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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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**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.

## **Counsel of Record**

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Lecturer and author on adolescent psychology and the law  
Professor of Law, University of Virginia

## **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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**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

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.”



India, U.S. Ambassador to Israel, U.S. Ambassador to El Salvador, U.S. Ambassador to Nigeria, U.S. Ambassador to The Hashemite Kingdom of Jordan, and Executive Secretary of the Department and Special Assistant to the Secretary. He was also President of the Eurasia Foundation.

**Felix G. Rohatyn** is the President of Rohatyn Associates. He was previously Counselor at the Council on Foreign Relations. He is a Trustee of the Center for Strategic and International Studies. He served from 1997-2000 as U.S. Ambassador to France, and before that time as Partner and Managing Director of Lazard Freres, Chairman of the Municipal Assistance Corporation, and Member of the Board of Governors of the New York Stock Exchange.

**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.

**Frank G. Wisner** is Vice-Chairman of the American International Group. A Career Ambassador, during his diplomatic career, he served as U.S. Ambassador to India, U.S. Ambassador to the Philippines, U.S. Ambassador to Egypt, and U.S. Ambassador to Zambia. He also served as Under Secretary of Defense for Policy, Under Secretary of State for International Security Affairs, and Senior Deputy Assistant Secretary of State for African 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



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

*Summary of Brief in Support of Respondent Christopher Simmons*

**CONTACT:** Anne James, 703-897-7785

## **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, Port

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*

**CONTACT:** Cardinal William Keeler, 410-547-5437,

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

**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.

## **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





**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



### **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**

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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Ken Schatz, 802-865-7121, [kschatz@ci.Burlington.vt.us](mailto:kschatz@ci.Burlington.vt.us)

## **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.

## **Counsel of Record**

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## **Contacts**

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**Ken Schatz, 802-865-7121, [kschatz@ci.Burlington.vt.us](mailto:kschatz@ci.Burlington.vt.us)**  
National Chair, Coalition for Juvenile Justice  
City Attorney, Burlington Vermont

## **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

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*

# 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.

## **Counsel of Record**

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Director, American Bar Association, Death Penalty Representation Project

### **Wallace Mlyniec, 202-662-9576, [mlyniec@law.georgetown.edu](mailto:mlyniec@law.georgetown.edu)**

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 num

# 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.

## **Counsel of Record**

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Holland & Knight LLP

## **Contact**

**Beth Wilkinson**  
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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*

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## **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,

# **Civil Rights Groups**

**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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# Missouri Groups

*Summary of Brief in Support of Respondent Christopher Simmons*

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Jeff Stack, 573/449-4585, [jstack@no2death.org](mailto:jstack@no2death.org)

## 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 210nization w

**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 tr

**Jeff Stack, 573-449-4585, [jstack@no2death.org](mailto:jstack@no2death.org)**  
Co-Chair, Missouri Ban Youth Executions Coalition  
Director, Mid-Missouri Fellowship for Reconciliation

### **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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### **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.