

USA (Missouri) James Henry Hampton, aged 62

---

James Hampton is scheduled to be executed in Missouri on 22 March 2000. He has given up his appeals and has said that he wants to be put to death.

James Hampton was sentenced to death in 1996 for the abduction and murder of Frances Keaton in 1992 during an attempt to obtain money from her and her fiancé.

Hampton fled Missouri after the murder and was arrested in New Jersey. As he was being taken into custody, however, he shot himself. According to an X-ray taken prior to his trial, the bullet, which entered under his chin and exited through the top of his head, destroyed a large part of the left frontal lobe of his brain. He is now reported to suffer from seizures every four to six weeks.

At a pre-trial hearing, a neurologist testified for the defence that James Hampton was not competent to stand trial in that he would be unable fully to understand the proceedings or assist in his defence. A forensic psychologist for the prosecution, however, testified that James Hampton understood the charges against him, the consequences of a guilty verdict, and the nature of the proceedings and the roles of the various actors in them. The trial court ruled that Hampton was competent to stand trial.

In 1998, two years after his trial, James Hampton filed a motion to dismiss his appeals and said that he wanted to be executed. He told the court: "I'm 60 years old. I've confessed. I see prisoners down in Potosi [Correctional Center] with 15 years on the row before they finally get to the execution chamber, and I know that I don't want to go through that. Prior to my arrest, I put a gun into my chin and pulled the trigger. This is the hole where the bullet came out. Because I don't want to spend the rest of my life and die of old age in jail. I've seen it all. I'm ready to go."

The neurologist who testified for the defence at the pre-trial hearing said in 1998 that he believes James Hampton "is incompetent to participate in his own defense as a result of a brain injury to his frontal lobe. This has impaired his judgement. His paranoid outlook prevents him from trusting and working with his lawyers and physicians. Due to the nature and severity of his brain injury, Mr Hampton is not competent to make the legal decisions as to whether to pursue further appeals or whether to waive representation of counsel".

The Missouri Department of Corrections is reportedly now reviewing James Hampton's competency for execution, that is whether he understands the reason for, and reality of, his punishment.

**BACKGROUND INFORMATION**

Since the USA resumed executions in 1977, more than 70 prisoners have given up their appeals and "consented" to their execution. Whatever lay behind their decisions to do so -- mental or physical illness, remorse for their crimes, the harshness of living under a sentence of death, or pessimism about their appeal prospects -- it does not absolve the state of its involvement in a human rights violation that is a symptom of, not a solution to, the culture of violence.

Debate about the USA's death penalty has increased in recent weeks following the decision on 31 January 2000 of the Governor of Illinois to suspend executions in his state because of its "shameful" record of wrongful convictions. There have been calls for similar moratoria in other states in order that the fairness and reliability of the punishment can be considered and any shortcomings remedied. On 9 March the New Hampshire House of Representatives voted to abolish the death penalty in the state (the bill will now go before the state Senate).

Amnesty International supports moratoria on executions as a first step toward abolition of the death penalty. The organization believes that the death penalty is inherently cruel and that there will always be the possibility of executing the wrongfully convicted. Furthermore, the process of selecting, from the thousands of murders committed every year in the USA, those that should be punished by execution, continues to lead to an arbitrariness in who lives and who dies under the capital justice system.

**RECOMMENDED ACTION: Please send faxes/express/airmail letters in English or your own language, using the following as a guide:**

- acknowledging the seriousness of the crime for which James Hampton was convicted and expressing sympathy for the surviving family and friends of Frances Keaton;
- expressing concern at evidence that his brain damage, caused by shooting himself in the head on arrest, has rendered him incompetent to waive his appeals;
- appealing to the Governor to no longer allow his state to participate in a punishment that is a symptom of, not a solution to, the culture of violence;
- urging the Governor to use his power of executive clemency to stop the execution of James Hampton as a first step towards this end;
- noting the increasing concern over the unfairness and unreliability of the administration of the death penalty in the USA.

**APPEALS TO:**

The Honourable Mel Carnahan  
Office of the Governor  
PO Box 720  
Jefferson City  
MO 65102, USA

**Faxes: + 1 573 751 1495**

**Salutation: Dear Governor**

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

You may also write brief letters of concern (not more than 300 words) to:

Letters to the Editor, *News Tribune*, 210 Monroe Street, Jefferson City, MO 65101, USA.

**E-mails: [newstribune@ultraweb.net](mailto:newstribune@ultraweb.net)**

**PLEASE SEND APPEALS IMMEDIATELY.**