

STEVENS, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 03–633

DONALD P. ROPER, SUPERINTENDENT, POTOSI
CORRECTIONAL CENTER, PETITIONER *v.*
CHRISTOPHER SIMMONS

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
MISSOURI

[March 1, 2005]

JUSTICE STEVENS, with whom JUSTICE GINSBURG joins,
concurring.

Perhaps even more important than our specific holding today is our reaffirmation of the basic principle that informs the Court’s interpretation of the Eighth Amendment. If the meaning of that Amendment had been frozen when it was originally drafted, it would impose no impediment to the execution of 7-year-old children today. See *Stanford v. Kentucky*, 492 U. S. 361, 368 (1989) (describing the common law at the time of the Amendment’s adoption). The evolving standards of decency that have driven our construction of this critically important part of the Bill of Rights foreclose any such reading of the Amendment. In the best tradition of the common law, the pace of that evolution is a matter for continuing debate; but that our understanding of the Constitution does change from time to time has been settled since John Marshall breathed life into its text. If great lawyers of his day—Alexander Hamilton, for example—were sitting with us today, I would expect them to join JUSTICE KENNEDY’s opinion for the Court. In all events, I do so without hesitation.