

EXTERNAL (for general distribution)

AI Index: AMR 51/114/92  
Distr: UA/SC

*Please bring this action to the attention of the person responsible for outreach work in your section. Appeals from religious organizations and Canadians are considered to be particularly useful.*

24 August 1992

Further information on EXTRA 25/92 (AMR 51/33/92, 9 March 1992), and follow-ups AMR 51/37/92, 16 March 1992; AMR 51/44/92, 30 March 1992; AMR 51/51/92, 10 April 1992; AMR 51/62/92, 5 May 1992, AMR 51/74/92, 5 June 1992; AMR 51/95/92, 6 August 1992, and AMR 51/97/92, 24 August 1992 - Death Penalty

USA (Texas)

Joseph FAULDER (Canadian)

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Joseph Faulder, who was scheduled to be executed by the state of Texas, USA, on 23 October 1992, has had his execution date postponed to 4 December 1992. This is the sixth execution date that Joseph Faulder has received this year, and is considered to be extremely serious.

For full details of Joseph Faulder's case, refer to the original action and follow-ups indicated above.

#### **BACKGROUND INFORMATION**

As of August 1992, there were 356 prisoners under sentence of death in Texas. Ten prisoners have been executed in the state so far this year, the most recent being James Demouchette on 21 September 1992. The method of execution is lethal injection.

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under Texas' clemency rules, the governor may commute a death sentence only if she receives a favourable recommendation from a majority of the 18-member Board of Pardons and Paroles. The Board has convened only rarely to consider petitions for clemency, (to Amnesty International's knowledge, the Board met once in 1987, and once in 1992). Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

Twenty-seven prisoners have been executed in the USA so far this year; the highest number of executions in any one year since the death penalty was reinstated in 1976.

Research conducted in different countries has failed to reveal convincing evidence that the death penalty deters serious crime more effectively than other punishments. No decline in homicides has been identifiable in those US states which now execute prisoners on a regular basis. In its annual national crime report, released in August 1992, the Federal Bureau of Investigation (FBI) reported that violent crime in Texas had increased during 1991 over the previous year by almost three times as much as that of the nation as a whole during the same period. Five prisoners were executed in Texas in 1991.

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, inhuman or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters:**

- referring to Joseph Faulder's history of brain damage and alcoholism, and expressing concern that this evidence was not heard by the jury responsible for sentencing Joseph Faulder to death;

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- urging the Board of Pardons and Paroles to convene and hold a full hearing into the new evidence uncovered by Joseph Faulder's attorneys as a result of tests by a neuropsychologist;  
- asking the Board to recommend that Governor Richards grant clemency to Joseph Faulder by commuting his sentence of death;  
- expressing concern that Joseph Faulder was not informed of his right to consult with a representative of the Canadian government and that the Canadian authorities were never informed of Joseph Faulder's imprisonment and death sentence;  
- expressing deep concern at the increasing numbers of executions being scheduled in Texas, and at the state's high rate of executions;  
- stressing that the death penalty has not been shown to deter violent crime more effectively than other punishments, and referring to the increase in violent crime in Texas in 1991, despite its use of the death penalty.

**APPEALS TO:**

Texas Board of Pardons and Paroles  
8610 Shoal Creek Boulevard, PO Box 13401  
Capitol Station  
Austin, TX 78711-3401  
USA

**Telegrams: Texas Board Pardons/Paroles, Austin, TX 78711, USA**

**Faxes: +1 512 406 5231**

**Phone: +1 512 406 5852**

**Salutation: Dear Board Members**

**COPIES OF YOUR APPEALS TO:**

The Honorable Ann Richards  
Governor of Texas  
Office of the Governor  
PO Box 12428, Capitol Station  
Austin, TX 78711  
USA

**Faxes: +1 512 463 1849**

**Salutation: Dear Governor Richards**

The Letters Editor  
Austin-American Statesman

Box 670  
Austin, TX 78767  
USA

**Faxes: +1 512 445 3679**

The Letters Editor  
Houston Chronicle

801 Texas Avenue  
Houston, TX 77002  
USA

**Faxes: +1 713 220 7868**

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

**Members of the network acting on Joseph Faulder's behalf in Canada are also asked to send copies of their letters to:**

The Honourable Barbara McDougall  
Secretary of State for External Affairs  
Dept. of External Affairs  
10th Floor, MINA, Tower A  
125 Sussex Drive  
Ottawa, Ontario  
K1A 0G2

**Telephone: +1 613 995 1851**

**Telexes: 533745**

**Salutation: Dear Secretary of State**

**PLEASE SEND APPEALS TO ARRIVE IN TEXAS BY 3 DECEMBER 1992.**