

**USA (Texas) John Thomas Satterwhite, black, aged 53**

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John Satterwhite is scheduled to be executed in Texas on 16 August 2000. He was sentenced to death in 1979 for the murder of Mary Francis Davis during the robbery of a shop in San Antonio in March of that year.

Satterwhite's original death sentence was overturned by the US Supreme Court in 1989 because the state had argued for a death sentence using the testimony of a psychiatrist, Dr Grigson, who had examined Satterwhite in jail without his lawyer being informed. Dr Grigson, known for his highly dubious predictions of future dangerousness, held that Satterwhite had "a severe antisocial personality disorder...and will commit future acts of violence." Texas death sentences can only be passed if the jury decides that the defendant will pose a threat to society if allowed to live.

At two competency hearings later in 1989 prior to his retrial, juries were twice unable to decide whether Satterwhite was mentally fit to stand trial. At a third hearing, the state's psychiatrist, Dr Sparks, spoke to the defendant during a break in proceedings, again without the knowledge of his defence lawyer. Dr Sparks then testified that, based on this clandestine interview, he had determined that Satterwhite was aware of what was going on around him. The jury voted that Satterwhite should stand trial.

At the 1989 trial, Dr Tilles, a psychiatrist formerly employed by the state prison system, testified for the defence that Satterwhite suffered from chronic paranoid schizophrenia, and had done so since his teens. He also concluded that Satterwhite was mentally retarded, based on his IQ of 74 with a margin of error of plus or minus five points (an IQ of 70 or under is considered within the retardation range), coupled with other indicators of his low mental abilities. A second expert endorsed this view. For the state, Dr Sparks testified that Satterwhite was not mentally ill and had not been so diagnosed. Satterwhite was sentenced to death again.

After the trial, two state medical documents came to light which had not been made available to the defence, both of which could have been used to challenge Dr Sparks's testimony at the pre-trial hearings and the retrial itself. One was a "Master Problem List", in which the state listed "Mental Illness" as Satterwhite's primary problem. The second was a Minnesota Multiphasic Personality Inventory (MMPI), a standard psychological test performed on Satterwhite in 1983. At an appeal hearing, Dr Tilles testified that Satterwhite's abnormal MMPI scores supported a diagnosis of paranoid schizophrenia. He also testified that Dr Sparks's interview of Satterwhite at the third 1989 competency hearing breached ethical standards.

**BACKGROUND INFORMATION**

The execution of the mentally ill contravenes basic notions of human decency. The US National Alliance for the Mentally Ill believes that the death penalty "is never appropriate for a defendant suffering from schizophrenia or other serious brain disorders". In breach of international standards, the USA continues to execute people whose sanity, at the time of the offence or their execution, was in serious doubt.

In 1989, the same year that the international community adopted a UN safeguard opposing the use of the death penalty against people "suffering from mental retardation or extremely limited mental competence...", the US Supreme Court ruled that the execution of the mentally retarded did not violate the US Constitution. Today, 13 retentionist US states forbid such use of the death penalty. An attempt to introduce such legislation in Texas in 1999 failed. Governor Bush reportedly opposed it. The American Association on Mental Retardation opposes such use of the death penalty.

Amnesty International opposes the death penalty unconditionally. Some 108 countries have abolished judicial killing in law or practice, a statistic that throws an ever-brighter spotlight on the USA's rising execution rate. Over 450 of the 653 US executions carried out since 1977 have occurred since 1993; 55 inmates have been executed this year, 25 of them in Texas.

The pace of execution in Texas is coming under intense scrutiny, especially since the Illinois governor suspended executions in his state because of its "shameful" record of wrongful convictions. The *Chicago Tribune*, the newspaper which had investigated the Illinois death penalty prior to the January moratorium and found it to be riddled with injustice, recently concluded that the same problems were plaguing Texas capital justice. It wrote: "Under Governor George W. Bush, Texas has executed dozens of Death Row inmates whose cases were compromised by unreliable evidence, disbarred or suspended defense attorneys...and dubious psychiatric testimony."

The Texas capital sentencing scheme, at which the jury is asked to predict future dangerousness, has long been criticized. As in many cases tried before the state law was changed in 1991 to require judges to instruct juries to take account of mitigating factors, John Satterwhite's mental impairment may have served as aggravating rather than mitigating evidence, as it may have led the jury to decide that such impairment would be likely to lead to future acts of violence.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language, in your own words, using the following guide:**

- acknowledging the seriousness of the crime for which John Satterwhite is scheduled to be executed, and expressing sympathy for the relatives and friends of Mary Francis Davis;
- noting that additional documentary evidence of Satterwhite's mental illness only emerged after trial, and that he was therefore sentenced by a jury who were not fully informed;
- stating that the execution of the seriously mentally impaired violates international standards and common decency, noting that 13 US states forbid the execution of the mentally retarded;
- noting that more than half the countries of the world have abolished the death penalty in law or practice, and that executions in Texas are increasingly damaging the USA's image internationally;
- calling for clemency on compassionate grounds for John Satterwhite, and urging the addressees to support a moratorium on executions in Texas.

**APPEALS TO:**

The Honorable George W. Bush  
 Governor of Texas  
 PO Box 12428, Austin, TX 78711-2428, USA  
**Faxes: + 1 512 463 1849 or +1 512 637 8800**

**E-mail:** <http://www.governor.state.tx.us/email.html>  
**Telegrams:** Governor Bush, Austin, TX, USA  
**Salutation:**Dear Governor

Texas Board of Pardons and Paroles  
PO Box 13401, Austin, TX 78711-3401, USA  
**Faxes:**+ 1 512 463 8120  
**Salutation:**Dear Board Members

**COPIES TO:** diplomatic representatives of the USA accredited to your country.

You may also send letters of concern (not more than 250 words) to:  
Letters to the Editor, *San Antonio Express News*, PO Box 2171, San Antonio,  
TX 78297-2171, USA.  
**Fax:** +1 210 250 3105  
**E-mail:** [letters@express-news.net](mailto:letters@express-news.net)

**PLEASE SEND APPEALS IMMEDIATELY.**