

# Fight intensifies vs. death penalty in U.S.

by Marianna Wertz

The growing and lawless use of the death penalty in the United States, with the continued ascendancy of Vice President Al Gore in policymaking, is coming under intensifying attack both at home and abroad. With the United States strutting the world stage as the great defender of “human rights”—in Serbia, China, Iraq, and elsewhere—capital punishment in America is increasingly being spotlighted as proof of the hypocrisy of that claim, most recently at the UN Human Rights Conference meeting in Geneva.

In its report on the event, the *International Herald Tribune* wrote on March 29: “The United States, which regards itself as a bastion of human rights, found itself under attack from friend and foe alike during the first week of the United Nations annual meeting on global democratic rights. The sharpest blow came from a U.S. ally, Germany, whose Foreign Minister, Joschka Fischer, announced last week that the 15-member European Union for the first time would submit an anti-death-penalty resolution to the UN Human Rights Commission.” Fischer explained to delegates from the 53 member countries, that the resolution was intended to prevent “the execution of minors, of the mentally ill, enforcement before completion of ongoing procedures, and extradition to countries where the death penalty is in force.” According to the *International Herald Tribune*, the resolution was aimed in particular at the United States, following the recent executions in Arizona, which Fischer described as acts of “barbarism.”

In Arizona, German nationals Walter and Karl LaGrand were executed a week apart in late February-early March for a murder they committed in 1982. The two had no claims to innocence, but they had been denied their rights as German citizens. The German consulate was not informed of their arrests and convictions until 1992, despite the fact that the Vienna Convention, to which the United States is a signer, stipulates that foreign nationals must be given access to their consulate after arrest. The German government sought to stop the execution through protests to the U.S. government and to the World Court, which issued a plea to at least delay the execution of Walter LaGrand, the second brother to be killed.

The inaction of the U.S. government in this case contrasts sharply with moves by the Clinton administration to stop three other executions of foreign nationals—two in Virginia and one in Texas—carried out in the last two years. It demonstrates a shift in mood in the administration, where President Clinton has seen his power increasingly reduced, compared to that of Gore and the Principals Committee.

Amnesty International, the British “human rights” group, went even further than the European Union in protesting American policy at the Geneva meeting. For the first time, Amnesty placed the United States on its priority list of human rights violators, along with Algeria, Cambodia, and Turkey, among others, citing police brutality, violations against people in detention, and increased numbers of executions. Amnesty did not place China—which some are urging become America’s new “enemy image”—on its list this year. Nancy Rubin, who heads the U.S. delegation to the Geneva conference, reportedly reacted furiously to these developments.

The United States passed a watershed on Dec. 18, 1998, executing its 500th person since capital punishment was reinstated in 1976. Another record was also set last year: There are now more than 3,517 people on Death Row across America. While the total number of executions declined slightly in 1998 (to 68), a record number of executions (74) occurred during 1997, and the United States is on its way to breaking that record in 1999. With more than 20 executions by the end of March, the total is expected to exceed 100 for the year, a pace not seen in the United States since the 1940s.

The disproportionate use of capital punishment for minorities is evident in the fact that nearly 44% of Death Row prisoners at year-end 1997 were minorities (of whom 42.2% were African-American). In addition, the execution of minors under age 18 is authorized now in 16 states, and for 18-year-olds in 15 other states.

The growing barbarity of these practices has unleashed a reaction from the American population, with a movement for a moratorium gaining ground nationally. The intervention of Pope John Paul II during his January trip to St. Louis, when he successfully appealed to Missouri Gov. Mel Carnahan to commute the death sentence of Darrell Mease, gained greater international attention for the issue. Catholic teaching calls the death penalty “cruel and unnecessary,” in light of the alternative of life in prison without possibility of parole.

The U.S. Bishops’ Administrative Board chose Good Friday, April 2, as the occasion to call on the nation’s more than 60 million Catholics to fight the death penalty. “On this Good Friday, a day when we recall our Savior’s own execution, we appeal to all people of goodwill, and especially Catholics, to work to end the death penalty,” the board said, which represents the nation’s bishops between their general meetings.

