

US high court upholds death sentence of Canadian on death row in Texas

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The Supreme Court rejected on Monday an appeal by Joseph Stanley Faulder, a Canadian citizen on death row in Texas. Faulder, 61, was sentenced to death for a 1975 murder. The high court had issued a rare, last-minute stay of execution in the case last December while it considered the Jasper, Alberta native's claims that his rights had been violated under international law. This latest ruling means that Texas can now reschedule the execution.

The Faulder case became the focus of international protest because Texas authorities failed at the time of his arrest to inform him of his right to contact the Canadian consulate and ask for assistance. This is a direct violation of the Vienna Convention on Consular Relations, a treaty signed by the United States along with 140 other countries. The Canadian government was not informed of Faulder's situation until he had been in prison for 15 years. Canadian authorities have said that dismissal of Faulder's claim on local procedural grounds violates "minimum international standards of justice."

In response to international pressure, US Secretary of State Madeleine Albright intervened last month urging Texas Governor George W. Bush and Victor Rodriguez, chairman of the state Board of Pardons, to give "serious consideration" to the granting of a 30-day reprieve and a full clemency review of Stanley Faulder's case.

According to the human rights group Amnesty International, 73 foreign nationals from 24 countries currently sit on death row in the United States. Of these, only three were informed of their rights. Paraguayan citizen Angel Francisco Breard was executed in 1998 in violation of an International Court of Justice order that his death sentence be suspended. If the execution of Stanley Faulder proceeds, he will be

the first Canadian executed in the US since 1952.

The state of Texas has executed 163 people since the Supreme Court reinstituted the death penalty in 1977, including three foreign nationals. As of January 22, 509 people have been put to death in the US during this same period.

In another death penalty related ruling, on January 19 the Supreme Court rejected an appeal by death row inmate Eduardo Lopez, who contended that electrocution amounted to cruel and unusual punishment. Florida law requires the use of the electric chair as the sole means of imposing the death penalty.

Of the 38 US states that allow capital punishment, four require execution by electrocution: Florida, Alabama, Georgia and Nebraska. Methods utilized by other states include lethal injection, hanging, firing squad and the gas chamber.

Florida officials imposed a one-year moratorium on state killings after a fire began during the execution of Pedro Medina on March 25, 1997. When the electrical current was switched on as Medina was strapped into the 74-year-old electric chair, flames and smoke rose from his head.

During the one-year moratorium, the Florida Supreme Court voted 4 to 3 that continued use of the electric chair would not violate the Constitution's ban on cruel and unusual punishment. The state legislature then voted to keep electrocution as the state's only means of execution.

Lawyers for Eduardo Lopez argued, "Florida continues to botch executions, fails to follow the protocol established after Mr. Medina was burned alive in the electric chair, and mutilates the bodies of condemned inmates in the electric chair."

But Florida prosecutors countered: "Nothing in this court's precedents suggests that a method of execution

that does not involve the infliction of wanton or unnecessary pain ... can, or should, be rendered unconstitutional simply based upon the number of jurisdictions that do or do not allow it."

In another January 19 ruling the high court refused to hear the appeal of Michael Wayne Riggs. Riggs was convicted of shoplifting a bottle of vitamin pills from a store display rack in a California supermarket in 1995. Under the state's "three strikes and you're out" law, Riggs was sentenced to a mandatory 25 years to life in prison, because he had been convicted of eight other felony crimes, including car theft, drug possession and forgery. If this had been his first offense, it would have been ruled a misdemeanor punishable by no more than six months in jail.

Riggs attempted to appeal his sentence through the California courts. Although a state appeals court described the crime as "a petty theft motivated by homelessness and hunger," it upheld the sentence. The California Supreme Court refused to hear the case, leaving the US Supreme Court as Riggs's only avenue of appeal.

By refusing to hear the case, the Supreme Court has allowed the sentence to stand. Only one justice, Stephen Breyer, said that the appeal should have been heard. He questioned how the state of California could apply such a penalty "to what is in essence a petty offense." The Supreme Court has never taken up a case which questions whether a "three strikes" law can be ruled cruel and unusual punishment.

In his petition to the Supreme Court, Riggs wrote: "The state, even as it punishes, must treat its members with respect for their intrinsic worth a human beings. Punishment which is so excessive as to transgress those limits and deny that worth cannot be tolerated."



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