

EXTERNAL

AI Index: AMR 51/60/96

16 July 1996

Further information on EXTRA 113/95 (AMR 51/127/95, 28 September 1995) and follow-ups AMR 51/131/95, 5 October, and AMR 51/132/95, 19 October - Death Penalty

USA (TEXAS) Thomas Joe MILLER-EL

Thomas Joe Miller-El, black, previously scheduled to be executed in Texas on 17 October 1995 and 31 January 1996, is now scheduled to be executed on 30 July 1996.

Thomas Miller-El was sentenced to death for a murder committed during a robbery in 1986. According to information received by Amnesty International, Miller-El was in extremely bad health during his trial and was still suffering from the effects of being shot by police at the time of his arrest. The trial judge had ordered Miller-El's medication to be stopped and he drifted in and out of consciousness for much of the three-month hearing.

Thomas Miller-El's wife, Dorothy, was also convicted of the same offences and sentenced to imprisonment for two life terms. However, Dorothy Miller-El's conviction was overturned on appeal in 1990 and she was released in 1992. The prison authorities have refused Dorothy Miller-El permission to be with her husband during his execution on the grounds that she has a prison record, in spite of the fact that her conviction was overturned.

Thomas Miller-El was convicted by a jury comprised of 11 whites and one black after the prosecutor had removed 10 prospective black jurors from the jury-pool. It appears that the one black member of the jury may have been selected because of his opinions on the death penalty. When asked about the death penalty, he replied that "the person who committed such a crime should be staked to an ant bed and have honey poured on him".

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

BACKGROUND INFORMATION

Amnesty International is deeply concerned at the number of executions being carried out in the USA in general, and in Texas in particular. Of the 331 executions carried out in the USA since the death penalty was resumed in the mid 1970s, 106 have been carried out in Texas. The method of execution is lethal injection.

In Texas, the governor may commute a sentence of death only if he receives a favourable recommendation from the Board of Pardons and Paroles. However, the Governor does not have to follow a favourable recommendation. The Board consistently refuses to hold full clemency hearings in death penalty cases, and, apart from a number of commutations granted in the 1980s as the result of two key court rulings, the Board has never recommended clemency in any death penalty case in recent years.

As of 30 April 1996 there were 394 prisoners under sentence of death in Texas. The most recent person to be executed in Texas was Kenneth Granviel on 27 February 1996.

RECOMMENDED ACTION: Please telephone or send telegrams/faxes in English or in your own language:

- expressing deep concern that Thomas Joe Miller-El is scheduled to be executed in Texas;
- urging the Board to recommend that Governor Bush grant clemency to Thomas Miller-El;
- expressing concern and sympathy for the families and friends of the victims of violent crime;
- expressing opposition to the death penalty in all cases.

APPEALS TO:

Texas Board of Pardons and Paroles
Executive Clemency Unit
Texas Department of Criminal Justice
Pardons and Paroles Division
PO Box 13401
Austin, TX 78711, USA
Faxes: + 1 512 467 0945
Telephone: + 1 512 406 5852
Telegrams: Pardons and Paroles Board, Austin, Texas, USA
Salutation: Dear Board Members

COPIES TO:

The Honourable George W. Bush
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711, USA
Faxes: + 1 512 463 1849

The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767, USA
Faxes: + 1 512 445 3679

and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.