## Defeated in Massachusetts

In Massachusetts, Catholic Cardinal Bernard Law was recently pitted against Gov. Paul Cellucci, a death-penalty advocate and a Catholic, in debate over legislation that would reinstate the death penalty. Cardinal Law quoted George Washington’s Farewell Address, in which Washington warned that “national morality” cannot “prevail in exclusion of religious principle.” That principle, Law said, is “the inviolable dignity and right to life of every human person. We are poised on the threshold of a new millennium. We are leaving what could arguably be said to be the most violent of centu-

ries. A day does not pass without some fresh atrocities reported from Borneo, Kosova, or closer to home. With capital punishment, we all become victims.”

On March 29, the Massachusetts legislature defeated the reinstatement of the death penalty, by a vote of 80-72. State Rep. Ben Swan (D-Springfield), who helped engineer the defeat, told *EIR* that, following a full day of debate, in which the proponents—both Democrats and Republicans—attempted to modify the bill to make it acceptable, it was defeated, as it had been in the Public Safety Committee earlier. A similar bill had passed both houses of the legislature in last year’s session, and was defeated then in the reconciliation committee by one vote. So, the defeat of the legislation this year represents progress made on the issue over the past year.

In Virginia, where seven executions have been scheduled for March and April, coinciding with Palm Sunday, Passover, and Easter, Bishop Walter F. Sullivan of the Catholic Diocese of Richmond gathered a group of 19 clergy of various faiths

in a press conference on March 23, calling for an end to the death penalty nationwide and especially in Virginia. Sullivan decried the fact that Virginia is becoming known as “the execution state,” with the highest rate of executions (61) for its population size in the nation.

Other speakers were: Rabbi Leivy Smolar, of Congregation Or Ami in Richmond; Rev. Fletcher Lowe, executive director of the Virginia Interfaith Center for Public Policy; Rev. Cessar Scott, executive minister of the Baptist General Convention of Virginia; Bishop Frank Gray of the Episcopal Diocese of Virginia; and representatives of the Presbyterians, Unitarians, and Methodists. Rabbi Smolar called the death penalty “a stain upon our entire penal system,” and questioned why, “when many countries are planning to abolish the death penalty, we carry out executions at an increasing rate.” Reverend Lowe pointed to the more than 75 men across the country who have been released from Death Row after new evidence found that they had been falsely convicted.

## The world must bring more pressure to bear

*Henry Heller, chairman of the 2,600-member Virginians for Alternatives to the Death Penalty, gave EIR the following statement on March 29:*

Virginians prefer an alternative to the death penalty. Six consecutive years of polling at Virginia Tech showed that when Virginians are given the alternative of life with no possibility of parole for a minimum of 25 years, combined with restitution to the victims’ families, support for the death penalty is cut in half.

But our legislators don’t listen to their constituents. It’s popular to be for the death penalty. It’s a very political game and politicians use it to play on people’s fears. They tell you that you’re going to feel safer if you have a death penalty. The fact is, that Virginians would rather have something else than the death penalty, but they’re just not given that choice.

The appeals process in Virginia is worthless, because you have a 21-day rule, where courts are not required to look at evidence of innocence 21 days after sentencing. The 4th Circuit Court of Appeals at the Federal level has *never* granted relief for a *habeas* petition. The only thing the courts are interested in is if the trial was done according to the ways trials are supposed to be conducted, if the judge followed all the guidelines. That doesn’t cover lawyers who don’t represent their clients competently.

I hear about those international efforts and Virginia has shown in the past that it really doesn’t give a hoot about what the international community has to say at all. The World Court, in the case of Angel Breard last summer, came out and said, don’t execute this guy. Here’s a case where the guy’s embassy was not notified that they had one of their nationals, and that they had charged him with capital murder and had sentenced him to death. The Vienna Convention, to which the United States was a signee, says that if you grab somebody from another country, you’ve got to let their embassy know that you’ve got one of their people. There is blatant disregard for that in the United States.

Virginia’s Gov. James Gilmore just snubbed his nose at that, and said: I don’t care what the World Court has to say. We’re the cops of the world! We do what we want to do in this country. It doesn’t matter what public opinion has to say and it doesn’t matter what the international governments have to say. We don’t belong to any World Court. We belong to our courts. The United States’ courts.

It’s wonderful that the countries of the world are up in arms about the United States’ execution of juveniles and mentally retarded people. But unless they start really putting some pressure on, instead of just signing documents—we don’t pay attention to documents. The international community needs to go a step further, and do whatever it can do, to publicize as much in their press, that the United States knowingly executes individuals who were, in some states, younger than 16 at the time of the crime. “We’re calling for more death penalty. Let’s kill them even younger. That’s going to save us all.” We’re supposed to feel better. These are kids!