

EXTERNAL (for general distribution)

AI Index: AMR 51/66/93

Distr: UA/SC

EXTRA 67/93

Death Penalty

12 July 1993

USA (Texas):

Danny Ray HARRIS

Danny Harris is scheduled to be executed in Texas, USA, on 30 July 1993. He was convicted of the murder of Timothy Merka, white, in December 1978, along with three others, including his younger brother, Curtis Harris. Curtis Harris, who was only 17-years-old at the time of the murder, was executed on 1 July 1993.

Danny Harris, black, was first sentenced to death in February 1980. His first death sentence was overturned on appeal, but he was resentenced to death at a second trial in July 1984. Danny Harris was 18-years-old at the time of the crime.

If Danny Harris' execution goes ahead as scheduled, it will be the second execution of a young offender in Texas in four weeks. The scheduling of executions in Texas of young offenders follows the denial of the appeal by the US Supreme Court in another Texas death penalty case, Dorsie Johnson v State of Texas. This appeal had claimed that the pre-1991 Texas capital statute under which Dorsie Johnson (a 19-year-old offender at the time of the crime) was sentenced was unconstitutional in not allowing consideration of a defendant's youth as a separate mitigating circumstance at the sentencing stage of a capital trial. The Supreme Court rejected this appeal by a narrow majority of 5-4 votes. In a strong dissenting opinion, Justice O'Connor, joined by three other justices, said she would have allowed the appeal as the former Texas law ignored the most relevant mitigating aspect of youth: its relation to a defendant's "culpability for the crime he committed". This ruling has effectively paved the way for the execution of at least a dozen young offenders in Texas (including juveniles who were aged under 18 at the time of the crime) whose cases had been stayed pending the outcome of the Dorsie Johnson appeal.

Danny Harris is one of nine children and was brought up in extreme poverty.

According to an affidavit testimony by one of his relatives, Danny Harris' father was an alcoholic who became extremely abusive towards his children when drunk.

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 and degrading treatment or punishment, as enshrined in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail

letters either in English if possible, or in your own language:

Appeals to the Board of Pardons and Paroles:

- urging that Board Members recommend to Governor Richards that she grant clemency to Danny Harris and commute his sentence of death;

Appeals to Governor Richards:

- urging Governor Richards to grant clemency to Danny Harris by commuting his sentence of death;

Appeals to both:

- expressing regret at the decision of the US Supreme Court in the case of Dorsie Johnson;
- noting the strong dissenting opinion which would have allowed the appeal;
- expressing concern that most young offenders, including juvenile offenders, under sentence of death in Texas were sentenced to death under a statute which is now no longer in force.

APPEALS TO:

1) Jack D Kyle (Chairman), and Board Members
Texas Board of Pardons and Paroles
2503 Lake Road, Suite 9
Huntsville, TX 77340, USA

**Telegrams: Texas Board Pardons/Paroles, Huntsville, TX
77340, USA**

Faxes: + 1 409 291 6852

Telephone: + 1 409 291 2161

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

Telegrams: Governor Richards, Austin, TX 78711

Telephone: + 1 512 463 2000

Faxes: + 1 512 463 1849

Telexes: 910 874 1849

Salutation: Dear Governor

COPIES OF YOUR APPEALS TO:

Newspaper:

The Letters Editor
Austin-American Statesman
Box 670
Austin, TX 78767
USA

Faxes: + 1 512 445 3679

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

PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE IN TEXAS BY 29 JULY 1993.