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Abolition of Capital Punishment: The Implications of *People v. Anderson*

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## COMMENTS

### *ABOLITION OF CAPITAL PUNISHMENT: The Implications of People v. Anderson.*

On February 18, 1972, the California Supreme Court decreed that California was to become the tenth state to outlaw capital punishment. The decision was handed down at a propitious moment, for two reasons.

The first is that today, there is a movement afoot to emasculate the judicial branch of our government. The President himself has been a party to attempts to render the courts useless and ineffective.

The California Supreme Court, one of the best courts in the land, demonstrated, in the case of *People v. Anderson* that our court system remains viable and strong, and will resist incursions by the other two branches of government. The justices delineated, in no uncertain terms, the separate roles of the judiciary and the legislatures in the area of retribution. They wrote:

The Legislature is . . . accorded the broadest discretion possible in enacting penal statutes and in specifying punishment for a crime, but the final judgment as to whether the punishment it decrees exceeds constitutional limits is a judicial function.

It was important, at this time, for a court to flex its muscles. When it chooses to reveal its strength in connection with

an issue like capital punishment, the impact is doubled.

The second reason for the propitiousness of the California decision is that it comes at a moment when the concept of human worth has suffered a devaluation. The Vietnam conflict continues; children's educations are suffering because of their parents' politics; and the violence in the streets, and as reflected in public officials' pronouncements, appears worse than ever.

The California court's decision was an important reaffirmation of human worth and dignity. Indeed, a significant element of the ruling was that capital punishment is out of accord with "contemporary standards of decency." The justices, in their closing statement, noted that, "Our conclusion that the death penalty may no longer be exacted in California . . . is not grounded in sympathy for those who would commit crimes of violence, but in concern for the society that diminishes itself whenever it takes the life of one of its members."

I am hopeful that the United States Supreme Court, which is still deliberating the question of capital punishment, will take note of these two segments of the California judgement.

It is incumbent upon the Supreme Court to show us that it is still alive and well and that human life is still worth something in this country, by declaring capital punishment a violation of the United States Constitution.

HONORABLE LOUIS STOKES

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