



**Writing Prompt:  
Mental Retardation and the Death Penalty**

In *Atkins v. Virginia* (2002), the Supreme Court held that it is a violation of the Eighth Amendment's ban on cruel and unusual punishment to execute death row inmates with mental retardation. According to the majority opinion, the decision reflected a national consensus that had formed on the issue. The case overturned a 1989 ruling in which it was decided that mentally retarded persons could be subject to the death penalty, but their condition should be a "mitigating factor" to be considered by the jury during sentencing.

**Write a persuasive essay in which you discuss and defend your view regarding mentally retarded people and the death penalty. You may use the following information, your own experiences, observations, and/or readings.**

- "Mental health experts have pointed out that mentally retarded persons' characteristic suggestibility and willingness to please leads them to confess - sometimes falsely - to capital crimes. In 1983, police convinced Earl Washington to make a statement concerning the rape and murder of a woman in Culpeper, VA, in 1982. The statements were used against him and in 1984 he was convicted and sentenced to death. Sixteen years later, DNA tests confirmed that Washington was innocent and he received an absolute pardon."

*-Source: Death Penalty Information Center*

- "The Court pronounces the punishment cruel and unusual primarily because 18 States recently have passed laws limiting the death eligibility of certain defendants based on mental retardation alone, despite the fact that the laws of 19 other States besides Virginia continue to leave the question of proper punishment to the individualized consideration of sentencing judges or juries. I write...to call attention to the defects in the Court's decision to place weight on foreign laws, the views of professional and religious organizations, and opinion polls in reaching its conclusion. The Court's suggestion that these sources are relevant to the constitutional question finds little support in our precedents and, in my view, is antithetical to considerations of federalism."

*-Source: Supreme Court Justice William Rehnquist,  
dissenting opinion in Atkins*

- "The mentally retarded can never meet the criteria of extraordinary blameworthiness. People with retardation are incapable of calculated, mature evil...They are limited in their ability to learn from experience, to control their impulses, to think in long-range terms or to understand causality. Children outgrow most of these limitations. Those who are retarded cannot."

*-Source: Jamie Fellner, Associate Counsel at Human Rights Watch*

As you write, remember to:

- Consider the purpose, audience, and context of your essay
- Organize your essay so that your ideas progress logically
- Include relevant details that clearly develop your essay
- Edit your essay for standard grammar and language usage