

**The Death Penalty: Constitutional Issues, Commentaries, and Case Briefs, 3<sup>rd</sup> ed.**

**Chapter 2: The Foundation Cases: *Furman v. Georgia* and *Gregg v. Georgia***

**Multiple-Choice Questions**

1. What case(s) hold the most significance pertaining to death penalty?
  - \*a. *Furman v. Georgia* and *Gregg v. Georgia*
  - b. *Furman v. Georgia*
  - c. *Jackson v. Georgia* and *Gregg v. Georgia*
  - d. Both c and d
  
2. The *Furman v. Georgia* case was decided on a five-to-four vote, which highlighted nine different opinions. The votes were:
  - a. Five for the dissent and four for the majority
  - b. Four for the majority and five for the dissent
  - \*c. Five for the majority and four for the dissent
  - d. None of the above.
  
3. According to the text, there were two other major cases, besides *Furman v. Georgia*, that dealt with the death penalty. In all three cases, the defendants were poor, powerless, and black. Which cases were they?
  - a. *Branch v. Texas* and *Estelle v. Getty*
  - b. *Jackson v. Georgia* and *Johnson v. Texas*
  - \*c. *Branch v. Texas* and *Jackson v. Georgia*
  - d. None of the above
  
4. What Amendment(s) called to question the constitutionality of death penalty?
  - a. None
  - \*b. The 8<sup>th</sup> and 14<sup>th</sup> Amendments
  - c. The 5<sup>th</sup> Amendment
  - d. The 13<sup>th</sup> Amendment
  
5. According to Justice Marshall in *Furman v. Georgia*, what are the purposes that are conceivably served by the death penalty?
  - a. Deterrence, retribution, and economy only
  - b. Deterrence and retribution only
  - \*c. Retribution, deterrence, prevention of repetitive criminal acts, encouragement of guilty pleas and confessions, eugenics, and economy
  - d. None of the above
  
6. Who was the Justice that opined that, absent any proof that the death penalty is prohibited by the Constitution or is cruel and unusual, respect must be given by the Court to the judgment made by state legislatures to impose death as the ultimate punishment?

- a. Justice Blackman
- b. Justice Marshall
- \*c. Justice Burger
- d. Justice Stewart

7. What does the Equal Protection Clause stand for in the U.S Constitution?

- a. The Equal Protection Clause of the 14th Amendment of the U.S. Constitution allows states to deny any person within its jurisdiction the equal protection of the laws.
- \*b. The Equal Protection Clause of the 14th Amendment of the U.S. Constitution prohibits states from denying any person within its jurisdiction the equal protection of the laws.
- c. The Equal Protection Clause of the 14th Amendment of the U.S. Constitution prohibits federal law from denying any person within its jurisdiction the equal protection of the laws.
- d. The Equal Protection Clause of the 14th Amendment of the U.S. Constitution prohibits states from denying any person outside its jurisdiction the equal protection of the laws.

8. In revising their statutes, states devised \_\_\_\_\_ statutes.

- a. Mandatory death penalty
- b. Guided discretion
- \*c. Both a and b
- d. None of the above

9. Guided discretion statutes:

- a. Made the death penalty automatic for anyone convicted of particular crime (e.g., first-degree murder)
- b. Made the death penalty optional for anyone convicted of particular crime (e.g., first-degree murder)
- \*c. Retained jury discretion in deciding in which particular cases the death penalty would be applied
- d. Removed jury discretion in deciding in which particular cases the death penalty would be applied.

10. The history of the death penalty in the United States dates back to the:

- a. 1500s
- \*b. early seventeenth century
- c. mid-eighteenth century
- d. 1940s

### **True/False Questions**

1. The case of *Gregg v. Georgia* held that the death penalty could be constitutional in some instances.

- \*a. True

b. False

2. The *Furman v. Georgia* case came about June 29, 1973.

a. True

\*b. False

3. The death penalty was used in England even before the Pilgrims came to America, and it was used in the colonies as a form of punishment.

\*a. True

b. False

4. A concern in the case of *Gregg v. Georgia* is whether the imposition and carrying out of the death penalty constitute cruel and unusual punishment in violation of the Eighth and Fourteenth amendments.

a. True

\*b. False

5. Three out of five justices agreed that the death penalty is “unusual” if it discriminates by reason of “race, religion, wealth, social position, or class, or if it is imposed under a procedure that gives room for the play of such prejudices.”

\*a. True

b. False

6. In *Powell v. Alabama*, the Court overturned several death sentences on grounds that they violated the Sixth Amendment’s right to counsel.

\*a. True

b. False

7. Justice Marshall initially voted in favor of the death penalty, but before retiring changed his mind and said he would vote against it.

\*a. True

b. False

8. After *Furman*, states revised their laws in an attempt to make them acceptable to the other members of the Court.

\*a. True

b. False

9. Mandatory death penalty statutes made the death penalty automatic for anyone convicted of a particular crime (e.g., first-degree murder).

\*a. True

b. False

10. The Second Amendment affirms that “no person shall be subject for the same offense to be twice put in jeopardy of life or limb.”

a. True

\*b. False