

EXTERNAL (for general distribution)

AI Index: AMR 51/85/93

Distr: UA/SC

EXTRA 77/93

Death Penalty

17 September 1993

USA (Texas)

Antonio BONHAM

Antonio Bonham is scheduled to be executed in Texas, USA on 28 September 1993.

Antonio Bonham, black, was sentenced to death in October 1981 for the murder of Marie McGowen, white. Antonio Bonham was convicted and sentenced to death by a jury from Harris County, Texas, which is notorious for its disparate treatment of African Americans in the criminal justice system. According to recent figures, 56% of those on death row from Harris County are black and 35% white. African Americans make up only 12% of the general population in Texas. At least 26 of the 68 prisoners executed in Texas under its present death penalty laws were tried and sentenced in Harris County.

A major study on racial discrimination conducted in the 1970s found that, in Texas, offenders who killed white victims were several times more likely to be sentenced to death than white offenders who killed black victims.

BACKGROUND INFORMATION

Amnesty International has mounting concerns regarding the use of the death penalty in Texas, which has the largest number of people under sentence of death than any other US state, and which leads the nation in carrying out executions. 68 of the 220 prisoners executed in the USA since the mid 1970s have been executed by this state. Texas continues to execute juvenile offenders, ignoring international standards which prohibit the execution of a person under the age of 18 at the time of the crime; and many prisoners do not have legal representation to present their appeals. Most of those executed in Texas were convicted under a statute which severely restricted the consideration of mitigating circumstances at the sentencing hearing in which the court chooses between a life or death sentence. That statute has now been changed to allow for any mitigating circumstance to be taken into account. However, prisoners sentenced under the old statute remain under sentence of death. Amnesty International believes that this fact alone should be grounds for commuting the death sentences of those now facing execution in Texas.

Under Texas clemency rules the governor may commute a sentence of death only if she receives a favourable recommendation from a majority of the Board of Pardons and Paroles. However, the Board is consistently reluctant to hold full clemency hearings in death penalty cases. 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.

Racial disparities in death sentencing in the USA as a whole are borne out by the findings of many research studies, and confirmed by the findings of

the General Accounting Office (GAO), an independent agency of the federal government, in February 1990. The GAO review found that persons convicted of the murder of white victims are far more likely to be sentenced to death than those convicted of black-victim homicides. These racial disparities remained after all other legally relevant factors had been taken into account.

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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 or degrading punishment, as proclaimed in the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please telephone / send telegrams / telexes / faxes / express and airmail letters in English:

Appeals to the Board of Pardons and Paroles:

- urging the Board to review the case of Antonio Bonham and recommending that Governor Richards grant clemency by commuting his sentence of death;
- acknowledging the very serious nature of the crime for which Antonio Bonham was sentenced to death, and expressing sympathy for the families of the victims of violent crime;
- expressing concern at the increasing numbers of executions being carried out in Texas;
- expressing concern that Antonio Bonham was sentenced to death by a Harris County jury; noting that Harris County is well known for its disparate treatment of African Americans in the criminal justice system.
- citing arguments against the death penalty, for example, it is imposed disproportionately on people from poor backgrounds and black and other ethnic minority groups, and that detailed research in the USA and other countries has provided no evidence that the death penalty deters crime more effectively than other punishments.

APPEALS TO

Texas Board of Pardons and Paroles
Executive Clemency Unit
Texas Department of Criminal Justice
Pardons and Paroles Division
PO Box 13401
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Faxes: + 1 512 467 0945

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Salutation: Dear Board Members

COPIES OF YOUR APPEALS TO:

The Honorable Ann Richards
Governor of Texas
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PO Box 12428, Capitol Station
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Salutation: Dear Governor

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and to diplomatic representatives of USA (Texas) accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.