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SYNOPSIS OF  
*AMICI CURIAE* BRIEFS

In Support of Respondent Christopher Simmons

**Signatories, Contact Information,  
and Summaries**

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# Medical Associations

*Summary of Brief in Support of Respondent Christopher Simmons*

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## Signatories

**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 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.

**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.

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### **Summary**

Science confirms that adolescent offenders at the ages of 16 and 17 exhibit characteristics that the Supreme Court has identified as warranting exclusion from the death penalty. Older adolescents behave differently than adults because their minds operate differently, their emotions are more volatile, and their brains are anatomically immature. To the extent that adolescents who commit capital offenses suffer from serious psychological disturbances that exacerbate the already existing vulnerabilities of youth, they can be expected to function at sub-standard levels. Executing adolescents does not serve the recognized purposes of the death penalty.

In essence, the brief states:

The brains of adolescents function in fundamentally different ways than the brains of adults. Research using functional magnetic resonance imaging, a kind of MRI scan, has demonstrated that adolescents actually use their brains differently than adults when reasoning or solving problems. For example, adolescents tend to rely more on the instinctual structures, such as the amygdala, and less on more advanced areas, such as the frontal lobes, associated with more goal-oriented and rational thinking.

In addition, there is a confluence of evidence that the regions of the brain that adults use to control and influence behavior are still underdeveloped in adolescents. For example, the pre-frontal cortex, which is one of the last areas to develop and mature in adolescents, is involved in the control of aggression and other impulses, the process of planning for long-range goals, organization of sequential behavior, consideration of alternatives and consequences, the process of abstraction and mental flexibility, and aspects of memory including "working memory."

**Interest of Amici**

The American Medical Association, the American Psychiatric Association, the American Society for Adolescent Psychiatry, the American Academy of Child & Adolescent Psychiatry, the American Academy of Psychiatry and the Law and the National Mental Health Association file this brief as *amici curiae* in support of petitioner given expertise in regard to the issues of juvenile capacity and its relations to culpability, given our respective positions as the pre-eminent professional organizations in our given fields.

# Psychological Associations

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatories**

The **American Psychological Association** (“APA”) is a voluntary nonprofit scientific and professional organization with more than 155,000 members and affiliates. Since 1892, the APA has been the principal association of psychologists in the United States. Its membership includes the vast majority of psychologists holding doctoral degrees from accredited universities in the United States.

The **Missouri Psychological Association** is the APA’s state counterpart.

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## **Summary**

Behavioral studies and recent neuro-psychological research demonstrate that execution of those who were under 18 years old when their offenses were committed violates the Eighth Amendment prohibition against cruel and unusual punishment. Adolescents generally think and behave differently from adults in ways that undermine the rationale for sentencing adolescent offenders to death. Also, individualized capital sentencing proceedings do not reliably account for the mitigating effect of adolescence.

## **Interest of Amici**

An integral part of the APA’s mission is to increase and disseminate knowledge regarding human behavior and to foster the application of psychological learning to important human concerns. An important issue in this case concerns the differences between adolescent and adult development and behavior, an issue that has been studied extensively by psychologists. *Amici* submit this brief to present scientific knowledge that is relevant to this case and necessary to provide the proper context for the Court’s review of the constitutional question presented.

# Nobel Peace Prize Laureates

*Summary of Brief in Support of Respondent Christopher Simmons*

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## Signatories

*Amici curiae* are all recipients of the Nobel Peace Prize and include representatives from North America, Central America, South America, Europe, and Africa:

**President James Earl Carter, Jr., United States of America**, won the Prize in 2002 for his efforts toward finding peaceful solutions to international conflicts, advancing democracy and human rights worldwide, and in the promotion of economic and social development.

**President Mikhail Gorbachev, Former U.S.S.R.**, won the Prize in 1990 for his role in bringing peace to East-West relations.

**President F.W. de Klerk, South Africa**, won the Prize in 1993 for his work for the peaceful termination of the apartheid regime, and for laying the foundations for a new democratic South Africa.

**President Lech Walesa, Poland**, won the Prize in 1983 for the leading role he played in the Solidarity movement, which brought many freedoms to the Polish people.

**President Oscar Arias Sanchez, Costa Rica**, won the Prize in 1987 for his work for to bring peace to Central America.

**Archbishop Desmond Tutu, South Africa**, won the Prize in 1984 for his role in leading South Africa to a peaceful means of solving the problem of apartheid.

**Adolfo Perez Esquivel, Argentina**, won the Prize in 1980 for his work to promote human rights based on non-violent means throughout South America.

**American Friends Service Committee, United States of America**, won the Prize in 1947 for its humanitarian work and its work to promote fraternity between nations.

**Amnesty International, England**, won the Prize in 1977 for its efforts ensuring the worldwide implementation of the principles enshrined in the Universal Declaration of Human Rights, 1948.

**Mairead Corrigan-Maguire, Northern Ireland**, also won the Prize in 1976 for her role in founding the Peace Movement of Northern Ireland.

**International Campaign to Ban Landmines, United States of America**, won the Prize in 1997 for its work mobilizing global opinion against the use of anti-personnel mines, culminating in the passing of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997 Mine Ban Treaty).

**International Physicians for the Prevention of Nuclear War, United States of America**, won the Prize in 1985 for its work to prevent the outbreak of nuclear war.

**Pugwash Conferences on Science and World Affairs, Canada**, won the Prize in 1995 for its efforts to diminish the part played by nuclear arms in international politics and, in the longer run, to eliminate such arms.

**Dr. Joseph Rotblat, United Kingdom**, won the Prize in 1995 for his efforts to diminish the part played by nuclear arms in international politics and, in the longer run, to eliminate such arms.

**Betty Williams, Northern Ireland**, won the Prize in 1976 for her role in founding the Peace Movement of Northern Ireland.

**Jody Williams, United States of America**, won the Prize in 1997 for her work mobilizing global opinion against the use of anti-personnel mines, culminating in the passing of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997 Mine Ban Treaty).

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### **Summary**

The prohibition on the juvenile death penalty is widely recognized as a rule of customary international law. The practice of nations almost universally rejects the juvenile death penalty. As a consequence, in a series of decisions against the United States, the Inter-American Commission on Human Rights has found that the customary international law bar on the juvenile death penalty has evolved to *jus cogens* status. All nations are bound by *jus cogens* prohibitions because they “derive their status from fundamental values held by the international community” and violations of such prohibitions are “considered to shock the conscience of humankind.” The unusual strength and clear definition of the international prohibition on the death penalty for offences committed by children under eighteen years old makes it particularly relevant to this Court’s decision whether to extend Eighth Amendment protection in this case.

