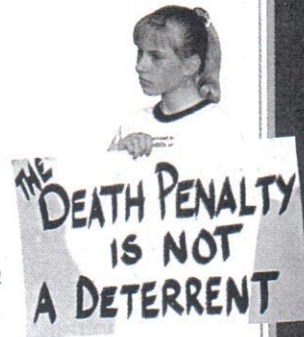


Thompson v. Oklahoma, 1988

Nearly every state treats people under the age of 16 as minors. Minors, for in-

stance, cannot drive or get married without their parents' consent, nor can they vote or serve on a jury. Can a person convicted of committing murder when he was 15 years old be given the death penalty? The Court answered this question in the case of Thompson v. Oklahoma.



Protesting the death penalty

Background of the Case

In January 1983, 15-year-old William Wayne Thompson, along with three older persons, actively participated in the brutal murder of his former brother-in-law. Because Thompson was a "child" under Oklahoma law, the district attorney filed a petition requesting that Thompson be tried as an adult. Each of the four was found guilty and sentenced to death. Thompson's sentence was appealed on the grounds that his execution would violate the Eighth Amendment's ban on "cruel and unusual punishments" because he was only 15 years old at the time of his offense. An appeals court upheld the conviction and sentence.

The Constitutional Issue

Because the Constitution provides no clear guidance as to the meaning of "cruel and unusual punishments" for minors, the Court would interpret

the meaning of the Constitution in terms of whether it thought American society would consider such punishment acceptable to standards of common decency. Would modern society approve of the death penalty for a minor who committed murder?

The Court found that 14 states did not authorize capital punishment at all, and 19 others that approved the death penalty, including Oklahoma, set no minimum age. However, there were 18 states that had set a minimum age of 16 in death penalty cases. Further, the American Bar Association had formally expressed its opposition to the death penalty for minors.

The Court also considered the verdicts of juries in relevant cases. The justices found that about 18 to 20 people under the age of 16 had been executed in the United States up to 1948, but that no such executions had taken place since that time. In a recent period, from 1982 to 1986, 1,393 persons had been sentenced to death, but only 5 were younger than 16 at the time of their offense.

Debating the Case

Questions to Consider

1. Does the evidence suggest that Americans accept the death penalty for minors?
2. Are the differences between minors and older persons significant enough to justify holding minors to a different legal standard than adults?
3. Does the constitutional ban on "cruel and unusual punishments" prohibit the death penalty for people under age 16 at the time of their crime?

You Be the Judge

The question confronting the Court was "whether the youth of the defendant . . . is a sufficient reason for denying the State the power to sentence him to death." Did the evidence from existing state laws, the behavior of juries toward minors, and the very nature of childhood provide sufficient reason to sentence people to death for crimes they committed as minors?