

# UNITED STATES OF AMERICA

## An open letter to President Bill Clinton as the first federal execution looms

14 November 2000

AI INDEX: AMR 51/164/00

*Dear Mr President*

*On 12 December 2000, Juan Raul Garza is scheduled to become the first federal prisoner to be executed in the United States of America since 1963.*

*In the name of human rights, justice and decency, Amnesty International urges you to intervene and prevent this backward step.*

*Juan Raul Garza's life is in your hands. But so too is the international human rights reputation of your country, a reputation that is rapidly eroding as US executions accelerate. Your decision will determine whether the United States diverges yet further from the growing global consensus against the death penalty, or takes a historic step into line with the human rights aspirations of the international community of nations.*

*In the 37 years since the last federal execution, the world has made remarkable strides towards full protection of this most fundamental of all human rights. In 1963, just 10 countries had abolished the death penalty. Today, 108 countries have abandoned judicial killing in law or practice B a clear majority of the nations of the world. Earlier this year, you said that the USA has become a world leader for human rights under your presidency.*

*The planned resumption of federal executions provides you with a unique opportunity to demonstrate this claim of leadership to the world.*

*This year has seen a turning point in the death penalty in the United States.*

*Since Governor Ryan announced in January that he was suspending executions in Illinois because of his deep disquiet about the fairness and reliability of that state's capital justice system, national concern about the death penalty has reached unprecedented levels. Governor Ryan's courageous move has paved the way for other political leaders to join calls for*

a moratorium on executions elsewhere in the USA, in light of the overwhelming evidence that capital justice across the country is indelibly marked by discrimination, arbitrariness and error.

It was in the midst of this growing national concern that the US Justice Department revealed the findings of its review into the federal capital justice system on 12 September. The review confirmed the presence of widespread racial and geographic disparities in the application of the federal death penalty, despite the Department's best efforts to ensure consistency in capital sentencing. Attorney General Reno admitted to being sorely troubled by the findings. You, too, expressed concern over the results of the study. Your administration has told Amnesty International that it is unalterably opposed to any unfair or discriminatory application of the death penalty. We believe that you cannot, in good conscience, allow any federal execution to proceed in light of the Justice Department's findings, which indicate that prosecutorial discretion has resulted in an unacceptable arbitrariness in federal capital sentencing. Even supporters of the death penalty must concede that it is surely intolerable to countenance the ultimate punishment if its imposition may have been influenced by where the crime was committed or the colour of the defendant's skin.

In the past eight years almost 500 men and women have been executed in 29 US states, some 70 per cent of the country's total judicial death toll since 1977. Amnesty International has determined that many of these executions were carried out in violation of international human rights safeguards, including the execution of child offenders, the mentally impaired, foreign nationals denied their consular rights, and scores of people denied the quality of defence representation demanded under international legal standards. We deeply regret that the federal government has consistently sought to wash its hands of this human rights scandal.

The US Government cannot seek to escape full responsibility for the fate of Juan Raul Garza and the other individuals under federal sentence of death. We therefore urge you to grant clemency to Juan Garza and to declare a moratorium on all federal executions.

Amnesty International believes that you can and should go further, as the organization outlined in its memorandum sent to you last week. We believe, for example, that you should exercise your constitutional authority by commuting the sentences of all prisoners on federal death row. We submit that this act of human rights leadership would be entirely consistent with the findings of the Justice Department report. It is now clear that even the stringent procedural safeguards in federal death penalty procedures have failed to prevent unacceptable arbitrariness in its application.

Just three weeks ago, you issued a Proclamation reaffirming the commitment of the United States to the United Nations, and celebrating the fact that for the past 55 years the UN has led the world in promoting human rights and human dignity. One of the central goals of the United Nations is the progressive elimination of the death penalty and its eventual worldwide abolition, as an essential measure for the enhancement of human dignity and the development of human rights. At this crucial moment, you are in a position to make a lasting contribution to the promotion and protection of fundamental human rights, by acknowledging that the federal death penalty is inconsistent with the United States' commitment to those universal aspirations. Amnesty International urges you to grasp this historic opportunity.

The world awaits your decision.

Yours sincerely

Pierre SanJ  
Secretary General