

UNITED STATES OF AMERICA

@Texas: Executing Juvenile Offenders

INTRODUCTION

The use of the death penalty in the United States of America (USA) has been a long-standing concern for Amnesty International. Its application is continuously increasing with the number of executions reaching its highest number in 1992, since executions were resumed in the USA in 1977. An additional concern is its use on juvenile offenders - people who were under 18 at the time of the crime - and recent such executions: one in Missouri (the first of a juvenile offender in the state for over 60 years) and one in Texas. The state of Texas has executed four out of the six juveniles offenders executed in the USA; it also has the largest number of juvenile offenders under sentence of death. This document describes Amnesty International's concerns on this issue in Texas and concentrates on juvenile offenders currently under sentence of death in the state.

TEXAS AND JUVENILE OFFENDERS SENTENCED TO DEATH

There are currently two juvenile offenders facing imminent execution in Texas and at least another six under sentence of death, despite international standards which prohibit the imposition of the death penalty on persons aged under 18 at the time of their crimes. Under Texas' law a person who was 17 at the time of the crime can be sentenced to death. The execution of Curtis Harris, in Texas, on 1 July 1993, who was 17 years old at the time of the crime, was the first of a number of executions of young offenders which are expected to follow in the wake of the US Supreme Court's recent ruling in *Dorsie Johnson v State of Texas*.

Dorsie Johnson (who was 19 years old at the time of his crime) had claimed that the Texas law in force from 1976 until 1991, under which he was sentenced to death, was unconstitutional in not allowing a defendant's youth to be considered as a separate mitigating circumstance at the sentencing stage of a capital trial. The law - which has since been changed - required the jury to answer the following three questions at sentencing:

- 1) whether the killing was deliberate beyond doubt;
- 2) whether there was a "probability" that the defendant would pose a "continuing threat to society", and
- 3) whether the killing was unreasonable in response to a provocation.

If the jury answered yes to these questions, the death penalty was automatically imposed. All eight juvenile offenders known to Amnesty International to be under sentence

of death at present in Texas were sentenced under this law. (There may be another 2 or 3, but Amnesty International has been unable to confirm this).

On 24 June 1993, the US Supreme Court denied Johnson's appeal by a narrow 5-4 majority. The Court ruled that the jury could adequately consider the mitigating effect of a defendant's youth when considering the second question regarding likely future threat to society - although they conceded that youth could also be seen as an aggravating circumstance under this same issue. In a strong dissenting opinion, Justice Sandra Day 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". The dissent also noted that most other US death penalty states either specifically listed the age of the defendant as a mitigating circumstance or barred the execution of those under 18.

Amnesty International finds it shocking that the Court did not hold that a defendant's youth should in itself be considered a mitigating factor in a capital trial, regardless of predictions about possible future behaviour. The decision appears to blatantly ignore the Court's past rulings which have held that youth is a mitigating circumstance of great weight.

Those immediately affected by the Dorsie Johnson decision include juvenile offenders Gary Graham, who is scheduled to be executed on 17 August 1993 and Ruben Cantu, who is due to be executed on 24 August. Ruben Cantu is of Latin American origin, Gary Graham is black, as are the majority of juveniles sentenced to death in Texas; both were aged 17 at the time of their crimes.

On 11 September 1985, Texas carried out the first execution of a juvenile offender in the USA since 1964. It has since executed three more, including Curtis Harris, on 1 July 1993. Curtis Harris was the sixth juvenile offender to be executed in the USA under its present death penalty laws. Missouri carried out the execution of the seventh, Frederick Lashley, on 28 July 1993. This was the first execution of a juvenile offender in Missouri for over 60 years. Curtis Harris' case was highlighted in an Amnesty International report *United States of America: The Death Penalty and Juvenile Offenders*, published in October 1991 (AI Index: AMR 51/23/91). The report presented the organization's findings in the cases of 23 juveniles sentenced to death, and suggested that safeguards in US capital punishment law had not been met in many cases. The majority came from acutely deprived backgrounds. Many had been seriously physically or sexually abused and were of below average intelligence or suffered from mental illness or brain damage.

