

USA (Missouri) James W. Chambers, white, aged 47

James Chambers is scheduled to be executed in Missouri on 10 November 1999 for the murder of Jerry Oestrick in Arnold, near St Louis, in May 1982.

The two men had been arguing in a bar: they went outside when the owner asked them to stop or leave, and a few seconds later Oestrick was shot dead.

Chambers was convicted of capital murder and sentenced to death in December 1982. The Missouri Supreme Court reversed his conviction in 1984 because the trial court had failed to give the jury a self-defence instruction. He was retried in 1985 and again sentenced to death. This was overturned in 1990 by the 8th Circuit Court because he was ineffectively represented at trial. In 1991 he was retried and sentenced to death for a third time.

Under Missouri law, the state Supreme Court must review each death sentence to determine if it is excessive in comparison to similar cases. According to James Chambers's appeal lawyers, the seven cases cited by the court in its proportionality review of Chambers's death sentence are entirely dissimilar to his. They include a murder of a man during a kidnapping, a double murder where the victims' bodies were set on fire after they had been stabbed, and the stabbing of a store clerk during a robbery.

When the state Supreme Court upheld Chambers's second death sentence in 1986, one of its judges dissented: "This is an ordinary barroom altercation... Under these circumstances, I cannot impose the death penalty." The judge said that failure to reduce the sentence to one of imprisonment would render proportionality in Missouri "totally meaningless". Dissenting in another case in 1992, one of the judges said that the Court has "continually refused to face up to its responsibilities in proportionality review."

At all three trials the jury rejected the claim that James Chambers had acted in self-defence, and accepted the prosecution's version that it was a premeditated attack. Chambers's current lawyers argue that his trial attorneys failed to present vital witnesses to back up the self-defence claim or to effectively challenge the credibility of the prosecution's main witness, who gave inconsistent and contradictory accounts of what happened when the two men left the bar. They state that the defence also failed to present evidence showing that Oestrick had attacked Chambers with a pair of pliers during the incident, and that he had a reputation as a violent bar-room brawler.

The foreman of the jury at the third trial has stated in an affidavit that he does not believe that Chambers should be executed. He claims that the experienced and skilful prosecutor entirely out-performed the defence team, and believes that the jury would not have sentenced Chambers to death if it had heard evidence of his mental limitations. A mental evaluation of Chambers in 1982 found that he had suffered from depression for about two months prior to the shooting, and that he had an IQ of 78, which places him in the borderline mental retardation range. He is reported to have spent time in five mental hospitals for evaluation and treatment during his lifetime. He suffered a serious head injury at the age of six, and is alleged to have been regularly beaten by his father. He was diagnosed as "mildly retarded" at the age of 14 and at 17 was found to suffer from "mental retardation, borderline, with psycho-social environmental deprivation". In 1977 he was diagnosed as suffering

from "incipient paranoid schizophrenia". None of this evidence was presented to the jury who sentenced him to death at his third trial.

BACKGROUND INFORMATION

The death penalty in the USA is supposed to be reserved for the most "aggravated" murders. In reality, whether a defendant is sentenced to life or death can be strongly influenced by factors such as the quality of defence representation or the enthusiasm of the prosecuting authority in pursuing death sentences. Since the USA resumed executions in 1977, 580 prisoners have been put to death, including 80 this year, more than in any year since 1954.

Amnesty International opposes the death penalty in all cases. Every death sentence is an affront to human dignity. Each execution serves to perpetuate a culture of violence.

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

- explaining that you do not wish to belittle the seriousness of Jerry Oestricker's killing, but expressing concern that James Chambers is facing execution for what a Missouri Supreme Court judge has said would be a disproportionate punishment for an "ordinary barroom altercation";
- expressing concern that James Chambers was sentenced to death on the basis of disputed eyewitness testimony, and by a jury which did not hear important evidence supporting his claim of self-defence or mitigating evidence about his mental impairment;
- noting that the foreman of the jury has since stated his belief that the defence attorneys were not competent enough to match the prosecutor, and that had the jurors heard evidence of Chambers's mental limitations they would not have sentenced him to death;
- urging the Governor to commute James Chambers's death sentence.

APPEALS TO:

The Honourable Mel Carnahan
Governor of Missouri
Office of the Governor
Capitol Building
PO Box 720, Jefferson City, MO 65102-9720, USA
Telegrams: Governor Carnahan, Jefferson City, MO, USA
Fax: + 1 573 751 1495
Tel: + 1 573 751 3222
Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.