

UA 24/00

DeatUSA (TEXAS) Betty Lou Beets (f), aged 62

Betty Lou Beets is scheduled to be executed in Texas on 24 February 2000. She was sentenced to death in 1985 for the murder of her husband after a trial in which crucial mitigating evidence was never presented to the jury, including her traumatic history of severe physical and sexual abuse from an early age.

Jimmy Don Beets disappeared in August 1983. His overturned boat was found in Lake Athens, Texas, leading to speculation that he had drowned in a fishing accident. Nearly two years later, his body was discovered buried in the yard of the family home and his wife was charged with capital murder. Police also uncovered the remains of a former husband, Doyle Barker, who had disappeared in 1981.

At trial, the prosecution alleged that Beets had murdered her husband "for remuneration", in order to benefit from his pension and life insurance. After a four-day trial she was convicted and sentenced to death. Although the jury heard some testimony during the trial about positive aspects of her character, her lawyer presented no mitigating evidence during the sentencing phase, attempting instead to persuade the jury her case did not meet the legal requirement for a death sentence.

In 1987, the Texas Court of Criminal Appeals reversed Beets's conviction and sentence, saying that the "for remuneration" statute could only apply in cases where a contract killing was committed. However, the state appealed and the Court reversed its own precedents in a 5-4 decision, reinstating Beets's death sentence.

On appeal in federal court, evidence was presented that Beets's trial attorney had been guilty of grossly unethical behaviour and that a conflict of interest had contributed to her death sentence. The evidence indicated that Betty Beets only learned of the insurance and pension benefits more than a year after her husband's death, when she sought the attorney's assistance in a fire insurance claim.

After Beets was arrested, the same attorney agreed to represent her at trial, making it impossible for him to testify that she had no prior knowledge of the death benefits and that she initially expressed no interest in collecting them. Rather than withdraw from the case and provide testimony that could save his client's life, the attorney instead obtained Beets's signature to an agreement providing him with all media rights to her story, as his fee to represent her at trial - his fee would be of greater potential value if he lost the case and his client was sentenced to death. The attorney retains these media rights to this day.

In 1991, a federal district court judge held that the trial attorney's behaviour violated Beets's constitutional right to adequate assistance of counsel and ordered a new trial. Once again, the state of Texas appealed and once again the death sentence was reinstated, this time by the US Fifth Circuit Court of Appeals.

Betty Lou Beets was raised in extreme poverty by a violent, alcoholic father and a mentally ill mother. The record of her life is a chronicle of virtually uninterrupted physical, sexual and emotional abuse. She remembers being raped at age five; a year later she was rendered nearly deaf by meningitis. She first married at age fifteen and was brutally beaten and sexually abused by a succession of husbands.

Beets has a lengthy history of well-documented head injuries, including repeated blows at the hands of abusive men, as well as a near-fatal car accident in 1980. Expert testimony in post-conviction proceedings established that she suffers from Post-Traumatic Stress Disorder, Battered Women's Syndrome and Organic Brain Damage and that she is both learning disabled and hearing-impaired. According to defence experts, her multiple disabilities have left her with gravely impaired judgment and extremely dependent on others. At the time of the offence, she was abusing alcohol and diet pills, further impairing her already limited judgement.

None of this readily-available evidence was presented to the jury. Beets's trial attorney has since admitted that he failed to investigate her background and made no effort to present expert testimony on her behalf. Beets's trial lawyer was later elected as the local District Attorney; he subsequently pleaded guilty and was imprisoned for accepting a bribe to 'fix' a capital case.

BACKGROUND INFORMATION

If her execution proceeds, Betty Lou Beets would be only the second woman put to death in Texas in this century and just the fourth woman executed nationwide since the reinstatement of the death penalty in 1976.

On 3 February 1998 Karla Faye Tucker was executed in Texas, after both the Board of Pardons and Paroles and Governor George W. Bush refused to intervene in her case. Tucker's execution brought worldwide condemnation of a state death penalty process incapable of showing mercy to a woman who had reformed her life and become a positive role model for other inmates.

Governor Bush has repeatedly stated that he would only consider granting clemency in cases of actual innocence or where the courts have failed to provide a thorough review on appeal.

Although her death sentence has twice been reversed because of serious legal deficiencies, Betty Lou Beets faces imminent execution by lethal injection, two weeks after her sixty-third birthday.

The state of Texas has carried out more executions in recent years than any jurisdiction in the Western world. Recent executions include those of mentally-ill inmate Larry Robison on 21 January and juvenile offender Glenn McGinnis on 25 January. Texas has consistently violated international human rights standards in its use of the death penalty, including its failure to provide any meaningful clemency review.

RECOMMENDED ACTION: Please send telegrams/E-mails/faxes/express/airmail letters in English or your own language:

- acknowledging the serious nature of the crime of which Betty Lou Beets was convicted, and expressing sympathy for the victim's relatives and friends;
- expressing deep concern that the jury who sentenced her to death never knew that Betty Lou Beets has a lifelong history of abuse at the hand of her spouses and a host of mental disorders stemming from that abuse;
- noting that the appeal courts have found serious flaws in this case that have not been remedied;
- urging Governor Bush to live up to his pledge to be a "compassionate conservative" by showing compassion in this case;
- requesting the Governor to persuade the Texas Board of Pardons and Paroles to convene a full and fair clemency hearing for Betty Lou Beets.

Betty Lou Beets has posted her life story on the Internet at: <http://members.xoom.com/ccadp/bettiebeets.htm> (Amnesty International does not vouch for its accuracy).

APPEALS TO:

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 Governor of Texas, PO Box 12428, Austin, TX 78711-2428, USA
 Telegrams: Governor Bush, Austin, Texas, USA
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 Salutation: Dear Governor

COPIES TO: The US diplomatic representative in your country
 Please also send letters of concern (not more than 250 words) to:
 Letters to the Editor, Dallas Morning News, PO Box 655237, Dallas, TX 75265
Faxes: + 1 972 263 0456 E-mails: letterstoeditor@dallasnews.com

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PLEASE SEND APPEALS IMMEDIATELY.