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JL001

THE WHITE HOUSE  
WASHINGTON

December 6, 2000

MR. PRESIDENT: THE PRESIDENT HAS SEEN  
12-6-00

I understand from Beth you requested  
copies of the attached letters.

Lisel Loy



\*434045\*

JL001

PHOTOCOPY  
PRESERVATION

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THE WHITE HOUSE  
WASHINGTON

December 6, 2000

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12-6-00

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Lisel Loy

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PHOTOCOPY  
WJC HANDWRITING

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THE WHITE HOUSE  
WASHINGTON

'00 DEC 5 PM 8:16

December 5, 2000

THE PRESIDENT HAS SEEN

12-6-00

MEMORANDUM FOR THE PRESIDENT

FROM: BETH NOLAN *bn*  
BRUCE LINDSEY *ll*  
MEREDITH CABE *me*

SUBJECT: Attached Correspondence

For your information, attached are two letters regarding the pending execution of Juan Garza. The first is from Harold Koh, Assistant Secretary for Democracy, Human Rights and Labor, Department of State, regarding the pending execution of Juan Garza. The second is signed by Sens. Feingold, Boxer, Wellstone, Kerrey, Lautenberg, Harkin, and Akaka. We expect to receive a similar letter, signed by 50-60 House members, tomorrow. We will forward that letter when it arrives.

We have also received letters regarding the federal death penalty (and recommending a moratorium on federal executions and/or clemency for Garza) from the following:

- American Bar Association
- Amnesty International
- Approx. 500 law professors (coordinated by Larry Marshall at Northwestern)
- Leadership Conference on Civil Rights
- League of United Latin American Citizens
- NAACP
- National Association of Criminal Defense Lawyers
- National Conference of Catholic Bishops
- President and Mrs. Carter.
- Religious Action Center of Reform Judaism

If you would like to see any of those letters, please let us know.

Copied  
Nolan  
Lindsey  
Cabe  
Podesta



logged  
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WJC HANDWRITING



United States Department of State

*Assistant Secretary for Democracy,  
Human Rights, and Labor*

Washington, D.C. 20520-7802

November 29, 2000

Dear Beth:

I am deeply concerned about the pending execution of Juan Raul Garza, currently scheduled for December 12, 2000. Should this execution go forward, it would be the first federal execution in nearly forty years. As the Administration official responsible for advising the President and the Secretary about our international human rights policy, I ask you to urge President Clinton to support a moratorium on all federal executions until all relevant agencies of the United States Government are fully satisfied that the federal death penalty will be carried out in a manner that is free from impermissible racial bias and in compliance with our treaty commitments.

This nation has struggled for decades to address the troubling racial disparity in the imposition of the death penalty. The Department of Justice recently issued a statistical survey that reports stark continuing racial disparities in imposition of the federal death penalty. Among other things, the survey revealed that from 1995 to 2000, United States Attorneys recommended seeking the death penalty for 183 out of 682 defendants charged with death penalty-eligible offenses. A startling seventy-four percent of the 183 defendants were members of minority groups. To investigate this and other troubling statistics, Attorney General Reno has ordered United States Attorneys to clarify why capital punishment is not applied uniformly across ethnic groups.

The Honorable Beth Nolan,  
Counsel to the President,  
Second Floor West Wing,  
The White House,  
Washington, DC.

Last week, the White House received a letter appealing to President Clinton to declare a moratorium on federal executions until these issues have been resolved. The letter was signed by over forty religious, civil rights, and political leaders, including former White House Counsel Lloyd Cutler, Nobel Prize laureate Elie Wiesel, former Labor Secretary Robert Reich, former Judge Lee Sarokin, and former Justice Department officials Irvin Nathan and Robert Litt. It urges President Clinton to declare such a moratorium in order to "prevent an unconscionable act -- executing individuals while the government is still determining whether gross unfairness has led to their death sentences."

I strongly urge the President to support such a moratorium on the federal death penalty for a different, but related reason: to preserve the integrity of our commitment to international human rights.

If Garza is executed before the United States Government completes its study regarding whether race plays an impermissible role in the federal death penalty, other nations could have strong grounds to question U.S. adherence to the spirit of our obligations under international law. Under U.S. law, a racially disparate impact in the imposition of the death penalty does not necessarily violate the U.S. Constitution, absent an explicit showing of intent to discriminate based on race. See McClesky v. Kemp, 481 U.S. 279 (1987). By contrast, international law demands a more searching inquiry: an unjustifiable disparate racial impact, even without evidence of discriminatory purpose, arguably violates the Convention on the Elimination of All Forms of Racial Discrimination (CERD), which the United States ratified (on this Administration's initiative) in 1994.

The disproportionate effect of the federal death penalty on racial minorities arguably violates CERD's core principles of nondiscrimination. Under CERD Article 2(1)(c), State Parties must "take effective measures to review governmental . . . policies, and to amend, rescind or nullify laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists." (Emphasis added). Article 5 further binds State Parties to "prohibit and eliminate racial discrimination . . . notably in the enjoyment of . . . (a) The right to equal justice before the tribunals and all other organs



- 3 -

administering justice." The CERD Committee has stated in one of its recommendations to State Parties that "[i]n seeking to determine whether an action has an effect contrary to the Convention, [the Committee] will look to see whether that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin." General Recommendation XIV, United Nations Committee on the Elimination of Racial Discrimination, Compilation of General Recommendations, U.N. Doc. CERD/C/365 (1999).

Under our Constitution, the President has a duty to take care that the laws of the United States, including these CERD provisions, are faithfully executed. Moreover, last month, the United States submitted its legally mandated report to the CERD Committee (to be defended early next year). Imposing a moratorium would underscore the United States' serious commitment to CERD's principles.

One of President Clinton's greatest legacies will be his commitment to racial justice and equality. Imposing a moratorium on all federal executions until we can be sure that they are racially unbiased would reaffirm that legacy by ensuring that the United States meets its international obligation to avoid race discrimination.

Sincerely,



Harold Hongju Koh

12/04/00 MON 05:15 PM

# United States Senate

WASHINGTON, DC 20510

October 30, 2000

The Honorable William J. Clinton  
President of the United States of America  
The White House  
Washington, DC 20500

Dear Mr. President:

Our nation is on the eve of the first federal executions in almost forty years. We write to urge you to declare an executive moratorium on federal executions to ensure that the United States does not carry out these death sentences at a time when the American people increasingly question the fairness of the federal death penalty system. Those of us who have signed this letter may not agree on whether the death penalty is a proper punishment, but we are united in our belief that no federal execution should proceed until the nation is assured that the federal death penalty is neither biased nor arbitrary in its application.

