

# Events on Florida's death row underscore barbarism of the US judicial system

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The human rights group Amnesty International has condemned the United States for its use of the death penalty, its execution of juveniles and the mentally impaired, and its abusive treatment of prisoners. The US has the highest known death row population in the world, with more than 3,300 people awaiting execution. In April 1998 the UN Commission on Human Rights adopted a resolution calling for a moratorium on executions in those countries where the death penalty is still allowed. The US response has been to step up the rate of judicial killings.

Recent developments in the judicial system of the Southern US state of Florida underscore the brutality of US criminal justice system. Since 1924, 240 executions have been carried out in Florida. Forty-four people have been executed in the state since the US Supreme Court reinstituted the death penalty in 1976. Only the states of Texas and Virginia have carried out more state killings in this period—Texas, 182 and Virginia, 68. Five men are scheduled to be put to death in Texas in the next week. Marlon Williams is scheduled to be executed in Virginia on August 17.

All executions in Florida are carried out by the electric chair. On August 2, retired Circuit Judge Clarence Johnson ruled that the state's electric chair works as intended and does not constitute cruel and unusual punishment. Johnson presided over a four-day hearing ordered by the Florida Supreme Court following the particularly gruesome execution of Allen Lee Davis on July 8.

As the 54-year-old Allen was executed, blood gushed from his mouth and chest and it took several minutes for him to die. Photos taken by the Department of Corrections show blood coming from his face as a leather mouthstrap was pushed up against his mouth and nose.

The execution of Thomas Provenzano, 50, who was scheduled to die in the electric chair the following day, was postponed until September 14. The state Supreme Court is scheduled to hear further arguments on the issue on August 24.

The use of the electric chair came under scrutiny in March 1997 when foot-long flames erupted from the head of Pedro Medina as he was being electrocuted. State officials argued that the chair was not defective and that the flames resulted from prison officials' failure to properly saturate a sponge used in the chair's headpiece. However, the state Supreme Court ordered prison officials to replace defective parts in the chair. Following the recent execution Allen Davis it was revealed that none of the electrical components in the device—some of them over 40 years old—had been replaced. Only the wooden chair had been replaced.

Florida Governor Jeb Bush—son of former President George Bush and brother of Texas Governor and Republican presidential front-runner George W. Bush—called Judge Johnson's ruling on the chair “a victory for justice in Florida” that would be “welcomed by victims of violent crimes throughout the state.”

The FBI and the Florida Department of Law Enforcement are continuing an investigation into events surrounding the July 17 beating death of death row inmate Frank Valdes at Florida State Prison in Starke. Valdez was sentenced to die by the electric chair for the killing of a Palm Beach County prison guard during an attempt to free a friend from the prison. Eleven prison guards have been suspended with pay in connection with Valdes' death.

Frank Valdes was incarcerated at the notorious X-Wing, a solitary confinement area of the Florida State Prison. Investigators for the Florida Institutional Legal Services, a Gainesville-based inmates' advocacy group,

conducted interviews with five inmates on the wing who were witness to his death, some of whom have already described the incident to federal and state authorities.

Prisoner Dallas Price said he heard a discussion among some prison guards, with one asking, “Who’s going to do it?” Another guard reportedly replied, “Well, I’ve had a couple volunteers.” He then said he heard the guards using mace on Valdes, and the beating beginning about half an hour later.

Price recounted, “This went on for about 20 minutes. All you hear from Frank is ‘mmmmm, mmmm’—he’s groaning. I can’t duplicate the sound—it’s coming from way down in his soul.

“They went back in there and I heard them beating on him some more. Then I heard a dragging noise and something lands.... It sounded like wet meat from a butcher shop.... It’s red and white and it took me about three seconds to realize—‘Damn, that’s Frank’s face.’”

Price said that a guard then cleaned out Valdes’ cell with a mop, and that a medical orderly came in shortly afterwards with a mop bucket and bleach. Arlene Huszar, acting executive director of the Florida Institutional Legal Services noted, “It sounds like to me they were out of control or at least very afraid of what might come out. It seems to me they know they could get in trouble for that, and they did everything they could to eliminate evidence.” Dallas Price said that he was verbally threatened by corrections officers in an attempt to stop him from talking about the incident.

Another X-Wing inmate, Michael Barron, told the Legal Services investigators that he heard Valdes’ skull hitting the cell floor. He added, “They’ve got this electric shield—you can stab a person with it. They’ll use the edge to poke you and hit you in the ribs. That’s probably the way they broke all his ribs.”

Peter Siegal, an attorney for the Florida Justice Institute, a prisoner advocacy group, commented, “The real question is why have X-Wing at all. It’s something out of the Dark Ages, like being in a dungeon.” One inmate was reportedly kept in a 7- by 9-foot windowless cell in the X-Wing for 12 years.

Florida Department of Corrections Secretary Michael Moore has announced new prison procedures in the wake of the Valdes beating death, including a requirement that all use of force against prisoners be videotaped. Guards must also receive advance

permission from the warden on duty before using force on an inmate—“if possible.”

However, prison head Michael Moore is hardly an inmates’ advocate. He spent more than 25 years working in the Texas prison system, where execution rates are the highest in the country. He began as a guard, then advanced to assistant warden, warden, and finally served as a regional director. Before being brought in by Governor Jeb Bush he worked for the South Carolina corrections department, where he earned the 1997 Strom Thurmond Award for Excellence in Law Enforcement.

According to Moore, “We are building a system of management that is no different than the Wal-Mart corporation. How do you think that they can take a Wal-Mart store manager in Florida and fly him overnight to California to operate a store the very next day? Standardization. They are warehousing the same way.... Corrections nowadays is a big business.”



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