



January 23, 2024

The Honorable Merrick Garland
Attorney General
U.S Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland,

On behalf of the National Alliance on Mental Illness (NAMI), I write to respectfully ask that you commute the death sentences of people with serious mental illness on federal death row. NAMI is the nation's largest grassroots mental health organization, representing people with mental health conditions and their families. Our alliance of over 650 organizations opposes the use of the death penalty against people with serious mental illness, and I hope that you take swift action to address our request.

Approximately half of all people on federal death row exhibit signs of serious mental illness. Many of these individuals have documented histories of extensive trauma and abuse, and each of their stories are riddled with the failures of our society towards people with serious mental illness. During his 2020 campaign, President Biden pledged to eliminate the federal death penalty, and, on several occasions, the Administration has stated a commitment to supporting people with mental illness. In President's 2021 Proclamation on Mental Health Awareness Month, he stated the administration's commitment to "ensuring that people living with mental health conditions are treated with compassion, respect, and understanding." We implore the administration to extend this commitment to the people with serious mental illness on federal death row.

Serious mental illness presents significant issues before, during, and after a criminal trial. Those living with mental illness are more likely to make false confessions under interrogation methods often used for capital crimes. Symptoms of mental illness can seriously reduce a defendant's ability to communicate with their attorneys or participate in their own defense. Defendants may also suffer from anosognosia, a condition in which an individual is unaware of their own mental health condition, which may result in their preventing their attorneys from raising mental illness as a defense.

Furthermore, many lawyers representing capital defendants are typically not trained in mental health, which can lead to challenges in appropriately defending their clients. This can lead to a misunderstanding of how mental health symptoms can impact perception and rationality. Defense attorneys for people with mental illness in capital cases often fail to seek the support and expertise of mental health professionals or may bring the wrong type of expert. In many cases, the impact of mental illness is not even raised during trial, let alone evaluated or appropriately considered.

Our nation's highest courts have also questioned the ethics of executing people with serious mental illness and other cognitive barriers, continuing to highlight the inappropriateness of capital punishment for those with mental illness. In 1986, the U.S. Supreme Court held in *Ford v. Wainwright* that it is unconstitutional to execute people who are "insane." In 2007, the Court clarified in *Panetti v. Quarterman* that this prohibition applies to people who do not have enough of a connection to reality to understand why they are being put to death. More recently, in 2019, the Court in *Madison v. Alabama* held that the Eighth Amendment prohibits executing a prisoner who cannot rationally understand the reasons for his execution, whether that inability is due to psychosis or dementia.

I urge you to take direct and swift action to ensure that those currently on federal death row who suffer from serious mental illness are not executed by reviewing and seriously considering commutation for each person on federal death row. When expressing this request, I do not trivialize the magnitude of the crimes committed or the suffering of victims and their families. However, granting executive clemency will demonstrate your commitment to [fairness and humane treatment](#) while also addressing one of the many flawed systems that are disproportionately harmful to people with serious mental illness.

We appreciate your attention to these urgent matters. Please contact Shannon Scully (sscully@nami.org) if we can provide further information or support regarding our position or request.

Sincerely,

A handwritten signature in black ink that reads "Daniel H. Gillison, Jr." The signature is written in a cursive, flowing style.

Daniel H. Gillison, Jr.
CEO
National Alliance on Mental Illness (NAMI)

CC :

Elizabeth G. Oyer, Pardon Attorney, U.S. Department of Justice
Rosalind Sargent-Burns, Senior Deputy Pardon Attorney, U.S. Department of Justice
Kira Gillespie, Deputy Pardon Attorney, U.S. Department of Justice
Terri Tanielian, Special Assistant to the President, Executive Office of the President
Jessica Schubel, Special Assistant to the President, Executive Office of the President
Matt Klapper, Chief of Staff to the Attorney General, U.S. Department of Justice