

**Urgent Action**

**In Focus**

An insight into the stories behind UAs

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## **USA – Thirtieth anniversary of the resumption of executions**



Electric chair used in Florida © Florida Department of Corrections

**If the USA's capital justice system was a private company, it would have been shut down long ago. After three decades, this is an enterprise showing no measurable benefit for society, despite an investment of billions of dollars. On the cost side have been multiple errors and inconsistencies, racism, cruelty and damage to the national image abroad. This business may repeatedly be making a killing, but it is operating at a huge loss, and has been from the outset.**

Executions resumed in the USA on 17 January 1977 after a decade without them. By 16 January 2007, there had been 1,059 executions. A third of these killings - 380 - had been carried out in Texas, which marked the 30th anniversary with another execution; that of Johnathan Moore on 17 January 2007 (see update to Urgent Action (UA) 07/07, AMR 51/015/2007, 18 January 2007: <http://web.amnesty.org/library/Index/EN.GAMR510152007?open&of=ENG-USA>). In the same 30 years, some 70 countries have abolished the death penalty, bringing to 128 the number that have turned their backs on judicial killing.

There are signs that the USA, too, is slowly turning against the death penalty. While the majority of US states -- as well as the federal government -- still have the death penalty in law, most of the country's executions are confined to a minority of the states. Last year,

executions were carried out in 14 states, but only six of them - Texas, Ohio, North Carolina, Florida, Oklahoma and Virginia - carried out more than one. Together, these states accounted for 85 per cent of executions in 2006. Texas, which executed 24 people, was alone responsible for 45 per cent. In total, 53 executions were carried out in the USA in 2006. This is the lowest annual total for a decade, and death sentencing continues to drop from its peak in the mid-1990s. The number of people sentenced to death in 2006 was the lowest since 1977.

An erosion of the public's belief in the deterrence value of the death penalty, an increased awareness of the frequency of wrongful convictions in capital cases, and a greater confidence that public safety can be guaranteed by life prison terms rather than death sentences have all contributed to the waning of enthusiasm for capital punishment.

### **Arbitrariness riddles the USA's capital justice system**

- James Elledge was executed in Washington State in 2001 for the murder of a woman. He had turned himself in after the crime, and pleaded guilty at the trial. He refused to allow any mitigating evidence to be presented and waived his right to appeal. Two years later in Washington State, Gary Ridgway was sentenced to life imprisonment for the murder of 48 women. He avoided a death sentence in return for his cooperation with the authorities and a guilty plea. If Gary Ridgway was not subject to the death penalty, why was James Elledge executed for killing 47 fewer victims?
- John Luttig and Ivan Holland were murdered in the same town in Texas. John Luttig was a wealthy white businessman, Ivan Holland was a homeless African American man. Ivan Holland's assailants were three young white men who targeted him because of his race. John Luttig's attackers were three black teenagers who targeted him for his Mercedes Benz. Two of John Luttig's attackers were sentenced to life imprisonment and will be eligible for parole after 80 years, or about six decades after Ivan Holland's assailants. The third black youth, Napoleon Beazley, was sentenced to death by an all-white jury and executed in 2002. A few hours earlier, in Missouri, the state high court granted an indefinite stay of execution to Christopher Simmons - like Napoleon Beazley, 17 years old at the time of the crime - on exactly the same argument that had been rejected by the Texas court in Beazley's case. The US Supreme Court then took the Simmons case to decide that juvenile offenders should be exempt from execution. Yet it had allowed Napoleon Beazley to go to his death.

On 2 January 2007, the New Jersey Death Penalty Study Commission – set up by the state legislature in 2006 to study all aspects of capital punishment in New Jersey – released its final report. The 13-member Commission had held five public hearings between July and October 2006, at which it heard evidence from a variety of witnesses. Its report recommended abolition of the death penalty and its replacement with life imprisonment without the possibility of parole. It further recommended that any cost savings resulting from abolition be used to assist the families of murder victims. Amnesty International has welcomed the Commission's recommendation to abolish the death penalty, and is calling on New Jersey to maintain its moratorium on executions. Illinois also has a formal moratorium on the use of the death penalty, and New York's death penalty law, declared unconstitutional by the state's high court in 2004, has not been replaced by the legislature.

By February 2007, executions had been effectively suspended in 10 other states – Arkansas, California, Delaware, Florida, Maryland, Missouri, North Carolina, Ohio, South Dakota and Tennessee – because of issues surrounding the use of lethal injections. For example, there were *de facto* moratoriums in place in California and Florida while the authorities reviewed their use of lethal injection, in the face of claims that it infringed the US Constitution's ban on "cruel and unusual punishment" (see *USA: New Year's Resolution: End a cruel and outdated punishment*, December 2006, <http://web.amnesty.org/library/Index/ENGAMR512052006>).

The UA network was recently mobilised to appeal for a full moratorium on the death penalty in North Carolina, after Judge Donald Stephens blocked the executions of James Thomas and Marcus Robinson (see updates to UA 14/07 and UA 18/07:

<http://web.amnesty.org/library/Index/ENGAMR510212007?open&of=ENG-USA> and

<http://web.amnesty.org/library/Index/ENGAMR510202007?open&of=ENG-USA>), again because of questions surrounding lethal injections. There is strong public support for a moratorium on executions in North Carolina. Approximately 1,000 faith group congregations, businesses and community groups have passed resolutions calling for a moratorium, including almost 40 local governments in the state. In addition, more than 40,000 people in North Carolina have signed the moratorium petition.

To end the death penalty is to abandon a destructive, diversionary and divisive public policy that is not consistent with widely held values. It not only runs the risk of irrevocable error, it is also costly – to the public purse, as well as in social and psychological terms. It has not been proved to have a special deterrent effect. It tends to be applied discriminatorily on grounds of race and class. It denies the possibility of reconciliation and rehabilitation.

It promotes simplistic responses to complex human problems, rather than pursuing explanations that could inform positive strategies. It prolongs the suffering of the murder victim's family, and extends that suffering to the loved ones of the condemned prisoner. It diverts resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity. It should be abolished.

**For further information see AI report, *USA: The experiment that failed: A reflection on 30 years of executions*, AMR 51/011/2007, 16 January 2007: <http://web.amnesty.org/library/Index/ENGAMR510112007?open&of=ENG-USA>**