Amnesty International finds it particularly disturbing that youthful offenders in Texas should face execution when the law under which they were sentenced to death has been radically changed. Texas has had a new capital sentencing statute since September 1991 which allows the jury to consider any mitigating factor in deciding whether to impose life

imprisonment or the death sentence. However, this new law does not apply retroactively to offenders who committed their crimes before this date.

INTERNATIONAL STANDARDS: THE DEATH PENALTY AND JUVENILE OFFENDERS

Treaties and standards exempting people under 18 from the death penalty were developed in recognition of the fact that the death penalty is wholly inappropriate for individuals who have not attained full maturity. However serious the crime, the imposition on a young person of a sentence of such finality, denying any possibility of rehabilitation or reform, is contrary to contemporary standards of justice and humane treatment.

International human rights treaties and standards prohibiting these executions include the International Covenant on Civil and Political Rights (ICCPR), the American Convention on Human Rights (ACHR), the United Nations (UN) Convention on the Rights of the Child, and the Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the UN Economic and Social Council (ECOSOC) in 1984 (Resolution 1984/50). The US signed the ICCPR in 1977 and ratified it in April 1992. However, in ratifying the ICCPR, the US government reserved its rights "subject to its Constitutional constraints" to impose capital punishment on persons below 18 years of age. Amnesty International is urging the federal authorities to withdraw this reservation. In 1977, the USA signed the ACHR, but has not ratified it.

International Covenant on Civil and Political Rights

Article 6(5): "Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age..."

Convention on the Rights of the Child

Article 37(a): "No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age".

General Comment 6 adopted by the Human Rights Committee (the body that supervises the implementation of the ICCPR) says, among other things, that the right to life "... is the supreme right from which no derogation is permitted" and that States "ought to consider reviewing their criminal laws" in order to "limit its use and in particular to abolish it for other than the 'most serious' crime" - and that "the expression 'most serious crime' must be read restrictively to mean that the death penalty should be quite an exceptional measure".

Amnesty International believes that all jurisdictions within the USA have an obligation to adhere to recognized international standards.

AMNESTY INTERNATIONAL'S APPEAL FOR CLEMENCY

Amnesty International is especially calling on authorities in Texas to take action in cases involving juvenile offenders because of a) the failure of the clemency process (which affects all death row prisoners in the state) and b) the change to the law in 1991, from which - Amnesty International believes - juvenile offenders already sentenced to death should benefit.

It is of major concern to Amnesty International that clemency in Texas has become non-existent, in violation of any recognized standards of fairness in cases involving this irrevocable penalty. In January 1993, the US Supreme Court dismissed the appeal of Texas death row inmate, Leonel Herrera, which had presented newly discovered evidence alleging his innocence. In the majority opinion, Chief Justice William Rehnquist said that Leonel Herrera could now seek executive clemency in Texas stating: "Clemency is deeply rooted in our Anglo-American tradition of law, and is the historic remedy for preventing miscarriages of justice where judicial process has been exhausted". 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. Apart from a number of commutations granted in the 1980s as the result of a key court ruling, the Board has never recommended clemency in any death penalty in recent years.

Amnesty International is calling on the Texas authorities to review the clemency process available to prisoners under sentence of death, to grant clemency to all juvenile offenders under sentence of death in the state and bring Texas into line with international practice and procedures in this regard. At the very least it urges that all cases of juvenile offenders who were sentenced to death under the pre-1991 law be reviewed.

INADEQUATE LEGAL REPRESENTATION

In Texas, every indigent prisoner under sentence of death is allocated a lawyer for their trial and initial appeal. Beyond this, they do not have the right to legal counsel, and many prisoners rely on the services provided by the Texas Resource Center, a non-profit making organization dedicated to providing quality legal representation at appeal level for inmates on death row. The large number of prisoners needing the help of the Center puts enormous pressures on its limited number of staff. In many cases, quality of counsel at trial may be

extremely poor and this is at the moment a major concern to the Center. A number of juvenile offenders sentenced to death, including Gary Graham, Ruben Cantu and Robert Carter received inadequate representation at trial.

