

in re capital execution of Walter J. Blair

APPLICATION FOR GRANT OF REPRIEVE OR COMMUTATION OF SENTENCE

To: The Honorable Mel Carnahan, Governor

State of Missouri

The undersigned religious and civic leaders of the State of Missouri for their Application state:

EXECUTION SET

1. The execution of Walter J. Blair has been set for July 21, 1993.

2. Court appeals apparently have been exhausted

II.

PARDON POWER IS INHERENT TO THE PEOPLE;

CITIZENS HAVE STANDING TO APPLY

3. The power to pardon, reprieve or commute is inherent in the sovereignty of the people of the State who have conferred the exercise of this power on the Governor by virtue of Article IV, Section 7 of the Constitution of Missouri. The power exists to serve the Common Good and not merely the individual under

sentence.

1

4. Walter J. Blair has filed an application for executive clemency in his own behalf through counsel. This Application is made in support of his application

COMMUTATION SHOULD BE GRANTED BECAUSE OF BLAIR'S MENTAL HEALTH

5. Walter J. Blair was convicted of capital murder and sentenced to death in 1980 in Jackson County for causing the death of Kathy Jo Allen. The Missouri appellate courts affirmed Mr. Blair's conviction and sentence Mr. Blair petitioned for a writ of habeas corpus in federal court and the district court denied relief. on appeal, a divided panel of the Eighth Circuit affirmed the district court's denial of relief. Blair v. Armontrout 916 F. 2d 1310 (8th Cir. 1990) (Heaney, J., Dissenting) Arguments brought forth in Judge Heaney's dissent form some of the reasons for granting clemency. The U.S. Supreme Court denied Mr. Blair's petition for writ of certiorari on October 7, 1990.

IV.

SOCIAL AND PSYCHOLOGICAL PROBLEMS MERITING CLEMENCY

6. According to documents filed by the Division of Probation and Parole and presented at the time of the trial proceedings, Blair was the third oldest of 10 children born to Walter and Janis Blair. He was born 9/26/60 in Kansas City, Missouri. His father abandoned the family when he was very young and his mother had the responsibility of caring for the family. His maternal grandmother stated that Blair had many problems because of this but

tht he did not have any problems until he was a teenager and that he did not "act quite right" after he was nine or ten. His mother suffered mental problems and was hospitalized for them. He successfully completed the eleventh grade at Lincoln Junior High school. In 1972, as a juvenile, Blair was committed to Western Missouri Mental Health Clinic for mental health problems. When he was 16 years of age, he was sentenced to the Missouri Department of Corrections for burglary and assault, and received a three year sentence. He was released in 1978. He was free until the time of his arrest for the murder of Kathy Jo Allen in 1979. These facts indicate that (1) he had a troubled childhood and youth; (2) that he had mental problems, (3) that his problems with the law took place as a teenager; (4) that he did not have a significant criminal history prior to his present capital murder conviction

V.

COMMUTATION SHOULD BE GRANTED BECAUSE OF RACIAL BIAS THROUGHOUT THE TRIAL

7 Judge Heaney's remarks in dissent, referred to above provide ample justification for clemency:

8. "Blair's sentencing hearing was compromised by the prosecutor's inflammatory closing argument. He told the jury that they should sentence Blair to death because it was cheaper to kill him than to incarcerate him; he improperly made reference to Blair's assertion of his constitutional rights; and he emphasized to the all-White jury, from which he had struck four Black candidates, the difference in race between the 'attractive sympathetic victim, and 'this Black man.'" Blair was convicted by an all-white

3

jury. Also, the prosecutor made racially motivated remarks designed to prejudice the jury against Blair.

VI.

COMMUTATION SHOULD BE GRANTED BECAUSE OF QUESTIONS OF UNRELIABLE TESTIMONY

PRESENTED AT TRIAL

9. The prosecutions' case against Blair relied primarily upon the testimony of Ernest Jones. In fact, the only substantial evidence supporting the state's position was this testimony. Jones testified that Blair had told him, before and after the murder of the plot to murder Kathy Jo Allen. However, his credibility was suspect insofar as he received immunity for any part he played in the murder. In this connection, it must be said that the victim's boyfriend identified Jones in a police lineup as the person who had kidnapped Kathy Jo Allen at gunpoint just before her murder. Moreover Jones had been promised probation on pending charges of assault, burglary and possession for controlled substance in exchange for his testimony against Blair. Furthermore, Blair consistently maintained his innocence during the trial and stated that Jones was the actual kidnapper and person who shot Kathy Jo Allen.

10. one person should not be put to death and another set free for testimony for the state.

VII.

COMMUTATION SHOULD BE GRANTED

4

BECAUSE THE DEATH PENALTY IS NOT A DETERRENT

11. A recent study concluded the following:

"During the 1950's there is no evidence that executions had even the slightest deterrent effect on murder. In addition, based upon our analysis of this decade, we find no support for the argument that a return to past execution practices will provide an effective solution to the murder problem. Rather, if executions are to again receive a prominent role in the criminal justice system, their use will have to be justified on grounds other than deterrence."

12. This study compared murder and executions in death penalty states in the 1950's. (William C. Bailey, "The Deterrent Effect of Capital Punishment During the 1950's," Suicide and Life Threatening Behavior, Vol. 13, #2, Summer, 1983, pp. 95-109.)

13. There is an alarming correlation between the date of the last period of executions in Missouri and a significant increase in the number of homicides. Prior to the recent renewed use of execution, the last execution in Missouri occurred on February 26, 1965. In 1964, the year prior to the execution, there were 240 homicides in Missouri. The executions occurred early in 1965. In 1965 there were 300 homicides in Missouri, an increase of 60 over the preceding year. In 1966, the year following the executions, there were 246 homicides in Missouri, a decrease of 54 from 1965. That is, there were significantly more homicides during the year of the last executions in Missouri than either the year before or after. This correlation must be given serious consideration in light of the opinions of psychiatrists that killing by the state is an incentive to those with a murder-suicide syndrome and a trigger to increasing intentional homicide.

14. The renewal of executions in January, 1989 shows a similar correlation of increased homicide following the use of capital punishment

| Year | Number of Executions | Murder Rate per 100M |
|-------------|-----------------------------|-----------------------------|
| 1988 | 0 | 8.0% |
| 1989 | 1 | 8.0% |
| 1990 | 4 | 8.8% |
| 1991 | 1 | 10.4% |

15. Capital punishment does not protect society; rather, the correlation is that homicide increases when the State uses capital punishment. Apparently the State by the use of violence, is teaching that killing is an acceptable means of solving personal problems.

16. Reliance on capital punishment wastes resources which could be better used by society, including the development of better ways to reduce crime. The cost of capital punishment litigation exceeds the cost of life imprisonment. Estimates are that it is about six times as expensive.

17. The Common Good of the people of Missouri would be better served by commutation of the death sentence.

18. Society abhors violence. Violence begets more violence. The death penalty is clearly no more of a deterrent than imprisonment; in fact, it ap-

pears to be an incentive to more murders. Execution destroys human life, a gift of our Creator, Redeemer God. It debases humanity, encourages revenge, precludes repentance and sanctions violence as a solution. It is in the interest of the Common Good of the people of our state that the cycle of violence be broken.

FOR THE FOREGOING REASONS, the death sentence should be commuted to life without parole.

Respectfully Submitted,

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Benedictine Sisters

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As Bishop of the Episcopal Diocese of West Missouri

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7

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Dated July 19, 1993

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