

High court takes on juvenile executions

World opinion is a factor; ruling to affect Arizona, 18 other states

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WASHINGTON - The U.S. Supreme Court on Wednesday struggled to assess the morality and propriety of states' executing murderers who killed at age 16 or 17 - the ultimate punishment carried out in few places outside the United States.

The court has outlawed executions for those 15 and under when they committed their crimes. Still, 19 states, including Arizona, allow the death penalty for older teenage killers.

Justices debated whether such killers are children who cannot grasp the consequences of their actions and should be kept from death row or criminals whose executions would ensure justice for victims and deter other youths.

The justices seemed sharply aware of the world audience as they discussed whether the executions are cruel and unusual punishment in violation of the Constitution.

They heard arguments in a Missouri case involving Christopher Simmons, who at 17 kidnapped a neighbor and threw her off a bridge.

Juvenile offenders have been put to death in recent years in just a few other countries, including Iran, Pakistan, China and Saudi Arabia.

All those countries have gone on record as opposing capital punishment for minors.

"We are literally alone in the world," said Seth Waxman, Simmons' lawyer.

U.S. leadership a factor

Justices repeatedly referred to arguments filed on behalf of Simmons by foreign leaders, Nobel Peace Prize winners and former U.S. diplomats.

Justice Anthony M. Kennedy, a moderate expected to be a key swing vote, said with world opinion against the punishment, "Does that have a bearing on what's unusual?"

James Layton, representing the state of Missouri, said the court's judgment about unconstitutional punishment in America "should not be based on what happens in the rest of the world."

"Is there some special reason why what happens abroad would not be relevant here?" Justice Stephen Breyer asked.

Justice Ruth Bader Ginsburg, quoting from the Declaration of Independence, said for the United States to lead, it must "show a decent respect for the opinions of mankind."

Simmons was convicted of the 1993 murder of Shirley Crook. Prosecutors say he planned the burglary and killing. The victim, wearing only underwear and cowboy boots, was hog-tied and thrown off a bridge.

Simmons was sentenced to die, but Missouri's highest court overturned the sentence last year.

Justice Antonin Scalia, a death-penalty supporter, said the court could be asked to declare juveniles too immature to face punishment of any kind.

"Why pick on the death penalty? Why not say they're immune from any criminal penalty?" he asked. "I don't see where there's a logical line."

Camped out at the court

The case has drawn intense interest. People carrying sleeping bags arrived at the Supreme Court before midnight in hopes of getting a seat for the argument.

It featured a lively debate that touched on gang violence, global influence on America and scientific evidence about the development of the teenage brain.

The Supreme Court increasingly has looked at international opinion. The four most liberal members - Ginsburg, Breyer, and Justices John Paul Stevens and David H. Souter - have taken a stand against the death penalty for minors, saying it is "a relic of the past and inconsistent with evolving standards of decency in a civilized society."

Justice Sandra Day O'Connor, also an important swing vote, spoke only once during the arguments.

She pointed out that the statistics about the use of executions for juveniles showed the same consensus as existed two years ago against executing the mentally retarded.

About 20 states allowed executions of retarded people when the court voted 6-3 to outlaw them. Kennedy and O'Connor supported the 2002 decision.