A recent study of representation in capital cases in Texas by the Spangenberg Group of Massachusetts, commissioned by the State Bar of Texas, found that Texas has reached a crisis stage in capital representation, and that "the problem is substantially worse than that faced by any other state with the death penalty."

THE DEATH PENALTY: ARBITRARY AND DISCRIMINATORY

The execution of juvenile offenders reinforces Amnesty International's concern that the death penalty is both arbitrary and discriminatory in its application. Less than 3% of offenders arrested for homicide in the USA receive the death sentence. Amnesty International's research shows that factors such as race, poverty, adequacy of trial counsel and location may be more important in determining who is sentenced to death than the crime itself. Given the relative rarity of death sentences overall in the USA, it is particularly disturbing that this sentence should be imposed upon young offenders.

According to Gary Graham's lawyers, Harris county is notorious for its disparate treatment of African Americans in the criminal justice system, particularly young offenders. According to recent figures, 56% of those on death row from Harris County are black and 35% white; of offenders sentenced to death from Harris County who were under 21 at the time of the crime, 86% are black or of Latin-American origin and only 14% are white. African Americans make up only 12% of the general population in Texas. Twenty-five of the 63 prisoners executed in Texas (to 5 August 1993) were tried and sentenced in Harris County. Three of the eight juvenile offenders known to Amnesty International who are currently on death row in Texas (Gary Graham, Robert Carter, and Gerald Mitchell) were tried and sentenced to death by Harris County juries.

JUVENILE OFFENDERS FACING IMMINENT EXECUTION IN TEXAS

Gary Graham

Gary Graham, black, was convicted and sentenced to death in November 1981, for the murder of Bobby Lambert, a white man, in May 1981.

Gary Graham was first scheduled to be executed on 29 April 1993, but was granted a stay of execution by the Governor of Texas, Ann Richards, on 28 April. He was then

scheduled to be executed on 3 June 1993, but was granted a stay of execution by the Texas Court of Criminal Appeals just hours before the execution was scheduled to be carried out. The stay was granted pending the decision by the US Supreme Court in *Dorsie Johnson v State of Texas* (see above). Gary Graham has consistently maintained his innocence of the crime for which he was sentenced to death, and his attorneys have recently presented among other things, new evidence relating to his innocence as grounds for clemency. Although this issue was not considered by the Texas Court of Criminal Appeals in granting the stay of execution, (Texas law requires that motion for a new trial based on newly discovered evidence must be made within 30 days of sentence), four judges agreed that there should be a review of other issues in Gary Graham's case including his claim of innocence. Three of the justices went so far as to say that a state district court should hold an evidentiary hearing to allow a judge to hear new evidence on whether Gary Graham should be granted a new trial.

The Texas Board of Pardons has consistently refused to hold a hearing into the case, but can do so at any time. On 21 July 1993, the Texas Civil Rights Project filed suit against the Board of Pardons and Paroles seeking a court order to require the Board to conduct full and fair hearings on claims of innocence brought by prisoners under sentence of death and based on evidence after a judgement of conviction has become final in court. The suit was filed on behalf of Gary Graham, and seeks to block his execution until the Board conducts a full and fair hearing and makes a recommendation on his claim.

Ruben Cantu

Ruben Cantu was sentenced to death in July 1985 for the murder during a robbery, of Pedro Gomez in November 1984.

Ruben Cantu was represented at trial by an inexperienced attorney who had never before represented a capital murder defendant. The attorney failed to present evidence relating to Ruben Cantu's apparent troubled family background or his psychological, social or educational history to the jury at the penalty phase of his trial, which might have acted in mitigation. He also failed to have him psychologically examined or evaluated in any way.

