

The Texas killing machine targets Canadian Stanley Faulder

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Stanley Faulder, a 61-year-old Canadian citizen, will die by lethal injection Thursday evening in Huntsville, Texas unless the state's Board of Pardons and Paroles grants a clemency request. The board has granted only one prisoner clemency on humanitarian grounds since executions resumed in Texas in 1982.

Faulder's execution will be another barbaric act carried out by the state of Texas and its Republican governor, George W. Bush. Four executions, including Faulder's, are scheduled this week; another is set for next Tuesday. After a break for the holidays, four more executions will take place in Huntsville in January, including three in consecutive nights, January 11 to 13. The US has put to death 439 people since 1977, 163 in Texas.

The Faulder case has become the focus of international protest because of the failure of authorities to inform the Jasper, Alberta native at the time of his arrest in 1977 of his right to contact the Canadian consulate and ask for assistance. This was done in violation of Article 36 of the Vienna Convention on Consular Relations, a treaty signed by the US and 140 other countries. The Canadian government was not informed of Faulder's situation until he had been in prison for 15 years. The human rights group Amnesty International reports that it knows of 73 foreign nationals from 24 countries currently sitting on death row in America; only three were informed of their rights. If Faulder dies he will be the first Canadian executed in the US since 1952.

Paraguayan citizen Ángel Francisco Breard was executed earlier this year in Virginia despite an International Court of Justice order that his death sentence be suspended. Breard was also denied the right to assistance from Paraguayan officials. Texas has executed three foreign nationals--Carlos Santana, Ramon Montoya and Irineo Tristan Montoya. The US State Department contacted Bush shortly before 29-year-old Irineo Tristan Montoya was put to death June 18, 1997. State officials refused to investigate the violations of his rights on the grounds that Texas was not a signatory to the Vienna Convention! According to his supporters Montoya underwent a lengthy police interrogation without the presence of an attorney or the assistance of the Mexican consulate. He allegedly signed a four-page confession in English, a language that he did not read, speak or understand.

The systematic violation of the Vienna Convention is another example of official US hypocrisy and arrogance. Endlessly denouncing 'international criminals' and violations of 'international law' and UN resolutions when it suits Washington's purpose, the American ruling class simply disregards with contempt any treaties and rulings that do not serve its immediate interests.

Responding to international pressures, Secretary of State Madeleine Albright sent letters to Bush and Victor Rodriguez, chairman of the

Board of Pardons, urging them to give 'serious consideration' to the granting of a 30-day reprieve and a full clemency review of Faulder's case.

Texas officials appear unmoved. Bush continued to respond provocatively to criticism. During an appearance in San Antonio this week he declared, 'No one is going to threaten the governor of the state of Texas.... My job is to enforce the laws of the state of Texas. That is my job and that is what I intend to do. We're not going to let people come into our state, commit capital murder and get away with it.'

As for the Board of Pardons, Amnesty International described the current clemency review process in a report issued earlier this year as 'killing without mercy'. Under the board's current procedures, no minutes are kept, the voting process is not open to public scrutiny and its decisions are not formally explained. Board members, scattered around the state, receive clemency petitions by fax, make individual decisions on the appeals and respond by fax within three hours of the scheduled execution. The board has convened only *one* clemency hearing in the past 10 years. Texas put 37 people to death in 1997; Amnesty International found that not one of the 18 board members voted for commutation on any of the 16 clemency petitions that were filed. One member failed to vote at all in 15 of the cases.

On Tuesday the Texas Supreme Court ruled that the Board of Pardons could continue to deliberate secretly. Travis County District Judge Paul Davis ruled last week that closed board proceedings violated the Constitution and the Texas Open Meetings Act.

A delegation of Canadian human rights activists and union officials visited Texas earlier this week to bring attention to the Faulder case. Rubin 'Hurricane' Carter, the former boxer framed up in Newark, New Jersey and jailed for 19 years for a murder he didn't commit, denounced Texas officials. 'Texas is demonstrating a forerunner of a final solution, just as it happened in Nazi Germany from '39 to '45, loading up the prisons with illiterate people, loading them up with the disenfranchised, loading them up with the disadvantaged,' he declared. Carter is now executive director of the Association in Defense of the Wrongly Convicted. Fellow ADWC member Joyce Milgaard, whose son spent 23 years in a Canadian prison before DNA evidence proved him innocent, called Texas 'a killing machine.' Sid Ryan of the Canadian Union of Public Employees delivered a letter to Bush from Bob White, president of the Canadian Labour Congress, asking for a stay of execution. The Canadian Coalition Against the Death Penalty has called for a tourist boycott of Texas.

