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Nation's Leading Medical and Religious Institutions, Nobel Laureates and the European Union Join Child Advocates In Calling for an End to Juvenile Death Penalty

Legal Briefs Submitted to U.S. Supreme Court in Case that Will Decide Constitutionality of Putting Young Offenders to Death

A sweeping array of organizations including the leading American medical, religious, and legal institutions, child and victim advocate groups and nearly 50 countries, along with prominent individuals including Nobel Peace Prize Laureates and former U.S. Diplomats, filed *amicus curiae* briefs today calling for an end to the juvenile death penalty. In their friend-of-the-court briefs, the groups state that the juvenile death penalty violates evolving standards of decency, that it serves no legitimate purpose and is excessive in light of emerging evidence showing the limited capabilities of juveniles, and that the practice is almost universally rejected by the international community.

The U.S. Supreme Court is expected to hear oral arguments in *Roper v. Simmons* in October, when the Justices will weigh whether it is constitutional to sentence juvenile offenders to death. In August 2003, the Missouri Supreme Court overturned the death sentence of Christopher Simmons on the ground that it violated the Eighth Amendment's ban on cruel and unusual punishment. Today, lawyers for Simmons filed a brief asking the Supreme Court to uphold the lower court's decision.

The nation's leading medical organizations, including the American Medical Association, American Psychiatric Association, the American Society of Adolescent Psychiatry and the American Academy of Children and Adolescents, submitted a brief.

Additionally, a cross section of more than 420 prominent pediatricians, child and adolescent psychiatrists and neurologists, including such notable physicians as former Surgeon Generals C. Everett Koop and Julius Richmond, and Drs. T. Berry Brazelton and Alvin Poussaint, submitted the *Health Professionals' Call to Abolish the Death Penalty* to the Court as part of the brief.

Many of the briefs reiterate and confirm the longstanding research demonstrating the many ways in which adolescents are less mature than adults. The briefs also address recent scientific research which reveals that the adolescent brain's structure is incomplete. Indeed, those areas of the brain which most affect decision-making, impulse control and mature behavior are still developing in 16- and 17-year-olds.

More than 15 Nobel Peace Prize Laureates, including former President Jimmy Carter, former Soviet President Mikhail Gorbachev, former South African President F. W. de Klerk and the Dalai Lama, as well as nine former U.S. Diplomats also submitted briefs in support of ending the juvenile death penalty. In their brief the former Diplomats maintain that permitting a few select states to continue executing juvenile offenders increasingly isolates the U.S. from our close allies and aligns us with countries that consistently demonstrate poor human rights records. The prohibition of the juvenile death penalty is widely recognized as a rule of customary international law, according to the amicus signers.

Nearly 50 countries in the European Union and Members of the International Community also submitted a brief, as did the Bar Association of England and Wales. "The amici share the widespread opinion of the international community of States that the execution of persons below 18 years of age at the time of their offenses violates widely accepted human rights norms and the minimum standards of human rights set forth by the United Nations," according to the brief submitted by the European Union and Members of the International Community.

"Executing juvenile offenders violates minimum standards of decency now adopted by nearly every other nation in the world, including even autocratic regimes with poor human rights records," says Thomas R. Pickering, Career Ambassador and former Under Secretary of State for Political Affairs. "The U.S. position on the juvenile death penalty isolates us diplomatically from our close allies and has been condemned by the international community."

Nearly 30 major religious denominations in the United States also submitted a brief, including the U.S. Conference of Catholic Bishops, Greek Orthodox Church, Presbyterian Church, American Baptist Church USA, United Methodist Church, Episcopal Church USA and the American Jewish Committee, saying that because of minors' age and immaturity, they lack the degree of culpability necessary to place them in the category of criminals the Supreme Court has described as deserving of the death penalty.

Many prominent child welfare groups, including the Children's Defense Fund, Child Welfare League of America, Voices for America's Children, and the National Association of Counsel for Children, submitted a brief stating that since 1989 when the Supreme Court ruled the execution of juveniles constitutional, a consensus has emerged about youths' disabilities in the areas of reasoning, judgment and impulse control, which make them less culpable than adults. They add that minors are especially vulnerable to wrongful convictions and to disparities within the criminal justice system.

Other advocacy groups submitted briefs as well, including Murder Victims' Families for Reconciliation (MVFR), an organization of murder victims' family members who oppose the death penalty. According to MVFR, the use of the death penalty for minors should not be justified in the name of victims, since victims have differing views on capital punishment. Attorneys General, the American Bar Association, National Legal Aid and Defender Association, and several civil rights groups also submitted briefs calling for an end to the juvenile death penalty.

Legal and medical experts have said that Christopher Simmons, who was sentenced to death row for a crime he committed at age 17, should be spared the death penalty because he was a minor at the time of the criminal act.

Alvin Poussaint, M.D., a life fellow of the American Psychiatric Association and a member of the American Academy of Child & Adolescent Psychiatry, says that it is inappropriate for juveniles to receive the death penalty because they are not adults. "This is not to say that juvenile offenders do not know right from wrong and should not be appropriately punished, but the medical community sincerely believes that the United States should not allow the option to execute youngsters who have not finished developing into adults," he says.

The United States is one of only a handful of countries that execute juvenile offenders, and every other nation in the world has joined international agreements prohibiting the practice. This year, South Dakota and Wyoming banned the death penalty, and similar legislation passed in the New Hampshire Senate and House, and the Florida Senate. Currently 31 states, the federal government, the U.S. Military and the District of Columbia prohibit the execution of juvenile offenders.

The actual execution of juvenile offenders is highly unusual in this country. Since the death penalty was reinstated in 1976, forty-three states have never executed a juvenile offender. Eighty-two percent of juvenile executions have been carried out in only three states – Texas, Virginia and Oklahoma.

Juries are increasingly unwilling to put young offenders to death, as evidenced by a declining annual death sentence rate that now stands at its lowest point in 14 years. In 2003, only two juveniles were sentenced to death in the entire U.S.

In a 2003 ABC News poll, 62% of Americans said they would sentence juveniles who have been convicted of murder to mandatory life rather than the death penalty, if given a choice.

Medical experts and others have argued that juveniles should not be held to the same standard as adults because they are not fully developed. They may not behave as adults do because their minds operate in different ways, their emotions are more volatile and their brains are immature. These experts question the rationale of treating juveniles as adults when it comes to the ultimate punishment, while a wide range of laws prohibit them from engaging in adult activities such as voting, sitting on a jury, serving in military combat, or buying alcohol. Currently there are 72 people on death row under death sentences received for juvenile crimes.

The Simmons briefs are available at <http://www.abanet.org/crimjust/juvjus/simmons/simmonsamicus> or <http://www.cjedfund.org/simmons>.

Also, please see the attached packet that includes contact and background information on all of the amicus briefs filed today. To arrange an interview with signatories or for more information, please contact Amy Levey at 202-557-7513 or Laura Burstein at 202-557-7584.