Just last month, the Department of Justice released a report on the federal death penalty system. That report found that whether the federal system sends people to death row appears to be related to the color of their skin or the federal district in which they are prosecuted. After the Justice Department released the report, White House spokesman Jake Siewert confirmed your view that "these numbers are troubling" and that more information must be gathered to determine "more about how the system works and what's behind those numbers," including "why minorities in some geographic districts are disproportionately represented."

We fully agree with you. But since release of the Justice Department study in September, our nation still does not know why our federal system produces racially and geographically lop-sided results. The Attorney General said that she would order further review of some of the questions raised by the report. But we understand that those reviews have not yet commenced, and we believe they cannot be completed before the two executions now scheduled are carried out.

Mr. President, we believe that these executions should not proceed at this time, when nagging questions about the federal death penalty system have been raised but are still unanswered. A declaration of an executive moratorium on federal executions will assure

the country that an investigation into questions surrounding the federal death penalty will continue until satisfactory answers are found. Indeed, such action would be consistent with the views of the vast majority of Americans who have come to support a suspension of executions until questions of fairness are studied.

We urge you to embrace this legacy. Thank you for your attention to this issue. We look forward to hearing from you.

Respectfully,



Russell D. Feingold  
UNITED STATES SENATOR



Barbara Boxer  
UNITED STATES SENATOR



Paul D. Wellstone  
UNITED STATES SENATOR



J. Robert Kerrey  
UNITED STATES SENATOR



Frank R. Lautenberg  
UNITED STATES SENATOR



Tom Harkin  
UNITED STATES SENATOR



Daniel K. Akaka  
UNITED STATES SENATOR

12-8-00

# Citizens for a Moratorium on Federal Executions

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P.O. Box 92726  
Washington, DC 20090  
Phone (202) 637-6835  
Facsimile (202) 637-5910  
[www.federalmoratorium.org](http://www.federalmoratorium.org)

November 30, 2000

Minyon Moore  
Assistant to the President and Director of Political Affairs  
The White Office  
Washington, D.C. 20502

Via Courier

**Re: Request for Meeting Concerning Execution of Juan Raul Garza,  
Scheduled for December 12, 2000**

Dear Minyon:

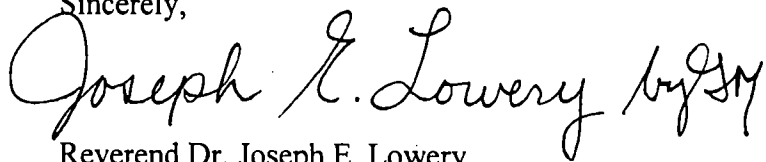
Enclosed please find copies of the following correspondence and materials:

1. My letter of today's date to Ben Johnson on behalf of the Citizens for a Moratorium on Federal Executions (CMFE);
2. My letter of today's date to President Clinton requesting a meeting with members of CMFE;
3. Letter to President Clinton from members of CMFE, dated November 20, 2000;
4. CMFE Press Release, dated November 21, 2000; and
5. Biographical sketches of CMFE members.

Minyon Moore  
November 30, 2000  
Page 2

I appreciate your interest in the important issue the CMFE wishes to address with the President and whatever assistance you may be able to provide in facilitating a meeting with the President at the earliest possible date. As you know, I can be reached at my office (404) 653-1188 or at home (404) 699-0261. Should you have any difficulty contacting me, please feel free to call Gwen McKinney at (202) 833-9771.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Lowery by JEM". The signature is written in black ink and is positioned above the typed name and title.

Reverend Dr. Joseph E. Lowery  
Chairman, Black Leadership Forum  
Member, Citizens for a Moratorium on Federal Executions

Enclosures

cc: Benjamin Johnson, Assistant to the President



# IntroSpect

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*SCANNING INSERT SHEET*

*REMAINDER OF CASE NOT SCANNED*

# Citizens for a Moratorium on Federal Executions

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P.O. Box 92726  
Washington, DC 20090  
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November 30, 2000

The Honorable William J. Clinton  
President of the United States  
The White House  
Washington, DC 20500

Via Courier

**Re: Request for Meeting Concerning Execution of Juan Raul Garza, Scheduled  
for December 12, 2000**

Dear President Clinton:

On November 20, 2000, former White House Counsel Lloyd Cutler delivered to White House Counsel Beth Nolan a letter from Citizens for a Moratorium on Federal Executions (CMFE). As one of the 40 prominent Americans who signed the November 20 letter to you, I am writing to request that you meet at the earliest possible date with a delegation of the CMFE.

As you know from our correspondence, Citizens for a Moratorium on Federal Executions is a diverse group of Americans, including former White House and Justice Department officials, as well as civil rights, civic and religious leaders. Although the CMFE includes both opponents of the death penalty and those who believe its imposition is appropriate in certain circumstances, we are unified in our position that the first federal execution in nearly 40 years should not go forward at a time when your own Attorney General has expressed concern about racial and other disparities in the federal death penalty process and those grave questions remain unresolved. Other national leaders such as President and Mrs. Carter and American Bar Association President Martha Barnett have also called upon you to intervene by putting in place a moratorium on federal executions.

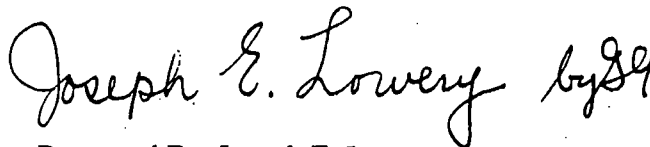
The Honorable William J. Clinton  
November 30, 2000  
Page 2

With Mr. Garza's execution date of December 12 less than two weeks away, the resolution of the clemency process concerns not only the fate of Mr. Garza, but also the integrity of the federal justice system. We believe that before you reach one of the most important decisions of your administration, your commitment to equality under the law is such that you will welcome the opportunity to meet with members of the CMFE.

Depending upon scheduling, I am hopeful that the following members of the CMFE will be able to join me in a discussion with you at the White House: Julian Bond, Antonia Hernandez, Dean Anthony Kronman, Robert Litt, Irvin Nathan, Angela Oh, Senator Paul Simon and Elie Wiesel. Again, depending upon date and time, I have also asked Dr. Wallace Hartsfield, President of the National Congress of Black Churches, and Sullivan Robinson, the organization's Executive Director and CEO, to participate in the meeting.

