

18 October 2001

The Honorable Rick Perry
Governor of Texas
C/o Bill Jones, General Counsel
Post Office Box 12428
Austin, Texas 78711-2428

Dear Governor Perry:

As the President/CEO of the Child Welfare League of America (CWLA), I am writing to express CWLA's strong opposition to the execution of Gerald Lee Mitchell, the prisoner scheduled for execution in Texas on October 22, 2001 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 Charles Angelo Marino; 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 juveniles 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. Immaturity is the reason that we do not allow people under the age of eighteen to assume the major responsibilities of adulthood such as voting, marrying, serving in military combat, drinking alcohol, or sitting on a jury.

We encourage you to consider Mr. Mitchell's history of severe drug abuse, substantial family distress, and mental and neurological impairment. In the fifteen years since Mr. Mitchell's trial, 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. While CWLA is aware that the appellate courts have considered these issues in their decisions to support the sentencing jury's decision, you have greater latitude to take these factors into account as part of your clemency decision and you possess the exclusive authority to commute a sentence of death to life in prison. We encourage you to exercise that authority.

We also believe that the execution of Gerald Lee Mitchell 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 Gerald Lee Mitchell 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. Mitchell'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