

EXTERNAL (for general distribution)

AI Index: AMR 51/60/95
Distr: UA/SC

18 April 1995

Further information on EXTRA 16/95 (AMR 51/26/95, 16 February) and follow-up:
AMR 51/41/95, 6 March 1995) - Death Penalty

USA (Texas): Clarence Lackey

Clarence Lackey is now scheduled to be executed in Texas on 28 April 1995.

Clarence Lackey's new execution date follows the US Supreme Court's rejection of his appeal on 27 March 1995. Clarence Lackey had appealed on whether execution of a death sentence - after the condemned inmate is forced to endure nearly two decades on death row, during which time his execution is repeatedly rescheduled - constituted cruel and unusual punishment, as prohibited under the Eighth Amendment of the Constitution of the United States.

In its written rulings on the appeal, the US Supreme Court stated that its denial of review of the case "does not constitute a ruling on the merits.... Often a denial of certiorari on a novel issue will permit the state and federal courts to "serve as laboratories in which the issue receives further study before it is addressed by this Court." Attorneys representing Clarence Lackey are now presenting the appeal in federal court. However, the present date set for Clarence Lackey's execution is deemed likely to go ahead.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English if possible:

- expressing deep concern that a new date of 28 April 1995 has been set for Clarence Lackey's execution;
- urging the Board of Pardons and Paroles to recommend that Governor Bush grant clemency to Clarence Lackey;
- requesting that, at the very least, Governor Bush grant Clarence Lackey a 30 day reprieve to ensure that the courts have an opportunity to make a decision on whether 17 years on death row constitutes cruel and unusual punishment;
- expressing opposition to the death penalty in all cases;

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
USA

Fax: +1 512 467 0945

Tel: +1 512 406 5852

Telegrams: Pardons and Paroles Board, Austin, Texas

Salutation: Dear Board Members

COPIES TO

The Honourable George W. Bush
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station

Austin, TX 78711

USA

Salutation: Dear Governor

Faxes: +1 512 463 1849

Telegrams: Governor Bush, Austin, Texas 78711, USA

Telephone: +1 512 463 2000

The Letters Editor

Austin-American Statesman

Box 670

Austin, TX 78767

USA

Fax: +1 512 445 3679

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

PLEASE SEND APPEALS IMMEDIATELY.