



NAACP LEGAL DEFENSE AND  
EDUCATIONAL FUND, INC.

99 Hudson Street, Suite 1600  
New York, NY 10013  
212.965.2200  
Fax 212.226.7592  
www.naacpldf.org



TEXAS DEFENDER SERVICE

1927 Blodgett Street  
Houston, TX 77004  
713.222.7788  
Fax 713.222.0260  
www.texasdefender.org

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**Contact:** Laura Burstein, 202-626-6868 (o); 202-669-3411(c)

[laura.burstein@squiresanders.com](mailto:laura.burstein@squiresanders.com)

## **More Than 100 Civil Rights Leaders, Elected Officials, Clergy, Former Prosecutors and Judges, Past ABA Presidents, and a Former TX Governor Call for New, Fair Sentencing for Duane Buck**

### **NAACP Calls Mr. Buck's Death Penalty Case a "Blatant Example of Racial Bias"**

*(Harris County, Texas, March 20, 2013)* Today, 102 prominent individuals from Texas and throughout the country [released a statement](#) urging Texas officials to provide a new, fair sentencing hearing for Duane Buck. Mr. Buck is an African-American man who was condemned to death after his sentencing jury was told that he posed a future danger because of his race. The signatories write: "The State of Texas cannot condone any form of racial discrimination in the courtroom. The use of race in sentencing poisons the legal process and breeds cynicism in the judiciary. No execution should be carried out until the courts have a meaningful opportunity to address the evidence of fundamental injustice in Mr. Buck's case. A new, fair sentencing hearing for Mr. Buck is absolutely necessary to restore public confidence in the criminal justice system."

Those calling for a new sentencing hearing free of racial bias include: Benjamin Todd Jealous, NAACP President and CEO; Gary Bledsoe, Texas NAACP President; Howard Jefferson, National Board Member, NAACP; Mark White, former Governor of the State of Texas; ten members of the Texas Legislature; seventeen former prosecutors and judges from Texas and across the county, including former Harris County Assistant District Attorney Linda Geffin (who served as a prosecutor in Mr. Buck's case); past American Bar Association Presidents, Philip Anderson, William Ide, Carolyn Lamm, and Roberta Ramo; Earl Musick, President of the Harris County Criminal Lawyers Association and seven Past Presidents of the HCCLA; Mary Ramos, Texas LULAC Chief of Staff; Archbishop Joseph A. Fiorenza of the Galveston-Houston Archdiocese; Reverend William A. Lawson of Wheeler Avenue Baptist Church in Houston; Pastor James Nash of Houston Ministers Against Crime; Rev. Mike Cole, General Presbyter, Presbytery of New Covenant; and Richard Cizik, President of New Evangelical Partnership for the Common Good, and former Vice President of Governmental Affairs of the National Association of Evangelicals.

“The diverse chorus of voices calling for a new, fair sentencing hearing for Duane Buck reflect how Texas’s disturbing appeal to racial bias fundamentally undermines the integrity of the entire criminal justice system and makes each of us less safe,” said Sherrilyn Ifill, Director Counsel for the NAACP Legal Defense & Educational Fund, Inc. which represents Mr. Buck, along with the Texas Defender Service and attorney Kate Black. “For anyone to trust the criminal justice system, it must be fair to everyone.”

“Mr. Buck’s hearing was tainted by racial discrimination,” stated NAACP President and CEO Benjamin Todd Jealous, a signatory to the statement. “He deserves a new hearing that is not the product of race-based fear mongering posing as reasoned fact. This case is a blatant example of racial bias being allowed to seep into a justice system that is supposed to be fair and equitable to all.”

American Bar Association President Laurel Bellows also [released a statement](#), stating: “The American Bar Association abhors racial prejudice of any kind, and it should go without saying that no one should be executed where there is a substantial issue whether race-based testimony infected the fairness of the legal proceedings....The ABA urges that Buck receive a new and fair sentencing hearing free of racial prejudice.”

At Mr. Buck’s 1997 capital sentencing hearing in Harris County, the trial prosecutor elicited testimony from a psychologist that Mr. Buck posed a future danger to society because he is an African American. The prosecutor relied on this testimony in arguing in favor of a death sentence.<sup>1</sup> The jury accepted the prosecutor’s argument, declared Mr. Buck a future danger, and sentenced him to death. Three years later, then-Texas Attorney General (now U.S. Senator) [John Cornyn acknowledged](#) that reliance on testimony connecting race to dangerousness was wholly unacceptable and promised that the Attorney General’s Office would seek new, fair sentencing hearings for seven identified defendants, including Mr. Buck. The State kept its word in every case – ***except for Mr. Buck’s.***

In their statement, the signatories highlight [new research](#) showing that at the time of Mr. Buck’s trial, the Harris County District Attorney’s Office ***was three times more likely to seek the death penalty against African-American defendants like Mr. Buck and Harris County juries were twice as likely to sentence African-American defendants like Mr. Buck to death.*** The significant new study was released in [an appeal filed last week](#) by Mr. Buck in Harris County’s 208<sup>th</sup> Criminal District Court, which will soon be pending before the Texas Court of Criminal Appeals.

Mr. Buck was convicted of capital murder in Harris County for the shooting deaths of Debra Gardner and Kenneth Butler. A third person, Phyllis Taylor, was shot but

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<sup>1</sup> “You heard from Dr. Quijano, who had a lot of experience in the Texas Department of Corrections, who told you that there was a probability that the man would commit future acts of violence.” Source: *State’s Closing Argument, Cause No. 699684, Reporter’s Record, Volume 28, p. 260 (1997).*

survived her wound. Ms. Taylor is also a signatory to the statement. She has forgiven Mr. Buck and does not wish to see him executed.

Another signatory to the statement, former Harris County District Attorney Linda Geffin, one of Mr. Buck's trial prosecutors, today started an online petition on Change.org in support of a new, fair sentencing hearing for Mr. Buck: <https://www.change.org/petitions/harris-county-district-attorney-mike-anderson-grant-duane-buck-a-resentencing-hearing>

Mr. Buck's life was spared by the U.S. Supreme Court before his scheduled execution in September 2011. Although [two U.S. Supreme Court justices agreed](#) that Mr. Buck's death sentence required review because "our criminal justice system should not tolerate" a death sentence "marred by racial overtones," the case is now back in the hands of state officials.

Mr. Buck's exemplary behavior while in prison demonstrates the falsity of the racially biased future dangerousness evidence used in his case: In his fourteen years in prison he has not had a single disciplinary write-up.

For more information about Mr. Buck's case, please go to: <http://www.naacpldf.org/case-issue/duane-buck-sentenced-death-because-he-black>

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To speak with Mr. Buck's attorneys, signatories to the statement, or other experts, please contact Laura Burstein at 202-626-6868 (o); 202-669-3411(c); or [laura.burstein@squiresanders.com](mailto:laura.burstein@squiresanders.com).