### **Interest of Amici**

At issue before the Supreme Court is whether the death penalty for a crime committed by a person under the age of eighteen constitutes “cruel and unusual punishment” in violation of the Eighth Amendment to the Constitution of the United States. The opinion of the international community is exceptionally relevant when determining whether such a practice contradicts “evolving standards of decency that mark the progress of a maturing society.” The Court historically has considered internationally accepted standards of human rights and decency, and especially should consider international standards in the Simmons case.

Each of the *amici curiae* has been awarded the Nobel Peace Prize for efforts in advancing the principles of democracy and the protection of human rights worldwide. The laureates have a continued interest in ensuring that internationally accepted standards of human rights and morality are respected by every nation. In the Final Statement of the Fourth World Summit of Nobel Peace Laureates, Rome, November 30, 2003, the laureates also publicly stated their belief that the “death penalty is ... especially unconscionable when imposed on children.”

# Former U.S. Diplomats

*Summary of Brief in Support of Respondent Christopher Simmons*

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**Stephen W. Bosworth** is Dean of the Fletcher School of Law and Diplomacy at Tufts University. During his diplomatic career, he served as U.S. Ambassador to the Republic of Korea, U.S. Ambassador to the Philippines, U.S. Ambassador to Tunisia, Director of the State Department Policy Planning Staff, Principal Deputy Assistant Secretary for Inter-American Affairs, and Deputy Assistant Secretary for Economic Affairs. He has also served as Executive Director of the Korean Peninsula Energy Development Organization (KEDO) and President of the United States-Japan Foundation.

**Stuart E. Eizenstat** is a partner at the Washington, D.C. law firm of Covington and Burling. During his career in public service, he served as Deputy Secretary of the Treasury, Undersecretary of State for Economic, Business and Agricultural Affairs, Undersecretary of Commerce for International Trade, U.S. Ambassador to the European Union, Special Representative of the President and the Secretary of State on Holocaust Era Issues, Chief Domestic Policy Adviser to the President and Executive Director of the White House Domestic Policy Staff.

**John C. Kornblum** is Chairman of Lazard & Co. GmbH in Germany. During his diplomatic career, he served as U.S. Ambassador to the Federal Republic of Germany, Assistant Secretary of State for European and Canadian Affairs, Senior Deputy Assistant Secretary of State for European and Canadian Affairs, U.S. Ambassador to the Conference of Security and Cooperation in Europe, Special Envoy to the Balkans, and U.S. Deputy Permanent Representative to the North Atlantic Treaty Organization in Brussels.

**Phyllis E. Oakley** served as Assistant Secretary of State of the Bureau of Intelligence and Research, Assistant Secretary of State of the Bureau of Population, Refugees, and Migration, Senior Deputy Assistant Secretary of State in the Bureau of Population, Refugees, and Migration, Deputy Assistant Secretary for Regional Analysis in the Intelligence Bureau, and Deputy Spokesman for the State Department.

**Thomas R. Pickering** is a former Under Secretary of State for Political Affairs. A Career Ambassador, during his diplomatic career, he also served as Assistant Secretary of State for Oceans, Environment and Science, U.S. Ambassador and Permanent Representative to the United Nations in New York, U.S. Ambassador to The Russian Federation, U.S. Ambassador to

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**J. Stapleton Roy** is Managing Director of Kissinger Associates, Inc. A Career Ambassador, during his diplomatic career, he served as U.S. Ambassador to Indonesia, U.S. Ambassador to the Peoples' Republic of China, and US. Ambassador to Singapore. He also served as Assistant Secretary of State for Intelligence and Research, Executive Secretary of the Department and Special Assistant to the Secretary, and as Deputy Assistant Secretary for East Asian and Pacific Affairs.

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### **Summary**

Nine former U.S. diplomats, including four who retired with the rank of Career Ambassador, filed an amicus brief to advise the Supreme Court that the execution of juvenile offenders offends the minimum standards of decency required by nearly all nations in the world, including both our close allies and countries with demonstrably poor human rights records. Despite the virtually unanimous worldwide condemnation of this practice, the United States is the world's leading executioner of juveniles, executing more juveniles than all other nations in the world combined. Based on their longstanding experience representing the United States abroad, these diplomats believe that permitting a few select states in the United States to continue the aberrant practice of executing juvenile offenders increasingly isolates this nation from our close allies and impairs important U.S. foreign policy interests at a critical time.

Former U.S. diplomats Morton Abramowitz, Stephen W. Bosworth, Stuart E. Eizenstat, John C. Kornblum, Phyllis E. Oakley, Thomas R. Pickering, Felix G. Rohatyn, J. Stapleton Roy, and

Frank G. Wisner have served as diplomats in both Republican and Democratic administrations. Some oppose the administration of the death penalty principally with respect to the execution of juvenile offenders; others oppose its application in all circumstances. But these diplomats submit this brief because they all agree upon three basic principles: First, the current practice of executing juveniles is inconsistent with minimum standards of decency shared by virtually every nation in the world. The execution of juvenile offenders is regularly condemned by international and regional bodies and has been expressly rejected in law and in practice by nearly every other country in the world. Over the last four years, only five countries - China, the Democratic Republic of Congo (DRC), Iran, Pakistan, and the United States - have executed juvenile offenders. On no other issue does the United States consider these countries to be our equal in the area of human rights.

Second, the continuation of this practice by a few states in the United States strains diplomatic relations with close American allies and needlessly places U.S. diplomats abroad on the defensive at a critical juncture in our foreign policy agenda. Amici can personally attest to the significant disruption of important diplomatic missions caused by our continuation of executing juvenile offenders. Our close allies, including members of the European Union and countries in Latin America, have lodged official criticisms of this practice with the United States, and our embassies are flooded by petitions signed by thousands of individuals protesting the execution of juvenile offenders. In no other area has the practice of a few states been permitted to so jeopardize our crucial foreign policy objectives and undermine our standing in the international community. Finally, the near-universal and vocal condemnation of this practice - by both close democratic allies and autocratic regimes - leads to a single conclusion: the execution of juvenile offenders in the United States is both cruel and unusual, and thus violates the Eighth Amendment of the United States Constitution.

# **European Union and Members of the International Community**

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatories**

*Forty-Eight nations are represented.*

**The European Union, Canada, the Council of Europe, Iceland, Liechtenstein, Mexico, New Zealand, Norway, and Switzerland** are parties to the amicus curiae brief.

