

Pennsylvania governor withholds funds to train death penalty defense lawyers

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Pennsylvania Governor Tom Ridge has refused to release the funds appropriated a year ago by the Pennsylvania legislature for training defense attorneys in death penalty cases.

In the face of growing opposition to the death penalty, and continuing worldwide protest against the death sentence awaiting political prisoner Mumia Abu-Jamal, the Pennsylvania state legislature held hearings on a death penalty moratorium on February 22 and enacted legislation to appropriate \$614,000 for training attorneys who represent defendants in capital cases where the death penalty may be charged.

Governor Ridge has impounded these funds and refuses to allow the state's leading death penalty legal defense organization, the Capital Habeas Corpus Unit of the Defender Association of Philadelphia, to teach or run any of the training programs. The Ridge administration did not solicit proposal bids for running the defense seminars, but instead hand-picked the Dickinson School of Law to run the program. Dickinson is located far from Philadelphia, near Harrisburg, in the center of the state. Ridge also specifically barred instruction of the seminars by anyone associated with the Capital Habeas Corpus Unit.

Capital Habeas Corpus Unit attorneys have won reversals in 10 Pennsylvania death row cases that have forced new trials or resentencing of death row prisoners. They have defended and won stays of execution for 200 of the 214 people Governor Ridge has signed death warrants to execute. In addition, they had already set up a privately funded arm, the Pennsylvania Capital Representation Project, to represent indigent defendants facing the death penalty in state courts.

Their parent organization, the Defender Association

of Philadelphia, explained why setting up and funding a state defenders project is so necessary: "Our staff represents indigent inmates on the nation's fourth largest death row. The Project obtains stays of execution and provides representation in state court proceedings across Pennsylvania, for which no federal or state funding is provided.

"We created the Pennsylvania Capital Punishment Representation Project because without us, Pennsylvania had no adequately trained and funded lawyers to represent Pennsylvania's death row in state court post-conviction proceedings...

"Pennsylvania is one of a handful of states that provides no state money to represent poor defendants at trial or in later proceedings. In 1995, it defunded Pennsylvania's former death penalty Resource Center, and the Center was forced to close for lack of funds in June 1999. On the other hand, the State provides \$500,000 annually to prosecutors to fight capital appeals."

The importance of the Capital Habeas Corpus Unit was described by the mother of a Pennsylvania death row inmate at a rally last year at SCI Greene Prison in southwestern Pennsylvania, where Mumia Abu-Jamal and a large portion of Pennsylvania's death row prisoners are incarcerated. The woman's son was being represented by the unit. She told the WSWs: "Pennsylvania Governor Ridge is signing death warrants as soon as possible now to try to eliminate people's federal appeals. This is taking place while people are getting bad legal representation at the trial level.

"The public defenders, who I would say 99 percent of the people on death row in Pennsylvania had for their attorneys, are young, inexperienced and not trained for capital cases. They have no investigators and they

cooperate with the prosecutors and rely on the information that the prosecutors give them, while the prosecutors are not turning over information in favor of accused people.

“It is true there is one standard of justice for the rich who get good lawyers, and another for the poor and black people who cannot pay for good attorneys. When my son got charged, at first I got him a private attorney, but he drained me. I had to pay for him and his investigator. When I couldn't pay for him anymore, my son had to get a public defender. I don't think they should be taking capital cases because they aren't trained for it.”

At a forum on the death penalty held in Pittsburgh on March 25, two attorneys from the Capital Habeas Corpus Unit spoke about the death penalty and the workings of the criminal law system in Pennsylvania. Christina Swarns said: “When the Supreme Court struck down the death penalty in 1972 it argued that no law could ever do what the death penalty actually does and be constitutional. This law puts on death row people who are overwhelmingly non-white, poor and badly represented. In 1972, the Supreme Court wrote that such a law could not be held constitutional.

“Today, Philadelphia County is putting more people on death row than any county in the country except the Texas county where Houston is located. Blacks are 4.3 times more likely than whites to be sentenced to death in Pennsylvania for the same or similar crimes. There is no black chief prosecutor in the state of Pennsylvania. The mayors of Philadelphia have come from the prosecutor's office. They have tapes of how these prosecutors train their staff to exclude blacks from criminal juries in Philadelphia...

“In Allegheny county, one judge, Jeffrey Manning, continued to sit and judge cases while he was on trial for making racist remarks. Racism is a major issue in the legal system.”

Dickinson Law School, which is now part of the Pennsylvania State University system, has refused to accept Governor Ridge's selection to run the training program under conditions where the Philadelphia Defenders Association is excluded. “We do not want to take it on. As an academic institution, we don't want to get in the middle of a political war,” said Nancy Lemont, head of the continuing education department at Dickinson.

A spokesman for Governor Ridge slandered the Capital Habeas Corpus Unit of the Philadelphia Defenders Association as explanation for why they were barred from training capital case defense attorneys: “It's one thing to have a vigorous defense. It is another thing to thwart the law. Here is an organization that files appeal after appeal in an effort to thwart the will of a jury.”

Caroline Roberto, president of the Pennsylvania Association of Criminal Defense Attorneys, countered, “Placing restrictions on which lawyers can participate in death penalty training is not only a cynical political move, but, in my mind, it is a strategic litigation choice made by government lawyers. They don't want a fair fight.”

Larry Frankel, executive director of the American Civil Liberties Union of Pennsylvania, joined the condemnation of the Ridge administration's action, stating, “They are afraid they will train somebody how to do it right. It is not the commonwealth attorneys' role to determine which attorneys try these cases or how they are trained to do so.”

Caroline Roberto added, “To watch the process unfold and to see the legislative intent being distorted like this—a distortion which might result in innocent people being executed—disgusts me.”



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