Ruben Cantu was later examined by a psychiatrist on the instruction of his appellate attorney, and found to have an IQ of between 70-80; the average person has an IQ of 100. The psychiatrist testified at an evidentiary hearing in September 1988 that, according to his tests, Ruben Cantu was "borderline intellectual functioning", and "not as effective as the average person." Throughout his school years Ruben Cantu attended special education classes.

Other juveniles offenders under sentence of death

Mauro Morris Barraza

Mauro Barraza, of Latin-American origin, was sentenced to death by an all-white jury on 4 April 1991 for the murder of Vilorie Nelson during a burglary at her home on 14 June 1989. He was just 17-years-old at the time of the crime. A co-defendant was sentenced to 30-35 years imprisonment for burglary.

Mauro Barraza confessed to the crime, giving four different statements to the police - two of these blamed the co-defendant for the murder; one of them, in the words of his trial attorney, "blamed some imaginary person"; in another he said the co-defendant was not there at all.

Mauro Barraza was examined twice by Dr Leon Peek, a psychologist, in 1991 who testified that at the time of the crime Mauro Barraza was suffering from a severe mental illness brought on by constant drug abuse, which had its origins in his early childhood. An insanity defense presented at trial was rebutted by two experts for the state, who both testified that Mauro Barraza was not legally insane at the time of the offence.

At the time of the crime, according to Mauro Barraza's trial attorney, he was living with a known drug dealing family, and had said that he had intended to burgle a house to pay for his habit.

Mauro Barraza was born into poverty where he was exposed to drugs and alcohol at an early age. According to Dr Peek, he had been an alcohol and marijuana abuser since at least the age of six or seven. According to his trial attorney, he witnessed his father kill himself in his very early childhood. None of this important evidence was given proper mitigating weight by the jury responsible for sentencing Mauro Barraza to death.

Current status

Mauro Barraza's case is at a very early stage of appeal. It is not likely that a serious execution date will be scheduled soon.

Joseph Cannon

Joseph Cannon, white, was sentenced to death on 22 February 1982, for the murder of Anne Walsh, white, on 30 September 1977. He was 17 years and 8 months at the time of the crime.

At his first trial in 1980, Cannon pleaded not guilty by reason of insanity, but the jury rejected this and sentenced him to death. The conviction was overturned in 1981. At a second trial in 1982, he pleaded not guilty, but was again sentenced to death. No

psychiatric testimony or information about Cannon's highly disturbed background was presented, for tactical reasons. The jury was told only that Cannon was illiterate and aged 17 at the time of the crime.

Cannon was examined by three psychiatrists in 1978 and found to be competent to stand trial. Tests revealed he had an IQ of 79 (borderline mentally retarded). However, in July 1989 his lawyers requested a stay of execution on the grounds that Cannon was insane and incompetent to be executed. The trial judge ordered a psychiatric evaluation by two doctors; both queried his mental state at the time of the trial. One psychologist diagnosed organic brain syndrome, and confirmed that Cannon had a subaverage IQ. He referred to head injuries and sexual abuse suffered as a child. He concluded that the prognosis of "future dangerousness" presented to the jury at Cannon's trial (the second question then asked of a Texas jury at sentencing) and medical testimony that Cannon could not be managed anywhere, was "wholly inconsistent with scientifically established knowledge and procedure". On the contrary, his IQ, aptitude and self image had all improved in prison. Another psychologist considered Cannon's case history "exceptional" in the extent of brutality and abuse he had received as a child. Such was the "depravity and oppressiveness" of his upbringing that Cannon has thrived better on death row than he ever did in his home environment".

Joseph Cannon suffered from an extremely disturbed childhood. At the age of four he was hit by a pickup-truck and suffered a fractured skull, broken leg and perforated lungs. He was in hospital for 11 months and unconscious for part of that time. On his release, he was placed in an orphanage by his mother who was unable to care for him. Whereas before the accident Cannon had been slow in his development, his head injury left him hyperactive. He suffered from a speech impediment and did not learn to speak clearly until he was six. He had learning disabilities, could not function in a classroom and was expelled from school in first grade, receiving no other formal education. He sniffed glue and solvent; he drank and sniffed gasoline and, at the age of 10, was diagnosed as suffering from organic brain damage caused by the solvent abuse. He was diagnosed as schizophrenic and treated in mental and psychiatric hospitals from an early age.

