

October 18, 2001

The Honorable Rick Perry
c/o Bill Jones, General Counsel
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

Dear Governor Perry:

On behalf of the National Mental Health Association (NMHA), the country's oldest and largest nonprofit organization addressing all aspects of mental health and mental illness, I want to express our strong opposition to the death sentence of Gerald Lee Mitchell who is scheduled for execution on October 22, 2001.

Gerald Lee Mitchell was just 17 years old with an IQ of just 75 at the time of his offense. Because he was under 18 years of age at the time of his crime, Mr. Mitchell's execution would be contrary to American standards of justice, fairness, and decency as well as international law. NMHA pleads that you call for his sentence to be commuted to life in prison because of his juvenile status at the time he committed his crime. In appealing for clemency on behalf of Gerald Lee Mitchell, we do not, in any way, seek either to excuse the crime or to minimize the pain and suffering it caused the family and friends of the victims.

Prior to his trial, Mr. Mitchell's IQ was measured at just 75, placing him in the borderline range of intellectual functioning. NMHA believes that the age, maturity, mental status, and any childhood history of abuse / trauma of a youthful offender should always be considered mitigating factors in deciding an individual's punishment. NMHA calls upon states to suspend using the death penalty until more just, accurate and systematic ways of determining and considering a defendant's mental status are developed. Additionally, NMHA believes that young people cannot be held to the same standard of culpability and accountability for their actions as adults. Impulsiveness, poor judgment, and a lack of self-control are frequently characteristics of childhood and are the reasons we limit many of the rights of minors.

Moreover, a growing number of organizations have come to oppose executions for crimes committed by offenders under the age of 18. These include the American Bar Association, The American Psychiatric Association, the Child Welfare League of America, the Children's Defense Fund, the Youth Law Center, the Juvenile Law Center, the Coalition for Juvenile Justice, the American Society for Adolescent Psychiatry, and the American Academy for Child and Adolescent Psychiatry.

In continuing to execute juvenile offenders, the United States acts in defiance of international law-the death penalty for juvenile offenders is expressly prohibited by the International Covenant on Civil and Political Rights (ICCPR), the American Convention on Human Rights and the U.N. Convention on the Rights of the Child (CRC). In the last decade, the United States has executed more juvenile offenders than all the world's nations combined.

Executing Gerald Lee Mitchell serves no principled purpose and only demeans our system of justice and the stature of your state. We urge you to commute Gerald Lee Mitchell sentence to life in prison. Help put an end to the practice of executing people who committed their crimes while still children.

Respectfully,

Michael M. Faenza
President and CEO