

EXTERNAL

AI Index: AMR 51/08/97

EXTRA 23/97

Death Penalty

19 February 1997

USA (Missouri)

Roosevelt POLLARD

Roosevelt Pollard, black, is scheduled to be executed in Missouri on 5 March 1997. He was sentenced to death on 27 January 1986 for the murder of Richard Alford.

Pollard was last scheduled for execution on 11 January 1995 (see EXTRA 81/94, AMR 51/105/94, 22 December, and follow-ups). However, two hours before the execution was scheduled the US Supreme Court issued a stay on the grounds that Pollard's possible incompetence to be executed because of his mental health problems. In March 1995, the US Supreme Court sent Roosevelt Pollard's case back to the Federal District Court for review. Pollard's mental condition has not improved. However, the Federal District Court recently dismissed Pollard's claim on a procedural technicality.

Roosevelt Pollard is currently unable to understand that he is to be executed and does not understand the reason for his execution. He suffers from an untreated mental condition which has worsened over time. He believes that his death sentence is the product of a voodoo curse which is too strong and too dangerous to fight because an even worse curse might be made against him.

According to a clemency petition presented to Governor Carnahan, Pollard's present attorneys claim that he is incompetent to be executed and that because of inadequate legal representation in the past, no court has adequately reviewed evidence relating to his unstable and abusive family life, or his history of psychological problems. The petition included reports from three mental health experts who examined Pollard in 1991, 1992, and 1994 and found him to be suffering from chronic schizophrenia and organic brain damage.

Pollard's attorneys requested that he be placed "in a secure mental health facility that will provide medication and a stable environment in which he will be of no harm to himself or others".

At Pollard's original trial, attorneys failed to carry out an adequate investigation of his unstable background and his mental retardation, despite a documented history of school IQ scores ranging from 57 to 64.

According to the clemency petition, Roosevelt Pollard was born to alcoholic parents. His mother was regularly beaten by Pollard's father, including during her pregnancy, for which she sought no prenatal care or medical attention. A few months before his second birthday, Pollard's mother left the family home because she could no longer suffer the abuse at the hands of Pollard's father. She returned to seek custody of Pollard approximately six months later. Pollard received a number of head injuries during his childhood for which he received no medical attention. According to affidavits from family members, Pollard's mother was unable to care for him because of her heavy drinking, often dropping him as a baby when she was drunk; if he cried she would shake him violently and scream at him until he stopped. Pollard's half-sister claims that while he lived with his mother she failed to provide money or food and sometimes whipped him with an electrical cord and that she would often strike him about the head. Other affidavits from family members, acquaintances and teachers have noted Pollard's bizarre behaviour, saying that he often would talk to people who were not there. A recent affidavit by a school teacher says that

she considered Pollard a very disturbed child. Bizarre behaviour, including hallucinations and delusional thoughts and psychosis, has also been recorded by various prison personnel.

Amnesty International opposes the death penalty in all cases as a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights. The organization considers that the execution of Roosevelt Pollard would be in contravention of United Nations Economic and Social Council (ECOSOC) resolution 1989/64, adopted in May 1989, which recommends "eliminating the death penalty for persons suffering from mental retardation or extremely limited mental competence".

BACKGROUND INFORMATION

As of 31 July 1996, there were 94 prisoners under sentence of death in Missouri. The most recent prisoner executed in Missouri was Eric Schneider on 29 January 1997. Twenty four prisoners have been executed in Missouri under the state's current death penalty laws. This is the fourth highest number in the USA (the other three are Texas: 107; Florida: 38; Virginia: 38).

In Missouri the Governor has sole power to commute death sentences. A board of inquiry may be appointed by the Governor to gather information as to whether a person condemned to death should be executed, reprieved or pardoned.

FURTHER RECOMMENDED ACTION: Please make appeals by telephone, telegram, faxes, e-mail, express or airmail letters in English or in your own language:

- expressing concern that Roosevelt Pollard is scheduled to be executed on 5 March 1996;
- acknowledging the seriousness of the crime and expressing sympathy for the victims of violent crime and their families;
- expressing concern that important evidence about Roosevelt Pollard's chronic schizophrenia, brain damage and family history was not presented to the jury responsible for sentencing him to death, and that this evidence has never been adequately reviewed by a court of law;
- expressing Amnesty International's belief that his execution would violate United Nations (ECOSOC) safeguards (see above);
- urging Governor Carnahan to grant clemency to Roosevelt Pollard by commuting his death sentence.

APPEALS TO:

The Honourable Mel Carnahan
 Governor of Missouri
 PO Box 720
 Jefferson City, MO 65102, USA
Telephone: +1 573 751 3222
Telegrams: Governor Carnahan, Jefferson City, MO 65102, USA
Fax: + 1 573 751 1495
E-mail: missouri-constit@mail.state.mo.us
Salutation: Dear Governor

COPIES TO:

Newspaper
 The Letters Editor
Kansas City Star

1729 Grand Avenue
Kansas City, MO 64108, USA
Fax: + 1 816 234 4940-23

and to diplomatic representatives of USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.