



June 26, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden:

As leading mental health organizations, we respectfully ask you to commute the death sentence of Anthony George Battle to life without parole. Mr. Battle is a man on federal death row with such profound mental illness and dementia that we believe his execution would violate the U.S. Constitution's prohibition on executing people who are not competent to understand the reason for their execution. Your administration has made a commitment to mental illness as a national priority. Notably, in your 2021 Mental Health Awareness Month Proclamation, you stated your commitment to "ensuring that people living with mental health conditions are treated with compassion, respect, and understanding." This must extend to people with mental illness within the criminal justice system, and a commutation of Mr. Battle's sentence would further your leadership on these issues.

Mr. Battle is a 60-year-old man with an extensively documented history of profound mental illness dating back to his early twenties, and more recently, an equally well-documented history of vascular and frontotemporal dementia. Since his entry into the United States Bureau of Prisons (BOP) in 1987 for the murder of his wife, his severely impaired mental health condition has been noted in numerous evaluations. Furthermore, other prisoners have observed Mr. Battle's behavior to be strange, noting that he would swat at flies that weren't there, talk to himself, stare blankly, and stay mostly to himself. To the few prisoners with whom he did speak, he often didn't make sense, sometimes referencing computer chips that had been implanted in his body. In recognition of his severe mental health and cognitive impairments, he has been housed at MCFP Springfield, a BOP medical center, since early 2020 with no expectation that he will be able to return to USP Terre Haute, where those under federal death sentences are normally housed.

Over the course of six years, Mr. Battle was transferred to several different facilities, and in 1993, he was incarcerated at USP Atlanta. At the time, the facility was understaffed, and prisoners were free to roam, resulting in unpredictable violence. It was in this environment that, on December 21, 1994, Mr. Battle picked up a hammer and killed Officer D'Antonio Washington with three blows to the back of his head. Despite defense evidence that Mr. Battle suffered from schizophrenia, the jury sentenced him to death.

After his conviction and transfer to federal death row, Mr. Battle's mental and physical condition continued to deteriorate significantly. He became further withdrawn, isolated, and unable to care for himself. Prison medical records from this time confirm that Mr. Battle needed direction in how to shower and dress himself. He was frequently observed to have urine and feces on the

floor and in his cell shower, as well as on his clothing and in his bed. When asked, he sometimes did not know the year, where he was, or even that he had a death sentence.

Following outside hospitalizations in 2016 and 2017, Mr. Battle was diagnosed with vascular dementia, frontotemporal dementia, renal disease, and hypertension. Since that time, his memory, executive functioning, judgment, ability to communicate, and ability to adequately attend to his daily needs have grown progressively more impaired.

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.

Mr. Battle’s understanding of his case has always been irrational given the overlay of his psychosis. He does not understand, in a rational or factual manner, the reasons for, method of, or likelihood that he will be executed. He is unable to describe or recall the reasons for his being sentenced to death beyond the delusional belief that he is only in prison at all because “they” implanted computer chips in his body, controlled his actions, and made him kill Officer Washington. Additionally, he is unable to communicate with counsel rationally or factually, understand the role of counsel, or understand the process of clemency or court action on his behalf.

Irrespective of one’s position on the death penalty, it is well established that executing people whose developmental or medical status renders them less than fully able to comprehend the purpose of their punishment constitutes cruel and unusual punishment and does not comport with “evolving standards of decency.” In expressing our position, we do not trivialize in any way the magnitude of Mr. Battle’s crime or the suffering of his victims and their families. However, we are gravely concerned that the issues concerning Mr. Battle’s competence to be executed have not been adequately considered by the U.S. or by any court of law.

Your action to commute Mr. Battle’s death sentence would make the strongest possible statement about your commitment to justice, fairness, and compassion for people with severe mental illness. We urge you to do so without delay.

Sincerely,



Hannah Wesolowski
Chief Advocacy Officer
National Alliance on Mental Illness (NAMI)



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