Cannon was severely sexually abused by his step father (his mother's fourth husband) when he was seven and eight; and was regularly sexually assaulted by his grandfather between the ages of 10 and 17. In one of his many psychiatric interviews Cannon told a doctor that he could not remember anything good that ever happened to him. He suffered from severe depression, and has been treated with anti-depressant drugs for most of his life. He attempted suicide at the age of 15 by drinking insect spray.

Cannon has a long and well-documented medical history of psychiatric disorders, yet attempts to have him committed to a state mental institution failed because of lengthy waiting lists.

Current status:

As of April 1993, Joseph Cannon's case was pending before the district court where, among other things, it was awaiting the US Supreme Court's decision in *Dorsie Johnson v State of Texas*. Amnesty International understands that Joseph Cannon's case will now be presented on appeal to the federal courts where Joseph Cannon's competency at the time of his trial will be one of the issues raised.

Robert Carter

Robert Carter was sentenced to death on 10 March 1982 for the murder of Sylvia Reyes, on 24 June 1981. He was 17-years and three months at the time of the crime and had no previous criminal record.

During jury selection the prosecutor used peremptory challenges to remove 12 potential jurors who had slight reservations about the death penalty, even though they expressed confidence in their ability to judge the case on the facts and impose the death penalty if they felt it was appropriate. His present lawyers argue that Robert Carter was deprived of the right to an impartial jury.

Robert Carter was represented by two court-appointed lawyers who failed to properly investigate the case, talk to Carter before the trial, locate potential witnesses or present mitigating evidence.

They failed to properly request all possible exculpatory or mitigating information from the prosecutor and were consequently unaware (thus the jury remained unaware) that several of the prosecution witnesses had failed to identify Carter in identity parades.

Defence counsel also failed to request assessments of Carter's mental capacity or competence to stand trial. They did not challenge the validity of his confession even though they apparently suspected he might be retarded. They failed to object to numerous trial errors and failed to explore the precise nature of Carter's involvement in the crime as compared with other possible accomplices. Some of their remarks to the jury were prejudicial to their client.

Their failure to call character witnesses during the sentencing hearing enabled the prosecutor to assert at one point: "doesn't it say a lot about Mr. Carter's probability to do violence when nobody can come say a good word about him except his mother?"

According to an examination of Robert Carter conducted in June 1986 by Dr. Dorothy Lewis, a psychiatrist at the New York University School of Medicine, Robert Carter is "significantly retarded" with a full-scale IQ of 74, and seriously brain damaged. She found that Carter had suffered several severe head injuries as a child resulting from accidents and abuse. In one incident shortly before Sylvia Reyes' murder, Carter was shot in the head by his brother, the bullet lodging near his temple. He afterwards suffered seizures and fainting spells.

His mental disabilities limit his capacity to understand or reflect on what he or others are doing and, when confused, he displays poor judgment. Lewis described his thinking as

"childlike". The jury was not invited to consider as mitigating evidence Carter's age at the time of the crime; the fact that he was mentally retarded, brain damaged and had suffered brutal physical abuse as a child; or that this was his first offence.

Robert Carter's upbringing was one of poverty and neglect. He was brutally abused throughout his childhood by his mother and stepfather who whipped and beat their children with wooden switches, belts and electric cords. Carter's mother would sometimes surprise them at night while they slept by pulling down the bed-covers and whipping them.

Carter received several serious head-injuries as a child. At the age of five he was hit on the head with a brick; on another occasion a dinner plate his mother threw at him smashed on impact with his head. At the age of ten he was hit so hard on the head with a baseball bat that the bat broke. He received no medical attention for any of these injuries.

