



Death Penalty Information Center

## Death Penalty Limitations Questions

Since the 1970s, there have been several limitations on capital punishment in the U.S. These limitations include mental illness, mental retardation, juvenile executions, adult rape, child rape, and DNA testing.

After reading the DPIC article entitled “Limiting the Death Penalty,” answer the following questions on a separate sheet of paper:

- 1) What is the difference between someone who is mentally ill and someone who is mentally retarded? Do you believe they should be held to the same standard as everyone else? Explain.
- 2) In terms of mental retardation and juveniles, the Supreme Court reversed earlier decision that they had made regarding the death penalty of these individuals. Why did the Court change its mind and reverse its earlier decisions?
- 3) William Schulz of Amnesty International says that executing juveniles and non-homicide rapists of children are human rights violations. Do you agree or disagree? Explain in detail.
- 4) What is the similarity amongst choosing not to execute the mentally ill, the mentally retarded, and juveniles? Explain.
- 5) The last time someone was executed in the US for something other than murder was in 1964, when it was handed out to two different men for crimes of rape and robbery. Do you consider the death penalty for rape to be a “grossly disproportionate” and “excessive punishment”? Explain.
- 6) If on the US Supreme Court, how would you rule in terms of the death penalty in respect to the following issues: mental illness, mental retardation, juvenile executions, adult rape, and child rape? Explain each in detail.

7) With over 130 people having been exonerated and released from death row because of innocence since 1973, mainly as a result of DNA testing, how would you remedy this? Explain your plan in detail.

8) If you had the opportunity, would you add any additional limitations or remove any of the current limitations that we have talked about so far? Explain what you would do, or why you would keep the status quo?

Matching: Match the US Supreme Court case below with its significance on the right.

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| 1. _____ <i>McCleskey v. Kemp</i>    | A. outlawed the death penalty for child rape  |
| 2. _____ <i>Ford v. Wainwright</i>   | B. outlawed the death penalty for juveniles   |
| 3. _____ <i>Atkins v. Virginia</i>   | C. racial disparities would not be recognized as a constitutional violation   |
| 4. _____ <i>Roper v. Simmons</i>     | D. outlaws the death penalty for the mentally ill   |
| 5. _____ <i>Kennedy v. Louisiana</i> | E. outlaws the death penalty for the mentally retarded  |
| 6. _____ <i>Herrera v. Collins</i>   | F. dealt with alleged innocence, saying the Court could never permit the execution of an innocent person, but new evidence is no reason for federal courts to order a new trial |