I look forward to hearing from you and to the opportunity for this group of American leaders to speak with you about a matter of urgent and historic importance. I can be reached at my office (404) 653-1199 or at home (404) 699-0261. Once we hear from White House staff, CMFE staff will assist in scheduling attendance of members of the CMFE.

Sincerely,

A handwritten signature in cursive script that reads "Joseph E. Lowery" followed by a small mark that appears to be "by JEL".

Reverend Dr. Joseph E. Lowery  
Chairman, Black Leadership Forum  
Member, Citizens for a Moratorium on Federal Executions

cc: The Honorable Janet Reno  
Benjamin Johnson, Assistant to the President  
Minyon Moore, Assistant to the President

JEL:GM



# Citizens for a Moratorium on Federal Executions

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Facsimile (202) 637-5910  
[www.federalmoratorium.org](http://www.federalmoratorium.org)

November 20, 2000

Dear President Clinton:

As you know, the federal government is preparing to carry out the first federal execution in nearly forty years. The first of twenty-one individuals on death row, Juan Garza, is scheduled for execution on December 12, 2000. Unless you take action, executions will begin at a time when your own Attorney General has expressed concern about racial and other disparities in the federal death penalty process. Such a result would be an intolerable affront to the goals of justice and equality for which you have worked during your Presidency. Consequently, we urge you to put in place a moratorium until the Department of Justice completes its review of the federal death penalty process.

There is a compelling need for you to intervene: a recent Department of Justice survey documents racial, ethnic and geographic disparity in the charging of federal capital cases.

The survey of the death penalty authorization process by the Department of Justice reveals that, among all the federal capital defendants against whom the Attorney General has authorized seeking the death penalty, 69% have been Hispanic and African American (18% and 51% respectively), while only 25% have been white. The Department of Justice has no data concerning the potential pool of persons against whom federal capital cases might be filed and authorized. However, analogous data does exist concerning state prisoners. Only 12 % of all persons entering the state prisons after being convicted of homicide are Hispanic. Using similar data, 40% of all persons entering the state prisons after being convicted of homicide are white. As the Attorney General has recognized, these data indicate that minorities are over-represented in the federal death penalty system.

These disparities persist when the Department's data is examined from other perspectives. For example, 47% of all white defendants for whom the Attorney General authorized seeking the death penalty subsequently entered into a plea bargain in exchange for a non-death sentence, as compared to only 27% of Hispanic defendants whose cases were authorized for death. And on death row itself, as of the time of the Department's survey, 17 of the 21 persons on federal death row – 81 % – were racial or ethnic minorities.

The Justice Department survey also reveals inexplicable geographic disparities in the administration of the federal death penalty. In 16 states, prosecutors seek and obtain death penalty authorization in at least 50 % of the federal capital cases that are submitted for review by the Attorney General. On the other hand, there are eight states in which that rate is much lower, ranging from 8 - 30 %. And there are 21 states in which U.S. Attorneys have either never requested or never obtained authorization to seek the death penalty. These disparities in death penalty authorization rates are striking even among the states with the highest number of cases submitted for consideration. Among the eight states where U.S. Attorneys have submitted 20 or more cases for consideration, the death penalty authorization rate exceeds 50 % in only one state – Texas – and ranges from 15 - 38 % in the rest.

When the survey was made public by the Department of Justice on September 12, 2000, the Attorney General acknowledged that the survey shows "minorities are over-represented in the federal death penalty system." She also noted that the Department could not explain the disparities and because of this, "[a]n even broader analysis must therefore be undertaken to determine if bias does in fact play any role in the federal death penalty system."

The Deputy Attorney General added at the press conference on September 12 that "no one reading this report can help but be disturbed, troubled, by this disparity." He then urged that the problem of race bias in the criminal justice system be confronted openly:

Ours is still a race-conscious society, and yet people are afraid to talk about race. At times, this issue seems to be one of the last remaining ... topics of conversation that is taboo, but it is imperative, moral and legally, that we confront this problem. Promoting an honest dialogue is essential to achieving a criminal justice system where race is never a factor.

When asked whether, in light of the disparities revealed by the survey, the federal death penalty system was fair, the Deputy Attorney General acknowledged some uncertainty:

I am a little surprised. I thought that, seven months ago, when we got to this point we would have substantially greater numbers of answers than we now

have, and one of the things that I've been struck by is the number of questions that these numbers have raised in my mind, and I think that's one of the chief reasons why the attorney general has asked for further studies to be done....

The explanation for these extremely troubling disparities is unclear, but, as the Attorney General and the Deputy Attorney General recognized, the possibility of discrimination and bias cannot be ruled out. The Department of Justice is taking the responsible course and studying the matter further to see if the causes of disparity can be identified and, if appropriate, remedied. But, in the face of these unexplained findings, the Attorney General and the Deputy Attorney General have also suggested that the proper response, in relation to persons already sentenced to death, is to take this information into account in the clemency process. We fail to see how you as President can make an informed and just decision to deny clemency in a particular case without understanding the reasons for these extremely troubling disparities. When the Attorney General and the Deputy Attorney General cannot say with confidence that race and ethnic bias have **not** played a role in the application of the death penalty, and that they **must have further studies to answer this question**, there can be no question: **No federal death sentence can be carried out until the studies and the "honest dialogue" that must follow from them have been completed.**

Mr. Garza's case reflects precisely the concerns over racial, ethnic and geographic disparities in capital cases that the Justice Department itself has raised. Mr. Garza is Hispanic and from Texas – two factors that appear to increase substantially the chances that the government will seek the death penalty in a potential capital case. What if, after further study, the Department itself determines that race or the arbitrary factor of geography does in fact influence who is prosecuted for death and who is not? We cannot bring Mr. Garza or others back if we decide that they were the victims of a death penalty system distorted by bias and arbitrariness.

We have heard voices from various quarters of society taking comfort from the lack of evidence that death row inmates are actually innocent. We recognize the moral difference between executing an innocent person and executing someone who is guilty of a horrible offense but is sentenced to death because of his racial or ethnic background or the happenstance of where he is tried. But we believe it would be wrong and unconscionable for society to make actual innocence the final test for who should live or die. This view would sanction the executions of defendants who, but for their race or ethnicity, might never have been sentenced to death, and it demeans human life by implying that, for defendants who cannot prove their innocence, there is no legal or moral distinction between executing them or imprisoning them. We reject that view.