The family was one of the poorest in the neighbourhood and Carter was taunted and beaten by other children because he was so dirty and his clothes so ragged. Even so, he tried to overcome his environment. He held a series of jobs and his employers all described him as obedient, hard-working, cooperative and trustworthy. He used to help a frail, elderly neighbour who ran a local cafe by escorting her home each night with the day's takings (usually between \$500 and \$1000). He did this up until he was arrested for Reyes' murder.

Robert Carter's case was also highlighted in Amnesty International's 1991 report (see above for details).

Current Status

Amnesty International understood that Robert Carter's case would be presented before the Texas Court of Criminal Appeals (the highest court in Texas) sometime during the summer of 1993. As the case has not yet reached federal courts with its most recent round of appeals, it is not likely that Robert Carter will receive a serious execution date soon.

Miguel Angel Martínez

Miguel Angel Martínez, of Latin-American origin, was sentenced to death in April 1992 for his role in the January 1991 murders of James Smiley, Ruben Martínez Jr, and Daniel Duenez during a robbery.

According to the information received by Amnesty International, Miguel Martinez' role in the killings is not clear, and there is evidence to suggest that a co-defendant took a leading role in the crime. (He apparently confessed to killing all three victims). The co-defendant was aged 16 at the time of the crime; so under Texas law he is considered a juvenile. For this reason, he will not be sentenced to death.

Although Martínez was sentenced to death only very recently, newspaper reports of the case report First Assistant District Attorney, Fausto Sosa, stating that it is very likely that Martinez will be executed before he reaches his 21st birthday. (He is now 19).

Miguel Martínez was convicted and sentenced to death in the space of a few days in a trial which was criticised for its expediency by the presiding judge. According to newspaper reports, at one stage he urged the District Attorney to consider slowing his pace, saying "We've tried this capital murder case with record speed for this state"... These cases generally take four to five weeks to try, but we tried this one in three days flat". Miguel Martínez' trial lawyers opened and closed their case after two days, after calling only two witnesses (his mother and a friend) to testify on his behalf.

Psychiatrist James Grigson, nicknamed "Dr Death", (so called because of the large number of people who have been sentenced to death following his testimony for the prosecution at trial) testified at trial that Miguel Martínez posed a continuing threat to society.

Current Status

Miguel Martínez' case is at a very early stage of the legal procedures; on direct appeal in state courts. It is therefore unlikely that a serious execution date will be set soon, despite the comments of First District Attorney Sosa.

Gerald Mitchell

Gerald Mitchell, black, was sentenced to death in 1986 for the shooting, during a robbery, of Charles Angelo Marino, white, on 4 June 1986. He was 17 years old at the time of the crime.

Gerald Mitchell was tried and sentenced to death in Harris county by an all-white jury after the prosecutor had struck all potential black jurors from the jury pool. These jurors had all indicated reservations either about the death penalty, or sympathies towards the age of Gerald Mitchell.

Current Status

Gerald Mitchell is now reaching the end of his appeals. Amnesty International understands that the latest appeal on his behalf was presented to the US Supreme Court in June/July 1993. The Court's decision in the case is expected around October 1993. It is very likely that if the Court denies the appeal, an execution date could be set soon thereafter.

Robert Willis

Robert Willis was sentenced to death on 31 May 1985 for the murder during a robbery of a white female in January 1985, when he was 17 years old. Amnesty International has no further information on Robert Willis' case.

BACKGROUND INFORMATION

As of 1 May 1993, there were at least 36 juvenile offenders under sentence of death in 12 states in the USA; at least eight of these were in Texas. Twenty-four of the 36 US states with the death penalty have laws allowing the imposition of death sentences on juvenile offenders.

Of all the US states, Texas has the largest number of prisoners under sentence of death. As of 20 April 1993, this figure stood at 376 of the total of 2,793 people under sentence of death in the USA. The method of execution in Texas is lethal injection.

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.

Twenty-three people have been executed in the US so far this year (as of 5 August 1993), nine of these in Texas. The last person to be executed in Texas was Joseph Jernigan on 5 August 1993.

