

This thesis examines the existence of arbitrariness in the United States death penalty at the state level. I argue that differences in individual states' capital murder definitions and sentencing statutes are unconstitutionally arbitrary, based on the standard established by the United States Supreme Court in *Furman v. Georgia* (1972). In this case, the Court ruled that arbitrary and inconsistent application of the death penalty is unconstitutional under the Cruel and Unusual Punishment Clause of the Eighth Amendment and the Equal Protection Clause of the Fourteenth Amendment. After this initial ruling, death penalty cases have centered on whether the punishment adheres to "evolving standards of decency." My thesis examines four states' death penalty laws, showing how the differences between them violate the *Furman* precedent and do not comport with modern standards of decency. I also critique the Supreme Court's contradictory jurisprudence on this issue. It becomes clear that interstate arbitrariness is unconstitutional. Distressing problems with the nation's ultimate punishment remain today, and my research builds upon existing arbitrariness arguments by proposing a new avenue for constitutional challenge.