

30 June 1998

Further information on EXTRA 41/98 (AMR 51/37/98, 15 June 1998) - Death penalty / legal concernUSA (Texas) Henry Lee Lucas, aged 61

---

On 26 June 1998, Governor George Bush commuted Henry Lee Lucas' death sentence to life imprisonment.

This is the first time that a death sentence has been commuted in Texas in response to an inmate's clemency petition since executions resumed in the state in 1982. Lucas was scheduled to die on 30 June 1998.

The Texas Governor may only commute a death sentence on the recommendation of the Texas Board of Pardons and Paroles. Governor Bush last week asked the Board to review the case, due to concerns over Lucas' guilt.

Amnesty International is disturbed by the fact that Governor Bush felt it necessary to ask the Texas Board of Pardons and Paroles to review Lucas' case, when it is precisely the role of the Board to examine every case diligently before making its life or death recommendation.

Following Governor Bush's intervention, and having received Lucas' clemency petition, the 18-member Board recommended a 270-day reprieve (10-8 vote) and commutation of the death sentence to a lesser penalty (17-1) on 25 June -- the first time the Board has recommended commutation since executions resumed in Texas. Voting was conducted by overnight mail since Board members live in several cities in Texas. To Amnesty International's knowledge the Board has met only once in its history to consider the commutation of a death sentence.

Victor Rodriguez, the Board's Chairman, noted that the Board remained convinced of Lucas's guilt as determined by his trial jury: "Nothing we've done affects that finding," he stated. However, the questions surrounding Lucas's guilt were according to Rodriguez likely to have influenced the Board's members, particularly the fact that two attorneys general had expressed their doubts in this respect (see original EXTRA).

After accepting the Board's recommendation and commuting Lucas' death sentence on 26 June, Governor Bush said in a press statement that "I take every death penalty case seriously and review each case carefully. The first question I ask in every case is whether there is any doubt about the individual's guilt or innocence. This is the first case since I have been the Governor when the answer to that question is yes...".

"...In this case, at the time it made its decision, the jury did not know and could not have known that Henry Lee Lucas had a pattern of lying and confessing to crimes that evidence later proved he did not commit. His confession, now retracted, was the only evidence which linked him to this crime. Today's knowledge about his pattern of lies raises doubt."

"Henry Lee Lucas is unquestionably guilty of other despicable crimes for which he has been sentenced to spend the rest of his life in prison. However, I believe there is enough doubt about this particular crime that the State of Texas should not impose its ultimate penalty by executing him. I concur with the recommendation of the Board of Pardons and Paroles and hereby commute his sentence to life in prison, which shall begin after all five of his other life sentences are served."

"As a supporter of the death penalty for those who commit horrible crimes, I feel a special obligation to make sure the State of Texas never executes a person for a crime they may not have committed. I take this action so that all Texans can continue to trust the integrity and fairness of our criminal justice system."

Amnesty International welcomes the commutation, but is concerned that Henry Lee Lucas had to live under the threat of death for 14 years, and came within a few days of being executed before his sentence was commuted. This was despite the fact that there had been serious doubts over his guilt for many years.

Seven men have been released from Texas' death row since 1987 after being found innocent. Several others have been executed despite troubling doubts about their actual guilt. None was granted a clemency hearing.

A recent editorial in the *Dallas Morning News* stated "For other death row inmates, the questions of guilt are not as publicized (as Lucas'), but they are equally compelling. Those inmates' cases also deserve careful re-examination from the Board of Pardons and Paroles."

In its recent report, *The death penalty in Texas: Lethal injustice* (AMR 51/10/98, March 1998), which highlighted the case of Henry Lee Lucas amongst others, Amnesty International called on the Texas authorities to remedy the lack of any meaningful clemency procedures in the state.

On 26 June 1998, Leopoldo Narvaiz Jr. became the 11th inmate to be executed this year in Texas and the 155th in the state since executions resumed in December 1982. Thirty-five prisoners have been executed in the USA so far in 1998, bringing the total number of people executed in the country since executions were resumed in 1977 to 467.

No further action is requested by the USA Network. Letters welcoming the commutation of Henry Lee Lucas' death sentence may be sent to The Honorable George W. Bush, Governor of Texas, Office of the Governor, PO Box 12428, Capitol Station, Austin, TX 78711, USA, Fax: +1 512 463 1849. Many thanks to all who sent appeals.