



# Amicus ALJ UCL Chapter *Monthly Newsletter*



## What is Amicus? A brief overview

*Anna Vander*



Amicus is a London-based legal charity that was founded in memory of Andrew Lee Jones, who was convicted by an all-White jury of murder and executed in Louisiana in 1991, despite a lack of scientific evidence linking him to the crime. The charity advocates the view that the death penalty is disproportionately imposed on the most vulnerable, undermining the concept of equal justice before the law. With a view to bettering access to justice, Amicus helps to provide legal support for those facing the death penalty in the United States.

*To assist in the provision of legal representation for those awaiting capital trial and punishment in the US, or any other country, and to raise awareness of potential abuses of defendants' rights.*

Amicus Mission Statement

## Editorial Section

### The death penalty isn't just about morality

*Evelyn Ho*

When we talk about the death penalty, we're usually talking about morality. Supporters of the death penalty usually view it as a fair form of retribution, using the "an eye for an eye philosophy" to argue that it's only fair that murderers for instance have to suffer the same fate their victims did. Opponents of the death penalty tend to argue that it is both hypocritical and unnecessarily cruel.

In reality, though, I think we often forget that the justice system is just as flawed as human beings are. Courts don't operate like the ideas of the afterlife in Egyptian mythology where your heart gets weighed and the truth of your life is revealed; court procedures can be messy and unfair. How you appear in court, regardless of whether or not you really committed a crime, very much hinges on the type of representation you receive.

This is the crux of the problem: whether or not you can afford a good lawyer can literally be the difference between life and death, leading to a disproportionate number of convictions of vulnerable groups such as racial minorities. According to the Death Penalty Information Centre, *one-in-nine* people on death row in the US are wrongfully convicted. (*cont. on pg. 2*)



### Contributors

Anna Vander:  
*A brief overview  
of Amicus (pg 1)*

Evelyn Ho:  
*The Death  
penalty isn't just  
about morality  
(pgs 1-2)*

Owen Johnson:  
*Death Penalty  
Profile: Russell  
Tucker  
(pg 2)*

Owen Johnson:  
*History of the  
American Death  
Penalty:  
Moratoriums  
(pg 2)*

### Committee

Owen Johnson  
& Evelyn Ho  
*UCL Amicus  
Chapter  
Publications  
Subcommittee*

Anna Vander  
*UCL Amicus  
Chapter  
President*

This is why it is crucial that the debate about the death penalty goes beyond superficial discussions of morality. It is logical to have a moral stance on the death penalty; what we must recognise, however, is that our lofty ideals often don't translate into the flawed *system* of punishment.

## Death Row Profile Russell Tucker

Owen Johnson

Last month, a North Carolina court denied Russell Tucker's request for a new trial. Mr. Tucker is certainly guilty: he admitted to shooting a security guard in 1994 after a failed robbery as well as shooting a cab driver a month earlier. However, this case poses much deeper questions about the fairness of the death penalty in the American justice system.

Mr. Tucker's lawyers pleaded with the all-White jury in his original trial to sentence him to life in prison, but they voted to convict. That shouldn't have been the case: the Sixth Amendment to the Constitution of the United States guarantees an impartial jury of one's peers. The 1985 case of *Batson v Kentucky* had already affirmed that selecting jurors exclusively from one race violated that provision.

The trial judge rightly did not allow objections in jury selection based on race. But lawyers for the state relied on a 'cheat sheet', according to the Center for Death Penalty Litigation, that provided fabricated reasons for Black jurors to be unfairly struck during jury selection. Fabricated reasons included citing that potential jurors were 'monosyllabic' and 'uncooperative' during questioning.

"For most of its history, North Carolina has utterly failed to ensure that all citizens have the right to serve on juries, regardless of their race", wrote Henderson Hill from the Center for Death Penalty Litigation. "It took until 2022 for our state supreme court to finally strike down a single criminal conviction due to the exclusion of Black jurors... It's clear from today's ruling that North Carolina's highest court has gone backward once again."

---

Pictures: Owen Johnson

Pg. 1: The tympanum of the US Supreme Court bears the inscription 'EQUAL JUSTICE UNDER LAW'.

Pg. 2: The Capitol is the seat of the US federal government, which has an ongoing moratorium on the death penalty. Twenty states still execute prisoners despite that.

## History of the American Death Penalty Moratoriums

Owen Johnson

The US hasn't always used the death penalty. Even today, individual states can choose whether the death penalty should apply for their own crimes. Today, 27 states and the federal government itself have chosen to retain it, although the federal government and seven of those states have moratoriums suspending the practice.

For a time, though, the entire country had such a moratorium. The US Constitution gives power to the states to do anything not expressly prohibited, and in 1972 the Supreme Court decided by a narrow 5-4 vote in *Furman v Georgia* that the death penalty violates the Eighth Amendment's prohibition of 'cruel and unusual punishment'. Even the majority judges were split as to their reasoning, though, with Justices Stewart, White, and Thomas critical of racial disparities and pragmatic issues of access to justice while Justices Brennan and Marshall said that the penalty was wrong per se.

Regardless of the reasoning, the court's ruling, per the Death Penalty Information Center, immediately invalidated death penalty statutes in forty states and stopped the practice altogether in the country. It wasn't for long though. The Supreme Court held that efforts by states to rewrite their death penalty statutes by providing guidelines for a jury as to when death should be preferred to prison time were enough to comply in the 1976 case of *Gregg v Georgia*, and executions started up again the next year.

Challenges to the death penalty are nothing new, but America's highest court hasn't changed its mind on them since the '70s and doesn't seem likely to in the immediate future.

