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**USA (Texas) John Paul Penry, aged 44**

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John Paul Penry is scheduled to be executed in Texas on 16 November 2000. He was sentenced to death in 1980, and again at a retrial in 1990, for the murder of Pamela Moseley Carpenter in 1979. John Paul Penry has serious mental impairment and suffered a childhood of appalling torture and abuse.

John Penry's first death sentence was overturned by the US Supreme Court in 1989. In a landmark decision, *Penry v Lynaugh*, the Court ruled that it was not unconstitutional to execute a mentally retarded individual as long as the jury had been able to consider the mitigating value of such impairment. The Court ruled that Penry's 1980 jury had not been able to do so because of the rigid format of the Texas capital sentencing scheme. As a result, the Texas legislature amended the scheme, but this change had not come into force by the time of Penry's 1990 retrial, at which he was again sentenced to death. The claim that Penry's second jury had been restricted like his first was rejected by the US Court of Appeals for the Fifth Circuit in June 2000, although one of the three judges dissented. The defence has appealed to the US Supreme Court. See *Beyond Reason: The imminent execution of John Paul Penry* (AMR 51/195/99, December 1999), available at [www.amnesty.org](http://www.amnesty.org).

In 1989, a month before the Supreme Court's *Penry* ruling, the United Nations adopted a resolution recommending that member states eliminate the death penalty "for persons suffering from mental retardation or extremely limited mental competence, whether at the stage of sentence or execution" (UN Economic and Social Council Resolution 1989/64). In April 2000, the UN Commission on Human Rights called for an end to the use of the death penalty against anyone "suffering from any form of mental disorder".

John Penry's 18-year-old mother suffered a nervous breakdown after his birth, which had almost killed her. After her return from mental hospital, she subjected him to vicious abuse for much of the next decade. She would burn him with cigarettes all over his body and beat him severely, breaking his left arm several times. His sister has testified that the beatings were "practically an everyday affair... Belt buckles, belts, it didn't matter, brooms, toy brooms, sticks and mop sticks, anything she could lay her hands on; or her feet, stomp on him and stuff, didn't matter to her... He would look at her wrong or something and she would just threaten to scratch his little eyeballs out... She would put her nails on his face and stuff, and we would stop her." When John was four, his mother dipped him in scalding water in the kitchen sink, causing permanent scarring. Another time she tried to drown him in the bath. She would often lock him in a room alone for long periods, where he would be forced to soil himself. At times she would make him eat his own faeces and drink his urine. One time, she took a knife and threatened to cut off his penis for wetting his bed. Neighbours would later tell of the toddler's daily "terrible, terrible screams".

By the age of 10, it was apparent that John Penry was mentally retarded. He had been unable to learn in school and never finished the first grade (age 6-7). Various institutions made various diagnoses of his impairment, including "organic brain syndrome with mental retardation and behavioural disturbances" and "organic brain syndrome with psychosis due to repeated trauma and mild retardation". His Intelligence Quotient (IQ) scores ranged between 50 and 63. To this day, he can barely read or write.

Taken out of a school for the mentally retarded at the age of 16, he then lived with relatives in Livingston, Texas. At 17, he was briefly committed to a psychiatric hospital after an act of arson. At 21, he was given a five-year prison sentence for rape, but was released on parole in August 1979 after serving two years. A psychological report indicated that his mental impairment might lead to aggressive acts.

On 25 October 1979, 23-year-old John Penry went to the home of Pamela Moseley Carpenter, a member of one of Livingston's best known families (her brother was a professional football star). John Penry beat and allegedly raped the 22-year-old woman, before stabbing her with the scissors she had tried to fend him off with. She died in hospital.

The American Association on Mental Retardation (AAMR) states: "The death penalty is disproportionate to the level of culpability possible for people with mental retardation. Executing people with mental retardation does not serve justice." A brief filed for John Penry in the Fifth Circuit, by the AAMR and others working in the field of mental retardation, also suggests that society must accept some responsibility for its failures to respond adequately to those whose mental impairments make them a risk to others.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in your own words, in English or your own language, using the following guide:**

- acknowledging the seriousness of the 1979 crime, and expressing sympathy for the family and friends of Pamela Moseley Carpenter;
- noting that in 13 of the USA's 38 death penalty states, the execution of John Paul Penry would be prohibited (Arkansas, Colorado, Georgia, Indiana, Kansas, Kentucky, Maryland, Nebraska, New Mexico, New York, South Dakota, Tennessee and Washington have legislated against executing the retarded);
- urging that John Penry be spared as a first step towards Texas joining this growing national consensus, and in line with long-held international standards of justice and decency;
- urging the Board of Pardons and Paroles to recommend clemency;
- urging Governor Bush to do all in his power to stop this execution, including a written request that the Board of Pardons and Paroles investigate and consider commutation, as provided for under Title 37, Rule 143.58 of the Texas Administrative Code ("[the BPP] shall investigate and consider a recommendation of commutation of sentence in any case, upon the written request of the governor").

**APPEALS TO:**

Board Of Pardons and Paroles  
 P.O. Box 13401 Austin, TX 78711-3401, USA  
**Faxes: + 1 512 463 8120**  
**Salutation: Dear Board Members**

The Honourable George W. Bush  
 Governor of Texas,  
 PO Box 12428, Austin, TX 78711-2428, USA  
**Telegrams: Governor Bush, Austin, Texas, USA**  
**Faxes: + 1 512 463 1849 or +1 512 637 8800**  
**E-mail: <http://www.governor.state.tx.us/email.html>**  
**Salutation: Dear Governor**

**COPIES TO:** diplomatic representatives of 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. **Faxes:** +1 972 263 0456. **E-mails:** [letterstoeditor@dallasnews.com](mailto:letterstoeditor@dallasnews.com)

**PLEASE SEND APPEALS IMMEDIATELY.**