

**PUBLIC**

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**EXTRA 10/03**

**Death penalty / Legal concern**

**10 February 2003**

**USA (Federal)**

**Louis Jones (m), black, aged 52**

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Former soldier Louis Jones is scheduled to be executed by the US Government on 18 March 2003 in the US Penitentiary in Terre Haute, Indiana. He was sentenced to death in October 1995 for the murder of a white woman, Tracie Joy McBride, eight months earlier.

Tracie McBride, a 19-year-old US Army private, was abducted from the Goodfellow Air Force Base in San Angelo, Texas, on 18 February 1995. Louis Jones confessed to the crime, and took investigators to where Tracie McBride's body was located. She had been bludgeoned to death and there was evidence of sexual assault.

Since the crime had begun on a US military facility, it was prosecuted as a federal rather than a Texas case. At the sentencing phase of the trial, the federal prosecutor presented reasons for execution, while the defence presented evidence against a death sentence. This mitigating evidence included Louis Jones's lack of criminal record, his remorse, the severe physical and sexual abuse he had suffered as a child, his achievements during his 22-year military career for which he was decorated, and various mental problems, including possible post-traumatic stress disorder as a result of his experiences in the US invasion of Grenada in 1983 and the 1990/91 Gulf War. Following his return from the Gulf War, Louis Jones had displayed significant behavioural and personality changes. He retired from the army with an honourable discharge in 1993, attempted a series of low-wage jobs, and underwent the break-up of his marriage.

Louis Jones faced one of two sentences: a death sentence or life imprisonment without the possibility of parole. Due to the kidnapping charge, under federal law he would never be released if the jury voted for imprisonment. However, the judge wrongly instructed the jury that it could vote for death, life without the possibility of release, or a lesser sentence. If they chose the latter, he, the judge, would decide its length. The jury deliberated for a day and a half before returning a verdict of death.

After the trial, two women jurors alleged that there had been confusion and coercion in the jury room. They stated that the judge's instruction had led some of the jurors to believe that if they could not reach a unanimous verdict on either death or life without parole then the judge would impose a lesser sentence. None of the jurors wanted that. After a while, the jury stood at 10 to 2 in favour of death, with the two women who later came forward holding out for a life sentence. One of the two, the sole African American juror, was singled out by the majority for particular pressure. She finally changed her vote, and the other woman followed. The two women later came forward to say that, until the confusion arose about the lesser sentence, as many as nine jurors had been willing to vote for life imprisonment without parole. When Louis Jones's death sentence was upheld by the US Supreme Court in 1999, four of the nine Justices dissented. They said that the jury had been misinformed by the trial judge's instruction, and that there was at least a reasonable likelihood that this had tainted the jury's deliberations.

Louis Jones's clemency petition, which is seeking commutation of his death sentence to life imprisonment without parole, raises the claim that he suffers from "Gulf War Syndrome". A leading expert on this issue has submitted that Louis Jones sustained brain cell damage in deep brain structures as a result of exposure to chemicals and toxins during his military service in the Gulf War in 1990/91. This was not raised at the trial because of the limited medical and scientific knowledge on this issue at the time of his trial. The expert has concluded that Louis Jones's brain damage could explain the marked changes in his behaviour and personality on his return from the Gulf War, and may help to offer an explanation about how Louis Jones came to commit such a serious crime.

At his trial, Louis Jones apologized in court to the family of Tracie Joy McBride: "If I live from now until the end of eternity with the pain that I have, it would never scratch the surface of the pain that you have... I took a life that wasn't mine". Seven years later, Louis Jones has written to President Bush accepting his responsibility for the murder of Tracie Joy McBride and expressing his remorse: "I am truly sorry for the terrible pain and suffering I have left with her family and friends, of which they continue to suffer... [O]n countless occasions, I dream of and think of the future that I deprived... Tracie Joy McBride of; I think of her being married to the Marine she was engaged to. I think of the children she could have had. Her son could have discovered a cure for a disease of our time. Her daughter could have been loving parent who bore children that had children who could have been scientists or explorers to new worlds. Her children go on and on for generations and they could have touched millions and millions of lives. I have seen this dream many many times along with other dreams and thoughts of the wonderful life that this human being, this soldier, this father's daughter could have had, had it not been for the evil acts I committed which ended her future".

In the USA, the President has the power to grant clemency to federal death row prisoners. Timothy McVeigh and Juan Raul Garza were killed in June 2001 – the first federal executions in the USA in 38 years – after President George Bush refused to intervene.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:**

- expressing sympathy for the family and friends of Tracie Joy McBride, and explaining that you are not seeking to excuse the manner of her death or the suffering it will have caused;
- noting evidence that the jurors who sentenced Louis Jones to death came to their decision under an erroneous instruction which four Supreme Court Justices believed tainted the jury's deliberations and should have been cause for a new sentencing hearing;
- noting evidence, not heard by the jury, that Louis Jones sustained brain damage as a result of exposure to toxins and chemicals during the 1990/91 Gulf War, and that a leading expert on Gulf War Syndrome has suggested that this could help to explain why this recently-retired soldier committed such a serious crime;
- noting Louis Jones's long-held remorse, his model record in prison, and his lack of a prior criminal record, and that his clemency petition is seeking commutation to life imprisonment without parole;
- urging the President to take a compassionate approach and one that respects human dignity, by commuting the death sentence of Louis Jones.

**APPEALS TO:**

President George W. Bush  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500, USA

**E-mail:**                    **president@whitehouse.gov**  
**Fax:**                        **+1 202 456 2461 (this fax may be extremely busy, but please keep trying)**  
**Salutation:**            **Dear Mr President**

**COPIES TO:**

Alberto Gonzales, Counsel to the President  
The White House, 1600 Pennsylvania Avenue, NW  
Washington, DC 20500, USA

**Fax:**                        **+1 202 456 6279**

and to diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**