Our plea to you comes at an historic moment. At no time since the death penalty was reinstated by the Supreme Court in 1976 have Americans voiced such

grave doubts about the fairness and reliability of capital punishment. At the state level, those doubts are reflected in the unprecedented moratorium on executions put into place by Governor Ryan of Illinois, in death penalty moratorium bills introduced and enacted in state legislatures, and in studies commissioned by Governors in other states. At the national level, several bills have been introduced in the United States Congress calling for a moratorium for state and federal executions, or for greater protections for those prosecuted for capital crimes; diverse community and civil rights organizations from the National Urban League, to the NAACP, to the American Bar Association, have called on the Executive Branch to suspend federal executions; and religious organizations have intensified their long-standing calls for a death penalty moratorium. The international community echoes these concerns, as does public opinion, with recent polls suggesting that a majority of the American public supports a moratorium on executions until issues of fairness in capital punishment can be resolved.

The problems that we have highlighted here are problems that resonate profoundly with our nation's historic struggle to secure equal justice under law for all our citizens. These problems are like the ones that have rumbled beneath the surface of state death penalty systems for years, which have finally erupted into the public consciousness and conscience and fueled the growing call for a moratorium.

Some of those who have signed this letter agree with you that capital punishment is appropriate in principle, provided that it is administered in a fair case-by-case manner. However, all of us agree that a moratorium should be adopted while these fairness issues are being resolved.

We believe that the step we ask you to take is squarely consistent with the power to grant reprieves that is given to you by Article II of the Constitution. We are aware of your support for the death penalty under some circumstances and we are not asking that you change your long-held position. We are asking only that you prevent an unconscionable event in American history — executing individuals while the government is still determining whether gross unfairness has led to their death sentences. Granting this delay would not only avoid the specter of fundamental injustice in individual cases, it would address the legitimate reservations about capital punishment that burden the hearts and minds of so many citizens.

Respectfully,

Dr. Mary Frances Berry  
*Chair, U.S. Commission on Civil Rights*

Cardinal Roger Mahony  
*Archbishop of the Roman Catholic Archdiocese of Los Angeles*

Julian Bond  
*Chairman of the Board, National Association for the Advancement of Colored People (NAACP)*

Irvin Nathan  
*Former Principal Associate Deputy Attorney General in the U.S. Department of Justice (DOJ)*

Senator Alan Cranston  
*U.S. Senate 1969-1993; President, Global Security Institute*

Angela E. Oh  
*Member, Advisory Board One America: The President's Initiative on Race*

Kerry Kennedy Cuomo  
*Human Rights Activist; Founder and Former Executive Director of the RFK Center for Human Rights*

Mario G. Obledo  
*President, National Coalition of Hispanic Organizations*

Lloyd Cutler  
*Former Counsel to President Clinton and to President Carter*

Professor Robert Reich  
*Former U.S. Secretary of Labor*

Tom Eagleton  
*U.S. Senate, 1968-1987*

Arturo Rodriguez  
*President, United Farm Workers of America, AFL-CIO*

Most Reverend Joseph A. Fiorenza  
*Bishop of Galveston-Houston; President, National Conference of Catholic Bishops*

Michael Rosier  
*President-elect, National Bar Association*

Dr. John Hope Franklin  
*Chair, Advisory Board One America: The President's Initiative on Race*

Rabbi David Saperstein  
*Director, Religious Action Center of Reform Judaism*

Bishop Thomas Gumbleton  
*Auxiliary Bishop, Archdiocese of Detroit*

The Honorable H. Lee Sarokin  
*Retired Judge, U.S. Court of Appeals for the Third Circuit*

Wade Henderson  
*Executive Director, Leadership Council on Civil Rights (LCCR)*

Stanley Sheinbaum  
*Economist; Founding Publisher, New Perspectives Quarterly*

Antonia Hernandez  
*President and General Counsel, Mexican-American Legal Defense and Education Fund (MALDEF)*

Sidney Sheinberg  
*Former President and Chief Operating Officer of MCA, Inc./Universal Pictures*

Rev. Theodore M. Hesburgh, C.S.C.  
*President Emeritus, University of Notre Dame*

Senator Paul Simon  
*U. S. Senate, 1984-1997, U.S. House of Representatives, 1974-1984*

Reverend Jesse Jackson  
*Civic and Political Leader; President and Founder Rainbow Coalition/PUSH*

George Soros  
*Philanthropist; President and Chairman of Soros Fund Management LLC.*

Fred Korematsu  
*Japanese American Civil Rights Leader*

Barbra Streisand  
*President, The Streisand Foundation*

Dean Anthony Kronman  
*Dean of Yale Law School*

John Van de Kamp  
*California Attorney General, 1983-1991*

Reverend James Lawson, Jr.  
*Pastor Emeritus, Holman United Methodist  
Church, Los Angeles*

Arturo Vargas  
*National Latino Leader*

Norman Lear  
*Director and Founding Member of People for the  
American Way; Chairman, ACT III  
Communications*

Reverend C.T. Vivian  
*Founder and Board Chair, Center for Democratic  
Renewal (formerly the National Anti-Klan  
Network); President, Black Action Strategies and  
Information Center (B.A.S.I.C.)*

Jack Lemmon  
*Actor; President, Jalem Productions, Inc.*

Reverend Jim Wallis  
*Editor-in-Chief/Executive Director, Sojourners  
magazine*

Robert Litt  
*Former Principal Associate Deputy Attorney  
General in the United States Department of Justice  
(DOJ)*

Bud Welch  
*Board Member, Murder Victims Family for  
Reconciliation*

Reverend Dr. Joseph E. Lowery  
*Co-Founder and President Emeritus, Southern  
Christian Leadership Conference (SCLC)*

Professor Elie Wiesel  
*Nobel Peace Laureate; Founder, The Elie Wiesel  
Foundation for Humanity*

# Citizens for a Moratorium On Federal Executions

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P.O. Box 92726  
Washington, DC 20090  
Phone (202) 637-6835  
Facsimile (202) 637-5910  
www.federalmoratorium.org

**CONTACTS: David Lerner (212) 260-5000; Caroline Simon (202) 637-6835**

## **PROMINENT AMERICANS URGE PRESIDENT CLINTON TO HALT FEDERAL EXECUTIONS AS U.S. PREPARES FOR FIRST EXECUTION IN NEARLY FORTY YEARS**

*Influential Voices from Diverse Walks of Life Cite Dramatic Racial  
and Geographic Disparities In Call For A Moratorium On Federal  
Executions*

*Former President Carter and Mrs. Carter Also Appeal To President To  
Declare Moratorium*

Washington, D.C., November 21<sup>st</sup>, 2000 – As the U.S. Government prepares to carry out the first federal execution in thirty-seven years, a group of prominent Americans has called upon President Clinton to declare a moratorium on federal executions pending a review of the fairness of the process. In a letter delivered to the White House late yesterday, *Citizens for a Moratorium on Federal Executions* (CMFE) urged the President to act before December 12<sup>th</sup>, 2000; the date Juan Garza -- one of 21 federal death row inmates -- is scheduled to be executed. Among the diverse group are former White House and Justice Department officials as well as civil rights, civic and religious leaders and artists, a number of whom have worked closely with the President. It includes both opponents and supporters of the death penalty. (See attached list.)

