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USA: Death penalty -- Time for leadership

The US Government should offer the leadership required to guide the United States away from judicial killing, Amnesty International said today, following the release of the US Justice Department's review of the federal death penalty system.

The study has found significant racial and geographical disparities in the application of the death penalty at federal level, and indicates that minorities -- particularly African Americans -- have been disproportionately targeted, and that pursuit of death sentences by federal prosecutors is not uniform across the country, despite attempts by Attorney General Reno to make it so.

"No one should be surprised that the federal death penalty is displaying the same lottery-like qualities that plague capital justice at state level," Amnesty International said.

"What would be a welcome turn of events is if the US Government exercised the political will to impose a moratorium on federal executions, thereby setting an example for the rest of the country to follow."

"President Clinton told the Democratic National Convention in Los Angeles on 14 August that the USA is the leading force for human rights around the world and more decent and more humane than it was when he took office," Amnesty International recalled.

"His words ring hollow in the light of the USA's record on the death penalty. It is time for his administration to act."

Amnesty International and others have consistently documented how prosecutorial discretion, coupled with issue of politics, race and economic status, have rendered the US death penalty arbitrary, discriminatory and unfair, in addition to its inescapable cruelty and fallibility.

"This American roulette is a human rights scandal for which there is only one solution -- abolition," Amnesty International said.

In a letter in August 1999, replying to Amnesty International's findings in its report on race and the US death penalty, *Killing with Prejudice*, the Justice Department agreed that "it... cannot be disputed that the circumstances of many of the identified cases...raise concerns". However, the Department said that at state level this was a matter for states, and that at federal level "every effort has been made to foreclose race as a factor in the decision as to whether to seek the death penalty".

The department's own research seems now to indicate that "every effort" has not been enough.

"The US Government must take definitive action to build on the findings of its review and on the increased concern nationwide about the fairness of the death penalty", Amnesty International said.

"It should call a halt to its plan to carry out the first federal execution since 1963, and commit itself to leading the USA into line with international standards and world trends on this outdated punishment."

History shows that countries which have put a stop to executions -- now more than half of all nations -- have not done so on the basis of opinion polls, but have relied upon the courage and vision of leaders to adopt alternatives to this brutal and brutalizing punishment. A

moratorium on federal executions would be a constructive first step to this end in the USA.

"The death penalty is beyond repair. It can never be rid of its cruelty or its potential for fatal error. And, as long as there is any form of prejudice or inequality in human society, it is always likely to be discriminatory," Amnesty International said.

Background

The US Supreme Court stopped executions in 1972 because of the arbitrary way in which the death penalty was being applied. More than 660 executions have been carried out in 31 states since the Court accepted new death penalty statutes in 1976. The last federal execution was in 1963. Of those on federal death row, Juan Raul Garza is scheduled for execution on 12 December, and David Paul Hammer is currently attempting to drop his appeals and "volunteer" for execution.

US authorities regularly violate international standards on the death penalty, including in their use of it against children, the mentally impaired, those denied adequate legal representation, those whose guilt is in serious doubt, and foreign nationals not informed of their consular rights after arrest. The federal government consistently responds to appeals for it to take a stand against such violations by saying that it cannot interfere in individual states' use of capital punishment.

In 1996, in its reply to Amnesty International's call for a presidential commission into the US death penalty, the US Justice Department wrote: "The Administration and this Department support the death penalty as an appropriate sanction for the most heinous crimes. By the same token, we are unalterably opposed to its application in an unfair manner, particularly if that unfairness is grounded in racial or other discrimination."

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