

Despite growing protests, US states execute two more men

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11 March 1999

Early Wednesday morning the state of Missouri put 46-year-old Roy Roberts to death at the Potosi Correctional Center. Only a few hours earlier George Adrian Quesinberry Jr., 37, was executed at a Virginia prison. The two were the 524th and 525th victims of the death penalty since the US resumed judicial killings in 1977. For the past six years, the US has killed an average of one condemned prisoner a week.

Missouri Governor Mel Carnahan, who commuted the sentence of a condemned inmate a month ago following an appeal from the Pope, cleared the way for Wednesday's execution by rejecting a last minute appeal for clemency from Roberts' attorney. Carnahan, a Democrat who was criticized by Republican opponents for being soft on criminals, has now executed two prisoners since the Pope's visit to St. Louis in February. Since being elected to office six years ago, Carnahan has approved 28 death sentences and has granted clemency only twice.

Carnahan refused to halt the execution despite a further plea from the Vatican and substantial opposition in the US. Last Saturday, 250 people marched around the governor's mansion in Jefferson City to protest the planned execution and the death penalty in general. Other pleas for mercy came from *Dead Man Walking* author Sister Helen Prejean, Rev. Larry Rice of St. Louis, an outspoken death penalty opponent, and the Rev. Jesse Jackson.

The governor also ignored the substantial evidence that Roberts was not guilty of the crime he was accused of. As he was strapped onto the gurney and given a lethal injection Roberts maintained his innocence. Among his last words were "you're killing an innocent man."

Prosecutors alleged that Roberts restrained prison guard Tom Jackson during a 1983 prison riot while fellow inmates stabbed the man to death. Roberts said he was nowhere near the killing because he was scuffling with another guard at the time. "I never saw Mr. Jackson,"

Roberts said. "I didn't even know anybody had been killed until the next day." Investigators found no blood on Roberts after the incident.

During the trial eight inmates testified on Robert's behalf and a guard confirmed that he had fought with Roberts during the melee involving 25 to 30 inmates. In his clemency request, Roberts' attorney, Bruce Livingston, noted that none of the guards identified Roberts when the state investigated the riot initially and an internal report from the corrections department said the identity of those involved "may never be known."

Livingston said the witnesses, which included two guards and one inmate, only came forward after undergoing hypnosis in an intense pretrial effort by prosecutors. "Such 'evolving' testimony," Livingston said, "is inherently suspect."

The condemned man insisted upon and received a lie detector test on February 19. It was administered by Donald Dunlap, a career Kansas City police polygrapher whom Livingston described as a someone "not known as defense-oriented." Dunlap's report said Roberts showed "no deception" in his answers denying involvement in the killing and that he specifically denied holding the prison guard during the stabbing.

On the basis of the test results and conflicting witness testimony, Livingston argued that Roberts deserved clemency, or a delay of sentence for further investigation. Livingston also noted that neither of the alleged stabbers had been given the death sentence. The attorney's argument was strongly supported by the *St. Louis Dispatch* reporter Bill McClellan, who also reported that it was possible that Roberts was innocent not only of the prison killing but also of the initial crime--a \$2,000 restaurant robbery--for which he was imprisoned.

In the Virginia case, the executed man, George Adrian Quesinberry, was put to death after the US Supreme Court rejected an appeal of his sentence for killing a store owner

during a 1989 robbery which netted \$200. In a clemency appeal rejected by Virginia Governor Jim Gilmore, defense attorneys said Quesinberry's trial lawyers failed to call witnesses who could testify about his mental disabilities. Among other things, Quesinberry witnessed his mother commit suicide with a rifle when he was two and was raped by his parental grandfather before he was four. He also suffered physical and mental abuse at the hands of his father and stepmother as he grew up, attorneys said.

He was the 62nd person executed since 1977 in Virginia, which trails only Texas, with 171 executions, for the most prisoners put to death since the US Supreme Court allowed states to resume executions. Quesinberry was the first of seven inmates set to be executed in Virginia over the next two months.

These latest executions took place under conditions of growing international and domestic opposition to the death penalty in the US. Last week German authorities condemned the March 3 execution in Arizona of Walter LaGrand, a German-born man.

Justice Minister Herta Daeubler-Gmelin told German radio, "It is barbaric and unworthy of a state based on the rule of law. It is appalling the way the death penalty is celebrated in Arizona. Apparently it's used for the re-election of governors and state prosecutors."

LaGrand was put to death in the gas chamber for the killing of a bank manager despite legal appeals and protests from the German government and the World Court. Germany said LaGrand was denied his rights because Arizona prosecutors knew during the 1982 trial of LaGrand and his brother that they were German citizens but did not inform the local German consulate of their arrests and convictions until 1992. Under international law if a foreign national is prosecuted in the United States, their consulate or embassy must be informed.

Daeubler-Gmelin said that 70 of the 74 foreign nationals on death row in the US were also not given the right to contact their embassies before their trials. "It is horrifying," Claudia Roth, chairman of the German parliament's human rights committee, said. "There is no doubt that international laws were violated. If the United States, the world's leading defender of democracy, doesn't respect international law, why should other countries."

In the US revelations about police and prosecutorial abuse involving death penalty cases have bolstered opponents to state executions. On Tuesday a group of seven prosecutors and sheriff's deputies went on trial in

Du Page County, Illinois, in the suburbs of Chicago, for conspiring to frame an innocent man and have him sentenced to death. The officials have been charged with perjury and conspiring to obstruct justice by knowingly using false evidence and withholding evidence to convict Ronaldo Cruz for the 1983 rape and murder of a 10-year-old girl. Cruz spent 10 years on death row and was exonerated in 1995 when one of the sheriff's deputies recanted his testimony.

Among other charges, deputies have been accused of fabricating a story that Cruz had told them about a detailed dream he had had about the slaying. Prosecutors presented that testimony knowing it was false.

Cruz has joined with other men freed from Illinois' death row to help prisoners fight the death penalty. Eleven people have been freed from the state's death row since 1977 after being exonerated. Last month, Anthony Porter was released after 16 years on death row, particularly through the efforts of Northwestern University journalist students to expose the truth about his case.

Since 1973, 74 other condemned prisoners have been released from US death rows after proof of their wrongful conviction was uncovered. Many had come within hours of their execution before being spared.

According to Amnesty International, for every six prisoners executed since the reinstatement of the death penalty in the US, one innocent person was condemned to die and later exonerated. Equally blameless but less fortunate prisoners may still be awaiting execution--or have already gone to their deaths.

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