

Randolph Reeves is scheduled to be executed by the state of Nebraska on 14 January 1999. He was sentenced to death in 1981 for the murder of Janet Mesner and Victoria Lamm in 1980.

At the time of the murders, Reeves was highly intoxicated: he had been drinking alcohol for about 16 hours and had taken mescaline. A psychopharmacologist testified at the trial that large quantities of alcohol and mescaline would cause a high level of aggression.

Reeves never denied his responsibility for the murders but pleaded that being intoxicated he was unaware of his actions. He was arrested within an hour of the murders walking along a main street with blood on his clothing. However, the trial judge did not give the all-white jury the option of convicting Reeves of a lesser charge such as second degree murder (intentional, but not premeditated) or manslaughter, leaving the jurors with two options: releasing Reeves or convicting him of capital murder.

In 1997, the Eighth Circuit Court of Appeals granted Reeves's appeal on the grounds that the jury should have had the option of convicting him of a lesser charge and ordered that either his sentence be commuted to life in prison or the state hold another sentencing hearing. However, Nebraska's Attorney General appealed this finding to the US Supreme Court, who overturned the decision and reinstated Reeves's death sentence.

The murders took place in a Quaker meeting house where Janet Mesner was a caretaker. Quakers oppose the death penalty unconditionally, and Janet Mesner's relatives have been vocal in their opposition to Reeves's execution. In testimony to the Nebraska Legislature's Judiciary Committee in February 1985, Janet's father Ken Mesner said: 'I was born and raised in the belief that violence is not an acceptable method of solving the problems that arise in our daily lives...The fact that my daughter, Janet, was a victim of a murder has not changed that belief...The use of the death penalty only lowers the standards of government to the mentality of the murderer himself, who may [have thought] at the moment of the murder that his life would benefit by the death of another...'

Victoria Lamm's husband and daughter (the daughter, then two years old, was in the meeting house on the night of the murder) both want the state to spare Reeves's life, and have spoken out publicly against the execution.

In the USA, executions are increasingly advocated as a source of release from grief for relatives of murder victims. But an execution can guarantee no such healing. More and more relatives of murder victims are speaking out against the notion that a retaliatory killing brings peace. They believe the opposite is the case - that an execution does nothing to help family members come to terms with their loss, that it represents an appalling memorial to their loved one, creates more victims, and demeans society as a whole. In this case, the execution of Randolph Reeves will bring further suffering to the families of Janet Mesner and Victoria Lamm.

Randolph Reeves is a Native American (Omaha Nation) convicted of killing two white women. If he is executed, three of the last four executions in Nebraska will have been of members of ethnic minorities convicted of killing whites, lending credibility to the view that Nebraska's death penalty is applied in an institutionally racist manner, based mainly on the race of murder victims.

In January 1998, the Nebraska Unicameral's (ruling body) Judiciary Committee wrote: 'It is argued that the death penalty imposes nonquantifiable costs on society by being disproportionately applied to racial minorities and the poor.'

Data considered does indicate stark racial contrasts, particularly when the race of the victim is taken into account... It is impossible to deny that racism and the notion that white lives are worth more than [non-white] lives likely play a role in these data... The disproportionality cannot be ignored.'

The power to grant clemency in Nebraska rests with the State Board of Pardons. The Board comprises three members: Nebraska's Governor, Secretary of State and Attorney General. As he is responsible for prosecuting capital cases on appeal, the Attorney General cannot be said to be impartial in considering appeals for clemency. The method of execution is electrocution.

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

- expressing concern that Randolph Reeves is scheduled to be executed on 14 January 1999, and sympathy for victims of violent crime and their families;
- noting that the families of the victims in this case are adamantly against the execution and that allowing the execution to proceed will cause them further distress;
- urging the Board of Pardons to grant clemency to Randolph Reeves by commuting his death sentence;
- expressing concern at the clear conflict of interest between the role of the Attorney General in prosecuting cases on appeal and his role as one of the three members of the Board of Pardons.

**APPEALS TO:**

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**PLEASE SEND APPEALS IMMEDIATELY.**