**The European Union** (25 Member States: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom)

**The Council of Europe** (45 Member States: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, Turkey, Ukraine, and the United Kingdom)

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## **Summary**

Amici assert that the execution of persons below 18 years of age at the time of their offenses violates widely accepted human rights norms and the minimum standards of human rights set forth by the United Nations. Thus, amici believe the U.S. position on the execution of juvenile offenders is out of step with the international community.

## **Interest of Amici**

Amici are opposed to the death penalty in all cases and accordingly aim at its universal abolition. Such abolition contributes to the enhancement of human dignity and the progressive development of human rights. Amici further believe the juvenile death penalty to be impermissible under contemporary human rights standards.

Amici believe that a number of treaties ratified or signed by the United States prohibit the execution of persons under the age of 18 at the time of their offenses. As members of the international community, the amici have a strong and prevailing interest in providing relevant information, where necessary, on international human rights norms at both the national level and throughout the international community.

# Religious Organizations

*Summary of Brief in Support of Respondent Christopher Simmons*

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## Signatories

**The United States Conference of Catholic Bishops** is comprised of the active Catholic Bishops of the United States. The USCCB is a vehicle through which the Bishops speak cooperatively and collegially on matters affecting the Catholic Church, its people, and society in general.

**The Episcopal Church, USA** has approximately 2.4 million members with about 7,600 congregations. Jurisdiction includes 100 dioceses in the 50 states, with several overseas dioceses in Latin America, the Caribbean, the Pacific and Taiwan. The denomination is a member province of the Anglican Communion, which has a global membership of 70,000,000.

**The Presbyterian Church** is a national Christian denomination with nearly 2.5 million members in more than 11,200 congregations, organized into 173 presbyteries under the jurisdiction of 16 synods. Through its antecedent religious bodies, it has existed as an organized religious denomination within the current boundaries of the United States since 1706.

**The United Methodist Church** is a worldwide religious denomination with approximately 9 million members in the United States.

**The American Baptist Church, USA**, was founded in 1832 as the American Baptist Home Mission Society. With its partner mission organization, the Board of International Missions, ABCUSA, National Ministries provides ministry, mission and discipleship resources for the constituent churches, regions and members.

**The Greek Orthodox Archdiocese of America** has approximately 540 parishes in the United States, with a membership of 1.5 million people. It includes nine dioceses and parishes in all 50 states. It is an eparchy of the Ecumenical Patriarchate of Constantinople, the spiritual center for 280 million Orthodox Christians worldwide.

**The Southern Christian Leadership Conference** was co-founded in 1957 by the Rev. Dr. Martin Luther King, Jr., and other civil rights pioneers, to promote human rights nationwide and abroad. It is nonprofit, non-sectarian, inter-faith advocacy organization that continues to place human rights and social justice at the forefront of America's agenda, and is committed to non-violent action to achieve justice.

**The American Jewish Committee** is a national organization founded in 1906 to protect the civil rights and religious liberty of Jews. It is the conviction of AJC that those rights will be secure only when the rights of all Americans are equally secure.

**The Evangelical Lutheran Church in America** is the largest Lutheran denomination in North America and the fifth largest Protestant church body in the United States. It has approximately

11,000 member congregations, which in turn have approximately 5.1 million individual members nationwide.

**The United Church of Christ** was formed in 1957 as a union of traditions dating back to the Congregational Churches of the Pilgrims (1620), the Puritans of Massachusetts Bay Colony (1629), the Reformed Church in the United States (1725), emerging Christian Churches (1700s and 1800s), and the Evangelical Synod of North America (1817). UCC is an international Church of 1.4 million members.

**The Alliance of Baptists** is an ecumenically oriented association of individuals and some 120 congregations with an aggregate membership of more than 60,000 persons.

The **American Friends Service Committee** has been active in works of humanitarian relief and service, reconciliation among nations and peoples, and programs to overcome discrimination and oppression for nearly a century.

**American Jewish Congress** works to protect the civil, political, religious, and economic rights of American Jews and all Americans. It has opposed the death penalty in the United States because it believes that, given the current state of the criminal justice system, it cannot be administered in ways that comply with elementary notions of justice and fairness.

**The Muslim Public Affairs Council** is the leading public policy voice in the Muslim community in the United States. MPAC is non-partisan, and accepts donations only from U.S. citizens or U.S. permanent residents. It embraces a progressive and thoughtful interpretation of the Islamic tradition.

**Church Women United** is a Christian-based, inclusive movement of millions of women throughout the United States who celebrate unity in diversity, seek interreligious cooperation, and work in numerous ways for a world of peace with justice. It has a compassionate and intense concern for the care and well being of women, children and families.

**Muslim Women Lawyers for Human Rights** is an educational and charitable organization committed to supporting human rights worldwide, especially the rights of Muslim women.

**The Mennonite Central Committee** is a Mennonite and Brethren in Christ presence on Capitol Hill providing and encouraging prophetic witness to the way of Christ on matters of U.S. public policy. The office is guided by the Biblical themes of justice for all, with special concern for poor and oppressed people.

**The Community of Christ** is an international Christian denomination with 250,000 members found in more than fifty nations. Its World Headquarters is located in Independence, Missouri. The church was organized in 1830 in New York State.

**The American Association of Jewish Lawyers and Jurists** is a membership association and affiliate of the International Association of Jewish Lawyers and Jurists founded by the late Justice Arthur Goldberg of the United States Supreme Court and the late Justice Haim Cohen of the Supreme Court of Israel. The mission of the AAJLJ is to promote an understanding of the principles of traditional Jewish law among the bar, the judiciary and the public, and also represents the interests of the Jewish community with regard to legal issues.

**Unitarian Universalist Association** is a religious association of more than 1,000 congregations in the United States and North America. Participation in this brief is consistent with the Association's principles and purposes affirming the inherent worth and dignity of every person.

**Jewish Council for Public Affairs** is the coordinating body of 13 national and 122 local Jewish federations and community relations councils, was founded in 1944 to safeguard the rights of Jews throughout the world and to protect, preserve, and promote a just society.

**Union for Reform Judaism and the Central Conference of American Rabbis** is the congregational and rabbinic arm of the Reform Jewish Movement, encompassing 1.5 million Reform Jews in 900 congregations nationwide and 1,800 Reform rabbis.

**Bruderhof Communities Church International** is based on Jesus Christ's teachings on nonviolence, peace and justice and share common Anabaptist roots with the Hutterites, Amish and Mennonites. The Bruderhof adheres to Christian nonviolence and a belief in the sacredness and dignity of all human life.

**The Buddhist Peace Fellowship** is an international Buddhist organization that aims to help people through the Buddhist teachings of wisdom and compassion. Buddhist Peace Fellowship is guided by intentions to recognize the interdependence of all beings, practice nonviolence, and work with Buddhists from all traditions.

