

US executions continue at record pace despite revelations of wrongful convictions

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11 February 2000

Michael Roberts, 42, died by lethal injection in McAlester, Oklahoma at 12:21 a.m. Thursday morning. His death brings to 13 the number of executions so far this year, including 7 in the state of Texas alone. If the state killings proceed at this pace, executions for the year would surpass the 98 carried out last year, which was the highest total in 45 years.

On February 16 the execution of Anthony Lee Chaney is planned in Arizona, the home state of Republican presidential candidate Senator John McCain. There are four executions scheduled for February 23: Ralph Lynch in Ohio, Terry Sims in Florida, Richard Hurles in Arizona and Cornelius Goss in Texas. Anthony Bryan is scheduled to be put to death in Florida on February 24.

Also on February 24 the state of Texas plans to execute Betty Lou Beets, who would be the second woman put to death in Texas since the Civil War. Karla Faye Tucker was executed on February 3, 1998 in Texas despite protests by human rights organizations and governments around the world. Republican presidential candidate George W. Bush has presided over more than 100 executions as governor of Texas.

Mrs. Beets, a 62-year-old grandmother of nine, was convicted of the 1983 murder of her husband. She contends that she was the victim of abuse by each of her five husbands. She recently told the *Athens Daily Review*, "This is not a capital case. It's about domestic violence.... It's about abuse and control and you don't kill people for that. You don't kill the one that survives it."

This torrid pace of executions has continued despite revelations that numerous death row inmates have been wrongfully convicted and condemned to death. DeWayne McKinney, 39, was freed January 28 after serving 19 years on California's death row for a 1980

robbery and murder. A break in his case came when the Orange County public defender's office received information that identified another man as the gunman.

On January 31, Illinois Governor George Ryan announced that he would call a temporary halt to executions in the state, until the death penalty system has been thoroughly investigated. Since capital punishment was reinstated in Illinois 23 years ago, the state has carried out 12 executions. In this same period, 13 condemned inmates have been taken off death row in Illinois. Some of these men were exonerated after DNA evidence proved their innocence and other cases collapsed after new trials were ordered by appellate courts.

Nationally, 85 people have been released from death row for wrongful convictions. Senator Russ Feingold (Dem.-Wisc.), sponsor of a bill to abolish the federal death penalty, has called on President Clinton to suspend federal executions "in light of the serious questions raised in Illinois and elsewhere."

Journalism students at Northwestern University have been responsible for proving the innocence of a number of death row inmates in Illinois. One inmate, Anthony Porter, spent 15 years on death row before the Northwestern students uncovered evidence that eventually exonerated him. He came within two days of execution.

Students and their professor at Chicago-Kent College Law School last month filed a motion in the Illinois Supreme Court arguing they had uncovered evidence that a death row inmate was wrongfully convicted of a 1982 murder on the basis of coerced evidence. Witnesses in the case now say that they were pressured by Chicago police detectives into falsely identifying the suspect as the killer.

The fact that college students have been able to prove

numerous cases where people have been wrongfully condemned to die undoubtedly points to widespread flaws in the death penalty system nationwide. Retiring Florida Supreme Court Justice Gerald Kogan commented: "There are several cases where I had grave doubts as to the guilt of a particular person." Kogan was a former homicide detective and prosecutor before eventually rising to Chief Justice.

There have been 44 executions in Florida since the reinstatement of the death penalty. In this same time period 20 wrongful convictions have resulted in death sentences. Last month Florida lawmakers passed a bill overhauling the state's death penalty laws, limiting the appeals process in an effort shorten the time inmates spend on death row before being put to death.

Defendants in capital cases are often represented by incompetent defense lawyers, who fail to uncover and present key evidence. A *Chicago Tribune* investigation revealed that 33 defendants sentenced to death in Illinois had been represented by attorneys who had been disbarred or suspended. Cases have been reported where lawyers came to trial drunk, or slept through court proceedings. Judges also often assign public defenders who have no experience in death penalty cases, such as tax lawyers.

Defendants also often lack the financial resources to conduct an adequate defense. While it is estimated that a proper defense in a death penalty case costs \$250,000 or more, defendants can often only afford to spend a few thousand dollars, making a proper defense impossible.

Compounding this financial hardship for defendants and their families, in 1996 Congress eliminated funding for the 20 Death Penalty Resource Centers which provided legal services for poor defendants. The Supreme Court ruled in 1963 in *Gideon v. Wainwright* that people charged with serious crimes who lack the resources to defend themselves are entitled to financial assistance, but these amounts vary widely from state to state. Alabama pays \$30 an hour to attorneys for out-of-court work while New York pays \$125, still far less than a lawyer in private practice would charge.

In a related development on February 3, the Supreme Court granted a stay of execution to Robert Lee Tarver, Jr. who had been scheduled to die by electrocution in the state of Alabama the next day. Tarver is appealing his death sentence on the basis that Alabama's

exclusive use of the electric chair constitutes cruel and unusual punishment.

Tarver's appeal argues, "Alabama death row prisoners executed by electrocution are consistently burned excessively, occasionally electrocuted more than once due to human or mechanical failures and are always at risk of unnecessary pain and suffering."

The state of Florida, which had also exclusively used the electric chair, recently changed its policy to allow prisoners to choose their method of execution. This has freed the way for the state to resume executions, which had been blocked by death row inmates' appeals to the Supreme Court.

According to the Death Penalty Information Center, 11 states currently use electrocution as either the sole method of execution, or an option. Lethal injection is utilized in 35 states and the gas chamber is used in 5 states. Hanging is still permitted in Delaware, New Hampshire and Washington state, while Oklahoma and Utah allow firing squads.



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