This appeal to President Clinton comes at time when public support for the death penalty is shrinking as doubts about its fairness and reliability mount,

and as efforts are underway in many states to urge political leaders to follow the example of Governor Ryan of Illinois, who declared a moratorium earlier this year. "Whether one supports or opposes capital punishment, it is unacceptable to go forward with Juan Garza's execution in the face of serious and unresolved questions about the fairness of the federal death penalty process," said Yale Law School Dean Anthony Kronman, adding, "To carry out this execution despite the government's own evidence of racial and geographic disparities in the administration of the death penalty would compromise the integrity of our legal system and undermine the principle of equality that our laws seek to honor and protect."

In the letter the CMFE cites a recent Department of Justice survey that documents significant racial, ethnic and geographic disparities in the charging of federal capital cases. The survey revealed that among all the federal capital defendants against whom the Attorney General has authorized seeking the death penalty, 69% have been Latino and African American (18% and 51% respectively), while only 25% have been white.

The same survey exposes geographic disparities in the administration of the federal death penalty. In 16 states U.S. prosecutors obtain the authority to seek the death penalty in at least 50% of the federal capital cases that are submitted for review by the Attorney General. However, there are eight states where that rate is much lower, ranging from 8-30% and there are 21 states in which U.S. attorneys have either never requested or never received authorization to seek the death penalty. Among the eight states where U.S. Attorneys have submitted 20 or more cases for consideration, there is only one state – Texas – where the death penalty authorization rate exceeds 50%.

As the CMFE letter points out, "Mr. Garza is Hispanic and from Texas – two factors that appear to increase substantially the chances that the government will seek the death penalty in a potential capital case."

When the survey was made public by the Department of Justice on September 12, Deputy Attorney General Eric Holder commented: "No one reading this report can help but be disturbed; troubled by this disparity." Attorney General Janet Reno acknowledged that the survey shows "minorities are over-represented in the federal death penalty system." She admitted that the Department could not explain the disparities and because of this "[a]n even broader analysis must therefore be undertaken to determine if bias does in fact play any role in the federal death penalty system." The Attorney General has directed that further studies be conducted. "Today's growing concerns about the fairness of the death penalty are not limited to the wrongful conviction of people who are innocent. It is also unconscionable to allow the execution of people who, but for their race or



ethnicity, might never have been targets of capital prosecutions," said Julian Bond, Chair of the Board of the NAACP and a member of the CMFE.

According to Elisabeth Semel, Director of the ABA Death Penalty Representation Project, the Justice Department report engendered concern in many quarters that it would be fundamentally unfair to proceed with any executions until a review of the system was completed, and a thorough public debate about its findings takes place. In the letter, the CMFE appeals to the President's strong sense of justice: "Unless you take action, executions will begin at a time when your own Attorney General has expressed concern about racial and other disparities in the federal death penalty process. Such a result would be an intolerable affront to the goals of justice and equality for which you have worked during your presidency. Consequently, we urge you to put in place a moratorium until the Department of Justice completes its review of the federal death penalty process."

In a related development, former President Jimmy Carter and Mrs. Carter authorized the release of excerpts of a letter, which was recently sent directly to President Clinton. It reads in part:

There is powerful evidence that the administration of the death penalty in the United States is fundamentally flawed. Renewing federal executions under these circumstances would undermine your lifelong commitment to equal justice at home. It also would diminish the United States' moral authority abroad, including your consistent efforts to encourage other nations to improve their rule of law, administration of justice, and human rights record.

President and Mrs. Carter called upon the President to commute Mr. Garza's sentence to life without the possibility of parole "and impose a moratorium on federal executions, as strongly recommended by the American Bar Association."

# Citizens for a Moratorium on Federal Executions

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## CMFE Member Biographies

### **Dr. Mary Frances Berry**

*Chair, U.S. Commission on Civil Rights*

Dr. Mary Frances Berry is the Geraldine R. Segal Professor of American Social Thought at the University of Pennsylvania and Chairperson of the U.S. Commission on Civil Rights. She was Assistant Secretary for Education in the U.S. Department of Health, Education, and Welfare during the Carter Administration. Prior to her service at HEW, Dr. Berry was Provost at the University of Maryland, College Park, and Chancellor at the University of Colorado at Boulder. One of the founders of the Free South Africa Movement, she has received 24 honorary doctoral degrees as well as numerous awards for her public service and scholarly activities.

### **Julian Bond**

*Chairman of the Board, National Association for the Advancement of Colored People (NAACP)*

Julian Bond has been an active participant in the movements for civil rights, economic justice, and peace for more than three decades. He was a founder, in 1960, while a student at Morehouse College, of the Atlanta student sit-in and anti-segregation organization, and of the Student Nonviolent Coordinating Committee (SNCC). Mr. Bond is a veteran of more than 20 years of service in the Georgia state legislature. He is currently a Professor of History at the University of Virginia and the Distinguished Professor-in-Residence at the American University in Washington, D.C.

### **Senator Alan Cranston**

*U.S. Senate 1969-1993; President, Global Security Institute*

Senator Alan Cranston is currently President of the Global Security Institute and Director of the Institute's Nuclear Weapon Elimination Initiative. Senator Cranston

served in Mongolia as an official U.S. monitor of the 1993 Presidential election (first in the history of that country) and was a delegate to a conference of world philosopher-statesmen convened by the Rajiv Gandhi Foundation in India. He is also Senior International Advisor for Schooner Capital Corporation, a Boston venture capital firm.