**The Engaged Zen Foundation** focuses its efforts on the complete circle of human rights imperatives. Engaged Zen Foundation is particularly concerned about the treatment of juveniles in the criminal justice system.

**Foundation for the Preservation of the Mahayana Tradition** an international network of Tibetan Buddhist organizations in the Gelugpa tradition. There are at present approximately 130 affiliated centers worldwide and include centers for Buddhist studies, retreat centers, hospices, schools, and a leprosy hospital in India.

**Progressive Jewish Alliance** is a national membership organization dedicated to the Jewish traditions of ensuring social and economic justice, promoting equality and diversity and pursuing peace.

**Prison Dharma Network** is an international interfaith support network for prisoners, prison volunteers, and correctional workers.

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## **Summary**

The Supreme Court made clear that the views of religious organizations are “[a]dditional evidence” (536 U.S., at 316 n.21) of a broad social and professional consensus against the imposition of the death penalty for a particular class of persons. Because of their age and immaturity, minors lack the degree of culpability that would place them in the category this Court has described as those “most deserving” to be put to death.

## **Interest of Amici**

Representatives of widely diverse religious communities in the United States – reflecting Christian, Jewish, Muslim, and Buddhist traditions – unite here as amici curiae on behalf of the Respondent, Christopher Simmons. These amici have differing views about the death penalty in general. Some object to it in principle, opposing it at all times and in all circumstances; others do not. Notwithstanding highly nuanced differences in theology and moral outlook, all of these amici share the conviction that the execution of persons for crimes they committed as juveniles cannot be morally justified. In our view, such executions violate the standards of decency of American society and the Eighth Amendment guarantee against cruel and unusual punishment.

The amici may have many different views about crime and punishment, but they converge in their answer to the question of whether contemporary standards of decency can allow the execution of juvenile offenders. All their traditions, different though they be, point to the same answer. The answer is, and must be, no.

# Child Advocacy Organizations

*Summary of Brief in Support of Respondent Christopher Simmons*

**CONTACT:** See below

## Signatories

**Children's Defense Fund** provides a strong and effective voice for all the children in America who cannot vote, lobby, or speak out for themselves. We pay particular attention to the needs of poor, minority, and disabled children. Our goal is to educate the nation about the needs of children and encourage preventive investment in children before they get sick, drop out of school, suffer family breakdown, or get into trouble.

The **Child Welfare League of America (CWLA)** is an 84-year-old association of more than 1000 public and private child and family-service agencies that collectively serve more than 3 million abused, neglected and vulnerable children and youth every year. Since its inception in 1920, CWLA has been a leader in the development of quality programming, practices and policies in all areas of child welfare and child well-being.

**Voices for America's Children** is a national organization committed to working at the state and local levels to improve the well-being of children. Founded in 1984 by a small group of child advocates, Voices is the only nationwide network of state and local multi-issue child advocacy organizations that speak out on behalf of children.

The **National Association of Counsel for Children** was founded in 1977 out of the Kempe Children's Center as part of its mission to combat child maltreatment. The mission of the NACC is to improve the condition of America's court-involved children.

Since its inception in 2000, the Health and Justice for Youth project (HJY) at **Physicians for Human Rights** provided a medical voice to local and national campaigns and engaged in research that advances the protection of health and human rights of youth in the criminal justice system.

**Children's Action Alliance (CAA)** is a nonprofit, nonpartisan research, education and advocacy organization dedicated to promoting the well being of all of Arizona's children and families. Through research, publications, media campaigns, and advocacy, we act as a strong and independent voice for children.

**California Women Lawyers (CWL)** is a non-profit, umbrella organization for women's bar associations throughout the state of California. Chartered in 1974, CWL serves as a network that permits California's women attorneys, judges, law professors and law students to work together to achieve common goals, including the protection of civil rights of all individuals.

The **Bar Association of San Francisco (BASF)** is a voluntary association of more than 8,000 attorneys. Through its board of directors, its committees, and its volunteer legal services programs, BASF has worked actively to improve the criminal justice and juvenile justice systems for many years.

Amicus Curiae **Public Defender Service for the District of Columbia** (PDS) represents indigent criminal defendants, including the vast majority of children tried in the District of Columbia as adults.

**Juvenile Law Center** (JLC) is one of the oldest legal service firms for children in the United States, founded in 1975 to advance the rights and well being of children in jeopardy.

The **Northwestern University School of Law's Bluhm Legal Clinic** has represented poor children in juvenile and criminal proceedings since the Clinic's founding in 1969. The **Children and Family Justice Center** (CFJC) was established in 1992 at the Clinic as a legal service provider for children, youth and families and a research and policy center.

The **National Center for Youth Law** (NCYL) is a private, non-profit legal organization devoted to improving the lives of poor children in the United States.

The **Youth Law Center** (hereinafter "YLC") is a national public interest law firm that has worked since 1978 on behalf of children in juvenile justice and child welfare systems.

**Youth Advocate Program International** (YAP International) works to promote and protect the rights and well-being of the world's youth, giving particular attention to children victimized by conflict, exploitation, and state and personal violence.

The **Children's Law Center, Inc.** in Covington, Kentucky has been a legal service center for children's rights since 1989, protecting the rights of youth through direct representation, research and policy development and training and education.

The **Central Juvenile Defender Center**, a training, technical assistance and resource development project of the American Bar Association National Juvenile Defender Center, is housed at the Children's Law Center, Inc. and provides assistance on indigent juvenile defense issues in Ohio, Kentucky, Tennessee, Indiana, Arkansas, Missouri, and Kansas.

The **Georgetown Law Center Juvenile Justice Clinic** is one of the oldest clinical legal education programs focusing on the needs of children. Since our founding in 1973, we have provide legal representation to children in all types of cases.

**Legal Services for Children** ("LSC") was founded in 1975 as the first non-profit law firm established to provide free direct legal and social services to children and youth. LSC represents youth in dependency, guardianship, school expulsion, immigration and other cases.

**Federation of Families for Children's Mental Health** emerged in 1989 from the grassroots efforts of many individual family members and supportive professionals committed to improving services and supports for children and youth with emotional, behavioral, or mental disorders and their families. It is now the nation's family driven voice for children's mental health.

The **Barton Child Law and Policy Clinic** was established in March 2000 to address the need in Georgia for an organization dedicated to effecting systemic policy and process changes for the benefit of the children in Georgia's child welfare system.

