

EXTRA 25/01

Dea

USA (Federal) Action for a moratorium on federal executions
Timothy McVeigh, white, aged 32

A 38-year *de facto* moratorium on federal executions in the USA is due to come to an end with the execution of Timothy McVeigh on 16 May 2001, unless President George W. Bush imposes an official moratorium.

The USA has executed more than 700 men and women since it resumed judicial killing in 1977. All were convicted of murder under the laws of individual states. No federal prisoner has been executed since Victor Feguer was hanged in 1963 for a kidnapping. There are around 25 men on federal death row in Terre Haute. The US Government can seek the death penalty in cases where there is a substantial federal interest, such as the killing of a federal official, or murders which take place on federal property.

Timothy McVeigh is scheduled to be executed by lethal injection in the US Penitentiary in Terre Haute, Indiana, on 16 May. He was convicted in federal court in 1997 of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on 19 April 1995, in which 168 people were killed and more than 500 injured. He has dropped his legal appeals against his death sentence and is not seeking clemency from President Bush.

In September 2000, the US Justice Department released the findings of a review into the federal capital justice system which revealed widespread racial and geographic disparities in the application of the federal death penalty (see *Memorandum to President Clinton: An appeal for human rights leadership as the first federal execution looms*, AMR 51/158/00, November 2000). These Justice Department findings led President Clinton to issue a six-month stay of execution for Juan Raul Garza, a Hispanic man scheduled to be lethally injected on 12 December 2000 while the Justice Department conducted further analysis of its review (see EXTRA 85/00, AMR 51/174/00, 14 November 2000 and update). As one of his last acts in office, President Clinton also commuted the death sentence of a federal prisoner, David Ronald Chandler, whose guilt was in serious doubt (see EXTRA 03/01, AMR 51/008,2001, 12 January 2001 and update).

The unreliable, arbitrary and apparently discriminatory nature of the federal capital justice system echoes its state-level counterpart, a lethal lottery riddled with arbitrariness, discrimination and error. Since the Governor of Illinois imposed a moratorium on executions in his state because of its record of wrongful convictions in capital cases, domestic concern about the US death penalty has reached unprecedented levels.

More than 60 countries have abolished the death penalty since 1977. Today, as the first US federal execution in almost four decades approaches, more than 100 countries have abandoned executions in law or practice. A measure of the global progress towards abolition can also be found in the mandate of the International Criminal Court. Set up to try the world's worst crimes - genocide, torture, mass killing - the most severe penalty that the Court will be able to impose is life imprisonment, subject to review after 25 years.

Amnesty International opposes executions in all cases, without reservation, regardless of the heinousness of the crime. The death penalty is a symptom of a culture of violence, not a solution to it. By imitating and taking to refined, calculated heights what it seeks to condemn - the deliberate taking

of human life - the state is allowing those who kill to set society's moral tone. The death penalty offers no answers to the many questions that arise from violent crime, and diverts energy and resources away from humane, constructive alternatives to confronting this pressing social problem. It encourages feelings of vengeance, division, intolerance, and hatred. It is an entirely destructive exercise with no measurable societal benefit.

Executions carry the official message that killing is an appropriate response to killing. That is the same reasoning said to lie behind the carnage in Oklahoma City on 19 April 1995. The jurors at Timothy McVeigh's trial agreed among other things that he believed the federal government was responsible for the deaths of over 70 people at the Branch Davidian religious sect in Waco, Texas, in 1993 following a siege by federal agents, and that federal agents murdered Sammy and Vicki Weaver during a siege near Ruby Ridge, Idaho, in 1992 (see *USA: Rights for All*, AMR 51/35/98, October 1998, page 25).

The USA's increasingly isolated resort to this cruel, brutalizing and irrevocable punishment is a matter which cries out for leadership at the highest level. Because of the scale of the crime of which Timothy McVeigh was convicted, national and international attention to his impending execution will be enormous, in contrast to the scant coverage given to the majority of executions since 1977. As such, the case provides President Bush with a singular opportunity to announce to the widest possible audience that he will no longer allow those who kill to set the moral tone, and that he will not allow federal executions to resume at a time when more than half the countries of the world have stopped executions and when domestic concern about the death penalty is at unprecedented levels.

President Bush can declare a moratorium on federal executions under Article II, Section 2, Clause 1, of the US Constitution which gives him the "Power to Grant Reprieves and Pardons for Offenses against the United States".

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, drawing from the above and other arguments as you see fit. While expressing sympathy for the victims of violent crime, urge President Bush not to allow federal executions to resume after 38 years without them and to impose an immediate moratorium with a view to leading his country away from the death penalty.

APPEALS TO:

George W. Bush
The President
The White House
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Fax: +1 202 456 2461
Telegrams: President Bush, Washington DC, USA
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Salutation: Dear Mr President

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

PLEASE SEND APPEALS IMMEDIATELY.