The facts of the Faulder case point to the social reality of the death penalty in America: it is an instrument of class justice. Faulder was first convicted in 1977 for the murder of 75-year-old Inez Phillips in

Gladewater, Texas two years earlier on the basis of a confession he gave to police. That confession was later thrown out by an Appeals Court on the grounds that his constitutional rights had been violated. At his second trial, in 1981, the testimony of his alleged accomplice in the robbery-murder, a sometime prostitute, and her common-law husband led to his conviction. The woman was given complete immunity for her testimony, and both she and her husband were offered money to testify against Faulder by the Phillips family. The victim's son, a wealthy oilman, spent \$155,000 hiring private prosecutors to pursue the case. There was no physical evidence linking Faulder to the crime. Recently, Faulder's lawyer has discovered notes in the files of one of the private prosecutors indicating that his accomplice's husband was in on the crime from the beginning. This evidence was withheld from the trial.

Unable to afford a private attorney, Faulder had to rely on a court-appointed lawyer. His attorney conducted no pre-trial investigation and called no witnesses at the retrial. The lawyer admitted years later that he had been ignorant of his responsibility to present testimony to the jury about Faulder's character, background and state of mind.

Moreover, evidence could have been presented showing that Faulder had suffered a massive head injury at a young age that caused permanent brain damage, impairing his ability to make appropriate behavioral decisions in stressful situations.

The jury that sentenced Faulder to death heard testimony from psychiatrist Dr. James Grigson--who is known as 'Doctor Death' for his willingness to testify in such cases--that the accused was a violent sociopath. Grigson has since been expelled from the American Psychiatric Association for his conduct.

None of these facts have had any impact on the courts. Last November the US Supreme Court refused to review Faulder's appeal, setting the stage for the new execution date, his ninth in 20 years.

In addition to the poor and the illiterate who have actually committed or participated in crimes, no one really knows how many of those sitting on death row in the US are entirely innocent. Since 1976, 75 condemned inmates have been cleared, some of them only hours away from execution. With new laws limiting appeals and reduced spending for legal services, the possibility of wrongful conviction is that much greater. Two years ago Congress cut off funding to death penalty resource centers, which provided legal assistance in 20 states. Alabama currently has 35 death row inmates who have no legal representation at all.

Bush's role in presiding over Texas's assembly line of death is significant. He is being promoted in the media and within sections of his party as a 'moderate Republican' and a presidential hopeful. It is an indication of the current state of bourgeois politics in the US that he obviously considers demonstrating the slightest human compassion a form of political suicide. Faulder and the others must die--a small price to pay!--to prove to the 'Christian' right that Bush is not soft on crime.

There is something horrifying in the spectacle of the state systematically organizing executions. It is a black mark against an entire society. Civilized international public opinion increasingly regards the US as a pariah when it comes to human rights, as well it should. In 1997 American states carried out 74 executions--only China, Saudi Arabia and Iran were known to have put to death more prisoners.

While there is an irrational and vindictive element, a demented quality, to the current 'law and order' campaign, there are real social factors driving it forward. Neither Bush nor Clinton nor any of the

Democrats and Republicans have any answer to the social problems in the US. The polarization between the wealthy elite and virtually everyone else is unprecedented in modern times. Overshadowing every political event is the growing global economic crisis. What will be the consequences for the US of a serious downturn, under conditions where welfare and other social programs have been destroyed, millions live in poverty and millions more are struggling to make ends meet? In the first place, the exposure of all the myths about the wonders of the market and, more generally, a discrediting of the profit system in the eyes of broad layers of the population. Sharp social struggles will inevitably erupt.

Official society anxiously and instinctively seeks to strengthen the state, the police and the courts, as it seeks to divert public attention by scapegoating immigrants and generally criminalizing the poor and the young. The recourse to ever stiffer sentences, the virtual ending of parole, the use of the death penalty--these are all efforts to intimidate and terrorize, to display the power of the state machinery. At the same time executions serve to brutalize society, cheapening life, inuring people to state violence, softening them up for repression on a far wider scale. In the final analysis, capital punishment is part of the assault on the democratic rights of the entire population.

Governor Bush and his counterparts in Virginia, Florida and elsewhere, who operate their own killing machines, believe that there are no consequences for their inhuman actions. Public 'support' for capital punishment in the US, such as it is, is composed of one part lack of knowledge, another part apathy, another bewilderment in the face of terrible social ills. Once working people enter into struggle, begin to orient themselves and coalesce around a program that truly represents their interests, a socialist program, support for capital punishment and other brutal policies of the American ruling class will rapidly decline.

See Also:

The death penalty in the US: a rising toll of state executions
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[19 November 1998]

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[18 November 1998]

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