My research paper began with a realization during a class discussion in NEUR 525, Neuroscience and Law. The topic of day was the death penalty, and class began with a general survey of the students in the room to gauge whether the majority supported or opposed the use of the death penalty. The discussion became contentious with various students heatedly citing evidence from the assigned readings. Some of these labeled the death penalty as a proven deterrent while others considered it to be a flawed, retributive injustice. Once the discussion concluded, I became aware of the fact that not once did any student cite as evidence in favor of his/her opinion details about the psychology of a specific death row inmate. I myself could not name one individual currently on death row in Texas. How can there be a policy about which everyone has a strong opinion yet for which hardly anyone knows actual people directly affected by the policy?

My insight led me Fondren, the center of research at Rice, in order to explore the death penalty further, specifically how it affects individuals with mental disabilities. Through a database that a reference librarian pointed me to, I uncovered a New York Times article about Teresa Lewis, the first woman executed by the State of Virginia since 1912. Lewis had, as classified by the latest Diagnostic Statistical Manual, borderline intellectual functioning, an IQ of 71-84 on the Stanford-Binet Scale. Her story illustrated to me the extent to which individuals at this level of intellectual functioning lack the reasoning capabilities of adults with normal intellectual functioning. Nevertheless, the justice system assumes that such individuals have the same “mens rea” or “guilty mind” as their peers given that people with mental disabilities face the same penalties for their crimes as their peers with normal intellectual functioning. Intuitively, that reasoning seemed flawed. I therefore embarked on an intellectual endeavor to develop and propose a test that I believed could demonstrate that individuals such as Lewis lacked the reasoning capabilities to understand the difference between “right” and “wrong,” a fundamental requirement for culpability in the justice system.
At this point in my exploration, Fondren proved invaluable to my efforts. Although at first I encountered difficulty finding relevant resources on the web, Fondren provided me with a hard copy of the Diagnostic Statistical Manual- IV (DSM-IV), which led me to several discoveries about mental retardation. By using the manual, I learned what differentiates mental retardation from borderline mental retardation. I noticed that the DSM-IV classifies them both as an Axis II disorder, which has several legal implications described under section III.4 in my paper. Furthermore, searches through the Legal Collection, Westlaw, Lexis Nexus Congressional, and Psychology and Behavioral Sciences, all available through Fondren online, led me to rediscover a resource I had encountered before, The Frontal Cortex and the Criminal Justice System by Robert Sapolsky. It pleased me that Fondren had access to these resources despite the fact that Rice does not have a law school, especially since this source became the foundation for the thrust of my paper: an experiment designed to illustrate that individuals with even borderline mental retardation do not meet the minimum standard for culpability set forth by the justice system. The Hassiotis text, attained through inter-library loan, also became an especially informative resource, documenting not only the limited capabilities of individuals with intellectual deficiency but also the co-morbidity for such individuals with other Axis II clinical disorders, such as personality disorders. The Duff text, provided by the Woodson Research Center, helped me understand the limitations of the legal system to extend special interest to individual cases. Even with all of the resources and data bases I was able to locate online, Fondren’s government publications and microfische collections provided me with the most resolve to investigate my topic.

Guided by government publications librarian Linda Spiro, I was able to access hard copies of US Reports of cases adjudicated by the Supreme Court. It was a harrowing experience to read the majority opinion of Atkins v. Virginia given by Justice John Paul Stevens, “[individuals with mental retardation] do not act with the level of moral culpability that characterizes the most serious adult criminal conduct.” His sentiments reaffirmed the purpose of my paper: to propose that the eighth amendment be extended criminals cast aside by our legal system, people who are victims despite the nature of their crimes. For
cases since 2006, Fondren’s microfische collection allowed me to uncover the gap in related legislation since *Atkins v. Virginia*. There are currently an untold number of Earl Washingtons (discuss under section II.4 in my paper) sitting on death row. My research describes a grave, virtually ignored injustice, happening now.

These findings led me to explore other avenues for illustrating the disparity inherent in the sentences given to adults with borderline intellectual functioning, and to prove that the diminished mental capacities of such people limit them from fully understanding the consequences of crimes they might commit.

The natural comparison was juvenile offenders. By using the intelligence quotient, I could illustrate how juvenile offenders ineligible for the death penalty under *Roper v. Simmons*, 2005, compare with individuals with borderline intellectual functioning. I first gathered relevant legislation through the Westlaw database in order to understand the current legal guidelines for juvenile offenders and capital punishment. Then, using One Search, I uncovered the Roberts text which chronicles the reasoning behind the existence of a juvenile court and affirms why, ethically, juveniles, because of their still developing intellectual capacities, must be treated differently than adult offenders by the legal system.

Through my research, I learned that while a juvenile (younger than thirteen, say) with normal intellectual functioning is ineligible to be tried as an adult, an adult with borderline intellectual functioning and a mental age below that of the ineligible juvenile will face the same sentencing as any adult offender with normal intellectual functioning.

*Atkins v. Virginia*, 2002, deems that it is unconstitutional to execute mentally retarded offenders. This decision is supported by the American Psychiatric Association and the American Psychological Association, among others. However, my research illustrates that this ruling is again incomplete. The Flynn effect, or the incremental raw score increase of IQ scores over time, and the intellectual capabilities
of the borderline mentally retarded demand that judicial reform include leniency for individuals with borderline intellectual functioning.

I am extremely grateful to Fondren Library and Fondren’s resources for providing me with the means to efficiently conduct my research, both for past projects and for this paper. Without the need for me to painstakingly search for opportunities to find relevant resources, I utilized Fondren’s diverse collections to support my point of view from several important angles. In addition, without the Fondren librarians, I would not have known about the depth of research material available for my topic. In the information age, academic libraries are more crucial than ever to provide students with trusted knowledge amidst the plethora of unchecked resources on the web. I hope that my research serves as a testament to the haven Fondren provides for Rice students.