

US Constitution and the States

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When a state law conflicts with federal law, the Constitution's Supremacy Clause dictates that federal law prevails. In the context of the Eighth Amendment's prohibition against cruel and unusual punishments, this principle is crucial, particularly in cases involving the death penalty and defendants with intellectual disabilities.

Buddy Bluebook's Case

In *Atkins v. Virginia*, 536 U.S. 304 (2002), the Supreme Court ruled that executing individuals with intellectual disabilities constitutes cruel and unusual punishment, violating the Eighth Amendment (*Atkins v. Virginia*, n.d.). The landmark decision necessitates a framework to assess intellectual disability accurately. The criteria often include IQ tests, with a typical threshold of an IQ below 70-75 indicating disability, alongside assessments of adaptive behaviors and skills, which must reflect significant limitations in conceptual, social, and practical domains (Fletcher & Miciak, 2024).

In Buddy's case, his IQ score of 76 hovers near the standard threshold, complicating his status. However, adaptive behavior assessments and evidence of his lifelong intellectual and developmental challenges, such as his history of abuse and educational background, are crucial. The state law's criteria, focusing solely on an IQ score above 75, overlook the broader spectrum of intellectual functioning and adaptive behavior. The narrow focus could be challenged as inconsistent with *Atkins*, which emphasizes a more comprehensive evaluation of intellectual disability.

Major theories from psychology and sociology that inform assessments of intellectual disability include understanding the multifaceted nature of intelligence and adaptive functioning. These disciplines advocate for comprehensive evaluations that consider environmental, genetic, and social factors impacting cognitive and adaptive skills. In legal

contexts, these insights support arguments against the execution of individuals like Buddy, whose intellectual capacity and life history suggest significant impairments.

State Laws and the Eighth Amendment

Regarding the death penalty, many states, including my hypothetical home California, have abolished or imposed moratoriums on capital punishment. California, for instance, has not conducted an execution since 2006, and as of 2019, the governor imposed a moratorium on executions (Haberman, 2022). The stance reflects a growing discomfort among residents with the death penalty, consistent with national trends showing declining support for capital punishment, mainly when alternatives such as life without parole are available.

Comparatively, the Eighth Amendment's broad prohibition against cruel and unusual punishments aligns with these state-level shifts away from the death penalty, reflecting evolving standards of decency and a greater emphasis on human rights within the criminal justice system.

Proposed Changes to the Eighth Amendment

To clarify what constitutes "cruel and unusual" punishments and ensure consistent application across states, particularly regarding the death penalty, I propose the following amendment to the Eighth Amendment:

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, including the death penalty, which shall not be applied in any circumstances. The prohibition extends to any form of corporal punishment or penal measures that involve physical harm or undue psychological suffering."

Rationale for the Amendment

The amendment aims to eliminate ambiguity about the application of the death penalty by categorically prohibiting it, thereby aligning with contemporary human rights standards and the increasing recognition of the death penalty's moral and practical flaws. The

specific language was chosen to clearly articulate the scope of prohibited punishments, reflecting significant debates about the morality, efficacy, and fairness of the death penalty. The inclusion of psychological suffering addresses modern understandings of cruelty that extend beyond physical pain.

Significance of the Proposed Change

The proposed amendment would significantly impact criminal justice, ensuring that the evolving standards of decency are constitutionally recognized. It addresses ethical concerns about the death penalty, including its disproportionate impact on marginalized groups and those with mental and intellectual disabilities, like Buddy. By definitively removing the death penalty from American legal practice, it would align U.S. law with international human rights trends and strengthen the protection of human dignity within the justice system.

In conclusion, Buddy's case underlines the critical need for comprehensive and humane approaches to justice that respect constitutional protections and reflect modern understandings of intellectual disability and human rights. The proposed amendment to the Eighth Amendment would enshrine these principles, ensuring that the U.S. legal system adheres to the highest standards of fairness and compassion.

References

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