**Kerry Kennedy Cuomo**

*Human Rights Activist; Founder and Former Executive Director of the RFK Center for Human Rights*

Ms. Kennedy Cuomo is an attorney who has been working in the field of international human rights since 1981 and has led nearly three-dozen human rights delegations to more than 20 countries around the world. In 1988, she established the RFK Center for Human Rights to ensure the protection of rights codified under the U.N. Declaration of Human Rights. Ms. Kennedy Cuomo is the author of Speak Truth to Power: Human Rights Defenders Who Are Changing Our World. She is Co-Chair of the Amnesty International Leadership Council and serves on several boards of directors, including those of the African American Institute, the Democracy for China Fund, and the Robert F. Kennedy Memorial.

**Lloyd Cutler**

*Former Counsel to President Clinton and to President Carter*

Mr. Cutler also has served as Special Counsel to the President on Ratification of the Salt II Treaty (1970-1980), Senior Consultant to the President's Commission on Strategic Forces (1983-1984), a member and Chairman of the Quadrennial Commission on Legislative, Executive, and Judicial Salaries, and a member of the President's Commission on Federal Ethics Law Reform. Mr. Cutler was a founder and Co-Chair of the Lawyers Committee on Civil Rights Under Law. He has received several honorary degrees. He has served as Chairman of the Board of the Salzburg Seminar, Co-Chair of the Committee on the Constitutional System, a member of the Council of the American Law Institute, a trustee emeritus and Executive Committee member of The Brookings Institution, and an Honorary Bencher of the Middle Temple.

**Senator Thomas Eagleton**

*U.S. Senate, 1968-1987*

Senator Eagleton served on the Foreign Intelligence Advisory Board (1993-1998) and is a former Lt. Governor for the State of Missouri, as well as a former Missouri State Attorney. He was instrumental in the Senate's passage of the Clean Air and Water Acts and sponsored the Eagleton Amendment, which halted the bombing in Cambodia and effectively ended American involvement in the Vietnam War. After three terms in the U.S. Senate, Senator Eagleton returned to St. Louis as an attorney, political commentator, and Washington University professor.

**The Most Reverend Joseph A. Fiorenza**

*Bishop of Galveston-Houston; President, National Conference of Catholic Bishops*  
Since Pope John Paul II named Bishop Fiorenza as head of the Diocese of Galveston-Houston in 1984, he has served the more than 1.3 million Catholics that make the Diocese the largest in Texas and the tenth largest in the nation. In 1998, Bishop Fiorenza began a three-year term as President of the National Conference of Catholic Bishops, an organization that includes the approximately 300 active and 100 retired Catholic Bishops.

**Dr. John Hope Franklin**

*Chair, Advisory Board One America: The President's Initiative on Race*  
Currently the James B. Duke Professor Emeritus of History at Duke University, Professor Franklin's numerous publications include From Slavery to Freedom: A History of African Americans, The Militant South, Reconstruction After the Civil War, Race and History: Selected Essays, 1938-1988, and The Color Line: Legacy for the Twenty-first Century. He is the recipient of many honors including the Jefferson Medal, the NAACP's Spingarn Medal, and the Presidential Medal of Freedom.

**Bishop Thomas J. Gumbleton**

*Auxiliary Bishop, Archdiocese of Detroit*  
Bishop Gumbleton founded Pax Christi, USA, served as president of Bread for the World, and was a member of the "Coming Home" delegation sent to secure the release of American hostages held in Iraq in 1990.

**Wade Henderson**

*Executive Director, Leadership Council on Civil Rights (LCCR)*  
Prior to his work with the LCCR, Mr. Henderson was the Washington Bureau Director of the NAACP, and the Director of the NAACP's Voter Empowerment Program. He served as Executive Director of the Council on Legal Education Opportunity (CLEO) and as Assistant Dean and Director of the Minority Student Program at Rutgers University School of Law. Mr. Henderson was awarded the Civil Rights Leadership Award by the Israeli Embassy and the Religious Action Center of Reform Judaism.

**Antonia Hernandez**

*President and General Counsel, Mexican-American Legal Defense and Education Fund (MALDEF)*

Ms. Hernandez is a former staff member of the U.S. Senate Committee on the Judiciary. In addition to leading MALDEF, she is a member of the Board of Directors of the National Endowment for Democracy and sits on the Commission on White House Fellowships, as well as serving on several other national boards.

**Reverend Theodore M. Hesburgh, C.S.C.**

*President Emeritus, University of Notre Dame*

Father Hesburgh served as the President of the University of Notre Dame from 1952 to 1987. His public service career has been distinguished by 15 Presidential appointments. He was a charter member of the U.S. Commission on Civil Rights, on which he served from 1957 until 1972. Father Hesburgh is the recipient of the Medal of Freedom, the nation's highest civilian honor, awarded to him by President Lyndon Johnson in 1964. This summer, President Clinton and congressional leaders presented Father Hesburgh with the Congressional Gold Medal for his outstanding contributions in the fields of civil rights, higher education, and religion.

**Reverend Jesse Jackson, Sr.**

*Civic and Political Leader; President and Founder, Rainbow Coalition/PUSH*

During the past three decades, Reverend Jackson has played a major role in virtually every movement for empowerment, peace, civil rights, gender equality, and economic and social justice. Reverend Jackson began his activism as a student leader in the sit-in movement and continued as an assistant to Dr. Martin Luther King, Jr. in the Southern Christian Leadership Conference. He went on to direct Operation Breadbasket, founded People United to Save Humanity (PUSH) in 1971, and the National Rainbow Coalition in 1984. Reverend Jackson was appointed by President Clinton and Secretary of State Madeleine Albright as "Special Envoy of the President and Secretary of State for the Promotion of Democracy in Africa." He is also the recipient of the NAACP's Springarn Award and numerous honorary doctorate degrees.

**Fred Korematsu**

*Japanese American Civil Rights Leader*

Mr. Korematsu was arrested in 1942 and sentenced to prison when he resisted the forced internment of 120,000 Americans of Japanese ancestry. Although the U.S. Supreme Court upheld his conviction, Mr. Korematsu continued his fight for vindication and redress of the injustice done to the Japanese American community. More than 40 years later, Mr. Korematsu's conviction was overturned. In 1988, Congress passed legislation declaring the internment of Japanese Americans a "grave injustice" and appropriated reparations for each surviving internee. Mr. Korematsu is also a recipient of the Presidential Medal of Freedom.

