Advocacy Groups Urge High Court to Ban Death Penalty for Juveniles

They say the practice violates rules of decency and harms U.S. human rights efforts.

By Henry Weinstein
Times Staff Writer
Los Angeles Times

More than a dozen Nobel Prize winners, 50 foreign countries, former U.S. diplomats, the nation’s largest doctors’ organization and several child advocacy groups urged the Supreme Court on Monday to ban executions of individuals who committed murder when they were juveniles.

The pleas came in friend-of-the-court briefs filed in Roper vs. Simmons, a case the Supreme Court will consider in October.

The advocacy groups contend that the death penalty for juveniles violates evolving standards of decency, serves no legitimate purpose and is excessive in light of a growing body of evidence showing that the mental capacity of juveniles is limited.

"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," said Thomas R. Pickering, a career diplomat and former undersecretary of State for political affairs who served in Democratic and Republican administrations.

"Countries whose human rights records are criticized by the United States have no incentive to improve their records when the United States fails to meet the most fundamental, baseline standards," said the brief filed on behalf of Nobel laureates, including former President Carter, former Soviet President Mikhail Gorbachev, Archbishop Desmond Tutu of South Africa, Polish labor leader Lech Walesa and the Dalai Lama.

Five nations—the United States, China, Congo, Iran and Pakistan—have executed juvenile offenders in the last four years, according to the brief submitted on behalf of the diplomats. "In no other area of human rights does the United States consider these nations to be our equals," the brief said.

The Supreme Court last considered the issue in 1989, when it ruled that it was permissible to execute a person who had committed murder at the age of 16 or 17. The court earlier had rejected the death penalty for murderers 15 or younger.

The high court is being asked to reconsider the issue because of an August 2003 ruling from Missouri. That state’s Supreme Court overturned the death sentence of Christopher Simmons, holding that it violated the 8th Amendment’s prohibition against cruel and unusual punishment.

Simmons was convicted of the 1993 murder of Shirley Crook, who authorities said was thrown off a bridge after Simmons, then 17, and a 14-year-old burglarized her house and abducted her.

Simmons was arrested the following day and admitted the crime. According to briefs submitted in his case, he was raised in an abusive home and used drugs and alcohol.
On Monday, Simmons’ attorneys filed a brief asking the Supreme Court to uphold the Missouri court decision, which is opposed by the Missouri attorney general's office.

Currently, 72 people on death rows around the country received capital sentences for crimes committed as juveniles. None are in California.

Since the Supreme Court permitted states to reinstitute the death penalty in 1976, seven states have executed a juvenile offender, and of those 82% occurred in Texas, Virginia and Oklahoma. Last year, there were two such executions in the United States.

The 25-nation European Union, along with 23 other countries, said in a brief that executing juvenile killers violated “widely accepted human rights norms and the minimum standards of human rights set forth by the United Nations.” Among other nations urging a ban are Canada and Mexico.

Briefs submitted by the American Medical Assn. and the American Psychological Assn. said scientific studies had shown that juveniles were more impulsive and volatile than adults because their brains were not fully developed.

In contrast, two briefs were submitted Monday urging that juveniles be given no exemption from the death penalty.

"Juveniles are capable of understanding right from wrong and the consequences of their actions," said a brief submitted for the Justice for All Alliance, a pro-death-penalty group.

Another brief filed on behalf of six states said the decision of whether it was permissible to execute a juvenile offender should be left to the states.

Citation:

You can copy and paste this information into your own documents.