

# The death penalty in the US: a rising toll of state executions

Part 5 in a series of articles on Amnesty International's report on human rights abuses in the US

**Kate Randall**  
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*Amnesty International released its report 'United States of America--Rights for All' on October 6. The report paints a chilling picture of American society, including police brutality, abuse of children, prisoners, asylum-seekers and others, and the use of high-tech tools of repression and torture. Numerous violations of international standards of human rights are cited, as well as the role of the US in exporting weapons to governments known to carry out torture, and training the personnel to use these weapons. The report is the basis of a yearlong campaign planned by the human rights group to bring US human rights violations to worldwide attention.*

*As part of a detailed examination of the Amnesty International report by the World Socialist Web Site, today's installment deals with the sixth chapter: 'The death penalty: arbitrary, unfair and racially biased.'*

More than 3,300 people currently sit on death row in the United States, including 43 women, and 350 people have been executed since 1990. According to Amnesty International, the US has the highest known death row population in the world.

The use of the death penalty is a violation of the most basic human right, the right to life, and has been banned by more than 100 countries. The US is one of a small number of countries that are responsible for the majority of the world's state executions. In 1997, 74 people were executed in the US--only China, Saudi Arabia and Iran executed more prisoners.

In April 1998 the UN Commission on Human Rights adopted a resolution calling for a moratorium on executions in all countries where the death penalty is still allowed. But the trend in the US has been to step up the rate of judicial killings. The US has been looked to as a model for other countries that maintain the death penalty. AI reports: 'In 1997 government officials from both the Philippines and Guatemala reportedly inspected execution chambers in the USA as part of their research into lethal injection as a method for killing condemned prisoners.'

Even the application of this inherently barbaric punishment is biased in the United States. Poor defendants suffer as a direct result of their economic status: 'A defendant who cannot afford a competent lawyer is more likely to be sentenced to death than someone with more money.' Political considerations of politicians, prosecutors and judges--seeking to appear 'tough on crime'--oftentimes carry more weight than the evidence in a trial or hearing.

The use of the death penalty is moreover racist, with blacks

disproportionately represented on death row in comparison to their percentage in the general population.

In America, not even the mentally impaired or juveniles are spared the vindictiveness of the state. Recent years have seen a growing incidence of children and those with mental disabilities receiving death sentences.

While the Supreme Court struck down death penalty laws in 1972 on the grounds that they were being administered in an 'arbitrary and capricious manner,' in violation of the US Constitution, by 1976 several states had passed new laws which the high court ruled constitutional, as the sentences would be carried out with 'guided discretion.' Executions were renewed in 1977. Currently, 38 states allow the death penalty, and it is permitted under federal and military law.

The AI report explains how the death penalty is used by the government to shape public opinion: 'The death penalty carries the official message that killing is an appropriate and effective response to killing. It is neither. It contributes to desensitizing the public to violence, and to increasing public tolerance for other human rights violations.'

There is no evidence to support the claim that the death penalty is a deterrent to crime, and this is no longer advanced as a serious argument by its advocates. Rather, politicians cite public demand for the practice and focus on 'victims' rights.' 'Victim impact evidence,' in which relatives recount their suffering as the result of the loss of their loved ones, is now allowed in the sentencing phase of capital trials.

The majority of executions are administered by lethal injection, which is touted as a more 'humane' method than electrocution, the gas chamber, hanging or firing squad. However, according to the AI report: 'Lethal injection is not the clinical and painless process claimed by its proponents.' When Tommie Smith was executed in Indiana in 1996, the execution team spent 16 minutes searching for a vein in his arm to inject him. They then took another 36 minutes to find a suitable vein elsewhere on his body before he was finally injected through a vein in his foot. Death in many cases does not come instantaneously: 'Amnesty International has documented many other cases in which lethal injection has resulted in prolonged deaths.'

## Race and the death penalty

Amnesty International cites the following statistics: 'Blacks make up

just 12 per cent of the country's population, but 42 per cent of the nation's condemned prisoners.' And while victims of murder in the US are equally divided between black and white, 82 percent of those executed since 1977 were convicted of the murder of a white person.

