

Criminal justice

The Court had two very different ideas about proportionality of punishment: one for corporations under the Fourteenth Amendment Due Process Clause and another for people under the Eighth Amendment. The Due Process Clause, it said, did not allow a jury to punish one of the world's wealthiest companies with a punitive damages award of \$145 million, which was equal to 0.29 percent of its annual revenue — barely enough to get the attention of the company's leadership. The Eighth Amendment did, however, allow California to put a thirty-seven-year-old Army veteran and father who engaged in minor shoplifting behind bars until he was at least eighty-seven.

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