Supreme Court Bars Executing the Mentally Retarded

By: David Stout
Adapted by Fishtank Staff

1 WASHINGTON, June 20—In one of the most important capital punishment cases in years, the United States Supreme Court ruled today that executing killers who are mentally retarded is unconstitutional.

2 The 6-to-3 ruling not only spared the life of Daryl R. Atkins, a Virginia inmate, at least for now, but could save scores of other death-row prisoners in the 20 states that still allow the execution of mentally retarded murderers. Thirty-eight states have capital punishment.

3 The ruling could also affect cases for years to come, as murder suspects of borderline intelligence argue through their lawyers that they should be classified as retarded and therefore ought not to face the death penalty.

4 Mental health professionals generally regard those with an I.Q. below 70 as retarded. But the definitions used by medical professionals and those upon which judges and lawyers rely do not always coincide, especially in trying to determine a defendant's ability to know right from wrong and to assist in his own defense.

5 Justice John Paul Stevens wrote the majority opinion, declaring that much had changed in the United States in the 13 years since the Supreme Court refused, in a case called Penry v. Lynaugh, to recognize a constitutional bar to putting retarding people to death.

6 "Those mentally retarded persons who meet the law's requirements for criminal responsibility should be tried and punished when they commit crimes," Justice Stevens wrote. "Because of their disabilities in areas of reasoning, judgment, and control of their impulses, however, they do not act with the level of moral culpability that characterizes the most serious adult criminal conduct."

Stout, David. "Supreme Court Bars Executing Mentally Retarded." June 2002.

7 In 1989, the court decided that "there is insufficient evidence of a national consensus" from which to conclude that such executions violated the country's "evolving standards of decency."

8 But since then, "the American public, legislators, scholars and judges have deliberated over the question whether the death penalty should ever be imposed on a mentally retarded criminal," Justice Stevens noted today.

9 In fact, the number of states that have the death penalty but prohibit execution of the mentally retarded has grown to 18 today from only two in 1989. That shift is powerful evidence that under the country's "evolving standards of decency" there is a growing consensus that executing retarded people is "cruel and unusual punishment" under the Eighth Amendment to the Constitution and therefore cannot be allowed, the majority held.

10 Joining Justice Stevens in the majority were Justices Sandra Day O'Connor, Anthony M. Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer.

11 Chief Justice William H. Rehnquist dissented, along with Justices Antonin Scalia and Clarence Thomas.

12 Chief Justice Rehnquist said the majority relied too much on "opinion polls" in reaching its conclusion, and he was disdainful of any allusion to the lack of a death penalty in many other countries. "The viewpoints of other countries simply are not relevant," he said.

13 Writing separately, Justice Scalia said, "The fact that juries continue to sentence mentally retarded offenders to death for extreme crimes shows that society's moral outrage sometimes demands execution of retarded offenders."

14 Justice Scalia accused the majority of "thrashing about" in its search for a national consensus. "Seldom has an opinion of this Court rested so obviously upon nothing but the personal views of its members," he added.

15 The texts of the opinions can be read on the high court's Web site: www.supremecourtus.gov.

16 Like many other cases that give rise to court rulings of profound importance, the one decided today, Atkins v. Virginia, 01-8452, was born under horrible circumstances.

Stout, David. "Supreme Court Bars Executing Mentally Retarded." June 2002.

17 Daryl Renard Atkins, an 18-year-old high school dropout, and a friend were seeking money to buy beer one night in the summer of 1996. They abducted a serviceman from Langley Air Force Base in Virginia, Eric Nesbitt, in the parking lot of a 7-Eleven store, forced him to withdraw money from a teller machine, and then drove him to a deserted area. Ignoring his pleas for mercy, they shot him to death.

18 At the trial, one psychiatrist called Mr. Atkins "mildly retarded" and said he would qualify for Social Security disability payments.

19 Mr. Atkins, convicted as the one who actually shot Mr. Nesbitt, was sentenced by the jury to death. The Virginia Supreme Court upheld the sentence last year. The case was argued before the United States Supreme Court on Feb. 21.

20 Although Mr. Atkins's I.Q. has been measured at 59, Virginia has maintained that he is not in fact retarded, an issue that will have to be resolved in the state courts, now that the Supreme Court has ruled in his favor on the Eighth Amendment question.

21 The Justice Project, a group that monitors the criminal justice system for any inequities, applauded the ruling, telling The Associated Press that today's decision "reflects a growing national concern that the administration of the death penalty is unfair."

22 "This decision comes at a time when there is growing agreement among death penalty proponents and opponents alike that the capital punishment system is broken," the group said.

23 The National Coalition to Abolish the Death Penalty said today's ruling was "the most important ruling on the death penalty in more than a quarter of a century" because it had the potential "to remove an entire class of people from death row."

24 New York and Connecticut are among the states that already bar executions of the mentally retarded. So does the federal government. New Jersey technically allows execution of retarded inmates convicted of capital crimes, but no one has been put to death in the state since 1963.

25 Texas, which has executed more people than any other state, still allows the execution of retarded inmates who are on Death Row, but a move is under way in the state legislature to prohibit the practice.

Stout, David. "Supreme Court Bars Executing Mentally Retarded." June 2002.

26 It may be impossible to determine how many retarded people have been executed in the United States since the Supreme Court, in 1976, restored capital punishment after a four-year hiatus. Steven Hawkins, the executive director of the National Coalition to Abolish the Death Penalty, said today that at least 44 retarded people had been put to death since 1976.

27 Justice Stevens wrote that since 1989, when the court declined in the Penry case to see a constitutional bar to executing the retarded, five people known to have I.Q.'s below 70 have been executed—one each in Texas, Louisiana, Alabama, South Carolina and Virginia.

28 Justice O'Connor played a crucial role in the case decided today, siding with the majority and reversing her stand of 13 years ago, when she wrote the Penry decision, which was reversed today.

29 When the justices heard Mr. Atkins's appeal on Feb. 21, James W. Ellis, a law professor and mental health specialist at the University of New Mexico, argued on behalf of the defendant.

30 Professor Ellis was asked by Justice Kennedy why he was not arguing that retarded people should not be punished for any crimes.

31 "The death penalty is different," he replied.

Stout, David. "Supreme Court Bars Executing Mentally Retarded." June 2002.