

EXTERNAL

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EXTRA 137/97

Death Penalty / Legal concern

15 October 1997

USA (TEXAS)

Kenneth Ransom

Kenneth Ransom, black, is scheduled to be executed in Texas on 28 October 1997. He was sentenced to death in 1983 for his part in the murder of four employees of a race track during a robbery. He was 20 years old at the time of the crime.

Kenneth Ransom was inadequately represented at trial. During the sentencing phase, when the jury would decide whether to sentence him to life imprisonment or death, his defence lawyer presented no mitigating evidence and made only a brief, rambling statement requesting a life sentence. He opened his statement with an apology for his lack of personal hygiene: "I'm going to stand a little further back from you than I did yesterday and the reason for that is I got my water cut off twice yesterday. Figuratively and literally. I got home yesterday evening and the plumber had come but he couldn't solve the situation so I didn't have any water last night and I didn't get to take a bath". This lawyer has since been suspended from practising law due to his unprofessional behaviour in another case.

Such inadequate legal representation left the jury unaware of the brutal abuse Kenneth Ransom suffered as a child. When he was nine years old, Ransom was taken into care by the Texan authorities, by which time he had suffered prolonged physical and emotional abuse at the hands of his mother and brothers. According to the records of the Harris County Child Welfare agency, the abuse had resulted in wounds and burns from whippings with electrical cord and hot wires. Social workers who examined the child noted that the wounds covered almost his entire body. Ransom's defence lawyers were aware of his appalling childhood, as one of them had represented his mother when the state removed her children from her care.

The appeal courts have denied Ransom's claim of ineffective assistance of counsel. It was ruled that his lawyer's attempts, at the sentencing phase, to make the jurors question their guilty verdict rather than to present them with mitigating evidence, was an adequate strategy, and one that might have been damaged by the presentation of such evidence.

Kenneth Ransom was one of four death row inmates to meet an Amnesty International delegation, led by Secretary General Pierre Sané, which inspected conditions for death row prisoners in Texas on 9 October 1997. Pierre Sané described the visit as "overwhelming and emotionally draining" and said that "I had never before met a healthy human being who knew the exact date, time and way in which he would be killed in cold blood. The conveyor belt of death in Texas must be stopped."

Pierre Sané was also shocked at the conditions under which condemned inmates are held: "We have witnessed how a deliberate policy aimed at dehumanizing prisoners is implemented coldly, professionally and heartlessly. The effect is such that it has also dehumanized their keepers. The condemned await their deaths in rows of tiny cages reminiscent of the dark ages, their spirits are slowly broken."

Kenneth Ransom told the delegation: "The guards have the mentality that they are not just here to guard, but to punish. I've lived with the threat of death for 13 years. If the state of Texas is going to punish me for

taking a life, who's going to punish them for taking mine?"

BACKGROUND INFORMATION

The Amnesty International delegation had requested a meeting with the Texas governor, George Bush, Jr. to discuss the organization's concerns relating to the use of the death penalty in Texas. Governor Bush did not respond to this request.

In Texas the governor may grant a reprieve of up to 30 days in any capital case, but may only commute a sentence of death on a favourable recommendation from the Board of Pardons and Paroles. The Board consistently refuses to hold full clemency hearings in death penalty cases, and 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. Amnesty International has described Texas death penalty procedures as a "human rights scandal".

As of 14 October 1997, there were 440 prisoners under sentence of death in Texas. The most recent person to be executed was Ricky Green on 8 October 1997, the 31st execution in Texas so far this year. The method of execution is lethal injection.

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

To the Board of Pardons and Paroles

- requesting that the Board of Pardons and Paroles grant clemency to Kenneth Ransom;

To Governor Bush

- requesting that, at the very least, Governor Bush grant Kenneth Ransom a 30-day stay of execution;

To both:

- expressing concern that someone facing the death penalty should be provided legal representation of such an appallingly low standard;
- expressing sympathy for the victims of violent crime and their families.

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

Faxes: + 1 512 467 0945

Telephone: +1 512 406 5852

Telegrams: Pardons and Paroles Board, Austin, Texas, USA

Salutation: Dear Board Members

The Honourable George W. Bush
Governor of Texas
Office of the Governor
PO Box 12428, Capitol Station
Austin, TX 78711, USA

Faxes: +1 512 463 1849

Telegrams: Governor Bush, Austin, Texas, USA
Salutation: Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.