

# NEWS RELEASE

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## **Nation's Leading Medical Institutions Call for an End to Juvenile Death Penalty**

**Arlington, VA** – The nation's leading American medical institutions, including the American Psychiatric Association, American Medical Association, American Society for Adolescent Psychiatry, American Academy of Child and Adolescent Psychiatry, American Academy of Psychiatry and the Law, and the National Mental Health Association, filed an *amicus curiae* brief today calling for an end to the juvenile death penalty. In their friend-of-the-court brief, the groups state that the juvenile death penalty is unacceptable because adolescents are less developed than adults and therefore should not be held to the same standard of culpability.

According to the brief, “[T]o execute 16- and 17-year-old offenders is to presume full adult responsibility and to hold them accountable not just for their acts, but also for the immaturity of their neural anatomy and psychological development.” Adolescents behave differently than adults because their minds operate differently, their emotions are more volatile and their brains are anatomically immature.

The brief also states that scientists have documented differences between teens and adults in several critical areas. For example, adolescents underestimate risks and overestimate short-term benefits, are more emotionally volatile, and more susceptible to stressful situations.

The brief cites recent scientific imaging technology which reveals that the adolescent brain continues to mature into early adulthood, and that the regions associated with impulse control, regulation of emotions, risk assessment and moral reasoning are the last to develop.

Moreover, most, if not all, juveniles on death row have suffered from severe abuse, neglect, trauma and other mental problems that exacerbate the already existing vulnerabilities of youth, according to the brief. Adolescents also undergo significant emotional and hormonal changes that affect behavior.

The U.S. Supreme Court will hear oral arguments in *Roper v. Simmons* during the October 2004 session when the Justices will weigh whether it is constitutional to sentence juvenile offenders to death. In August 2003, the Missouri Supreme Court overturned the death sentence of Christopher Simmons on the ground that it violated the Eighth Amendment's ban on cruel and unusual punishment. Today, lawyers for Simmons filed a brief asking the Supreme Court to uphold the lower court's decision.

Medical experts have said that Christopher Simmons, who was sentenced to death row for a crime he committed at age 17, should be spared the death penalty because he was a minor at the time of the criminal act.

Robert Weinstock, M.D., APA Committee on Judicial Action member and APA distinguished life fellow said, “Our society understands the differences between adolescents and adults when it comes to driving, drinking alcohol and smoking, voting and marriage. We are contradicting ourselves to deny these privileges to adolescents, yet still enforce the ultimate punishment on them -- death.”

“Research has clearly demonstrated that the brains of adolescents are still actively changing and developing,” said David Fassler, M.D., APA trustee-at-large and board certified child and adolescent psychiatrist. “As a result, they think and reason in fundamentally different ways than adults. They are also much more likely to act on impulse, without considering the consequences of their actions.”

Briefs on behalf of Christopher Simmons were also filed by Nobel Peace Prize Laureates including former President Jimmy Carter, former Soviet President Mikhail Gorbachev, former South African President F. W. de Klerk and the Dalai Lama, nine former U.S. Diplomats, legal and religious institutions, child advocacy groups, and nearly 50 countries including the European Union and Members of the International Community.

Additionally, a cross section of more than 420 prominent pediatricians, child and adolescent psychiatrists and neurologists, including such notable physicians as former Surgeon Generals C. Everett Koop and Julius Richmond, and Drs. T. Berry Brazelton and Alvin Poussaint, submitted the *Health Professionals’ Call to Abolish the Juvenile Death Penalty* to the Court.

The Simmons briefs are available at <http://www.abanet.org/crimjust/juvjus/simmons/simmonsamicus> or [www.cjedfund.org](http://www.cjedfund.org).

#### Signatories

**The American Psychiatric Association** is a medical specialty society working to ensure humane care and effective treatment for all persons with mental disorders. The APA was founded in 1844 and today has more than 35,000 members. It is the world’s largest psychiatric organization. [www.psych.org](http://www.psych.org).

**The American Medical Association** is the nation’s largest professional organization of physicians and medical students. Today it has nearly 250,000 members.

**The American Society for Adolescent Psychiatry** is an organization of psychiatrists in the U.S. and Canada who treat adolescents and young adults. Its members work with adolescents in hospitals, schools and psychiatric clinics around the country.

**The American Academy of Child & Adolescent Psychiatry** works to promote an understanding of mental illnesses and remove the stigma associated with them, advance efforts in prevention of mental illnesses, and assure proper treatment and access to services for children and adolescents.

**The American Academy of Psychiatry and the Law** is an organization of psychiatrists dedicated to excellence in practice, teaching, and research in forensic psychiatry. Founded in 1969, AAPL currently has more than 1,500 members in North America and around the world.

**The National Mental Health Association** is the country’s oldest and largest nonprofit organization addressing all aspects of mental health and mental illness and works to improve the mental health of all Americans, especially the 54 million Americans with mental disorders, through education, research, and service.

#### Counsel of Record

**Heller, Ehrman, White, & McAuliffe LLP** has more than 720 attorneys and professionals in 13 offices nationwide and abroad -- San Francisco; Silicon Valley; Los Angeles; San Diego; Seattle; Portland; Anchorage; New York; Washington, D.C.; Madison, WI; Hong Kong; Beijing; Singapore, and key affiliates in Europe. As a full-service law firm, they represent a wide range of industry leaders, from entrepreneurial, technology-driven enterprises to established, multinational conglomerates.

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