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The Honorable Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Perry:

As President of the American Bar Association, I write to express the Association's strong opposition to the execution of Gerald Mitchell, scheduled in Texas for October 22, 2001. Gerald Mitchell was 17 years old at the time of his offense. While the American Bar Association takes no position on capital punishment per se, the Association vigorously opposes the imposition of capital punishment upon any person for an offense committed while under the age of 18. I have sent this same letter to Mr. Gerald Garrett, Chair of the Texas Board of Pardons and Paroles.

In our view, executing minors is unacceptable in a civilized society, irrespective of guilt or Innocence. Internationally, the practice is virtually unheard of, and even within the United States, the federal government, and 15 of the 38 states that impose capital punishment prohibit the death penalty for crimes committed while under the age of 18. A powerful international consensus against the execution of juvenile offenders has developed. In the last three years, only Iran, Democratic Republic of Congo, and the United States have executed a juvenile. The use of the death penalty on juvenile offenders is directly prohibited by several international treaties, including the International Covenant on Civil and Political Rights, the U.N. Convention on the Rights of the Child, and the American Convention on Human Rights.

As citizens, persons under the age of 18 cannot vote, serve on juries, make medical decisions for themselves, or enter into contracts. We do not permit children to conduct these activities because we believe that they lack the capacity to fully appreciate the consequences of their actions. It is deeply troubling that we, as a democratic society, truncate the political rights of this group because they need protection, yet pass laws in order to execute them. The failure of some states to follow the American Bar Association's policy against executing juvenile offenders led, in part, to the call by the Association for the discontinuation of executions until each jurisdiction implements certain basic protections. Another major factor in the Association's call for the halt to executions has been the poor level of legal representation received by many death row inmates.

Some have argued that when children commit an "adult crime," they deserve this ultimate adult punishment. However, the purposes ostensibly served by capital punishment of adults are not served by the execution of juveniles. In light of the characteristics associated with childhood -- impulsiveness, lack of self-control, poor judgment -- we cannot reasonably expect the death penalty to act as a deterrent for other children. Retribution is also an unsatisfactory justification for the juvenile death penalty. The moral force of -- and legal justification for -- taking a human life in retribution is dependent on the degree of culpability of the offender. A child simply cannot be held to the same degree of culpability and accountability for his or her actions to which we hold an adult.

Executing Gerald Mitchell, and others on death row for the crimes committed as children, Serves no principled purpose and only demeans our system of justice.

We urge you to commute Gerald Mitchell's death sentence.

Very truly yours,

Robert E. Hirshon