

October 16, 2001

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



Gerald Garrett
Chairman, Texas Board of Pardons and Paroles
Attn: Executive Clemency Section
8610 Shoal Creek Blvd.
Austin, TX 78757

Dear Governor Perry and Chairman Garrett:

We strongly urge you to cancel the execution of Gerald Lee Mitchell, who is scheduled to die on October 22, for a crime he committed at age 17.

The planned execution of Gerald Lee Mitchell will leave a permanent scar on the conscience of the state of Texas, on your administration and on our nation. Texas alone is responsible for half of the executions of juvenile offenders in the United States since the death penalty was reinstated nearly 30 years ago. Gerald Lee Mitchell would be the tenth individual put to death in Texas since 1973 for a crime committed while a child.

The Children's Defense Fund (CDF) opposes the execution of persons for crimes they committed as a child. While CDF is very concerned about juvenile crime and threats to public safety, we believe that there are more effective, humane, and just responses to these problems. Mr. Mitchell's diagnosis as borderline mentally retarded and evidence of organic brain damage are particularly disturbing and raise serious questions about the appropriateness of this practice.

The imminent execution also violates the United Nations Convention on the Rights of the Child that bars imposing the death penalty for crimes committed by minors. Such executions have all but ceased around the world. Since 1973, the United States has executed more juvenile offenders than all other nations combined. Over the last three years, only two other countries, in addition to the United States, continue to participate in this practice - Iran and the Democratic Republic of Congo. The almost universal acceptance of the Convention demonstrates that such an execution runs counter to contemporary standards and humane treatment in every corner of the world.

We strongly urge you to grant clemency for Gerald Lee Mitchell and to end the practice in Texas of imposing the death penalty for crimes committed by minors.

Sincerely,

Marian Wright Edelman
President
Children's Defense Fund

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