**Children's Law Center of Los Angeles** ("CLC") is a nonprofit, public interest law corporation created over a decade ago and funded by the Los Angeles Superior Court to serve as appointed counsel for abused and neglected youth in one of the largest foster care systems in the nation.

The **San Francisco Public Defender's Office** provides legal representation per year to approximately 1,400 juveniles, aged 10-18, who are arrested and charged with delinquent offenses.

The **Office of the Child Advocate in New Jersey** investigates, reviews, monitors and evaluates State agencies responsible for serving children, and makes recommendations for systemic and comprehensive reform through investigation, policy and practice innovation, public reporting, hearings, litigation and other strategies.

Founded in 1997, the **Juvenile Justice Project of Louisiana** ("JJPL") has established itself as a partner in efforts to reform Louisiana's juvenile justice system and to improve outcomes for at risk children and youth nationwide.

The **Pacific Juvenile Defender Center** provides support, training and technical assistance for juvenile defenders throughout California and Hawaii.

The **Mid-Atlantic Juvenile Defender Center** (MAJDC) is a multi-faceted juvenile defense resource center that has served the District of Columbia, Maryland, Puerto Rico, Virginia and West Virginia since 2000.

The **National Network for Youth** (NNY) is a national non-profit membership and advocacy organization committed to ensuring that young people can be safe and lead healthy and productive lives. NNY's membership includes over 600 community-based organizations nationwide.

The **Office of the Juvenile Defender in Vermont** is a division of the Office of the Defender General. It was established over twenty-five years ago to provide ongoing legal representation to all children and youth who were represented in initial juvenile court proceedings by Public Defenders and as a result of those proceedings were ordered into the custody of the Commissioner of the state's child welfare agency.

**Children's Law Center of the University of Richmond School of Law** serves as the umbrella organization for the law school's long established clinical programs. These clinics have represented children, at no cost, in juvenile court and special education proceedings since 1979.

The **New England Juvenile Defender Center, Inc.** was created in 2000 with support from the American Bar Association to ensure excellence in juvenile defense and promote justice for children in the juvenile justice systems of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

The **Criminal Justice Institute** ("CJI") is a curriculum-based clinical program in criminal law at Harvard Law School.

The **Northeast Regional Juvenile Defender Center** (NRJDC) is a regional affiliate of the American Bar Association's National Juvenile Defender Center and is dedicated to increasing access to justice for and the quality of representation afforded to children caught up in the juvenile and criminal justice systems in Pennsylvania, New Jersey, New York, and Delaware.

**Carolina Legal Assistance (CLA)** is a private, non-profit legal services program, which has exclusively represented clients with mental disabilities since 1978. It is CLA's mission to promote for its clients freedom of choice and quality services in the least restrictive setting.

The **Southern Juvenile Defender Center** ("SJDC") works to ensure excellence in juvenile defense and promote justice for all children in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina by enhancing the quality of representation, the capacity of the juvenile defense bar, and by educating society on the issues and processes affecting children with research and policy analysis.

The **New Mexico Women's Justice Project**, located in Albuquerque, New Mexico, is a non-profit organization that seeks to eliminate a broad range of systemic barriers to social, economic and political justice faced by women, girls and their families in New Mexico. The New Mexico Women's Justice Project focuses on women and girls whose lives are affected by the criminal justice, delinquency and child welfare systems.

The **Office of the Maricopa County Public Defender** has represented indigent people in criminal and juvenile proceedings for almost 40 years. For a child who is adjudicated delinquent or incorrigible, it is our belief that we should present the dispositional alternatives to the court that will provide the needed services for our clients and their families in the least restrictive setting.

The **Wisconsin Council on Children and Families (WCCF)** is a multi-issue, private non-profit organization that does research, policy development, public education and advocacy on state and federal policy changes that will positively affect the lives of children, youth and families. WCCF was founded in the late 1800s and addresses a range of issues, including juvenile justice, child welfare, workforce supports for low-income working families, health care coverage, children's brain development and K-4 through 12 education.

**The Sentencing Project** was founded in 1986 as an independent non-profit organization working for a fair and effective criminal justice system by promoting alternatives to incarceration, reforms in sentencing laws and practices, and more effective use of community-based and public services to achieve reductions in crime.

The **Center on Children and Families (CCF)** at University of Florida's Fredric G. Levin College of Law was established in 2001, to coordinate the classroom, research and clinical programs relating to children at Florida's oldest and largest law school.

The **Florida Public Defender Association** represents the 20 elected Public Defenders of Florida, their 1000 appointed Assistant Public Defenders, and their statewide support staff.

The **Midwest Juvenile Defender Center**, a regional Center of the National Juvenile Defender Center, provides assistance and support to attorneys, judges, social workers, and others who work with children who are involved in the delinquency and / or criminal court systems. The Midwest Region includes the states of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

The **Juvenile Justice Initiative (JJI)** of Illinois is a non-profit, non-partisan, inclusive statewide coalition of state and local organizations, advocacy groups, legal educators, practitioners,

community service providers, and child advocates supported by private donations from foundations, individuals, and legal firms.

The **Southwest Regional Juvenile Defender Center**, housed at the University of Houston Law Center, brings together juvenile defenders, mental health professionals, educators, legislators, and other juvenile justice professionals. Through this collaboration the Center strives to improve advocacy for children.

The **Northwest Juvenile Defender Center**, a training, technical assistance and resource development project of the American Bar Association National Juvenile Defender Center, is housed at the Defender Association in Seattle, Washington. In this context, it provides assistance on indigent juvenile defense issues in Alaska, Idaho, Montana, Nevada, Oregon, Washington, and Wyoming.

**JustChildren** provides advocacy for children with different vulnerabilities, including mental health problems, learning disabilities, and the after-effects of crime. JustChildren is a program of the Legal Aid Justice Center, which provides civil legal representation to low income people in central Virginia.

The **Virginia Coalition for Juvenile Justice** is a network of parents, service providers, agency staff, advocates, and individuals working to improve juvenile justice in Virginia. The Coalition's members include experts and leaders in the field.

The **W. Haywood Burns Institute for Juvenile Justice Fairness and Equity** works to protect and improve the lives of youth of color, poor children and their communities by ensuring fairness and equity throughout all public and private youth serving systems.

