

EXTERNAL (for general distribution)

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Death Penalty

29 December 1994

USA (North Carolina)

Kermit SMITH

Kermit Smith is scheduled to be executed in North Carolina on 24 January 1994.

Kermit Smith, white, was sentenced to death for the rape and murder of a black woman on 4 December 1980. According to the North Carolina Resource Center (NCRC)*, Kermit Smith's trial was "fundamentally unfair" because the authorities of Halifax County (where he was tried and sentenced to death) were anxious to see a conviction secured in order to demonstrate that they were not biased on grounds of race. Halifax County reportedly has a history of racial discrimination in voting rights, education, employment, and political power. The NCRC also reports that Kermit Smith has a "long history of serious mental disturbance".

According to the NCRC, Kermit Smith's trial lasted only four days; the jury sentenced him to death after only just over an hour of deliberation; his trial attorney presented no evidence on his behalf, and failed to object when, during jury selection, a juror admitted that she could not give Smith a fair trial.

When jurors asked the Court the meaning of a life sentence after being told by a defence attorney that Smith would never get out again, they were told to disregard the attorney's argument.

* The NCRC provides *pro-bono* attorneys for prisoners who have been sentenced to death.

BACKGROUND INFORMATION

Kermit Smith would be the first white person in North Carolina executed for the murder of a black person under its present death penalty statute, and the second white person in the USA to be executed for the murder of a black victim since 1944. (The first was Donald Gaskins, who was executed in South Carolina on 6 September 1991).

As of 20 July 1994 there were 136 prisoners under sentence of death in North Carolina. Six prisoners have been executed in the state since 1984, the most recent being David Lawson, on 15 June 1994. Prisoners in North Carolina may choose between execution by lethal injection or lethal gas.

In North Carolina the Governor has full clemency authority.

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.

RECOMMENDED ACTION: Please telephone or send telegrams/faxes/express and airmail letters in English if possible, or in your own language:

- expressing deep concern that Kermit Smith is scheduled to be executed in North Carolina on 24 January 1995;
- urging Governor Hunt to grant clemency to Kermit Smith by commuting his death sentence;
- expressing concern at reports that Kermit Smith received poor legal representation at trial.

APPEALS TO

The Honorable James B Hunt, III
Governor of North Carolina
State Capitol
116 West Jones Street
Raleigh, NC 27603-8001
USA

Telegrams: Governor Hunt, State Capitol, North Carolina, USA

Telephone: +1 919 733 4240

Faxes: +1 919 715 3175

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

The Letters Editor
News and Observer
Box 191
215 McDowell St
Raleigh, NC 27601

and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY.