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Further information EXTRA 71/99 (AMR 51/96/99, 15 June 1999) - Imminent execution / Legal concern

USA (Alabama) Brian Keith BALDWIN, black, aged 40

Brian Baldwin was executed in Alabama's electric chair just after midnight on 18 June 1999. He had been on death row for over 20 years.

At a court hearing on 15 June, a state judge had refused to block Baldwin's execution, and also refused to allow him to take a lie detector test to bolster his clemency petition to the Governor of Alabama.

In his subsequent letter, dated 15 June, outlining his decision to deny clemency, Governor Siegelman wrote that he was "deeply troubled" by some aspects of this case, but that "this matter does not rise to a level that warrants clemency". It remains unclear how deep his concern would have to be for him to stop an execution, if he will not prevent one so infected with racism and allegations of police and prosecutorial misconduct.

Former US President Jimmy Carter wrote to the governor on 11 June, calling for a stay, noting that "there is no doubt that racial prejudice was a significant factor both in his trial and in his death sentencing." Brian Baldwin's 1977 trial, which lasted a day and a half, was conducted before an all-white jury, after the prosecutor had used 11 of his peremptory challenges (the right to exclude jurors without giving reasons) to exclude the only 11 African Americans in the jury pool.

Former President Carter also noted that "there were clear reasons to question [Baldwin's] culpability in the murder". Brian Baldwin, who was 18 at the time, did not deny his involvement in the crime that led to the murder of Naomi Rolon, a 16-year-old white girl, but has always claimed that he confessed to her murder after being beaten and tortured, including by an electric cattle prod, and threatened with death by Wilcox County police officers (see original EXTRA).

Prior to his clemency decision, Governor Siegelman visited the former police officer, now 75 years old and in a nursing home, who stated in a recent affidavit that Brian Baldwin had been beaten during interrogation by police in 1977. However, the police officer - who in 1977 was the only black deputy in Wilcox County - reportedly told the governor that he had not personally seen Brian Baldwin being beaten, although he is said to have reiterated that an officer had fired a gun in Brian Baldwin's presence during the investigation, and that an electro-shock cattle prod was kept at the police station at the time (see original EXTRA). The former deputy had been ordered to appear at the 15 June court hearing, but he was ruled too unwell to travel. A police officer was sent to the nursing home, and the 75-year-old was questioned by the court over a phone link. Brian Baldwin's clemency petition had suggested that it was fear for his safety and the safety of his family that had prevented the former deputy from coming forward sooner. It is unclear why his testimony to the governor and the court was weaker than that in his affidavit.

On 11 June, the Archbishop of Mobile, Alabama, wrote to Governor Siegelman. He noted that Baldwin's trial "took place in a society and culture where the fact of racism still largely operated." Stressing that he, the Archbishop, was familiar with the Alabama of that period, he wrote that therefore "the

allegations in the petition have, for me, the feeling of truth." On the matter of Brian Baldwin's culpability, the Archbishop wrote: "The possibility of a miscarriage of justice in a life or death situation not only begs, but demands, the kind of serious examination of fact that now seems to be in prospect in this case... As a citizen of this state, I respectfully and as strongly as possible ask for you to grant appropriate time for just such a review."

Twenty-six members of the Congressional Black Caucus of the House of Representatives of the US Congress in Washington DC signed a petition sent to Governor Siegelman on 15 June: "In light of the clear pattern of racial discrimination evident in this case, we believe that the execution of Mr Brian Baldwin... should be stayed until the facts surrounding his conviction and sentencing can be reviewed."

On 16 June Coretta Scott King, wife of the late Martin Luther King Jr. and founder of the Martin Luther King Jr. Center for Nonviolent Social Change in Atlanta, Georgia, appealed to Governor Siegelman to stay the execution "for the sake of justice and human decency".

"I fear that without your intervention this case will become a textbook example of racial injustice. Mr Baldwin, who was called 'boy' and 'savage' in court, was convicted by an all-white jury in a county in which nearly half the residents are African American.

"I have been informed that both the judge and prosecutor in this case were cited by an Alabama court for practicing intentional racial discrimination [see original EXTRA]. I understand as well that 33 former and practicing prosecutors and judges, including six former state Supreme Court justices, have filed a friend of the court brief in the US Supreme Court on Mr Baldwin's behalf, citing their deep concern that the original trial judge was permitted to dismiss Mr Baldwin's first appeal... It would be a terrible tragedy, an outrage and a setback for equal justice if the state of Alabama rushes to execute Mr Baldwin amid growing evidence of his innocence and abuse of his legal and civil rights."

Amnesty International is concerned that the politics of the death penalty may have contributed to the denial of clemency. Governor Siegelman took office earlier this year, and joined the angry public criticism of the outgoing governor, Fob James, after the latter commuted the death sentence of Judith Ann Neelley as one of the final acts of his governorship. However, Governor Siegelman opposed a reactionary bill to strip Alabama governors of the power to commute death sentences, reportedly stating that no such change was necessary as he would never do what Governor James had done. He reportedly stated, at a meeting of state district attorneys on 21 January 1999, that "Judy Neelley would have been shown the same compassion under Don Siegelman that she showed her victims."

Governor Siegelman appears to have made that sentiment a reality in the case of Brian Baldwin. This was the first execution of his term of office.

Brian Baldwin was the 18th prisoner executed in Alabama since it resumed executions in 1983, and the 52nd person put to death nationwide in 1999. A total of 552 prisoners have been executed in the USA since it resumed executions in 1977. More than 400 of these executions have been carried out since 1990.

No further appeals by the UA Network are requested, although letters expressing deep concern and regret at the execution may be sent to Governor Siegelman. Many thanks to all who sent appeals on behalf of Brian Baldwin.