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### **Summary**

In the fifteen years since this Court ruled the execution of 16- and 17-year olds constitutional in *Stanford v. Kentucky*, 492 U.S. 361 (1989), a similar consensus has plainly emerged about youth's analogous disabilities in areas of reasoning, judgment and control of their impulses, as well as their lesser moral culpability for crimes they commit, such that *Stanford* must also now be overruled. This consensus is reflected, inter alia, in the growing body of legislative and judicial restrictions on the rights and responsibilities of youth under 18 since *Stanford* was decided, the emergent research on adolescent development as it impacts culpability and the deterrence of youth, and the special risk of wrongful execution because of youth's special vulnerability to confessing to crimes they did not commit. As in *Atkins*, to continue to execute 16- and 17-year olds in the face of these changes in the national consensus would run afoul of the Eighth Amendment's proportionality analysis.

### **Interest of Amici**

Amici know from their collective experience that adolescent immaturity often manifests itself in numerous ways that implicate culpability, including diminished ability to assess risks, make good decisions and control impulses. In their work with youth, amici are constantly challenged by the varied characteristics of adolescent behavior that often include risk taking behavior, egocentrism, perceived invulnerability and irrational decision-making.

It is for the aforementioned reasons that amici believe that the status and virtue of childhood and adolescence separate youth from adults in categorical and distinct ways. Youth cannot be held to the same standards of blameworthiness and culpability as their adult counterparts. To do so flies in the face of historical reason as well as an overwhelming body of statutory and constitutional law.

# **Murder Victims' Families for Reconciliation**

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatory**

Founded in 1976, **Murder Victims' Families for Reconciliation** is a national, nonprofit organization of family members of killings who oppose the death penalty. We support programs and policies that reduce the rate of homicide and promote crime prevention and alternatives to violence. We advocate for programs that address the needs of victims, helping them to rebuild their lives.

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Son of murder victim, victim advocate

## **Summary**

The use of the death penalty for minors should not be justified in the name of victims, since victims are not a monolithic group and have differing views on the use of capital punishment for murderers. Murder Victim's Families for Reconciliation contends that the foundation of justice rests upon universal principles of human rights, as articulated in numerous instruments of international law which prohibit the use of the death penalty for offenders under the age of 18.

## **Interest of Amicus**

Murder Victim's Families for Reconciliation is an organization that knows firsthand the pain and anger of losing a loved one to homicide. With such a perspective, we maintain that perpetuating the cycle of killing cannot vindicate murder and is an inappropriate policy in a just society.

# Coalition for Juvenile Justice

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatory**

The **Coalition for Juvenile Justice** (CJJ) serves as a premier national resource on delinquency prevention and juvenile justice issues. CJJ is based in Washington, DC, yet reaches every U.S. state, territory, and the District of Columbia. Nationwide, more than 1,500 CJJ volunteers from the public and private sector—professionals, concerned citizens, and advocates for children and families—participate as members of state advisory groups on juvenile justice.

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## **Summary**

CJJ believes that the application of the death penalty to juveniles in adult courts is unconstitutional. Like the mentally retarded, juveniles have developmental limitations and deficiencies that make them less able to assist counsel, more likely to make false confessions, and overall more likely to be wrongfully convicted or wrongfully sentenced to death. This erosion of basic rights under the Fifth and Sixth Amendments is unacceptable and warrants the categorical exclusion of juveniles from the death penalty.

## **Interest of Amicus**

The Juvenile Justice Delinquency Prevention Act requires CJJ “to disseminate juvenile justice information, data, standards, advanced techniques, and program models.” (42 U.S.C. §5633(f)(2)(B)). To carry out that duty, CJJ publishes Annual Reports, which survey current available research and provide information and recommendations about various topics relevant to juvenile justice issues.

As a group that has both studied and directly worked with juveniles in the justice system for more than a quarter century, CJJ’s perspective is unique. In 1989, CJJ’s Board of Directors unanimously adopted a resolution opposing the execution of individuals for crimes committed

before their eighteenth birthday. Since that time, CJJ has expanded this resolution into a Position Paper. It has also supported the United Nations Convention on the Rights of the Child, largely because it would bar the execution of juvenile offenders.

# **New York State Attorney General Eliot Spitzer**

*Summary of Brief in Support of Respondent Christopher Simmons*

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# American Bar Association

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatory**

The **American Bar Association** ("ABA") is the principal voluntary national membership organization of the legal profession. Its more than 400,000 members include prosecutors, public defenders, lawyers in private practice, legislators, law professors, law enforcement and corrections personnel, law students, and a number of non-lawyer "associates" in allied fields.

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## **Summary**

Juvenile offenders generally do not have the heightened moral culpability that the Court requires for the imposition of the death penalty. *See, e.g. Atkins v. Virginia*, 536 U.S. 304 (2002) (holding that mentally retarded persons do not have the required heightened moral culpability). Moreover, the reduced capacity of juvenile offenders means that retribution and deterrence rationales for the death penalty are inapplicable and that juveniles face a special risk of wrongful conviction and of receiving unjustified death sentences.

Since 1989, when the Court held that the execution of individuals who commit crimes when they are 16- or 17-years-old did not offend the Constitution, *Stanford v. Kentucky*, 492 U.S. 361 (1989), there have been significant developments in the law and society that necessitate reconsideration of this precedent.

## **Interest of Amicus**

Although the ABA has a longstanding policy of taking no position on the death penalty as a general matter, it does oppose the death penalty for juvenile offenders. This position was first expressed in a Resolution passed by the ABA House of Delegates in 1983, which states that the ABA opposes "the imposition of capital punishment upon any person for any offense committed while under the age of eighteen." ABA, *Summary of Actions of the House of Delegates, 1983 Annual Meeting, Reports of Sections*, 17. The 1983 resolution culminated nearly two years of research, reflection and debate by the ABA Section on Criminal Justice. The ABA reaffirmed this position in a resolution passed by the ABA House of Delegates in 1997, supporting a moratorium on the death penalty until states implement a number of features, including establishment of a minimum age of 18 for the death penalty. ABA, *Report with Recommendations No. 107* (February 1997).

The ABA recognizes that some juvenile offenders deserve severe punishment for their crimes. However, when compared to adults, juvenile offenders' reduced capacity – in moral judgment, self-restraint and the ability to resist the influence of others – renders them less responsible and less morally culpable than adults. See IJA/ABA *Juvenile Justice Standards Relating to Transfer Between Courts*, 3 (1980). The ABA therefore believes that the moral culpability of juvenile offenders is such that they should not be subject to the ultimate punishment, reserved for the worst crimes and offenders – the death penalty.

# Constitution Project

*Summary of Brief in Support of Respondent Christopher Simmons*

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## **Signatory**

The **Constitution Project** is a nonprofit, bipartisan organization that seeks to build consensus and develop solutions to contemporary legal and constitutional issues through a combination of scholarship and public education.

