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# amnesty international

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## UNITED STATES OF AMERICA Death in black and white

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John Luttig and Ivan Holland were both 63 years old when they met untimely deaths in the east Texas town of Tyler. Each was gunned down in a senseless act of violence. John Luttig, a wealthy white businessman, was shot at his Tyler home on 19 April 1994. Two years later, on 7 May 1996, Ivan Holland, a homeless African American man who lived on the streets of Tyler, was shot and left for dead outside a convenience store.

Now another killing is imminent, no less senseless, and undeniably of a coldly calculated nature. Napoleon Beazley is due to die on 15 August – strapped to a gurney and injected with lethal chemicals administered by government executioners – in retaliation for the murder of John Luttig. There will be no retributive execution to mark the death of Ivan Holland, however. The man who shot him will be eligible for release in about 20 years.

Ivan Holland's assailants were three young white men, described as having a "Hitler fetish" and a habit of verbally abusing blacks, Jews and Hispanics. At a 1997 hearing, 23-year-old Todd Rasco said that when he told his two friends that he was contemplating suicide, they had urged him to "just kill a nigger" instead. So the three had driven around Tyler, armed with Rasco's new shotgun, looking for a black person to kill. Todd Rasco said that he had put socks on his hands so as not to leave fingerprints on the weapon, and that he and his two friends later laughed when news reports indicated that police were looking for three Hispanic men. In a plea arrangement, Todd Rasco was sentenced to 45 years in prison. Twenty-one-year-old Chad Crow, was sentenced to 37½ years for encouraging Rasco to shoot Holland. Both inmates will be eligible for parole after serving half of their sentences.

John Luttig's attackers were three black teenagers. Their aim was to steal the Mercedes Benz in which John Luttig had just returned home. Napoleon Beazley was sentenced to death as the 17-year-old gunman – in blatant violation of the international legal prohibition on the use of the death penalty against under 18-year-olds. His two co-defendants, Cedric and Donald Coleman, who say that Beazley was so remorseful after the shooting that they had to stop him committing suicide, were sentenced to life imprisonment for their role in the crime. They will be eligible for parole after 80 years, or about six decades after Todd Rasco and Chad Crow.<sup>1</sup>

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<sup>1</sup> The Luttig murder was punishable by death under Texas law because it took place during a robbery. Smith County could not pursue death in the Holland case if there was no "aggravating" factor, such as robbery, making the crime "death-eligible". In Texas, a black can be put to death for killing a white person while stealing their property, but a white cannot be executed for murdering a black simply because of the colour of their skin.

In front of 12 white jurors, the two white prosecutors referred to Napoleon Beazley as an “animal” whose “prey happened to be human beings”. In Texas, the prosecution has to persuade the jury that the defendant will always pose a threat to society, even in prison. Napoleon Beazley had no prior record of violence, so the state resorted to underhand tactics to stoke the jurors’ fears and their finding of “future dangerousness”.

President George Bush, currently in Texas, should tell his successor in the governor’s office what he told the National Organization of Black Enforcement Executives on 30 July: “We must have goals beyond just punishment. We must, at the deepest level, embrace our youth instead of fearing them”. Four juvenile offenders were among the 152 executions that President Bush failed to oppose when he was Texas governor. Now leader of his country, it is time he did the right thing.

Jury selection for the Beazley trial began days after George Bush took office as governor. The prosecution removed several African Americans from the jury pool, ensuring an all-white jury. One of them was a man who, a dozen years earlier, had been prosecuted and acquitted for drunk driving. This made him an unsuitable juror in the eyes of the prosecution. Not so for a white juror, who was selected despite having been convicted of driving while intoxicated. After the trial, it emerged that this same juror harboured profound racial prejudice, including by frequently refusing, in his job as a repairman, to fix items brought in by black customers. He later said of Napoleon Beazley, “the nigger got what he deserved”, and the juror’s wife confirmed that her husband “on more occasions than not” used the term “nigger” to describe African Americans.

“Perhaps it should not be surprising that the biases and prejudices that infect society generally would influence the determination of who is sentenced to death”, wrote US Supreme Court Justice Harry Blackmun, announcing that he would no longer support death sentences. That was two months before John Luttig was shot dead. Seven years later, and six weeks before the scheduled retaliatory killing of Napoleon Beazley, Justice Sandra Day O’Connor admitted that “serious questions are being raised about whether the death penalty is being fairly administered in this country”. One such question might be, why is the USA almost the only country in the world still using the death penalty against children? Another might be, why is it that over 80 per cent of US executions have been for murders involving white victims, when blacks and whites are the victims of murder in equal numbers?

At the same time as Napoleon Beazley’s jury was being selected, on the other side of the world the highest court in South Africa was hearing arguments in a capital case that would lead to that court’s June 1995 ruling that the death penalty was unconstitutional and a part of a racist and institutionally violent past from which that country was seeking to escape.

Six years on, as South Africa prepares to host the World Conference against Racism, the international community waits for the USA to consign a cruel, arbitrary and discriminatory punishment to history. A good place for the United States to start would be to stop the execution of Napoleon Beazley.

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