According to a recent study, a black defendant in Philadelphia is four times more likely to receive a death sentence than a white defendant. Eight times as many blacks than whites have been sentenced to death in that city since the death penalty was reintroduced in the state of Pennsylvania in 1978.

In many, particularly Southern, states, black prospective jurors are routinely removed from the jury pool by prosecutors during jury selection. During the 1974 murder trial of William Andrews in Utah, a note was discovered among the all-white jury showing the victim of a hanging, with a caption reading: 'Hang the Nigger's' (sic). According to the AI report: 'Despite the fact that there was never any inquiry into how many of the jurors had seen or been involved in the drawing of the note, and what its impact was on their deliberations, William Andrews was executed in 1992.'

Racial bias in jury selection continues despite a 1986 Supreme Court ruling that jurors can only be removed for 'race neutral' reasons. A 1987 training video produced by the Assistant District Attorney for Philadelphia advises city prosecutors on how to select a convicting jury: 'Let's face it, the blacks from low-income areas are less likely to convict. There's a resentment to law enforcement.... You don't want those people on your jury.... If you get a white teacher teaching in a black school who's sick of these guys, that may be the one to accept.'

#### Executing juveniles and the mentally impaired

Since 1990 the US has executed eight people who were under the age of 18 when they committed the crimes for which they were convicted, more than any other country known to Amnesty International. Only Iran, Pakistan, Saudi Arabia, Nigeria and Yemen have executed juvenile offenders in this same time period.

International standards restricting the death penalty recognize that children younger than 18 have not yet reached the stage of development when they have a full understanding of the implications of their actions. The youngest death row inmate in the US is 16-year-old Shareef Cousin, who was sentenced to death in Louisiana in 1996. More than 65 juveniles currently sit on death row, 25 of those in the state of Texas.

Joseph John Cannon was sentenced to death for a murder committed when he was 17 years old. He was executed by lethal injection in Texas on April 22, 1998. AI reports: 'His life up to that point had been one of brutality and abuse. Despite being diagnosed as brain-damaged and schizophrenic, he received no treatment for his mental disorders. His childhood was so deprived that on death row he fared much better, learning to read and write.'

The Supreme Court ruled in 1986 that execution of the 'insane' is unconstitutional, but did not specify procedures for determining insanity, or identifying severe mental health problems. Another ruling by the court stated that the death penalty could not be used against mentally retarded defendants. However, since this high court decision 30 people suffering from mental disability have been executed in the US.

The case of Varnall Weeks illustrates the fate suffered by the mentally impaired in relation to the death penalty. Amnesty International reports: 'Varnall Weeks was diagnosed as being severely mentally ill and suffering from pervasive and bizarre religious

delusions. An Alabama state judge acknowledged that Varnall Weeks suffered from paranoid schizophrenia. The ruling agreed that he was 'insane' according to 'the dictionary generic definition of insanity' and what 'the average person on the street would regard to be insane', but decided that his electrocution could proceed because he could answer a few questions, proving that he was legally 'competent'. He was executed in May 1995.'

#### The innocent on death row

Since 1973 at least 75 people have been released from death row, after determination that they had been wrongly convicted. Twenty-eight of these people--plus another 1,000 lawyers, law students, professors and other death penalty opponents--recently held a three-day conference in Chicago on Wrongful Convictions and the Death Penalty.

Since 1976, for every seven executions one condemned prisoner has been freed, and since 1972 approximately 1 percent of those on death row have later been found innocent. Many of these prisoners have come within hours of execution.

However, evidence of innocence is no guarantee of freedom or even the right to appeal: Leonel Herrera was executed in Texas after the US Supreme Court denied his appeal despite newly discovered evidence that appeared to show he was innocent. The Court ruled that there was no constitutional right to federal intervention because of new evidence where the original trial had been free from procedural error.'

The full text of the Amnesty International report can be accessed at:  
<http://www.rightsforall-usa.org/info/report/index.htm>

See Also:

US cited for widespread human rights abuses:

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