Since executions were resumed in the US in 1977, 211 people have been executed; 63 of them in Texas (as of 5 August 1993).

WHAT YOU CAN DO

Appeal to the following officials in your own private capacity or in AI's name

- **APPEALS TO FEDERAL AUTHORITIES**

* Letters to President Clinton and the US Attorney General, Janet Reno

- acknowledging that the cases raised fall under state jurisdiction, but pointing out that the issue of executing juvenile offenders should be a matter of concern for the federal authorities under international law;
- expressing Amnesty International's unconditional opposition to the death penalty;
- expressing concern that individual states in the USA continue to permit the execution of juvenile offenders, contrary to both international standards and practice, citing the Texas cases of Curtis Harris, (executed 1 July 1993), Ruben Cantu and Gary Graham as examples. Also refer to the case of Frederick Lashley, who on 28 July 1993 became the first juvenile offender to be executed in Missouri for over 60 years.
- expressing regret at the decision of the US Supreme Court in the case of Dorsie Johnson;
- expressing concern that, in ratifying the ICCPR in 1992, the US entered a reservation to the treaty provision against the execution of juvenile offenders, and urging that this reservation be withdrawn.

Bill Clinton
President of the USA
The White House
Office of the President
1600 Pennsylvania Avenue
Washington DC 20500
Tel: +1 (202) 456 1414
Fax: +1 (202) 456 2461
Tlx: ITT 440074
Salutation: Dear Mr President

Janet Reno
Attorney General of the USA
Department of Justice
10th Street and Constitution Ave NW
Washington DC 20530
USA
Tel: +1 (202) 514 2000
Fax: +1 (202) 514 4699
Tlx: TWX 710 822 1907
Salutation: Dear Attorney General

• **APPEALS TO STATE AUTHORITIES**

Letters to the Board of Pardons and Paroles and Governor Richards (select three of four of the following points; also note specific points for Governor or BPP)

- regretting the execution of Curtis Harris on 1 July 1993;
- expressing concern that other juvenile offenders in Texas face imminent execution, citing the cases of Gary Graham and Ruben Cantu;
- expressing concern that all of the eight juvenile offenders known to Amnesty International were sentenced under a law which severely restricted the consideration of mitigating circumstances at the sentencing phase of their trial;
- urging that, at the very least, the cases of these juvenile offenders be reviewed in light of the fact that this law is now no longer in force;
- urging that Texas fall in line with international standards which oppose the imposition of the death penalty on people who were under 18 at the time of the crime;
- expressing sympathy for the victims of their crimes, and their families;
- acknowledging the seriousness of the crime for which juvenile offenders are sentenced to death in Texas, and citing arguments against the death penalty, for example, it is imposed disproportionately on the poor and minorities and it has no unique deterrent effect. Noting that most juvenile offenders currently under sentence of death in Texas are black and from a poor background.

Appeals to the Board of Pardons and Paroles:

- urging them to convene and hold a hearing to properly review the cases of any juvenile offenders facing imminent execution, and any future such cases presented to them, and to recommend to Governor Richards that she grant clemency in these cases;

Appeals to Governor Richards:

- urging that she do everything in her power to prevent the execution of any juvenile offender facing imminent execution, and that she does the same for any future juvenile offender who is scheduled to be executed;

Appeals to Federal and State authorities:

- stating that the death penalty is a wholly inappropriate penalty for individuals who have not attained full physical or emotional maturity at the time of their action, and that however heinous the crime, the imposition on a young person of a sentence which denies any possibility of eventual rehabilitation or reform is contrary to contemporary standards of justice and human treatment and international human rights standards and treaties;
- noting that the USA is one of only six countries which have executed juvenile offenders in recent years. (The other five being Iran, Iraq, Nigeria, Pakistan and Bangladesh).

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

Fax: +1 512 467 0945

Phone: +1 512 406 5852

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

Salutation: Dear Board Members

The Honorable Ann Richards
Governor of Texas
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Austin, TX 78711
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