

UA 139/00

Death pen

USA (Texas) Robert Earl Carter, black, aged 34 (31 May)  
Ricky McGinn, white, aged 43 (1 June)  
Thomas Mason, white, aged 48 (12 June)  
John Burks, black, aged 44 (14 June)  
Paul Nuncio, Latino, aged 31 (15 June)  
Shaka Sankofa (Gary Graham), black, aged 38 (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)

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Sixteen men are scheduled to be put to death in Texas before the end of August as "The Lone Star State" continues to lead the USA in its pursuit of judicial killing. Texas has already executed 18 prisoners this year, out of 38 nationwide. Six of these 18 were executed this month: Tommy Jackson, William Kitchens, Michael McBride, James Richardson, Richard Foster and James Clayton.

The 16 named above, with the dates on which the state intends to kill them, have spent a combined total of 185 years -- an average of 11 years each -- under sentence of death. Between them, they were convicted of capital murder in the deaths of some 26 people. Amnesty International does not seek to excuse these crimes, or belittle the suffering they have caused. It seeks only that the state not add to the death toll and perpetuate the cycle of violence by carrying out its own premeditated, calculated, killing. In a world progressively turning its back on the ritualized cruelty of the death penalty, the single jurisdiction of Texas now executes more than most *countries*.

Texas has executed more than a third of the prisoners put to death since the USA resumed executions in 1977, 217 out of 636. Since January 1995 it has carried out an execution on average every two weeks, ending the lives of more than 130 men and women. In the past two-and-a-half years alone, Texas has executed more prisoners than any other US state has done in the past 20. While other US states have executed fewer than one in 10 of the prisoners they have sentenced to death, Texas has killed a quarter of the approximately 850 people it has condemned to die since 1974. Some 455 prisoners, including the 16 named above, await lethal injection on the Texas conveyor belt of death.

#### BACKGROUND INFORMATION

The Texas leadership has failed utterly to work towards abolishing the death penalty, in disregard of international standards. The state also frequently violates minimum safeguards in individual cases: it routinely denies adequate legal representation to those too poor to afford to hire a lawyer, and uses the death penalty against the mentally retarded and children.

International law forbids the use of the death penalty for crimes committed by under-18-year-olds. The USA, led by Texas, is the world's principal

perpetrator of this international law-breaking. Since 1985, Texas has executed eight people for crimes committed when they were under 18, including three since April 1998; a ninth, Shaka Sankofa - denied his right to adequate trial representation, and with a strong claim of innocence - is scheduled to die on 22 June. Another 25 people are on death row in Texas for crimes committed when they were 17, a third of the nation's total of condemned child offenders.

The power of federal courts to remedy state court errors has been severely curtailed by the 1996 Anti-Terrorism and Effective Death Penalty Act. This means that, more than ever, executive clemency must be a genuine safety net. Yet Texas clemency procedures remain, as described by a federal judge in 1998, "extremely poor". National concern over wrongful capital convictions has risen since January when the Illinois Governor imposed a moratorium on executions in his state. Texas Governor George W. Bush, by contrast, continues to assert his confidence that all those executed under his governorship were guilty as charged. Yet several prisoners have gone to their deaths in Texas despite serious doubts over their guilt: the March execution of one such prisoner, Odell Barnes, caused international outrage.

The Texas leadership must accept its share of the blame for the damage being wrought on the USA's image abroad by its relentless use of the death penalty. In a recent article in *Newsweek*, the US Ambassador to France wrote: "You hear opposition to the death penalty in Bordeaux, you hear it in Toulouse, everywhere. When I speak to audiences, the question always comes up. And I don't believe this is just a French phenomenon... our ambassador to Germany told me the death penalty is the single most recurring question there... I think we should recognize [the criticism] and explore changes in our approach to criminal punishment."

Governor Bush can only commute a sentence if he receives a recommendation to do so from his appointees on the Board of Pardons and Paroles (BPP). However, as 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, an option Governor Bush has not pursued since taking office in January 1995.

**RECOMMENDED ACTION: Please 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 some or all 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](mailto: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](http://www.onlinenewspapers.com/ustexas.htm)**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 31 August 2000.