

EXTRA 66/98

Death Penalty / Legal concern

21 September 1998

USA (Illinois)

Anthony PORTER, aged 41, black

The Illinois authorities intend to execute Anthony Porter at 7pm on 23 September 1998 for a double murder committed in 1982. In August 1998, Anthony Porter's Intelligence Quotient (IQ) was measured at 51. By this measurement, he would be the most severely mentally retarded inmate to be put to death in the USA since executions resumed there in 1977.

The IQ of a person of average intelligence is 100. One US psychologist and university professor has said that an IQ of 51 represents the intellectual capacity of a seven or eight year old child. The psychologist who conducted Anthony Porter's evaluation reported that the "quality of his mental processing is not very complex or sophisticated. This is seen only among very young children or older subjects with notable cognitive deficits." The psychologist concluded that "this man does not have a consistent awareness of his impending execution and does not even know what the word execution means. Nor was I able to establish that he was aware of any link between anything he did and his presence in the prison much less his sentence to be executed." Anthony Porter is said to have suffered a brain injury in a car accident when aged seven or eight.

International standards see the death penalty as inappropriate against those whose limited intelligence does not allow them to fully understand the consequences of their actions or the reasons for their punishment. In resolution 1989/64, adopted on 24 May 1989, the United Nations Economic and Social Council recommended that UN member states eliminate the death penalty "for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution".

At least 30 mentally retarded prisoners have been executed in the USA since 1977. Twelve states in the USA have introduced legislation to exclude mentally retarded defendants from the death penalty. Five of those states define mental retardation as an IQ score of 70 or less. Illinois has no such safeguard.

If executed, Anthony Porter will be the first prisoner to be killed in the new execution chamber at the super-maximum security prison in Tamms in southern Illinois. Under a new policy adopted in Illinois, his execution is scheduled for 7pm rather than the traditional time of a few minutes past midnight. This is to make it more convenient for victims' families to witness the execution, and for prison personnel involved in the execution.

BACKGROUND INFORMATION

Anthony Porter, who had a previous criminal record, was convicted of killing two people in a Chicago park on 15 August 1982. His lawyers have raised questions about his conviction. There was no physical evidence linking him to the crime. It is reported that only one eyewitness claims to have seen Anthony Porter fire two shots at one victim (there were five shots at two victims). This eyewitness was reportedly kept in police custody for approximately 24 hours, 15 of which he was kept incommunicado, before he confirmed that Anthony Porter was the gunman.

One of the jurors who sentenced him to death knew the mother of one of the victims, and is reported to have attended the funeral. On appeal in 1986, Chief Justice Clark of the Illinois Supreme Court, one of three judges who dissented from the Court's decision to confirm the death sentence, said that "the defendant was deprived of the right to trial by impartial jury, and I would reverse his conviction."

The Illinois State Legislature is considering imposing a moratorium on the death penalty in the state after nine wrongly convicted men have been released

from death row in recent years, and judicial corruption has been connected with the convictions of several death row inmates.

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 or degrading punishment, as proclaimed in the Universal Declaration of Human Rights. Fifty years after the world adopted this visionary document, more than half the countries of the world have abolished the death penalty in law or practice. In contrast, the number of crimes punishable by death and the annual judicial death toll in the USA has relentlessly increased in recent years.

There have been 477 executions in the USA since 1977. The most recent was that of Delbert Teague in Texas on 9 September 1998. Anthony Porter would be the 12th inmate executed in Illinois since executions resumed.

RECOMMENDED ACTION: In the limited time remaining, please organize whatever appeals are possible by phone, telegram or fax. Please restrict appeals to the question of mental retardation as this issue has only been raised recently:

- expressing deep concern that Anthony Porter, a prisoner whose IQ has been measured at 51, is scheduled to be executed on 23 September 1998;
- noting that international standards recommend that the death penalty not be used against mentally retarded prisoners, and further noting that the use of the death penalty against such inmates has been banned in 12 US states, five of which define mental retardation as an IQ score of 70 or less;
- reminding the Governor of Illinois of the USA's commitment to the Universal Declaration of Human Rights, particularly noting Articles 3 and 5, which proclaim the right to life and the right not to be subjected to cruel, inhuman or degrading punishment;
- urging that Anthony Porter's death sentence be commuted to a more humane alternative.

APPEALS TO:

The Honorable James Edgar
Governor of Illinois

Fax: +1 217 782 3560

Telephone: +1 217 782 6830

Telegrams: Governor Edgar, Springfield, Illinois, USA

Salutation: Dear Governor

Note: Governor Edgar is believed to be out of the country at the present time, but his office staff will be informing him of all communications.

COPIES TO:

Chicago Tribune: Fax: +1 312 222 2598

Chicago Sun-Times: Fax: +1 312 321 3084; E-mail: letters@suntimes.com

State Journal-Register: Fax: +1 217 788 1551

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.