

To: Sections

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EXTERNAL (for general distribution)

AI Index: AMR 51/27/91
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EXTRA 51/91

Death Penalty

16 August 1991

USA (Missouri):

Maurice BYRD

Maurice Byrd is scheduled to be executed in Missouri on 23 August 1991. Byrd, black, now aged 36, was sentenced to death on 7 December 1982 for the murders of four white cafeteria workers during a robbery on 23 October 1980. He execution was last scheduled to take place on 1 November 1990 but he received a stay of execution in November 1990 while his attorneys submitted an appeal (see TLX 43/90 dated 24 October 1990 and follow-up dated 5 November 1990).

Mr Byrd was sentenced to death by an all-white jury. The prosecutor in this case used all his peremptory challenges to exclude black candidates from the jury. The US Supreme Court ruled in 1986 that prosecutors may not exclude prospective jurors on the basis of their race, but later held this rule not retroactive to cases decided before 1986. The appeal by Mr Byrd's attorneys on this issue has recently been denied.

As of 24 April 1991 there were 73 prisoners under sentence of death in Missouri. The most recent execution was that of George Gilmore on 31 August 1990. Execution in Missouri is carried out by lethal injection.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

On 26 February 1990, after a study of capital sentencing practices, the General Accounting Office (GAO), an independent agency of the federal government, reported that the race of the murder victim influenced the likelihood that a defendant would be charged with capital murder or receive the death penalty if convicted. The GAO examined 28 studies previously

published on the issue and found that 82% of them suggested that those who murdered white victims were more likely to be sentenced to death than those who murdered black victims.

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RECOMMENDED ACTION: Telegrams/telephone calls/faxes/:

Appeals to Governor Ashcroft:

- urging him to grant clemency to Maurice Byrd by commuting his death sentence;

Appeals to the Missouri Board of Pardons and Paroles:

- urging that they recommend to Governor Ashcroft that Byrd's sentence of death be commuted;

Appeals to both:

- drawing attention to, and expressing concern at the findings of the General Accounting Office study;
- reiterating your opposition to the death penalty.

APPEALS TO

The Honourable John Ashcroft
 Governor of Missouri
 PO Box 720
 Jefferson City, MO 65102
 USA

**Telegrams: Governor Ashcroft, Jefferson City,
 Missouri 65102, USA.**

Telephone: +(314) 751 3222

Faxes: +(314) 751 2128

Granston Mitchell
 Chairman
 Missouri Board of Pardons and Paroles
 PO Box 267
 Missouri 65102, USA

**Telegrams: Chairman Mitchell, Missouri Board
 Pardons/Paroles, Missouri 65102, USA**

Telephone: +(314) 751 2389/4949

Faxes: +(314) 751 4099

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diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 22 AUGUST 1991.