

23 June 2000

Further information on UA 139/00 (AMR 51/83/00, 26 May 2000) and follow-up (AMR 51/89/00, 2 June) - Death penalty

USA (Texas)

- Thomas Mason, white, aged 48 (executed - 12 June)
- John Burks, black, aged 44 (executed - 14 June)
- Paul Nuncio, Latino, aged 31 (executed - 15 June)
- Shaka Sankofa, black, aged 36 (executed - 22 June)
- Jessy San Miguel, Latino, aged 28 (29 June)
- Caruthers Alexander, black, aged 51 (12 July)
- Orien Cecil Joiner, white, aged 50 (12 July)
- Oliver Cruz, Latino, aged 33 (19 July)
- Juan Soria, Latino, aged 33 (26 July)
- Brian Roberson, black, aged 36 (9 August)
- John Satterwhite, black, aged 53 (16 August)
- Richard Wayne Jones, white, aged 40 (22 August)
- David Earl Gibbs, white, aged 39 (23 August)
- Jeffery Caldwell, black, aged 37 (30 August)

Thomas Mason, John Burks, Paul Nuncio and Shaka Sankofa (formerly Gary Graham) were executed on 12, 14, 15 and 22 June 2000 respectively. Texas now accounts for 23 of the 50 executions carried out in the USA this year. Since the USA resumed executions in 1977, 648 prisoners have been put to death nationwide, 222 of them in Texas.

The US death penalty is generating significant national concern and debate at present because of a growing awareness of the capital justice system's capacity for error. In January the Illinois governor suspended executions in his state because of its record of wrongful convictions in capital cases. A new study released on 12 June entitled *A Broken System: Error Rates in Capital Cases, 1973-1995*, concluded that death sentences across the country as a whole are "persistently and systematically fraught with error". The study, conducted at New York's Columbia Law School, revealed that appeal courts had found serious errors -- those requiring a judicial remedy -- in 68 per cent of the cases, and expressed "grave doubt" as to whether the courts catch all such errors. The most common errors in US capital cases, the study found, are "1) egregiously incompetent defense lawyers who didn't even look for - and demonstrably missed - important evidence that the defendant was innocent or did not deserve to die; and 2) police or prosecutors who *did* discover that kind of evidence but *suppressed* it, again keeping it from the jury."

Texas is coming in for particular scrutiny on account of its rate of execution, the inadequacy of its system of court-appointed lawyers for low-income defendants, and Governor Bush's repeated assertions that all those executed under his governorship (now 135) have been guilty of the crimes of which they were convicted. Amnesty International has long had concerns about the Texas capital justice system (see, for example, *The Death Penalty in Texas: Lethal Injustice*, AMR 51/10/98, March 1998, and *Killing without Mercy: Clemency Procedures in Texas*, AMR 51/85/99, June 1999).

In an article in the *Chicago Tribune* on 11 June 2000, the paper said that its own research had found that, "Texas has executed dozens of Death Row inmates whose cases were compromised by unreliable evidence, disbarred or suspended defense attorneys, meager defense efforts during sentencing and dubious psychiatric testimony." Prior to the Illinois Governor's decision to suspend executions in his state in January due to its "shameful" record

of wrongful convictions in capital cases, the *Chicago Tribune* published its findings of a study of the Illinois death penalty, concluding that "capital punishment in Illinois is a system so riddled with faulty evidence, unscrupulous trial tactics and legal incompetence that justice has been forsaken". In its June report, the paper said that its investigation on Texas had found that, "the problems plaguing Illinois are equally pronounced in Texas and that additional flaws undermine the state's administration of the ultimate punishment."

On 15 June, US Attorney General Janet Reno said that capital defendants "should have, first of all, good lawyers who can properly represent them. In too many instances in this country, people being charged with a capital crime do not." In 1999 Governor Bush vetoed a bill, passed by both houses of the Texas legislature, to improve the selection of lawyers for low-income defendants.

Governor Bush can only commute a sentence if he receives a recommendation to do so from his appointees on the BPP. A former Texas Attorney General recently said: "There's no doubt if the governor tells the paroles board what he wants done, they do it." In any event, the Governor can grant a 30-day reprieve, and then ask the BPP to review the case.

RECOMMENDED ACTION: Please continue to send faxes/express/airmail letters in English or your own language, IN YOUR OWN WORDS, protesting at the relentless use of the death penalty in Texas and calling on the Governor and the BPP to use their powers to stop all executions in Texas. You may refer to the information above and to any of those named in this UA.

APPEALS TO:

The Honorable George W. Bush
Governor of Texas
PO Box 12428, Austin, TX 78711-2428, USA
Faxes: + 1 512 463 1849
Salutation: Dear Governor

Texas Board of Pardons and Paroles
PO Box 13401, Austin, TX 78711-3401, USA
Faxes: + 1 512 463 8120
Salutation: Dear Board Members

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also send letters of concern (not more than 250 words) to:

Letters to the Editor, *Dallas Morning News*, PO Box 655237, Dallas, TX 75265, USA.
Fax: +1 972 263 0456
E-mail: letterstoeditor@dallasnews.com

You may write to other Texas newspapers, if you have details. For those with access to the Internet, see: www.onlinenewspapers.com/ustexas.htm

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 August 2000.