

USA (North Carolina) Harvey Lee Green, Jr., aged 38

Harvey Green is scheduled for lethal injection in North Carolina on 24 September 1999. He was sentenced to death in 1984 for the murders of Sheila Bland and John Edmondson, who were beaten to death during a robbery at a dry cleaners in Bethel, Pitt County, in 1983.

Harvey Green pleaded guilty to the murders. In accepting the plea, the judge found that the killings were not premeditated - Green had entered the dry cleaners carrying only a toy gun. He had also cooperated with the police: he confessed to the crime, showed police where he had hidden the murder weapon (a pipe which he had found at the scene), and turned over the blood-stained trousers he was wearing at the time.

Harvey Green received a new sentencing in 1992 because of erroneous jury instruction in 1984. At his re-sentencing, he asked the court to allow him to tell the jury of his remorse. He had prepared a 10-page statement which included the following: *"I am truly sorry for the crime, and pray that the families would forgive me. I pray that they would find it in their hearts to forgive. I know that their pain is great and sometimes unbearable. If it were in my power to reverse things, I would. Not for my sake, but so that they would be able to fulfill the void left in their hearts. I lost all my morals and value and worth as a human being and hope and pray that society would forgive me. You of the jury will decide my fate, whether life or death. Thank you for listening to me and for taking the time to sit upon my jury."* The court refused his request to address the jury; the appeal courts have backed its refusal.

The appeal courts have also rejected the claim that Harvey Green's sentence has been tainted by racism. Harvey Green is black, his two victims were white. Prior to the 1984 sentencing, the defence asked the court to prevent the prosecutor from systematically removing blacks during jury selection, which the defence argued was his tendency. The court denied the request. At the subsequent jury selection, the prosecutor excluded five of the six prospective black jurors, but only one of 26 white jurors. At a hearing in 1989 an expert testified that the statistical probability that race was not a factor in the prosecutor's selection process in Green's case was one in 10,000. At his 1992 re-sentencing, Harvey Green faced the same prosecutor and a jury selection process which again result in one black and 11 white jurors.

Harvey Green would be the only person to be executed for a murder committed in North Carolina in 1983, although there were 550 other murders in the state that year. In Pitt County in 1983, there were 11 murders; in nine of those cases, the victims were black. Harvey Green's case, involving two white victims, was the only one in which the state sought the death penalty. Between 1983 and 1992, the year of Green's re-sentencing, there were 88 murders in Pitt County. Over two-thirds of the victims were black. Only four murders involved inter-racial killings. The state sought the death penalty in all three cases involving white victims and black defendants. It did not seek the death penalty in the white-on-black killing. In all four cases in which Pitt County juries returned death sentences between 1983 and 1992, the defendants were black.

While on death row, Harvey Green has successfully completed more than 20 bible studies courses. He has also taken college courses in religion, sociology and art. He recently became the first US death row inmate to sign up to participate

in Restitution, a program that helps inmates to sell their art, with the proceeds going to surviving family members of the murder victim, or to a charity. Harvey Green has donated a number of his paintings to Restitution. The relatives of his victims have declined the proceeds, which Harvey Green has therefore chosen to allocate to a local charity working to prevent children from becoming involved in crime.

BACKGROUND INFORMATION

In 1987, the US Supreme Court concluded that "apparent disparities in sentencing are an inevitable part of the criminal justice system". It had just reviewed a detailed statistical study which showed that those who killed white victims in Georgia were four times more likely to be sentenced to death than other groups, and black defendants charged with killing white victims were the most likely group of all to receive the death penalty,

In the late 1980s, the US government's General Accounting Office (GAO) reviewed 28 studies on race and the death penalty. The GAO found that 82 per cent of them had revealed that "those who murdered whites [were] more likely to be sentenced to death than those who murdered blacks."

In May 1999, Amnesty International published *Killing with Prejudice: Race and the Death Penalty in the USA* (AMR 51/52/99) in which it concluded that racism, conscious and unconscious, continues to mark the death penalty in the USA. In a rare reply on this issue, the US Justice Department wrote to the organization on 11 August acknowledging that it "cannot be disputed that the circumstances of many of the identified cases, as you have described them, raise concerns", but stating that its ability to intervene at state level is limited by the US federal system and the Constitution.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, using the following guidelines:

- acknowledging the serious crime for which Harvey Lee Green was sentenced to death, and expressing sympathy for the relatives of murder victims;
- noting statistics which indicate a possible link between death sentences handed down from 1983 to 1992 in Pitt County and the race of victims and/or defendants, and expressing concern that the statistics appear to fit a disturbing pattern in death sentencing across the USA;
- noting Harvey Green's personal development on death row, his long-held remorse over his crime for which he accepts full responsibility, and his work to help children at risk of involvement in crime;
- urging the Governor to grant clemency to Harvey Lee Green.

APPEALS TO:

The Honourable James Hunt Jr.
Office of the Governor
State Capitol, 116 West Jones Street
Raleigh, NC 27603-8001, USA

Fax: + 1 919 733 2120 or 715 3561

Telegrams: Governor Hunt, Raleigh, North Carolina, USA

Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write brief letters (no more than 250 words) to the editor of:

The People's Forum, *Raleigh News and Observer*, PO Box 191, Raleigh, NC 27602, USA.

Fax: + 1 919 829 4872

E-mail: forum@nando.com

PLEASE SEND APPEALS IMMEDIATELY.