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USA: Texas set to execute mentally disabled man as it heads for judicial killing record

Another chilling milestone in the ugly history of US judicial killing is looming, Amnesty International warned, as it released a letter sent to Governor George W. Bush yesterday. The letter calls on him to prevent the execution of a severely mentally disabled man, due to be carried out in Texas tomorrow evening.

"We are calling on Governor Bush to act in accordance with his claim to be a compassionate leader and in line with his contention that Texas has become a >beacon= state under his governorship," Amnesty International said.

John Paul Penry, who has an IQ of between 50 and 63 and the mind of a seven-year-old child, is scheduled for lethal injection in Huntsville at 18:00 hours local time on 16 November. He was convicted in 1980 of the 1979 murder of Pamela Moseley Carpenter.

In a landmark decision, the US Supreme Court overturned John Penry's death sentence in 1989, saying that juries must be allowed to consider mental retardation as a mitigating factor, but that the execution of the mentally retarded was not unconstitutional. John Penry was resentenced to death in 1990.

While Texas has for two decades remained fixed on its goal of killing John Penry, the bigger picture has changed, Amnesty International pointed out to Governor Bush. Since Penry was first sentenced to death, 13 US states have passed laws that would make his execution illegal.

Furthermore, the overwhelming majority of countries respect international human rights standards opposing the use of the death penalty against mentally disabled defendants.

Amnesty International has reminded Governor Bush that during presidential campaigning he mistakenly told reporters that Texas does not execute the mentally retarded, and the letter points out that several such individuals have been put to death in his state.

The imminent execution of John Penry provides Governor Bush with an immediate opportunity to show that in future he will stand against a practice that flouts modern standards of justice and decency," Amnesty International said.

After a politically fortuitous lull in executions in the two months leading up to the 7 November presidential election, the Texas execution machine has begun to make up for lost time. Stacey Lawton was executed last night, and another prisoner, Tony Chambers, is scheduled to be killed tonight. If both he and John Penry are executed, Texas will have put 38 prisoners to death this year, its highest annual total since the USA resumed executions in 1977.

Texas has already executed more people this year than most countries," Amnesty International said. What is more, in the past three years it has put more prisoners to death -- 91 -- than any other US state has executed in over two decades of judicial killing.@"

In his inaugural address on 17 January 1995, Governor Bush stated that his aim was to make Texas a "beacon state", an objective he says has been achieved. John Penry is scheduled to become the 150th prisoner executed in Texas since Governor Bush took office.

This is hardly the record of a state setting a shining example," Amnesty International said. One must ask whether pariah, rather than beacon, would be a more suitable label.@"

Background

Texas continues to violate international human rights standards in its pursuit of judicial killing. In some instances, Governor Bush has opposed attempts by Texas legislators to improve the situation, such as raising the levels of legal

representation for poor defendants, and prohibiting the use of the death penalty against the mentally retarded.

The Texas Board of Pardons and Paroles yesterday rejected clemency for John Penry, leaving Governor Bush with the option of granting a 30-day reprieve. Amnesty International believes that he should do so, and ask the Board to reconsider its decision. John Penry's only other hope lies with the US Supreme Court. In 1988, the Court stopped Penry's execution 13 hours before it was due to be carried out.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566 or visit our website at <http://www.amnesty.org>.

A 12-page report on the John Penry case, written last year when John Penry was last facing execution, is available on this website: *USA: Beyond Reason: The imminent execution of John Paul Penry*, AI Index: AMR 51/195/99, December 1999