



Cruel and Unusual: The Supreme Court and Capital Punishment

Michael Meltsner

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The true and gripping account of the nine-year struggle by a small band of lawyers to abolish the death penalty in the United States. Its new edition features a 2011 Foreword by death penalty author Evan Mandery of CUNY's John Jay College of Criminal Justice, as well as a new Preface by the author. The mission, plotted out over deli sandwiches in New York's Central Park in the early 1960s, seemed as impossible then as going to the moon: abolish capital punishment in every state. The approach would fight a war on multiple fronts, using multiple strategies. The people would be dedicated, bright, unsure, unpopular, and fascinating. This book is their personal history: not only the cases and the arguments before courts, the death row inmates and their victims, the judges and politicians urging law and order – this is the true account of the real-life lawyers from the inside. The United States indeed went to the moon, and a few years later the U.S. Supreme Court ruled the death penalty unconstitutional. The victory was long-sought and sweet, and the pages of this book vividly let the reader live the struggle and the victory. And while the abolition eventually became as impermanent as the nation's presence on the moon, these dedicated attorneys certainly made a difference. This is their story. As Evan Mandery writes in his new Foreword, "In these pages, Meltsner lays bare every aspect of his and his colleagues' thinking. You will read how they handicapped their chances, which arguments they thought would work (you may be surprised), and what they thought of the Supreme Court justices who would decide the crucial cases. You will come to understand what they perceived to be the basis for support for the death penalty, and, with Meltsner's unflinching honesty, what they perceived to be the inconsistencies in their position." Mandery concludes: "It is my odd lot in life to have read almost every major book ever written about the death penalty in America. This is the best and the most important. Every serious scholar who wants to advance an argument about capital punishment in the United States – whether it is abolitionist or in favor of the death penalty, or merely a tactical assessment – cites this book. It is open and supremely accessible." And the author's "constitutional vision was years ahead of its time. His book is timeless." Part of the Legal History & Biography Series from Quid Pro Books, the new editions (in print and ebook formats) feature embedded pagination from previous editions, allowing continuity in all new formats and across all prior printings. This book has been adopted in many classes in colleges and law schools, but it is not written just for lawyers and students – it is not burdened with legal jargon and heavy legal analysis. It is accessible to a wide audience and tells the personal stories of the people involved, as well as examining the strategies and the legal and political nuances of death penalty litigation in the United States.

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