

US Supreme Court clears way for first federal execution since 1963

John Andrews
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The US Supreme Court on November 15 rejected the petition for review (*certiorari*) filed by death row inmate Juan Raul Garza. As a result Garza will likely become the first person executed by the federal government since 1963. This action, like most similar actions, was taken without any written opinions.

The principal basis for Garza's petition was that federal prosecutors violated his rights at sentencing by linking him to four unsolved murders in Mexico, using testimony from accomplices who were promised lighter sentences in exchange for the information.

There are twenty other condemned men awaiting execution in a special unit at the federal penitentiary in Terre Haute, Indiana, but Garza is the first to reach the stage where prosecutors request that the date be set for his execution.

In 1972 the Supreme Court struck down all death penalty laws. In 1976, however, the Court ruled that the death penalty could be reinstated so long as procedures were in place for a separate "penalty phase" following the "guilt phase," so that the jury could consider various circumstances in deciding whether the defendant should be killed.

Many states jumped at the opportunity to resume executions, but Congress did not reinstate the federal death penalty law until 1988. In 1994 President Clinton—who as Governor of Arkansas presided over his share of executions, including at least one of a mentally incompetent person—signed into law a bill expanding the number of federal crimes covered by the death penalty.

In another action Monday the Supreme Court agreed to review a lower court ruling striking down a Galveston County, Texas, school board policy that allowed student-led group prayers over loudspeaker systems at football games.

The lower court ruling correctly found that such state-sanctioned prayers violated the separation of church and state. "The fact that graduation prayer or prayer before football games is led by students does not diminish the pressure to religious conformity. If anything, it may increase it," said lawyers for the families who initially brought the lawsuit.



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