

Texas executes Canadian Stanley Faulder

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Stanley Faulder, a 61-year-old native of Jasper, Alberta, was executed by lethal injection in Huntsville, Texas on Thursday. His final appeal to the US Supreme Court was rejected 75 minutes before he was put to death. Faulder became the first Canadian executed in the US since 1952.

Aspiring presidential candidate and Texas Governor George W. Bush did not intervene to halt the execution. The Texas Board of Parole and Pardons voted 18-0 Wednesday to deny Faulder's request for reprieve or commutation of sentence. Although Bush could not override their ruling, he could have granted a one-time 30-day delay.

Plans to execute Faulder had provoked international protest because Texas authorities failed at the time of his arrest to inform him of his right to seek assistance from the Canadian consulate. In violation of the Vienna Convention on Consular Relations, Faulder had been in prison for 15 years before the Canadian government was informed of his arrest and conviction. The United States is a signer to the treaty, although Texas claims it is not required to abide by it, as the state did not sign it.

Amnesty International, the human rights group, has reported that it knows of 73 foreign nationals from 24 countries currently sitting on death row in the United States. Of these, only three were informed of their consular rights. Texas has executed three foreign nationals—Carlos Santana, Ramon Montoya and Irineo Tristan Montoya. The state of Virginia executed Paraguayan Angel Francisco Breard early last year, despite protests from the International Court of Justice.

Secretary of State Madeleine Albright had intervened in the Faulder case, urging a full clemency review and the granting of a 30-day reprieve. The Canadian government had also called for a stay of the execution. Faulder's lawyer Sandra Babcock argued as well that the 22 years the prisoner spent on death row and his nine previous execution dates constituted cruel and

unusual punishment.

Faulder was convicted in 1977 for the 1975 murder of an elderly woman in Gladewater, Texas, and was sentenced to death. The victim's wealthy family hired private prosecutors, and their case relied upon the testimony of an alleged accomplice in the crime, who was granted immunity. The family offered this witness a large cash payment in exchange for testimony incriminating Faulder. The prosecution also hired "expert" witnesses to testify to Faulder's supposed sociopathic tendencies.

Faulder was provided with a court-appointed lawyer, who never brought out at trial that Faulder had suffered a massive head injury at the age of three, causing permanent brain damage and mental impairment. The attorney carried out no pre-trial investigation and called no witnesses. Texas law does not forbid the execution of the mentally impaired.

In a related development, Governor Bush is expected to veto a bill passed by the both houses of the Texas state legislature that would provide the most minimal protection for indigent defendants. The bill would require that defendants be provided with legal counsel within 20 days of requesting one. In most states, the court must appoint an attorney within 72 hours. In Texas the appointment of attorneys to the indigent is the responsibility of local judges, who determine their fees. Judges, who are elected in the Texas, often assign these cases to lawyers who have contributed to their campaigns.

As of April 1, there were 436 prisoners on death row in Texas, including 24 juveniles. Those as young as 17 can receive a death sentence. Since the death penalty was reinstated in the US in 1974, the state has carried out 176 executions, the greatest number of any US state.



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