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Safeguarding Liberty, Justice & the Rule of Law

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identification purposes only*

August 12, 2014

Dear Members of the Board of Pardons and Paroles:

We are a Republican and a Democrat, a former Director of the FBI, U.S. Attorney and Chief Judge of the Western District of Texas; and a former Attorney General and Governor of the State of Texas, respectively. We are nevertheless united in our urgent request that the Texas Board of Pardons and Paroles grant clemency to terminally ill Texas death row inmate Max Soffar.

We are well aware that Mr. Soffar was twice sentenced to death in connection with the murders of Stephen Sims, Thomas Temple, and Arleen Felsher and the grievous wounding of Greg Garner in a Houston-area bowling alley in 1980. We join Mr. Soffar's defense team in acknowledging the tragedy suffered by these victims, who were denied the comfort of their loved ones as they lay wounded and dying.

We are also aware that Mr. Soffar's defense team has set forth significant evidence of his innocence and the guilt of another. We take no position on this issue.

However, we are united in seeking mercy for Mr. Soffar as he nears death from cancer. We believe that no purpose is served by continuing to incarcerate a terminally ill man with two rapidly advancing and painful cancers. As we understand it, all indications are that Mr. Soffar is rapidly becoming completely disabled by, and unable to pose a danger (if he ever did) to anyone as a result of, the late-stage hepatocellular carcinoma and a portal vein tumor from which he is suffering.

Both of us have spent significant portions of our lives dedicated to enforcing the rule of law in the criminal justice system. One of us oversaw 19 executions while Governor of Texas, while the other has extensive law enforcement experience as Director of the FBI. It is those experiences that lead us to conclude that requiring Mr. Soffar to die in prison is excessive punishment. We note in this regard the long-standing questions of his innocence of the crime for which he was convicted, and the evidence that another man likely committed the crime. The Texas justice system will no longer have the opportunity to comprehensively review this evidence.

Under all of these circumstances, we strongly urge the Board to grant Mr. Soffar compassionate relief so that he can die at home in the care of his wife.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William S. Sessions". The signature is fluid and cursive, with the first name being the most prominent.

William S. Sessions

Director, Federal Bureau of Investigation, 1987-1993; Judge, United States District Court, Western District of Texas, 1974-1987; Chief Judge, 1980-1987; United States Attorney, Western District of Texas, 1971-1974

A handwritten signature in black ink, appearing to read "Mark White". The signature is cursive and somewhat stylized, with the first name being the most prominent.

Mark White

Governor, Texas, 1983-1987; Attorney General, Texas, 1979-1983; Secretary of State, Texas, 1973-1977; Assistant Attorney General, Texas, 1965-1969