

In cold blood: the state murder of Gary Graham

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American death row inmate Gary Graham was executed Thursday night in Huntsville, Texas. Graham, 36, also known as Shaka Sankofa, maintained his innocence to the end. He was killed by lethal injection in an action epitomizing the brutality of the US judicial system.

Immediately following the state killing, eyewitnesses came before television cameras and reported that Graham had resisted the prison authorities. An “extraction team” forcibly removed him from his holding cell, handcuffed him to a gurney and covered his body with a sheet. Despite the covering, bruises were evident on Graham's upper arms.

The prisoner, who had spent the last 19 years of his life on death row, delivered a six-minute final statement as he lay strapped to the gurney, his head immobilized by a restraint. “I die fighting for what I believed in,” Graham said, “and the truth will come out.” He urged that his case be taken to an international court, and called for a moratorium on executions. He addressed the relatives of murder victim Bobby Lambert, reiterating that he had not killed Lambert in 1981.

Graham continued, “Malcolm X and Martin Luther King, Jr. stood up for what is just...You can kill a revolutionary, but you can't stop a revolution.” He said that a videotape was available showing him being sprayed with pepper gas prior to his execution.

He concluded, “This is nothing more than murder, state sanctioned murder in America.” Graham died following the intravenous injection of three lethal drugs—one rendering him unconscious, one to stop his breathing and one to stop his heart. He was pronounced dead at 8:49 pm Central Daylight Time.

On Wednesday evening Graham had been moved 45 miles from his cell on death row to the prison in downtown Huntsville. According to prison officials, he

had promised to “fight like hell” on the trip to the death chamber, and officers had to hold him down to shackle his wrists and ankles before transferring him to the execution facility. In a vindictive move to punish him for his resistance, prison authorities denied him a visit from a woman friend as he awaited execution.

He was held in a cell only a few feet away from the death chamber as the execution team awaited word from the US Supreme Court for the execution to proceed. Shortly after 7 pm word came that the high court had voted to deny an appeal from Graham's lawyers to stay his execution. The vote was 5 to 4, with the majority of extreme right-wingers headed by Chief Justice Rehnquist, which has consistently voted to curb democratic rights, sealing the prisoner's fate.

In a final effort to stop the execution, Graham's lawyers filed a civil suit in a Federal district court in Austin, Texas, contending that his civil rights had been denied. A Federal judge rejected the suit.

Protests, both national and international, failed to prevail on Texas Governor George W. Bush, the presumptive Republican candidate for president in the November election, to stop the execution, and it proceeded as protesters gathered outside the Huntsville facility.

About 500 demonstrators, carrying placards and banners, protested the execution, while a half-dozen or so death penalty supporters were on hand, some waving confederate flags. Two hundred Texas Ranger state troopers, many in riot gear, patrolled outside the Walls Unit in Huntsville, and about a dozen protesters were arrested after they broke through police barricades.

Earlier Thursday afternoon the Texas Board of Pardons and Paroles announced its decision to allow the execution to proceed. The board voted against the three options that could have halted the execution—a

120-day reprieve to allow for a new hearing, commutation of the death penalty to a lesser sentence, or a pardon. Governor Bush cited a peculiarity of Texas law to claim he was “powerless” to stop Graham's execution, but the parole board is staffed with his appointees and he could have easily obtained a different result, had he so desired. Following the execution, Bush declared his support for the parole board's ruling.

The series of events leading to the grisly conclusion were played out before a national and international audience, as television crews converged throughout the day on the environs of the Huntsville facility. People around the world watched with a combination of horror and disbelief as a scene unfolded reminiscent of the barbaric past, but taking place in twenty-first century America.

Like many of the more than 3,500 prisoners presently languishing on death row USA, Gary Graham endured years of legal appeals and brushes with death. He faced execution dates six times prior to his death Thursday night. Since 1976, 647 death row inmates have been subjected to similar treatment, only to be executed in the end. If such physical and psychological torture does not constitute “cruel and unusual punishment,” which is banned by the US Constitution, it is difficult to imagine what does.

Graham's case received widespread attention, in part because of substantial evidence indicating that he was innocent of the murder charge, and the indisputable fact that his court-appointed trial lawyer failed to mount a serious legal defense. Graham was convicted of killing grocery store clerk Bobby Lambert on May 13, 1981 during a robbery attempt. Graham was 17 years old at the time.

There was no physical evidence linking him to the crime and only one eyewitness who identified him as the murderer. Eyewitnesses who told police investigators Graham was not the killer were never called to testify at trial by Graham's lawyer.

A ballistics report showed that the bullet that killed Lambert did not come from the weapon found on Graham. However the defense counsel did not introduce this evidence at trial, nor did he obtain the testimony of available witnesses who could have provided Graham with an alibi.

Despite repeated efforts by Graham to obtain a hearing at the appeals level, no court agreed to hear

testimony from witnesses supporting his innocence.

Graham's execution was the twenty-third carried out in Texas this year alone. Thirty-five people were executed in the state in 1999, and 221, including two women, have been put to death since Texas resumed executions in 1982.

Although Texas has the highest rate of executions in the nation, the death penalty is the law in 34 states and is sanctioned at the uppermost levels of government—including the Clinton White House and the Supreme Court. Not only is the US one of the few nations that still carry out the practice, it has refused to abide by international conventions prohibiting the execution of foreign nationals, the mentally ill and juveniles. Gary Graham's execution brings to 17 the number of people put to death in the US since 1976 who were juveniles at the time of their arrest.

Although polls continue to show three-fifths of Americans supporting the death penalty, this is down from 80 percent in 1994. Recent exposures of pervasive errors in the death penalty system have contributed to this decline in public support. But the overwhelming majority of politicians stand by the death penalty, including the likely presidential candidates of the two major parties.

George W. Bush reaffirmed his support for the death penalty on the eve of Graham's execution. The state Republican Party, which held its convention the previous week in Houston, passed a platform demanding, besides the repeal of minimum wage laws and a phaseout of Social Security, that “capital punishment should be swift and unencumbered”. More than a dozen inmates are scheduled to be put to death in Texas between now and the November election.

Vice President Al Gore, the presumptive Democratic presidential candidate, refused to second-guess Bush or the Texas pardon board. He did, however, take the occasion to reassert his support for the death penalty, while admitting that some innocent people would inevitably be executed.



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