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USA: CONGRESS CUTS TO FUNDING FOR LEGAL REPRESENTATION FOR DEATH ROW PRISONERS THREATENS THE RIGHT TO A FAIR TRIAL AND INCREASES DANGER OF INNOCENTS BEING EXECUTED

The proposed withdrawal of funds by the US Congress for Post-Conviction Defender Organizations (PCDOs), commonly known as Capital Representation Resource Centers, could lead to grossly inadequate representation for death row prisoners, Amnesty International said today.

The current bill before Congress eliminates the \$20 million funding for the PCDOs, therefore leaving the majority of the Centers without sufficient funding and forcing their closure.

"The centers, which currently employ approximately 190 attorneys, represent about half of the United States 3000 death row inmates -- the withdrawal of funding will have the effect of firing half the attorneys representing those on death row," the organization said.

Amnesty International believes that the chances of those innocent of the crime for which they were sentenced being executed will increase with the demise of the PCDOs.

Walter McMillian was sentenced to death in Alabama in 1988. He was represented during the appeals process by staff from the Alabama Capital Resource Center.

Walter McMillian was declared innocent and released more than four years after he was originally sentenced. During appeals, the Resource Center staff were able to show that the prosecutor at McMillian's trial suppressed evidence proving his innocence and coerced testimony from trial witnesses.

In October 1993 a Congressional report by the House Subcommittee on Civil and Constitutional Rights listed 48 condemned prisoners who had been freed from death row since 1972. The report blamed inadequate legal safeguards to prevent wrongful executions and listed numerous flaws in the criminal justice system, including shoddy legal representation.

Walter McMillian is just one of the many innocent people who may have been executed but for the representation provided by the PCDOs: the future Walter McMillians may not be so fortunate.

Amnesty International believes that despite international judicial safeguards, the death penalty is used in an arbitrary and discriminatory manner. Many defendants receive shockingly poor representation at their original trial.

"It appears that because many death row inmates have been granted appeals, or had their executions held up for further legal hearings, Congress wishes to abolish the PCDOs as a victim of their own success," Amnesty International said. "Such is the political rush to have more executions in the United States."

Amnesty International calls on the US authorities to ensure that those sentenced to death receive legal representation by appropriately trained and skilled lawyers.

Background:

The PCDOs were established by Congress in 1988 to ensure that adequate legal representation would be provided to poor death row inmates during the federal and state habeas corpus appeal process. This followed the enactment of a law obliging Federal courts to provide lawyers for defendants sentenced to death. Approximately 40 per cent of those appealing their death sentences receive some sort of relief during the appeal process.

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