

EXTRA 122/99

Death pen

USA (Texas) Willis Jay Barnes, black, aged 51

William Prince Davis, black, aged 42

Willis Jay Barnes and William Prince Davis are scheduled to be executed on 10 and 14 September 1999 respectively.

Willis Barnes was sentenced to death in March 1989 for the murder during a burglary of 84-year-old Helen Greb in Houston in February 1988. William Davis was convicted in September 1978 of the murder of Richard Lang during a robbery at an ice cream company in Houston three months earlier.

If killed, they will become the 100th and 101st prisoners put to death in Texas since Governor George W. Bush took office in January 1995. Governor Bush is currently campaigning to become the next President of the USA under the campaign slogan of "compassionate conservatism".

BACKGROUND INFORMATION

The 22nd execution in Texas in 1999 -- and the 99th under the governorship of George W. Bush -- was carried out on 1 September 1999. The prisoner was Raymond James Jones, black, convicted of the murder of Su Van Dang in 1988.

Texas continues to execute more prisoners than any other US state, having carried out a third (186 of 568) of the nation's executions since they resumed in 1977 (see: *The Death Penalty in Texas: Lethal Injustice*, AMR 51/10/98, March 1998). Moreover, Texas has regularly violated international standards on the death penalty. For example, in 1998 the state broke international law banning the use of the death penalty against child offenders when it executed two prisoners -- Joseph John Cannon and Robert Anthony Carter -- for crimes committed when they were 17. There are more than 25 other prisoners on death row in Texas for crimes committed when they were 17, more than a third of the national total. Texas continues to sentence to death and execute mentally retarded prisoners, in contravention of international standards. For example, Charles Boyd and Earl Washington - executed on 5 August 1999 and 6 May 1997 - had been found to have IQs of 64 and 58 respectively (an IQ below 70 is considered to signify mental retardation). Many on death row in Texas did not receive adequate legal representation, in breach of minimum safeguards on the death penalty. Foreign nationals have been sentenced to death and executed in Texas despite being denied their internationally-agreed right to consular access. Most recently, Joseph Stanley Faulder, a Canadian national, was executed on 17 June 1999.

The racially biased use of the death penalty in the USA, consistently shown in studies, is reflected in the use of the punishment in Texas. Of the 186 prisoners executed since the state resumed judicial killing in 1982, 161 (87 per cent) were executed for the murder of a white victim. Yet over 50 per cent of murder victims in Texas are from ethnic minorities. A study conducted for the *Dallas Times Herald* in the mid-1980s showed that the killer of a white victim was anything up to 10 times more likely to receive a death sentence than the killer of a black victim.

While the courts continue to feed the Texan conveyor belt of death, Amnesty International believes that the final safeguard of executive clemency in the state amounts to little more than an empty gesture (see *Killing without Mercy: Clemency Procedures in Texas*, AMR 51/85/99, June 1999). The Governor needs

a favourable recommendation from the Texas Board of Pardons and Paroles, whose members he/she appoints, in order to be able to grant clemency. This has happened only once during Governor Bush's term in office. The governor is not obliged to follow the recommendation of the Board. The Governor also has the power to grant a one-time only 30-day reprieve, something Governor Bush has never done.

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

- acknowledging the challenge presented to society by violent crime and expressing sympathy for the relatives of murder victims;
- expressing deep concern that two more prisoners - Willis Jay Barnes and William Prince Davis - are scheduled for execution in Texas;
- noting with concern that these executions would be the 100th and 101st since the Governor assumed office, and calling on him to grant both men 30-day reprieves and to urge the Board of Pardons and Paroles to give serious consideration to clemency;
- expressing deep concern that in its use of the death penalty, Texas has violated and continues to violate international human rights standards, including those relating to child offenders and the mentally impaired;
- noting the campaign slogan of the Governor's presidential bid, and urging him, therefore, to do all in his power and influence to abolish the death penalty in Texas.

APPEALS TO:

The Honourable George W. Bush
 PO Box 12428
 Austin
 TX 78711, USA

Telegrams: Governor Bush, Austin, TX, USA

Fax: + 1 512 463 1849

Tel: + 1 512 463 2000

Salutation: Dear Governor

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

You may also write brief (no more than 250 words) letters of concern to:

The Editor, Houston Chronicle, 801 Texas Avenue, Houston, TX 77002, USA. **Fax:**
+ 1 713 220 6677

The Editor, Dallas Morning News, PO Box 655237, Dallas, TX 75265, USA.

Fax: + 1 972 263 0456

E-mail: letterstoeditor@dallasnews.com

PLEASE SEND APPEALS IMMEDIATELY.