

EXTRA 74/01

Dea

USA (Georgia) Fred Marion Gilreath, white, aged 63

Fred Gilreath, a 63-year-old grandfather, is scheduled to be executed in Georgia on 14 November 2001. He has been on death row for 21 years.

Fred Gilreath was convicted of killing his wife, Linda Gilreath, and her father, Gerrit Van Leeuwen, in 1979. Linda and Fred Gilreath had been married for 11 years, but Linda had moved out a few days before the killings, after an argument. On 11 May 1979, she and her father came to the house to pick up some of her belongings. Both were shot dead. Fred Gilreath was sentenced to death at a jury trial in 1980.

In a report to the Georgia Supreme Court, the trial judge wrote that Fred Gilreath was "dog drunk" at the time of the crime. During the trial, the judge had expressed his belief to the defence lawyer that life imprisonment was the appropriate sentence. Earlier, the prosecutor had made Gilreath an offer of a life sentence in exchange for a guilty plea, but he refused it.

Fred Gilreath instructed his lawyer not to present any mitigating evidence on his behalf at the trial's sentencing phase. The jury was therefore left unaware of his troubled background and history of alcoholism and mental problems. Fred Gilreath grew up in poverty, in fear of a violent alcoholic father, who physically abused him and sexually molested his sisters. From his early 20s, Gilreath became dependent on alcohol and developed mental health problems, which manifested as paranoia and delusions.

Linda and Fred Gilreath's son and daughter, Chris and Felicia, were aged eight and 12 when their mother and grandfather were shot. In a recent affidavit, the son has stated: "My mother and I were extremely close and I loved my grandfather dearly. He was a strong influence in my life and we were best friends. Their deaths were a tragic blow. My sister Felicia, who was 12 years old at the time, likewise was deeply affected by this tragedy... Felicia and I are bracing for the loss of another parent and a new round of pain. This is something that neither of us want to endure."

The affidavit continues: "We have been in close contact with members of the family of my mother and grandfather. I have been authorized to speak on behalf of members of the family of Linda Gilreath and Gerrit Van Leeuwen and express their support for clemency... We, the ones who were most affected by the murders in 1979, are urging the State Board of Pardons and Paroles to grant my father clemency... Our family does not need or deserve any more pain. The execution of my father will require Felicia and I to relive the traumatic experiences of losing a parent. We also fear the impact that my father's death will have on our children (his grandchildren) who visit him regularly in prison. It tears me apart to think with this execution, they may have to go through what I went through as a child."

Fred Gilreath had no prior criminal record. On death row he has reportedly been a model inmate, without a single disciplinary write-up.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty in all cases. It is a punishment - abolished in law or practice by a majority of countries - that is a symptom

of violence rather than a solution to it. In contrast to the global abolitionist trend, the USA has executed more than 600 people since 1990, including 58 this year, two of them in Georgia in the past two weeks.

Supposedly reserved for the "worst of the worst" crimes and offenders, the US death penalty could more accurately be said to be reserved for the poor, the emotionally scarred, the mentally impaired, and the inadequately represented, with racial discrimination and prosecutorial discretion also influencing which of the thousands of murders committed each year will result in an execution. Between 1976 and 1996, for example, nearly 52,000 men and women were murdered by people with whom they shared an intimate relationship, such as spouses or ex-spouses. Few resulted in the state pursuing the death penalty. It seems that, in Fred Gilreath's case, the trial judge and the prosecutor both believed that this apparently unplanned alcohol-fuelled crime did not "deserve" the death penalty either.

US politicians have frequently expressed their support for the death penalty in terms of "victims' rights", suggesting that a state-sanctioned retributive killing can somehow achieve emotional "closure" to the pain suffered by the relatives of murder victims. The same politicians will routinely overlook that the state is itself engaged in creating more grief and suffering, that of the loved ones of the condemned (see *USA: State cruelty to families*, AMR 51/132/2001, 4 September 2001).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for all those affected by the deaths of Linda Gilreath and Gerrit Van Leeuwen in 1979;
- noting that the prosecutor originally offered Fred Gilreath a life sentence, and that the trial judge also apparently believed that the death penalty was an inappropriate punishment for this crime;
- noting that the jury never heard mitigating evidence about the defendant's alcoholism and mental health problems;
- noting that the execution of Fred Gilreath will cause further trauma to family members who have already suffered hugely in this tragedy;
- pointing out that the power of executive clemency exists precisely to compensate for the rigidity of the courts, and allows for the possibility of a compassionate response;
- calling for Fred Gilreath's death sentence to be commuted.

APPEALS TO:

The State Board of Pardons and Paroles
 Floyd Veterans Memorial Building
 Balcony Level, East Tower
 2 Martin Luther King, Jr. Drive, S.E.
 Atlanta, Georgia 30334-4909, USA

Fax: + 1 404 651 8502

Salutation: Dear Board Members

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write brief letters (not more than 250 words) to:

Letters to the Editor, *The Atlanta Journal-Constitution*, PO Box 4689, Atlanta, GA 30302, USA

Fax: + 1 404 526 5611

E-mail: via website: www.accessatlanta.com/partners/ajc.letters

PLEASE SEND APPEALS IMMEDIATELY.