



CHILD WELFARE LEAGUE OF AMERICA

Founded in 1920

March 5, 2003

Mr. Cary Pirrong, General Counsel  
The Oklahoma Pardon and Parole Board  
4040 N. Lincoln Boulevard, Suite 219  
Oklahoma City, OK 73105

Dear Mr. Pirrong:

As the President/CEO of the Child Welfare League of America, I am writing to express CWLA's strong opposition to the execution of Scott Hain, a prisoner facing execution in Oklahoma on April 3, 2003 for offenses committed as a 17-year-old.

Each of us at the Child Welfare League of America feels great sympathy for the family and friends of Michael Houghton and Laura Sanders; the pain and loss they have suffered is immeasurable. CWLA places the highest priority on actions that will reduce the type of violence by which they were victimized. However, CWLA opposes capital punishment for crimes committed by offenders under the age of eighteen and believes that the sentence should be long-term imprisonment instead of death.

The premise of the separate juvenile justice system is that children are developmentally different from adults, thus are more amenable to treatment and rehabilitation. Adolescence is a transitional period of life when cognitive abilities, emotions, judgment, impulse control, identity and the brain are still developing. During trial, there were no defense witnesses that provided the court with the available scientific evidence to the jury regarding the lower maturity of adolescents in their moral development, assessment of risk and consequence, and abilities to control impulses and regulate behavior. These issues were significantly exacerbated by Mr. Hain's extensive history of trauma, physical and sexual abuse, and neglect as a child.

We encourage you to consider Mr. Hain's previous history of maltreatment, substantial family distress that included parental alcoholism, and the chronic failure of the education system to provide necessary special education services.

Further, in the fifteen years since Mr. Hain's conviction, the psychological, medical and neurological sciences have made substantial discoveries and progress in understanding the many ways in which adolescents are indeed developmentally different than adults. CWLA is aware that you have latitude to take these factors into account as part of your clemency decision and encourages you to give them great weight as you consider whether to commute Mr. Hain's sentence of death to life in prison.

The execution of Scott Hain would be contrary to American standards of justice, fairness, and decency as well as international law. In continuing to execute offenders for crimes committed as juveniles, the United States acts in defiance of substantial international consensus and law. Such executions have all but ceased around the world, except in Iran, the Democratic Republic of Congo – and the United States. The death penalty for juveniles is expressly prohibited by the United Nations Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), and the American Convention of Human Rights (ACHR). The execution of Scott Hain would damage our legitimacy and reputation as a world leader in the promotion of human rights, particularly the rights of children, and further alienate the United States from the international community at a time when we need their support and assistance.

We urge you to spare Mr. Hain's life and to end the practice of executing individuals for offenses committed as juveniles. Please contact us if we can provide you with any additional information.

Sincerely,

Shay Bilchik  
President/CEO