

EXTERNAL (for general distribution)

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Please bring this action to the attention of the person responsible for outreach work in your section as it is felt that appeals from lawyers' groups would be particularly helpful. Please also bring this action to the attention of the media in your own country, as international publicity for the case is considered very desirable.

EXTRA 59/93

Death Penalty

18 June 1993

USA: (Missouri)

Walter J BLAIR

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Amnesty International fears that Walter J Blair faces imminent execution in Missouri in the next few weeks. An appeal to the US Supreme Court was denied on 17 May 1993; in Missouri, execution warrants are issued at short notice, and Blair's attorney expects an execution date to be set at any time. A clemency petition has been prepared by Blair's attorney, and will be presented to Governor Carnahan for review in the next few days.

Walter J Blair, black, was sentenced to death in 1980 for the kidnap and murder-for-hire of Kathy Jo Allen, a white female, in 1979. He was 19 years old at the time of the crime. Blair initially confessed to police that he committed the crime, but after his initial arrest stated that this confession was coerced by police. He has since consistently maintained his innocence of the crime for which he was sentenced to death.

Walter Blair was convicted largely on the testimony of a co-defendant, who was offered immunity from prosecution on charges connected with the murder, and probation for unrelated charges pending against him, in exchange for his testimony against Walter Blair. According to Blair's present attorney, evidence presented at trial suggested that the co-defendant was the actual perpetrator of the crime. This evidence included a link between the co-defendant and the murder weapon (there was evidence that the weapon was stolen in a burglary committed by him); the fact that the victim's boyfriend picked the co-defendant out of a police line-up as the person who had kidnapped the victim; and the arrest of the co-defendant the day after the murder for pawning a ring stolen from the victim's boyfriend during the kidnapping. Further evidence that two witnesses observed a man fitting the co-defendant's description walking away from the scene of the crime was not heard by the jury. Blair's attorney also claims that substantial new evidence exonerates Walter Blair from the crime. This includes testimony by four new witnesses that the co-defendant admitted to them that he had committed the crime and framed Walter Blair. Furthermore, one prosecution witness, the girlfriend of the co-defendant, has admitted that she was coerced into testifying against Blair at trial by her boyfriend.

According to the clemency petition prepared by Blair's attorney, Walter Blair's trial was tainted by race discrimination; he was sentenced to death by an all-white jury after the prosecutor had used his peremptory challenges to strike black jurors from the jury panel.

(Although the US Supreme Court ruled in *Batson v Kentucky* in 1986 that prosecutors may not exclude jurors solely on the basis of race, this does not apply retroactively to cases which had already become final on direct appeal. Therefore Walter Blair cannot benefit from this ruling). Additionally, the prosecutor, in the sentencing phase of the trial, made racially offensive comments to the jury. In 1992, an appeal to the 8th Circuit Court of Appeals affirmed Blair's conviction and death sentence. In a dissenting opinion, Judge Gerald Heaney said: "Walter Blair's conviction has been tainted by racial prejudice...In

light of the prosecutor's discriminatory behaviour, we cannot say that Blair received a fair trial...The evidence to convict Blair of capital murder was far from overwhelming; in fact, Blair likely was innocent of that charge. He is entitled to a new trial free of the racial discrimination that the prosecutors deliberately injected into this case."

Amnesty International opposes the death penalty in all cases as a violation of the right to life, and the right not to be subjected to cruel, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

Amnesty International is concerned that Walter Blair's execution may contravene United Nations Economic and Social Council (ECOSOC) resolution 1984/50, adopted in May 1984, which recommends that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts."

#### **BACKGROUND INFORMATION**

As of 20 April 1993, there were 87 prisoners under sentence of death in Missouri. The most recent person to be executed in the state was Martsay Boulder, on 27 January 1993. The method of execution is lethal injection.

Amnesty International is concerned that the death penalty in the USA continues to be applied in a racially discriminatory manner. Racial disparities in death sentencing are borne out by the findings of many research studies, and confirmed by the findings of the General Accounting Office (GAO), an independent agency of the federal government, in February 1990.

The GAO review found that persons convicted of the murder of white victims are far more likely to be sentenced to death than those convicted of black-victim homicides. These racial disparities remained after all other legally relevant factors had been taken into account.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:**

Appeals to Governor Carnahan:

- urging Governor Carnahan to grant clemency to Walter Blair.

Appeals to the Board of Pardons and Paroles:

- urging that they recommend that Governor Carnahan grant clemency to Walter Blair.

Appeals to both:

- expressing concern that Walter Blair faces imminent execution in Missouri;

- urging that Walter Blair's case be thoroughly reviewed in light of the substantial doubts concerning his guilt;

- expressing concern about evidence of racial discrimination in the jury selection in Walter Blair's trial;

- citing the ECOSOC resolution given above.

#### **APPEALS TO:**

1) The Honorable Mel Carnahan  
Governor of Missouri  
PO Box 720  
Jefferson City, MO 65102  
USA

**Telegrams: Governor Carnahan, Jefferson City, MO 65102, USA**

**Faxes: + 1 314 751 4458**

**Telephone: + 1 314 751 3222**

**Salutation: Dear Governor**

2) Mr Cranston Mitchell, Chairman  
Missouri Board of Pardons and Paroles  
PO Box 267  
Jefferson City, MO 65102  
USA

**Telegrams: Chairman Mitchell, Missouri Pardon Board, Jefferson City, MO 65102, USA**

**Faxes: + 1 314 751 4099**

**Telephone: + 1 314 715 2389, + 1 314 715 4949**

**Salutation: Dear Mr Mitchell**

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Newspaper:

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Kansas City Star

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Kansas City, MO 64108, USA

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and to diplomatic representatives of USA accredited to your country. The World Conference on Human Rights is being held in Austria this month and you can enhance the power of your appeals by also sending copies to the diplomatic representative of USA in Austria during June at the following address:

USA EMBASSY:

The Ambassador

Botschaft der Vereinigten Staaten von Amerika

Boltzmannngasse 16, 1090 Wien

AUSTRIA

**Faxes: + 43 1 310 06 82**

**PLEASE SEND APPEALS IMMEDIATELY.**