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USA: The legal lottery of execution in Texas

Texas – No other US State can rival Texas' appetite for state-sanctioned murder, says a new Amnesty International report.

“Texas executes more people than any country in the Western world and frequently kills poor, young or mentally retarded people who have been let down by a legal system more concerned with politics than fairness,” the organization declared.

The death toll in Texas is astounding: of the 74 executions carried out in the USA in 1997, one-half (37) occurred in Texas – a record number since the reintroduction of the death penalty. But these grim statistics reveal only a small part of the story.

The human rights organization condemns the legal process preceding a prisoner's execution as “a litany of grossly inadequate procedures which fail to meet minimum international standards for the protection of human rights”, and challenges Texas' Governor, George W. Bush, to examine the report and either give a detailed rebuttal of its findings or to address the appalling manner in which the death penalty is applied.

On 5 February, Governor Bush stated: *“I'm satisfied that everybody who has been put to death in the state of Texas has been given full accord under the law. I believe our system has treated people on death row fairly.”*

Amnesty International's research findings directly contradict this statement.

The 24-page report, *The Death Penalty in Texas: Lethal Injustice*, is released as Texas prepares to execute Erica Sheppard, who had originally 'consented' to her execution, on 20 April and juvenile offenders, Joseph Cannon, who has spent the past 15 years under sentence of death, on 22 April, and Robert Carter on 18 May.

Rather than undergo the emotional strain of living under a sentence of death, Erica Sheppard had decided to abandon her appeals and allow the state to execute her, but now faced with the reality of death she has decided to resume her appeals. At least 14 other inmates “allowed” their execution.

“The execution of a prisoner who chooses to abandon their appeals is no less a gross human rights violation than any other execution – effectively making the execution little more than state-assisted suicide,” Amnesty International said. “The fact that the individual makes such a choice does not relieve the state of its responsibility in taking the life of one of its citizens.”

Politicians in Texas cite 'victim's rights' in their justifications for executions. However, since Sheppard has three children, Texas will simply create more victims of violence by killing her.

“We do not seek to excuse the brutal nature of the crimes committed by many of those on death row or to ignore the effect on the victims or their relatives,” Amnesty International stressed. “However, politicians never address the emotional impact of executions on the relatives of the prisoner concerned. The cycle of violence is continued without concern for the loved ones of those who die at the hands of the state.”

Both Joseph Cannon and Robert Carter were sentenced to death for crimes committed as juveniles. In both cases their attorneys failed to inform the jury that they suffered an appallingly abusive upbringing, that Cannon suffers from severe mental health problems, or that Carter is mentally retarded and seriously brain damaged. Their execution would violate international human rights standards, including the United Nations Convention on the Rights of the Child, which the USA has signed but, along with only one other country (Somalia), has not ratified.

Conditions of incarceration of death row inmates in Texas are so severe that no prisoner should be seen as freely “consenting” to their execution, but rather as making a choice not to go on living in such appalling conditions. Indeed, Amnesty International’s Secretary General, Pierre Sané, who led a delegation to Ellis Unit I, the state’s male death row, in October 1997, spoke of the “overwhelming and emotionally draining” conditions he had seen.

“We have witnessed how a deliberate policy aimed at dehumanizing prisoners is implemented coldly, professionally and heartlessly. The condemned await their deaths in rows of tiny cages reminiscent of the dark ages... The conveyor belt of death in Texas must be stopped,” Mr Sané said after his visit.

The race of the victim plays a crucial role in determining whether the murderer will die. Although more than half of all murder victims are from ethnic minorities, 88 per cent of those executed were convicted for the murder of a white. Racial minorities are also over represented on Texas death row, particularly among juvenile offenders: of the 25 juveniles on death row, 23 are from ethnic minorities – an astounding 92 per cent.

Death sentences also fall disproportionately on the poorest members of society. Any political will that might ensure the provision of adequate legal aid for impoverished defendants on trial for their lives is completely undermined by public support for the death penalty. Texas judges are elected officials, many of whom ran for office on a pro-execution platform. As one district attorney stated: *“You can’t quote me; that would kill me politically if people around here thought I didn’t go for the death sentence whenever possible”*.

Amnesty International has documented numerous cases where the defence counsel totally abdicated their responsibility to their client, in effect condemning them to death. In the case of Kenneth Mosley, sentenced to death in Texas in October 1997, his defence attorney told the jury: *“You saw what a pitiful, hollow, insignificant, snivelling human being he has become. Is this the kind of person you want to put out of his worthless misery?”*

“It is clear that the imposition of the death penalty is contaminated by political considerations,” Amnesty International maintained. “In fact, Texas is so proud of killing people that it issues press releases for the executions it carries out.”

“That it went ahead and shamelessly executed **Karla Faye Tucker** despite the world’s attention focussed upon it does not bode well for the hundreds of other prisoners languishing on death row,” the organization added. **ENDS.../**