

## THE EFFECT OF ATKINS BELOW THE MASON-DIXON LINE<sup>1</sup>

Bryan Stevenson

I'd like to just congratulate the *DePaul Law Review*, and Andrea [Lyon], and the Center for Capital Cases, and all of you that played a role in organizing this conference. I think talking about mental health and the implications of mental illness for the criminal justice system, and certainly for the death penalty, is urgently, urgently needed. And I do think—like issues like race—this is one of those topics where we haven't spent enough time thinking through what it means, and we certainly haven't spent enough time figuring out what to say to people about the importance of this issue.

I wasn't going to tell this story, but I'm going to tell it now. I really do believe that the great failing of the legal profession, of lawyers, of law students, of mental health professionals, of social workers, is that we too frequently convince ourselves that we should be silent, because saying something is not going to make a difference. And we allow ourselves to be disempowered by our sense of smallness. [ ] I see it all the time in law schools. I tell my students all the time, "Don't let the law school convince you that the passion you brought here, the energy, the enthusiasm, the commitment you brought here, is misguided—that there's too much complexity, there's too much you don't know, there's too much you can't understand, there's too much you can't deconstruct, and therefore, you just need to be quiet because you might say something that somebody else will perceive to be ignorant."

[ ] Mental illness is oftentimes shrouded with a lot of medical science and psychology and other science that a lot of us feel like we just don't completely understand, and I really worry that we haven't said enough about the significance of this problem. . . . I've learned, and I really do believe, that the most important thing we can do when we are confronting complex issues like mental illness and the death penalty, or race and the death penalty, or poverty and the criminal justice system,

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1. This is an edited transcript of the remarks given by Bryan Stevenson at the Seventeenth Annual DePaul Law Review Symposium, *Protecting a National Moral Consensus: Challenges in the Application of Atkins v. Virginia*.