands

Those who **oppose** the death penalty for juveniles make the following arguments:

Executing children is uncivilized and immoral

Juveniles are underdeveloped and immature, particularly in areas of the brain that dictate reason, impulse control, and decision-making

A high percentage of violent juveniles from mental abuse, physical abuse, sexual abuse, drug addiction, abandonment and severe poverty

The execution of juveniles is expressly forbidden in the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and the United Nations Convention on the Rights of the Child

With the exception of Somalia, the United States is the only country in the world that still executes juveniles

Write a speech you might give before the US Supreme Court in which you explain whether or not you believe subjecting juveniles to the death penalty is "cruel and unusual punishment." You may use the following information, your own experiences, observations, and/or readings.

As you write your speech, remember to:

Consider the purpose, audience, and context of your speech

Organize your speech so that your ideas progress logically

Include relevant details that clearly develop your speech

Edit your speech for standard grammar and language usage