**Dean Anthony T. Kronman**

*Dean of Yale Law School*

Anthony T. Kronman was appointed to be the sixteenth dean of the Yale Law School in 1994 after 16 years on the Yale Law School faculty. His teaching areas include contracts, bankruptcy, jurisprudence, and the legal profession. Dean Kronman is the author or co-author of four books and many articles on various scholarly subjects. His last book, The Lost Lawyer, deals with the contemporary

state of the American legal profession and analyzes the movement away from what he calls the "lawyer-statesman" ideal of responsible law practice.

**Reverend James Lawson, Jr.**

*Pastor Emeritus, Holman United Methodist Church, Los Angeles*

Reverend Lawson joined the civil rights movement in the 1950's and was described by Dr. Martin Luther King, Jr. as "the leading non-violence theorist in the world." Beginning in 1959 as the leader of the Nashville workshops for nonviolence, he served as one of Dr. King's closest advisors, preparing young Freedom Riders for sit-ins and marches across the South. Reverend Lawson has devoted nearly a half-century to championing human rights causes. He is the former Director of Nonviolent Education for the SCLC, the current National Chair of the Fellowship of Reconciliation and the recipient of numerous honors, including the 1999 Office of the Americas Peace and Justice Award.

**Norman Lear**

*Director and Founding Member of People for the American Way; Chairman, ACT III Communications*

Mr. Lear has received numerous honors for his pioneering work in television, including the National Medal of the Arts from President Clinton, four Emmy Awards, a Peabody Award and induction into the Television Academy Hall of Fame in 1984. He is also the founder of The Business Enterprise Trust and co-founder of the American Civil Liberties Foundation of Southern California. His civic awards include the First Amendment Lectureship Award from the Ford Hall Forum and the Humanitarian Award from the National Conference of Christians and Jews.

**Jack Lemmon**

*Actor; President, Jalem Productions, Inc.*

Mr. Lemmon has made over sixty films and received numerous awards, including eight Academy Award Nominations, two Oscars, and the American Film Institute Lifetime Achievement Award. In addition to his contributions to television, radio, film and theater, Mr. Lemmon has a long history as a civil and human rights activist.

**Robert Litt**

*Former Principal Associate Deputy Attorney General in the U.S. Department of Justice (DOJ)*

As Principal Associate Deputy Attorney General in the DOJ, one of Mr. Litt's main responsibilities was for law enforcement matters. He has also served as Deputy Assistant Attorney General in the Criminal Division of the DOJ, as Special Advisor in the U.S. Department of State and as former Assistant U.S. Attorney and Chief Appellate Attorney, Southern District of New York.

**Reverend Dr. Joseph E. Lowery**

*Co-Founder and President Emeritus, Southern Christian Leadership Conference (SCLC)*

Reverend Lowery, a United Methodist, joined Dr. Martin Luther King, Jr. and the group of mostly southern Baptist ministers in founding the SCLC in 1957. He was designated by Dr. King to deliver the petition to former Alabama Governor George Wallace that concluded the 1965 Selma to Montgomery March. For more than 30 years, he served as pastor of the historic Central United Methodist Church in Atlanta. Reverend Lowery and the SCLC have worked to register millions of voters over the past 20 years and initiated the "gun buy-back" program, which has been responsible for taking 20,000 guns from the nation's streets and homes since April 4, 1993 - the 25th anniversary of the assassination of Dr. King. Reverend Lowery has also been the nation's foremost spokesman on the issue of the Black Church Burnings. He heads the Black Leadership Forum, an umbrella organization of 17 of the nation's foremost civil rights groups, including the NAACP, the National Urban League and the National Council of Negro Women.

**Cardinal Roger Mahony**

*Archbishop of the Roman Catholic Archdiocese of Los Angeles*

Cardinal Mahony also serves as Chair of the Domestic Policy Committee of the U.S. Catholic Conference.

**Irvin Nathan**

*Former Principal Associate Deputy Attorney General in the U.S. Department of Justice (DOJ)*

Mr. Nathan also served as Special Minority Counsel to the U.S. Senate Select Committee on Intelligence and is a former Deputy Assistant Attorney General to Enforcement in the Criminal Division of the DOJ.

**Angela E. Oh**

*Member, Advisory Board One America: The President's Initiative on Race*

Ms. Oh is an attorney, who recently left her criminal defense practice in Los Angeles to teach, write and lecture on the subject of race relations in America. She is the Chancellor's Fellow at the University of California at Irvine and is currently on a national lecture tour.

**Mario G. Obledo**

*President, National Coalition of Hispanic Organizations*

Mr. Obledo, an attorney, is one of the nation's leading Hispanic American civil rights advocates. He was a co-founder of the Mexican American Legal Defense and Education Fund (MALDEF) and the National Hispanic Bar Association. Mr. Obledo is a former Secretary of Health and Welfare for the State of California and served as President of MALDEF and the League of United Latin American Citizens (LULAC)

and as Chair of the National Rainbow Coalition. He is the recipient of numerous honors and awards, including the Medal of Freedom from President Clinton

**Professor Robert Reich**

*Former U.S. Secretary of Labor*

Mr. Reich is founder and national editor of *The American Prospect*. Currently, he is the Maurice B. Hexter Professor of Social and Economic Policy at Brandeis University and its Heller Graduate School. As President Clinton's Secretary of Labor during his first term, he was instrumental in raising the minimum wage for the first time since 1989. Before heading the Labor Department, Mr. Reich was a member of the faculty of Harvard University's John F. Kennedy School of Government. He also served as an assistant to the solicitor general in the Ford administration. Mr. Reich is the author of seven books, including The Work of Nations.

**Arturo Rodriguez**

*President, United Farm Workers of America, AFL-CIO*

Mr. Rodriguez, who holds a masters degree in social work, has been an organizer for the United Farm Workers of America for nearly 30 years. In 1969, Mr. Rodriguez, then a college student, first became active in the UFW grape boycott. Since 1993, when he became president of the union founded by Cesar Chavez, Mr. Rodriguez has worked to increase UFW membership and union contracts. He was elected to the AFL-CIO's Executive Council in 1995 in recognition of the UFW's renewed organizing and negotiating success.

**Michael Rosier**

*President-Elect, National Bar Association*

Mr. Rosier is a lawyer in private practice in Maryland. He is the President-Elect of the National Bar Association and a past president of the Washington Bar Association.

**Rabbi David Saperstein**

*Director, Religious Action Center of Reform Judaism*

Rabbi Saperstein, who is also an attorney, represents the national Reform Jewish Movement to Congress and the administration. He was selected by Congress as the first Chair of the U.S. Commission on International Religious Freedom and also serves on the board of other organizations such as the NAACP and is Co-Chair of the Coalition to Preserve Religious Liberty.

