

EXTERNAL

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Death penalty / Legal concern

15 June 1998

USA (Texas)

Henry Lee LUCAS, aged 61

Henry Lee Lucas is scheduled to be executed in Texas on 30 June 1998 despite serious doubts over whether he committed the crime for which he was sentenced to death.

On 31 October 1979, the body of a young woman was found by the side of a road near Georgetown, Texas. The victim, who has never been identified, became known as "Orange Socks", the only clothing left on her dead body.

Henry Lee Lucas was arrested in 1983, on suspicion of murdering two other people. Lucas embarked upon a lengthy course of confessions to unsolved murders, including that of "Orange Socks". In total he claimed to have committed more than 600 killings over a 10-year period, covering almost every state in the USA and some foreign countries. Among his confessions, Lucas claimed responsibility for the disappearance of trade union leader Jimmy Hoffa, as well as delivery of the poison for the mass suicide in 1978 in Guyana of the cult led by Jim Jones. Lucas's confessions gained him national and international notoriety.

Lucas has since retracted all his confessions except that of the murder of his 74-year-old mother in 1960, for which he served 10 years in prison and a mental institution. He is currently serving six life imprisonment terms, two 75-year terms, and one 60-year term for nine other killings.

Following his "Orange Socks" confession, in which he provided no further details about the crime or victim beyond what law enforcement officials already knew, Lucas was charged with murder in the course of committing or attempting to commit aggravated sexual assault. The sexual assault charge was the aggravating factor in the murder which qualified Lucas for the death penalty. However, no evidence of sexual assault was ever produced by the prosecution. Prior to the arrest the Williamson County Sheriff's office had concluded that no sexual assault had taken place as there was no evidence of it. Nevertheless, at his trial in 1984, Lucas was found guilty as charged, a verdict based almost entirely on his confession. He was sentenced to death.

In 1985 and 1986 the then Texas Attorney General, Jim Mattox, conducted an investigation into the reliability of Lucas's claims and whether murder cases were being prematurely closed on the basis of false confessions. The subsequent "Lucas Report", published in April 1986, concluded that Lucas was perpetrating a massive hoax. According to the report, Lucas obtained much of his information about his confessed crimes during interviews with law enforcement officers. Different officers would talk to Lucas about the crimes, showing him detailed crime reports with photographs of the victims and crime scenes.

The "Orange Socks" murder is no exception to the general pattern Attorney General Mattox found in other cases. There was no physical evidence linking Lucas to the crime. Indeed, the investigation found reliable alibi evidence, including work records, showing that Lucas was in Jacksonville, Florida, at the time of the murder. The Attorney General concluded that "no rational trier of fact could find beyond a reasonable doubt that Henry Lee Lucas committed the "Orange Socks" murder." In a later affidavit, the Attorney General stated that his office would not intervene in the case because they were sure that

the Texas Court of Criminal Appeals would reverse the conviction. However, the Court denied Lucas's appeal.

The current Texas Attorney General, Dan Morales, recently stated that it was "not impossible, but highly improbable" that Lucas committed the "Orange Socks" murder. However, Attorney General Morales has issued a statement that it would be inappropriate for his office to intervene in the case. Amnesty International is deeply concerned that the head of the Texas legal system does not deem it appropriate to stop the execution of a prisoner who is widely viewed as probably innocent of the crime for which he was sentenced to death. The Attorney General should do everything in his power to ensure that the execution does not go ahead.

Former Attorney General Mattox, a firm supporter of the death penalty, has said "Mr Lucas is, of course, a totally unsympathetic individual. But the question is whether or not the State of Texas should execute someone they know, in all probability, is not guilty of this crime."

BACKGROUND INFORMATION

The Governor of Texas may commute a death sentence only if he receives a favourable clemency recommendation from the 18-member Board of Pardons and Paroles. The Board has convened only once to consider petitions for clemency. Clemency has not been granted on humanitarian grounds to any death row prisoner in Texas since the death penalty was reintroduced there in the mid-1970s. The method of execution is lethal injection.

Thirty-two executions have been carried out in the USA in 1998, most recently that of Clifford Boggess on 11 June, one of nine people killed in Texas during the year so far. Texas has carried out 153 of the 464 executions in the USA since executions resumed in 1977.

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

- expressing deep concern that the State of Texas is planning to execute Henry Lee Lucas for the "Orange Socks" murder, despite widespread official doubts over his guilt in the crime, as uncovered in the 1986 Lucas Report and reiterated by Attorney General Morales;
- urging the Board of Pardons and Paroles to convene a full clemency hearing to consider the case of Henry Lee Lucas, and urging that it recommend to Governor Bush that he grant clemency.

APPEALS TO:

Texas Board of Pardons and Paroles

Executive Clemency Unit, Texas Department of Criminal Justice
Pardons and Paroles Division, PO Box 13401, Austin, TX 78711-3401, USA

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Salutation: Dear Board Members

COPIES TO:

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and to diplomatic representatives of the USA in your country.

PLEASE SEND APPEALS IMMEDIATELY.