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President, Constitution Project

## **Summary**

There is a growing consensus against the death penalty for minors based upon the fact that adolescents do not possess the level of moral responsibility and culpability that society expects of an adult. Neither of the two ostensible goals of the death penalty, deterrence nor retribution, are served by the punishment. Also, the risk of error in juvenile convictions and sentencing is unduly high.

## **Interest of Amicus**

The Constitution Project seeks to develop bipartisan solutions to contemporary constitutional and governance issues. In May 2000, the Constitution Project created a death penalty initiative, convening the 30 members of the death penalty initiative's blue ribbon committee to examine

our country's present course, and to recommend ways to ensure that fundamental fairness is guaranteed for all.

The committee's members are supporters and opponents of the death penalty, Democrats and Republicans, conservatives and liberals. They are former judges, prosecutors, and other public officials, as well as victim advocates, defense lawyers, journalists, scholars, and other concerned Americans. They have extensive and varied experience in the criminal justice system. They may disagree on much, including whether abolition of the death penalty is warranted, but they are united in their profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been revealed to be deeply flawed.

After extensive study and discussion, the committee is unanimous in its opinion that persons under the age of 18 at the time of the crime should not be eligible for the death penalty. Permitting the death penalty for minors serves no legitimate legal purpose.

# National Legal Aid and Defender Association

*Summary of Brief in Support of Respondent Christopher Simmons*

**CONTACT:** Clinton Lyons, 202-452-0620, [c.lyons@nlada.org](mailto:c.lyons@nlada.org)

## **Signatory**

The **National Legal Aid and Defender Association** (NLADA), a nonprofit corporation, works to support indigent defender services and civil legal assistance to those who cannot afford lawyers. Through its Defender Legal Services division, NLADA provides training, information, and technical assistance to public defender offices and others who provide legal services to indigent criminal defendants.

## **Counsel of Record**

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## **Contact**

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President and CEO, NLADA

## **Summary**

This brief focuses on line-drawing and demonstrates that the appropriate age below which a juvenile cannot face capital punishment is 18. Throughout the American legal system, age 18 is the recognized dividing line between adult responsibilities and childhood. Furthermore, state laws, as well as low rates of death sentences for and executions of juvenile offenders, provide objective indicia reinforcing that 18 is the most valid age at which to set the line for the ultimate punishment.

## **Interest of Amicus**

NLADA has previously expressed its interest in this issue before this Court; it filed an *amicus* brief in *Thompson v. Oklahoma*, 487 U.S. 816, 839, the case which set the minimum death penalty age in the United States at 16. Michael Mello, counsel of record for this brief, represented NLADA on the *Thompson amicus* brief. NLADA is a leading voice in public policy debates on equal justice issues and has filed *amicus curiae* briefs in major constitutional cases before the U.S. Supreme Court that involve the administration of the criminal justice system. Here it demonstrates its particular concern that young defendants in every state of the nation be afforded their Constitutional right to protection against cruel and unusual punishment.

# Civil Rights Groups

*Summary of Brief in Support of Respondent Christopher Simmons*

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## Signatories

**The NAACP Legal Defense and Educational Fund, Inc. (LDF)** was founded in 1940 under the leadership of Thurgood Marshall. Although LDF's primary purpose was to provide legal assistance to poor African Americans, its work over the years has brought greater justice to all Americans.

**The Urban League** is the nation's oldest and largest community-based movement empowering African Americans to enter the economic and social mainstream.

**The National Bar Association** works to advance the science of jurisprudence; improve the administration of justice; preserve the independence of the judiciary; improve the condition of all American citizens in their efforts to secure a free and untrammelled use of the franchise guaranteed by the Constitution of the United States; and to protect the civil and political rights of the citizens and residents of the United States.

**The National Black Police Association** is a nationwide organization of African American Police Associations dedicated to the promotion of justice, fairness, and effectiveness in law enforcement.

**The National Black Caucus of State Legislators'** primary mission is to develop, conduct and promote educational, research and training programs designed to enhance the effectiveness of its members, as they consider legislation and issues of public policy which impact, either directly or indirectly upon "the general welfare" of African American constituents.

**National Association of Criminal Defense Lawyers** works to ensure justice and due process for persons accused of crime, foster the integrity, independence and expertise of the criminal defense profession; promote the proper and fair administration of criminal justice.

**The National Association of Black Social Workers** comprised of people of African ancestry, is committed to enhancing the quality of life and empowering people of African ancestry through advocacy, human service delivery, and research.

**The Puerto Rican Legal Defense and Education Fund** works to secure, promote and protect the civil and human rights of the Puerto Rican and wider Latino community through litigation, policy analysis and education.

**The National Black Law Students Association** works to promote the professional needs and goals of Black Law Students; to instill a greater awareness and commitment to the needs of the Black community; to influence the legal community to bring out meaningful change to meet the needs of the Black community; and to encourage Black Law Students to pursue careers in the judiciary.

**The National Alliance of Black School Educators** is devoted to furthering the academic success for the nation's children - particularly children of African descent. NABSE is dedicated to improving both the educational experiences and accomplishments of African American youth through the development and use of methods that increase levels of inspiration, attendance and overall achievement.

**National Coalition to Abolish the Death Penalty** provides information, advocates for public policy, and mobilizes and supports individuals and institutions that share our unconditional rejection of capital punishment.

**The Texas Coalition to Abolish the Death Penalty** a grassroots Texas organization comprised of individuals and groups who work to end the death penalty.

**Virginians for Alternatives to the Death Penalty** is a statewide citizens' organization dedicated to educating the public about alternatives to the death penalty.

### **Counsel of Record**

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Staff Attorney, Criminal Justice Programs  
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### **Contact**

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### **Summary**

Due to the special circumstances of adolescence, defendants who are under the age of 18 are more vulnerable to disparities in the criminal justice system than adults. Disproportionate sentencing of minorities to death is a particular problem of concern to amici.

### **Interest of Amici**

Although the parties to this brief represent a wide spectrum of professional expertise, from educators to police officers, from students to elected representatives, amici have particular expertise and a specialized concern regarding the fair and equal treatment of minorities in our society. Research clearly demonstrates that the influence of racial discrimination is more severe among youth in the criminal justice system than adults, and is further justification for a categorical exemption of minors from eligibility for capital punishment.

# Missouri Groups

*Summary of Brief in Support of Respondent Christopher Simmons*

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## Signatories

**The Missouri Ban Youth Executions (BYE) Coalition**, which includes:

**Citizens for Missouri's Children** is an independent voice for Missouri's children. Our mission is to advocate the rights and well-being of all Missouri's children, especially those with greatest need.

