

USA (Indiana) D.H. Fleenor, white, aged 49

D.H. Fleenor (full name) is scheduled to be executed in the first few minutes of 9 December 1999 in Indiana State Prison. He was sentenced to death for the murder of his parents-in-law.

The murders occurred in Madison, Indiana, on 12 December 1982. According to reports, on that evening D.H. Fleenor attended a church service with his wife, Sandra Sedam, and her parents, Bill and Nyla Harlow, but left early. When Sandra Sedam and her parents returned home, D.H. Fleenor shot Bill and Nyla Harlow.

D.H. Fleenor's lawyers are seeking a hearing to establish his competency to be executed, that is, whether he understands the nature of, and reason for, his punishment. He is said to be delusional and paranoid. Reverend R. Donald Shafer, a priest who has communicated with D.H. Fleenor for the past 13 years, has claimed in a recent affidavit that the prisoner's paranoia has intensified recently "to the extent of breaking with reality". Rev Shafer adds that "D.H. did not ever seem to understand the reality of his possible execution, and certainly does not understand why he would be executed."

In a second affidavit, Reverend Joseph M. Lanzalaco, Catholic Chaplain at Indiana State Prison for the past four years, has stated that: "on the number of occasions that I have visited D.H. Fleenor I never got the impression that he was a fully sane man. On the contrary, Mr Fleenor has, on every single occasion, been incoherent. Also, Mr Fleenor has, on every single occasion, appeared to me to be delusional, paranoid, and very much out of touch with reality... Based on my conversations and observations of Mr Fleenor, he does not understand why he is being killed and does not understand that he is being killed."

The prison authorities have recently prevented Father Lanzalaco from visiting death row inmates. In a memorandum to the Chaplain, date 9 November 1999, the Superintendent of Indiana State Prison wrote: "Effective immediately, your access to X-row [death row] has been terminated due to philosophical differences". The "philosophical differences" apparently refer to Father Lanzalaco's opposition to the death penalty.

Evidence not fully explored at the 1983 trial suggests that at the time of the shootings, D.H. Fleenor was experiencing severe emotional distress exacerbated by drugs and alcohol. D.H. Fleenor and Sandra Sedam had repeatedly sought official help for his alcohol and drug problems, but without success. The last time help was refused was a few days before the shootings. He was then fired from his job, and went on a drug and alcohol binge which culminated in the killings. D.H. Fleenor's IQ is also reported to have been measured at 75, which would place him in the borderline mental retardation range.

Sandra Sedam and Angela Harlow, the daughter and granddaughter of Bill and Nyla Harlow, have stated that they do not wish the execution to go ahead. Both were present when D.H. Fleenor shot the couple. Sandra Sedam has also stated that her opposition to the execution reflects what she believes to have been her parents' own religious beliefs.

BACKGROUND INFORMATION

Since the USA resumed executions in 1977, 589 prisoners have been executed nationwide. Eighty-nine prisoners have been executed in 1999, the highest total in any year since 1951. In supporting the death penalty, many politicians speak of "victims' rights" and of retribution. They claim that when the state kills killers, rather than compounding the brutality, it is helping the relatives of murder victims. A small but growing number of relatives of murder victims are speaking out against the death penalty, arguing that it offers no solution to their personal tragedies.

Safeguard Three of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the United Nations in 1984, states that "the death penalty shall not be carried out... on persons who have become insane."

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

- acknowledging the appalling crime of which D.H. Fleenor was convicted and expressing sympathy for the surviving family members;
- expressing concern at evidence that D.H. Fleenor may be mentally ill and may not understand the nature of and reason for his punishment, and pointing out that international standards forbid the execution of prisoners who have become insane;
- noting that D.H. Fleenor's case has been marked by at least two relatives who were present at the shooting speaking out against the death sentence;
- pointing out that a growing number of relatives of US murder victims are speaking out against the death penalty, arguing that an execution does nothing to ease their grief, and only perpetuates a culture of violence;
- expressing concern that the Catholic Chaplain at Indiana State Prison has been stopped from visiting death row inmates because of "philosophical differences" stemming from his opposition to the death penalty;
- pointing out that more than half the countries of the world have abandoned judicial executions;
- urging the Governor to grant clemency and begin to lead his state away from capital punishment.

If possible, please organize appeals from religious leaders and health professionals.

APPEALS TO:

The Honourable Frank O'Bannon
 State Capitol
 Room 206, Indianapolis, IN 46204, USA
Fax: + 1 317 232 3443
Telegrams: Governor O'Bannon, Indianapolis, Indiana, USA
Salutation: Dear Governor

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

You may also write letters of concern (not more than 250 words) to:

Letters to the Editor, *Indianapolis Star and News*, PO Box 145, Indianapolis, IN 46206-0145, USA
Fax: + 1 317 656 1435
E-mail: stareditor@starnews.com

PLEASE SEND APPEALS IMMEDIATELY.