

EXTERNAL (for general distribution)

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*Please bring this action to the attention of the person responsible for outreach work in your section. Appeals from religious organizations and Canadians are considered to be particularly useful.*

Further information on EXTRA 25/92 (AMR 51/33/92, 9 March 1992, and follow-ups AMR 51/37/92, 16 March 1992; AMR 51/44/92, 30 March 1992) - Death Penalty

USA: (Texas)            Joseph FAULDER (Canadian)

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Joseph Faulder is scheduled to be executed 6 May 1992 by the state of Texas, USA.

Amnesty International has received further information regarding important mitigating evidence which was unavailable to the jury at the time of his trial.

Joseph Faulder, white, now aged 54, was convicted in 1977 of the murder of Inez Phillips, white, during a robbery at her home in 1975. Joseph Faulder's conviction for murder was reversed on appeal, but in 1981 he was again convicted and sentenced to death. At the time of his second trial, Joseph Faulder was examined by three psychiatrists for the prosecution who found that he was incapable of rehabilitation and should be sentenced to death.

It is alleged that Joseph Faulder's accomplice and another key state witness were paid a sum of money in exchange for their testimony against Joseph Faulder at trial. The accomplice was given a ten year probationary sentence.

Joseph Faulder's attorneys recently learned from his family that he had been diagnosed at the age of nine as suffering from brain damage as a result of a severe head injury.

They also learned that he had begun drinking at the age of fourteen and became an alcoholic. Recent tests by a neuropsychologist for the defence, suggest that Joseph Faulder's brain damage may have impaired his ability to determine right from wrong at the time of the crime. Joseph Faulder's court-appointed defence attorney failed to present any of this mitigating evidence to the sentencing jury at the trial.

Following his conviction and death sentence, Joseph Faulder was not informed of his right to consult with a representative of the Canadian government. The Canadian government was not notified that he had been sentenced to death.

Joseph Faulder's family in Canada, who had not heard from him for many years, thought that he was dead until they were contacted by his present attorneys in November 1991 and informed of his situation. Joseph Faulder had assumed that his family were aware of his position and had disowned him.

Joseph Faulder is reported to have been a model prisoner during his 14 years on death row. In 1981, after studying to become a prison chaplain, he was ordained by the National Chaplains Association.

#### **BACKGROUND INFORMATION**

Texas leads the nation in death sentencing and executions. At the beginning of 1992, there were 345 prisoners under sentence of death. Forty-six prisoners have been executed since 1982 - nearly twice as many as in any other US state. Texas has executed four prisoners so far in 1992, the most recent being Edward Ellis on 3 March. There

are currently seven executions scheduled to take place in April 1992 alone (see EXTRA 41/92, AMR 51/47/92, 7 April). The method of execution is lethal injection.

Clemency has not been granted to any prisoner under sentence of death in Texas since the death penalty was reintroduced there in the mid-1970s. Under Texas' clemency rules, the governor may commute a death sentence only if she receives a favourable recommendation from a majority of the 18-member Board of Pardons and Paroles. The Board has convened only rarely to consider petitions for clemency. (To Amnesty International's knowledge the Board met once in 1987, and once in 1992). Their reluctance to hold full clemency hearings is a matter of great concern to Amnesty International.

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

**RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters:**

- urging the Board of Pardons and Paroles to convene and hold a full hearing into the new evidence uncovered by Joseph Faulder's attorneys;
- referring to his history of brain damage and alcoholism, and expressing concern that this evidence was not heard by the jury responsible for sentencing Joseph Faulder to death;
- asking the Board to recommend that Governor Richards grant clemency to Joseph Faulder by commuting his sentence of death;
- expressing deep concern at the increasing numbers of executions being scheduled in Texas, and at the state's high rate of executions;
- urging the state to consider alternative punishments that would be more in keeping with the principles and values of a civilized society.

**APPEALS TO:**

1. Texas Board of Pardons and Paroles  
8610 Shoal Creek Boulevard, PO Box 13401  
Capitol Station  
Austin, TX 78711-3401  
USA

**Telegrams: Texas Board Pardons/Paroles, Austin, TX, 78711, USA**

**Telephone: +1 512 459 2782**

**Faxes: +1 512 406 5231 or +1 512 459 2790**

**[Salutation: Dear Board Members]**

**COPIES OF YOUR APPEALS TO:**

The Honourable Ann Richards  
Governor of Texas  
Office of the Governor  
PO Box 12428, Capitol Station  
Austin, TX 78711  
USA

**Faxes: +1 512 463 1849**

**AND TO THE LETTERS EDITORS OF THE FOLLOWING TEXAS NEWSPAPERS:**

Austin American-Statesman

Box 670  
Austin, TX 78767  
USA

**Faxes: +1 512 445 3679**

Houston Chronicle

801 Texas Avenue  
Houston, TX 77002  
USA

**Faxes: +1 713 220 7868**

and to diplomatic representatives of the USA in your country.

**PLEASE SEND APPEALS IMMEDIATELY, TO ARRIVE BY 5 MAY 1992.**