

TEXT SUMMARY

The 8th Amendment offers protections for Americans being punished for crimes. It forbids the setting of excessive or unreasonably high bail. **Bail** is a sum of money that an accused person must pay the court as a guarantee that he or she will appear in court at the proper time. Once paid, the person goes free until the time of the trial. If the defendant does not come to court, he or she does not get the money back.

In 1984 Congress provided for the **preventive detention** of some people accused of committing federal crimes. This means that federal judges may keep accused felons in

jail without bail when there is reason to believe that they will commit additional crimes before trial.

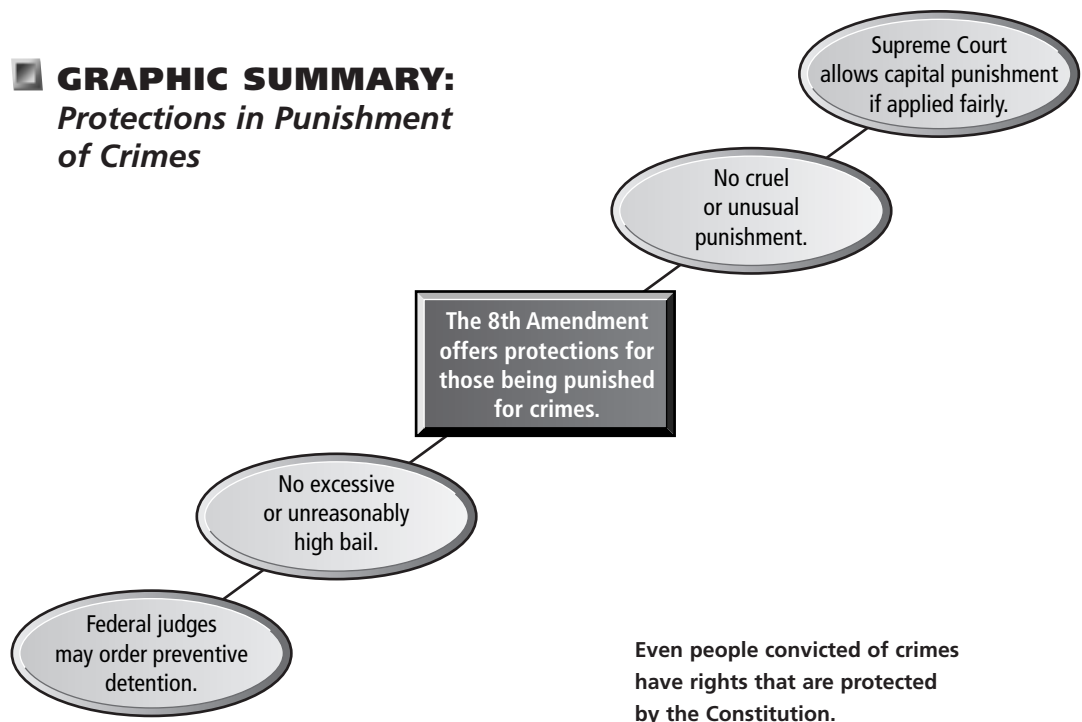
The 8th Amendment also forbids cruel and unusual punishment, such as burning at the stake or crucifixion. The Supreme Court has held that **capital punishment**, or the death penalty, is constitutional if applied fairly.

Treason is the only crime the Framers specifically defined in the Constitution; they wanted to prevent tyrants from using the charge of treason to punish political opponents. **Treason** can consist of only two things: making war against the United States and aiding the nation's enemies.

THE BIG IDEA

In addressing the issue of punishment for crime, the 8th Amendment forbids excessive bail and cruel and unusual punishment.

GRAPHIC SUMMARY: Protections in Punishment of Crimes



REVIEW QUESTIONS

1. What is the purpose of bail?
2. **Diagram Skills** What is the Supreme Court's view of capital punishment?