

PUBLIC

AI Index: AMR 51/08/99

14 January 1999

Further information on EXTRA 95/98 (AMR 51/103/98, 4 December 1998) - Death Penalty

USA (NEBRASKA) Randolph REEVES

Randolph Reeves, who was scheduled to be put to death on 14 January 1999, has received a stay of execution from the Nebraska Supreme Court.

The stay was issued to allow the Court time to consider whether Reeves's execution would violate a new equal-protection clause in Nebraska's state Constitution, approved by voters in November 1998.

Reeves's attorney claimed in the appeal that since Nebraska resumed the death penalty in 1994, native Americans and blacks, who together make up 4% of the state's population, have made up 30% of its death row inmates - six out of 20 - and two of the three executed.

Prior to the Court's decision, the state Pardons Board had denied Reeves a clemency hearing during a dramatic meeting at which Governor Mike Johanns received a barrage of criticism.

Johanns, in his fifth day as governor, sided with Attorney General Don Stenberg in voting to refuse Reeves a hearing. The Pardons Board then voted 3-0 to deny clemency.

"In looking at this case, there were no circumstances under which I would grant clemency," Johanns said. "There is a point at which a case of this nature comes to an end....The board does not serve as an appellate process."

When Johanns announced the Board was denying a hearing, Audrey Lamm, the 21-year-old daughter of one of Reeves's victims, burst into tears in the front row. She and her father, Gus, came to Nebraska from their home in Oregon to publicly plead for Reeves's life. She attempted to address the meeting but was ruled out of order by the governor.

Secretary of State Scott Moore, who visited Reeves at the state penitentiary, asked that the board grant some time for reflection by waiting until Wednesday (13 January) to vote on the application for clemency. When that was denied, Moore requested a 15-minute recess to gather his thoughts before casting his vote on the clemency motion.

After the decision was announced, supporters of clemency confronted the new governor.

"Governor, please don't do this to my mother. Please," pleaded Audrey Lamm.

Don Reeves, the condemned man's father, told Johanns he should consider "the unfairness of the system" that sends some murderers to their deaths while others who commit equally heinous crimes are allowed to live.

Frank LaMere of South Sioux City, a Winnebago Indian, spoke of native American values and traditions in asking Johanns to spare Reeves, a member of the Omaha tribe.

"It was the Omaha people who first consecrated the land on which we live and grow," LaMere said. "Governor, this will have an impact on Omaha children and their children and the children of their children. We will talk about this 100 years from now."

Execution of Reeves would "tear open [the] wounds" already suffered by the family members of his victims who are pleading for clemency, LaMere said.

Mildred and Kenneth Mesner, parents of Reeves's other victim and supporters of clemency, said the execution would bring them more grief and sorrow.

The governor did not react to any of the statements made by the supporters of clemency.

Attorney General Stenberg commented that holding a hearing would "only raise false expectations" for clemency in a case where the board needs no further information. In a statement that appeared to show he held the clemency process in contempt, Stenberg commented: "Committing a heinous crime (does not give the murderer) a right to a hearing." Stenberg read into the record a letter from a sister of Victoria Lamm, Brenda Cheever, urging that clemency be denied to Reeves.

Don Reeves said he would visit his son in prison during the next few days "as much and as often as he wants. I think it's fair to say that although the members of the board may have been fair as each of them saw it, what they did didn't hurt their political careers either."

In a statement released immediately after the Board's decision, Pierre Sané, Secretary General of Amnesty International, condemned the Board's decision: "I am appalled that the state of Nebraska now considers the taking of a man's life so routine that they do not even deem it necessary to hold a public meeting before the judicial murder of Randolph Reeves.

"The killing of Randolph Reeves will serve no function, but will simply continue the cycle of violence that demeans the value of human life in the USA. The fact that the death of Mr Reeves will cause yet more pain to the family of the victims of his crime makes his execution all the more vile.

"I urge the authorities of Nebraska to reconsider their decision not to grant clemency. There are many worrying aspects in this case; Mr Reeves and his supporters deserve a clemency hearing at the very least."

FURTHER RECOMMENDED ACTION

Letters may be written to members of the Board of Pardons at the addresses in the original UA, requesting that they reconsider their decision not to hold a hearing and not to grant clemency to Randolph Reeves.