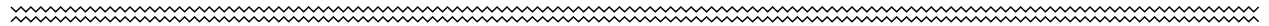




Weems v. United States (1910). Weems...was convicted of falsifying a "public and official document." He was sentenced to **15 years' incarceration at hard labor with chains on his ankles, to an unusual loss of his civil rights, and to perpetual surveillance**. Called upon to determine whether this was a cruel and unusual punishment, the Court found that it was...In striking down the penalty, the Court examined the punishment in relation to the offense, compared the punishment to those inflicted for other crimes and to those imposed in **other jurisdictions**, and concluded that the punishment was excessive. Justices White and Holmes dissented and argued that the cruel and unusual prohibition was meant to prohibit only those things that were objectionable at the time the Constitution was adopted.

***Weems* is a landmark case because it represents the first time that the Court invalidated a penalty prescribed by a legislature for a particular offense. The Court made it plain...that excessive punishments were as objectionable as those that were inherently cruel. Justice Fields' dissent in *O'Neil*¹ had become the opinion of the Court in *Weems*.**



¹Case 8A-CUP-2 on this website.