**Missouri Catholic Conference** is the public policy agency of the Catholic Church in our state.

**Missouri Juvenile Justice Association** is a statewide, not-for-profit organization whose mission is to develop and promote a quality juvenile justice service delivery system to youth in the State of Missouri.

**Missouri Association for Social Welfare** works to provide leadership, research, education and advocacy to improve public policies and programs impacting the health and welfare of all people in Missouri.

**The Missouri National Education Association** works to unite and empower education employees to shape the future of public education. The 32,000 members of the Missouri National Education Association are public school teachers, librarians, counselors, coaches, school psychologists and psychiatrists, administrators and faculty in colleges and universities.

**Catholic Services for Children & Youth** works to promote the welfare of children and youth in need by providing direct services or by advocating on their behalf. We provide services in the child-welfare field—foster care, adoption and more.

**Jewish Community Relations Council** is the central public affairs arm of the organized Jewish community in Missouri.

**Church Women United of Missouri** is an ecumenical movement of Missouri women committed to living our Christian faith in consecrated action for justice and peace, sharing in worship, prayer, song and celebration across the generations, and spreading a global table of generous hospitality.

**National Association for the Advancement of Colored People, Missouri**, is the statewide entity for the NAACP.

**National Association of Social Workers, Missouri Chapter** works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies in Missouri.

**Sisters of St. Joseph of Carondelet** come together to serve all persons. With a distinctive spirit of hospitality and a particular concern for the poor, we witness to the gospel message.

**Vision for Children at Risk** works to promote the well-being of children and youth in the St. Louis metropolitan area, targeting particularly those young people who face serious socio-economic risk. The goal of VCR is to ensure the St. Louis community makes more effective, systematic provision for meeting the fundamental needs of all area children.

**Youth Council for Positive Development** is an organization of youth from ages 4 to 18 that works to promote youth development and civic involvement.

**American Friends Service Committee, Missouri** is the state division of the social service and humanitarian organization.

**Frederick Douglass Coalition** is a mid-Missouri group that works to address racial inequities and dialogue among people of different ethnic backgrounds.

**Grass Roots Organizing (GRO)** is a nonprofit organization based in central Missouri that works to mobilize lower income persons to address the problems of poverty. Primary issues include affordable housing, healthcare, nutrition, and disproportionately harsh criminal sentencing of the poor.

**Institute for Peace and Justice** is a nonprofit organization based in St. Louis that works to promote nonviolence through education, training, and coalition building.

**Mid-Missouri Fellowship of Reconciliation (FOR)** is an interfaith organization committed to active nonviolence as a transforming way of life and as a means of change. We educate, train, build coalitions, and engage in nonviolent and compassionate actions in Missouri.

**Missouri Citizens United for Rehabilitation of Errants (CURE)** is a grass roots organization dedicated to reducing crime through reform of the criminal justice system.

**Missourians to Abolish the Death Penalty (MADP)** is a membership and advocacy organization that works to abolish the death penalty in Missouri.

**University of Missouri-Columbia Students Against Youth Executions** is a coalition of student organizations working to prohibit minors from being eligible to receive the state's harshest sanction.

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### **Summary**

The execution of minors serves no legitimate penological purpose in light of emerging evidence documenting the limited capacities of juveniles in general and juvenile offenders, in particular. Missouri's experience demonstrates an unacceptable risk of wrongful death sentences resulting from the use of a juvenile's age as an aggravating circumstance rather than a mitigating circumstance. The execution of juvenile offenders violates contemporary standards of decency on a national level as well as in Missouri itself.

### **Interest of *Amici***

Missouri Ban Youth Executions (BYE) Coalition represents thousands of Missouri citizens across the social spectrum. It is comprised of more than 20 groups having an interest in adolescent development and behavior, including medical and health associations, as well as educational, religious, service, and child advocacy organizations. BYE formed in the fall of 2002 to end the death penalty for minors in our state. Many of the BYE Coalition member groups have no position on the death penalty in general, while some oppose the practice in all instances. Its members are nevertheless united in opposing the execution of juvenile offenders as a violation of our state and federal prohibitions against cruel and unusual punishment.

# **Bar of England and Wales et al.**

## *Summary of Brief in Support of Respondent Christopher Simmons*

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### **Signatories**

The **Bar of England and Wales**, through the Human Rights Committee, appears on behalf of persons whose human rights are endangered. Its guiding principle is the belief that no person should be punished for any crime except after a trial and appeals process that accords with the highest standards for fairness and the rule of law.

**Human Rights Advocates**, a California non-profit corporation, founded in 1978, with national and international membership, endeavors to advance the cause of human rights to ensure that the most basic protections are afforded to everyone. Human Rights Advocates has a Special Consultative Status in the United Nations and has participated at the meetings of the Commission on Human Rights.

**Human Rights Watch** is a non-governmental organization established in 1978 to monitor and promote observance of internationally recognized human rights. It also has a Special Consultative Status in the United Nations. It regularly reports on human rights conditions in more than seventy countries around the world.

The **World Organization for Human Rights USA** (WOHR) (formerly the World Organization Against Torture USA) is an international human rights organization focusing on the issue of torture (defined under the Convention Against Torture as “severe pain or suffering”) and the United States’ compliance with international human rights standards.

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### **Summary**

International law and opinion have informed the law of the United States from the Declaration of Independence forward. The Founders were greatly influenced by international legal and social thought; throughout the history of this country, courts have referred to international standards in considering the permissibility of practices under the Constitution. This is particularly true with respect to the Eighth Amendment's cruel and unusual punishment clause. Of particular relevance have been the law and opinions of the United Kingdom. Similarly, virtually every other country in the world has rejected the practice of executing juvenile offenders. Numerous treaties, resolutions by various United Nations bodies, and decisions by regional bodies prohibit and condemn the practice. The practice by countries and pronouncements by international bodies support the conclusion that the prohibition against juvenile offender executions has reached the level of jus cogens or peremptory norm of international law.

### **Interest of Amici**

Amici consider the history of treatment of juveniles in the United Kingdom, as well as the status of the international law and practice with respect to the juvenile death penalty, to be of particular interest to this Court. With respect to the former, very few juveniles were ever executed in the United Kingdom. In 1933, the execution of those aged 18 at time of sentence was forbidden, and in 1948 the death penalty was prohibited for those who were under 18 at the time of the offense. These developments took place at a time when the death penalty for adults was still allowed.

Amici urge this Court to consider the history and laws of the United Kingdom, international law generally, and the jus cogens norm in particular in determining that under the Eighth Amendment's clause prohibiting cruel and unusual punishment, standards have now evolved to prohibit the juvenile death penalty.