

EXTERNAL (for general distribution)

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UA 138/94 Death Penalty

7 April 1994

USA (Texas): Larry Anderson
 Paul Rougeau

Larry Anderson is scheduled to be executed on 26 April and Paul Rougeau on 3 May in Texas.

Larry Anderson, white, was sentenced to death in February 1983 for the murder of Zelda Walker, a white female. An appeal for a stay of execution was dismissed by the Fifth Circuit Court of Appeals on 1 April 1994. The appeal claimed that, among other things, Anderson's trial lawyer failed to present mitigating evidence at the sentencing hearing about Anderson's disturbed mental state. It further alleged that the same lawyer had frequently failed to represent capital defendants adequately. This claim is supported by several affidavits including one from a former prosecutor.

Paul Rougeau, black, was sentenced to death on 28 October 1983 for the murder of a black male. According to information received by Amnesty International, Paul Rougeau was tried and sentenced to death by an all-white jury.

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.

BACKGROUND INFORMATION

Amnesty International has mounting concerns regarding the death penalty in Texas. The state leads the U.S.A. in carrying out executions. Many prisoners do not have legal representation to present their appeals and the state continues to execute juvenile offenders, flouting international standards. A major study on racial discrimination conducted in the 1970s found that, in Texas, offenders who killed white victims were several times more likely to be sentenced to death than white offenders who killed black victims.

Under Texas clemency rules, the governor may commute a sentence of death only if she receives a favourable recommendation from a majority of the 18-member Board of Pardons and Paroles. Amnesty International is concerned about the reluctance of the Board to hold full clemency hearings in death penalty cases. Apart from a number of commutations granted in the 1980s as the result of two key court rulings, the Board has never recommended clemency in any death penalty case in recent years.

As of 6 January 1994 there were 363 prisoners under sentence of death in Texas; the second largest death row population in the USA. (California, the largest, has 380). The most recent person to be executed in Texas was on 2 February 1994. The method of execution is lethal injection.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

To the Board of Pardons and Paroles:

- urging the Board to recommend that Governor Richards grant clemency to Larry

Anderson and Paul Rougeau;

To Governor Richards:

- urging Governor Richards to grant clemency to Larry Anderson and Paul Rougeau;

To both the Board of Pardons and Paroles and Governor Richards:

- expressing concern that Larry Anderson received poor trial counsel;
 - expressing concern that Paul Rougeau, a black man, was sentenced to death by an all-white jury;
 - acknowledging the seriousness of the crimes for which Larry Anderson and Paul Rougeau were sentenced to death;
 - expressing sympathy for the victims of violent crime, and their friends and families;
 - citing arguments against the death penalty, for example, it is imposed disproportionately on people from poor backgrounds and black and other ethnic minority groups, and that detailed research in the USA and other countries has provided no evidence that the death penalty deters crime more effectively than other punishments.

APPEALS TO:

1) Texas Board of Pardons and Paroles
 Executive Clemency Unit
 Texas Department of Criminal Justice
 Pardons and Paroles Division
 PO Box 13401
 Austin, TX 78711
 USA

Faxes: + 1 512 467 0945

Telephone: +1 512 406 5852

Salutation: Dear Board Members

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

Telephone: + 512 463 2000

Faxes: +1 512 463 1849

Telegrams: Governor Richards, Austin, Texas 78711, USA

Telexes: 910 874 1849

Salutation: Dear Governor

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

PLEASE SEND APPEALS IMMEDIATELY.