**The Honorable H. Lee Sarokin**

*Retired Judge, U.S. Court of Appeals for the Third Circuit*

Before his appointment to the Third Circuit, Judge Sarokin served for fifteen years as a member of the U.S. District Court for the District of New Jersey. He is a past Chair of the National Conference of Federal Judges and was a member of the



Committees on Judicial Administration, Judicial Improvements and Automation of the Federal Judiciary. Known as a jurist of integrity and courage, in 1985, Judge Sarokin issued the writ of habeas corpus that freed Rubin "Hurricane" Carter. In 1988, presiding over one of the early tobacco trials, he found that there was evidence of a tobacco conspiracy "vast in its scope, devious in its purpose, and devastating in its results."

### **Stanley K. Sheinbaum**

*Economist; Founding Publisher, New Perspectives Quarterly*

Mr. Sheinbaum is the publisher of New Perspectives Quarterly. He was a Senior Fellow at the Center for the Study of Democratic Institutions, Chairman of the American Civil Liberties Foundation of Southern California, and Regent of the University of California from 1977-89. In 1971, Mr. Sheinbaum organized the Pentagon Papers-Daniel Ellsberg Defense Team. Mr. Sheinbaum was one of the founders of People for the American Way, founded the west coast affiliate of Human Rights Watch, and was President of the Los Angeles Police Commission from 1991-1993.

### **Sidney Sheinberg**

*Former President and Chief Operating Officer of MCA, Inc. / Universal Pictures*

Mr. Sheinberg is currently a partner at The Bubble Factory, an independent production company. He serves on the National Boards of the Conference of Christians and Jews, Human Rights Watch, the American Jewish Committee, Research to Prevent Blindness, and the Simon Wiesenthal Center. He is co-founder of The Children's Action Network and Hollywood Supports.

### **Senator Paul Simon**

*U. S. Senate, 1984-1997, U.S. House of Representatives, 1974-1984*

Senator Simon is the Founder and Director of the Public Policy Institute at Southern Illinois University at Carbondale, where he also teaches political science and journalism. While in the Senate, he served on the Budget, Foreign Relations, Indian Affairs, Judiciary, and Labor and Human Resources Committees.

### **George Soros**

*Philanthropist; President and Chairman of Soros Fund Management LLC.*

George Soros established his first foundation, the Open Society Fund, in New York in 1979, and now supports a network of foundations that operate in thirty-one countries throughout the world and are dedicated to building and maintaining the infrastructure and institutions of an open society. Mr. Soros, who is the recipient of several honorary degrees, is also the author of articles and books on global capitalism and the political and economic changes in Eastern Europe.

**Barbra Streisand**

*President, The Streisand Foundation*

Ms. Streisand is a world-renowned, multi-award winning actress, singer, film director, producer and composer. She also is a committed political activist and philanthropist.

**John Van de Kamp**

*California Attorney General, 1983-1991*

Mr. Van de Kamp has had extensive service in law enforcement at the federal and state level. In addition to serving as California's Attorney General, he served as District Attorney for the County of Los Angeles, the Federal Public Defender of Los Angeles, and the Director of the Executive Office for U.S. Attorneys. Mr. Van de Kamp is also a member of the Board of Directors of the Employers Group and of United Airlines.

**Arturo Vargas**

*National Latino Leader*

Mr. Vargas, an educator is a leader in the national Latino community. In January 1999, he was elected to a second term as chair of the National Hispanic Leadership Agenda, a coalition of national Latino organizations. He received *Hispanic Magazine's* 1995 Hispanic Achievement Award for Community Service, the National Federation of Hispanic-Owned Newspapers' 1998 Leadership Award, the National Association for Bilingual Education's 1999 President's Award and was included in *Hispanic Business Magazine's* List of 100 Most Influential Hispanics 1996 and 1998.

**Reverend C.T. Vivian**

*Founder and Board Chair, Center for Democratic Renewal (formerly the National Anti-Klan Network); President, Black Action Strategies and Information Center (B.A.S.I.C.)*

Reverend Vivian has been a leader in the civil rights movement for more than fifty years and was a close associate of Dr. Martin Luther King, Jr. He began organizing non-violent sit-ins in Peoria, Illinois in 1945. As co-founder of the Nashville Christian Leadership Conference in 1959, Reverend Vivian helped establish organizational foundations of the Nashville sit-in movement. During the 1960's, Reverend Vivian was one of the organizers of the first protest march of the movement in Nashville and rode the first freedom bus to Jackson, Mississippi, where he was arrested and severely beaten. He is also the author of Black Power and the American Myth, a social analysis of the civil rights movement.

**Reverend Jim Wallis**

*Editor-in-Chief/Executive Director, Sojourners magazine*

Reverend Wallis became involved in the civil rights struggle as a teenager and was a leader of the student anti-war movement. He is the chief organizer of the Call to

Renewal, a coalition of churches working to overcome poverty. Reverend Wallis describes his life work as "faith-based organizing," which seeks to give people a moral basis for their involvement in social justice issues. Reverend Wallis' most recent publication is Faith Works: Lessons from the Life of an Activist Preacher.

### **Bud Welch**

*Board Member, Murder Victims Family for Reconciliation*

Mr. Welch's only daughter, Julie Marie Welch, was killed in the Oklahoma City Bombing in 1995. In the wake of that tragedy, Mr. Welch became an activist in opposing the death penalty and is also involved in legislative efforts to address the needs of victims' family members. Mr. Welch was honored as Abolitionist of the Year by the National Coalition to Abolish the Death Penalty.

### **Professor Elie Wiesel**

*Nobel Peace Laureate; Founder, The Elie Wiesel Foundation for Humanity*

Professor Wiesel is the recipient of the Presidential Medal of Freedom, the Congressional Gold Medal and the Medal of Liberty Award, the rank of Grand Officer in the French Legion of Honor, and the Nobel Peace Prize. President Jimmy Carter appointed him Chairman of the President's Commission on the Holocaust, and the Founding Chairman of the U.S. Holocaust Memorial Council. He is the author of more than 40 books and has received numerous honorary degrees from institutions of higher learning. Mr. Wiesel has been Distinguished Professor of Judaic Studies at the City University of New York (1972-1976), first Henry Luce Visiting Scholar in the Humanities and Social Thought at Yale University (1982-1983) and is currently the Andrew W. Mellon Professor in the Humanities at Boston University.