

Execution assembly line continues to roll in US

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Four condemned inmates have been sent to their deaths so far this month, bringing to twenty-seven the number of executions in the United States this year. Those executed by lethal injection included Richard Charles Johnson, May 3, South Carolina; Reginald Reeves, May 9, Texas; and Leslie Martin, May 10, Louisiana. Also on May 10, Lynda Lyon Block, a woman, was electrocuted in Alabama.

Henry Dunn Jr., who was scheduled to be executed on the evening of May 14 in Texas, received a stay of execution only hours before he was to be put to death. The condemned man's defense and supporters had appealed to Texas authorities and Governor Rick Perry to halt his execution. Dunn's case was plagued by ineffective counsel, including failure of his lawyers to make a timely filing of his appeal and the fact that one of his attorneys had no background in capital murder defense, had only a temporary license to practice law, and had been practicing for less than two years.

Since the US Supreme Court reinstated the death penalty in 1976, 776 prisoners have been executed. Eleven of the twenty-seven executions carried out this year were in Texas, and the state has twelve more scheduled through the end of July. Despite the nationwide execution schedule, which is proceeding only slightly slower than last year's pace, there are signs that state officials are concerned over growing opposition to the death penalty both in the US and internationally.

A recent meeting in France of the 44-member Council of Europe voted to abolish the death penalty under all circumstances, including times of war, which had previously been allowed. In the US, predictions by some capital punishment advocates that the September 11 events would prompt an increase in pro-death penalty sentiments have not been borne out. A recently released poll by ABCNews.com revealed that public support for the death penalty has remained unchanged over the last nine months, and is still considerably lower than it was in 1994. The poll found that less than half—46 percent—of Americans support death sentences when the possibility of life in prison without parole is given as a sentencing option.

Partly in response to these sentiments, a number of states have begun to scrutinize the way they administer the death penalty. State and federal politicians are concerned that

revelations about the wrongful conviction of death row inmates, along with growing proof that executions are meted out disproportionately in relation to race and the locale of prosecution, will discredit the barbaric practice as a whole.

On May 9, Maryland Governor Parris Glendening suspended executions in Maryland pending a study on whether death sentences are handed down in the state in a racially discriminatory way. Glendening blocked the execution of 44-year-old death row inmate Wesley Baker, which had been scheduled for this month, and said he would stay any other executions that come across his desk before he leaves office at the end of the year.

Nine of the thirteen men on death row in Maryland are black and the majority were convicted for the murders of white victims. Nine of these condemned men were also convicted in suburban Baltimore County—a jurisdiction that does not have a particularly high homicide rate, but does have an aggressive prosecutor who seeks the death penalty whenever the law allows.

Other states which have examined geographical disparity in death sentences include New Jersey, Nebraska and Illinois. Last year in Virginia, a legislative study found the location of a murder to be the most important factor determining whether an individual would be sentenced to death—outweighing both the race of the defendant and the brutality of the crime. This is a clear indication that the political motivations of “tough-on-crime” prosecutors and politicians are key factors in determining whether a defendant will be convicted and sent to the execution chamber.

Illinois was the first state to declare a death penalty moratorium. Governor George Ryan temporarily halted executions two years ago after 13 of the inmates sentenced to death in the state since 1977 had been released from death row after being exonerated of their crimes. Ryan has said he will halt all executions until he can guarantee that no innocent person will be sent to his or her death—an unlikely prospect given the conduct of law enforcement authorities in capital cases.

On April 15, the Illinois Governor's Commission on Capital Punishment issued a 207-page report exposing widespread abuse on the part of police and prosecutors in securing death

sentences. Proposals from the commission to overhaul capital punishment in Illinois face stiff opposition from state legislators who want to maintain their law-and-order reputations and are hesitant to implement any costly reforms.

In California, a review by the *San Jose Mercury News* of hundreds of death penalty cases found that the state's capital punishment system is mired in corruption, including cases in which attorneys put on perfunctory defenses, prosecutors conceal evidence and judges commit numerous errors.

There are other indications that authorities are adopting a more cautious attitude towards handing down death sentences and carrying out executions. Last month, US District Judge Jed S. Rakoff indicated he is ready to declare the federal death penalty unconstitutional on the grounds that innocent people are being sentenced to death "with a frequency far greater than previously supposed." Judge Rakoff, commenting on the death penalty eligibility of two men facing capital charges, wrote, "If the court were compelled to decide the issue today, it would ... grant the defendants' motion to dismiss all death penalty aspects of this case on the ground that the federal death penalty statute is unconstitutional." Rakoff will issue his final ruling late this month.

In the Court of Appeals in New York, judges of the state's high court heard arguments in the case Darrel K. Harris, a Brooklyn man sentenced to death by a lower court for multiple killings. Harris is the first person to be condemned to death in New York since 1984. At a May 6 hearing, Chief Judge Judith S. Kaye asked a defense attorney, if the court overturned Harris's death sentence, "Would he again be subject to the death penalty?" The judge's line of questioning indicated a ruling by the court might utilize legal technicalities presented by the defense to overturn the death sentence.

Anti-death penalty advocates have called on Missouri Governor Bob Holden to grant clemency to condemned inmate Joseph Amrine, who has spent 16 years on death row for a prison murder. Amrine was convicted on the testimony of three other inmates, including one who was first suspected in the murder. All of the inmates gave different accounts of the crime and all have subsequently retracted their testimony, saying they originally provided it under pressure from prison authorities in exchange for more lenient prison conditions and possible parole.

In the last month, two more condemned inmates have been exonerated and released from death row. Thomas H. Kimbell Jr. became the 101st death row inmate to be cleared of charges and freed since 1973. Kimbell had been sentenced to death in 1998 for the 1994 murders of four family members in Lawrence County, Pennsylvania. The Pennsylvania Supreme Court overturned Kimbell's conviction in 2000 because exculpatory evidence was not admitted at his trial, and he was acquitted of all charges at his May 3 retrial.

Former Arizona death row inmate Ray Krone was released from prison April 8, after DNA testing showed he did not

commit the murder for which he was convicted and sentenced to death. Krone was first convicted in 1992, based largely on circumstantial evidence. Krone was the twelfth death row inmate in which DNA testing was a central factor in his release.

Despite these new revelations of wrongful convictions, 13 executions are scheduled between now and the end of July, including 12 in Texas alone. Included among these condemned inmates are four who were convicted of crimes committed when they were juveniles.

Nathaniel Beazley, a young black man convicted of committing murder at the age of 17, is scheduled to die in Texas by lethal injection on May 28. Beazley avoided death last August when the Texas Criminal Court of Appeals issued a stay in his case only four hours before his scheduled execution. His case has generated international attention because it highlights the fact that 23 US states permit the execution of juvenile offenders—a practice outlawed by all but a handful of the world's nations. The case has also gained notoriety because the murder victim, John Luttig, was a prominent east Texas oil man and the father of a politically powerful and conservative federal appeals judge in Virginia, J. Michael Luttig, who has personal connections to a number of US Supreme Court justices.

Missouri has set a June 5 execution date for another juvenile offender, Chris Simmons, convicted of capital murder. Simmons was a 17-year-old high school student at the time of the killing and was under the influence of drugs and alcohol. He was also found to be suffering from schizotypal disorder, a mental illness. Simmons' attorney failed to introduce at trial evidence of the young man's mental disorder or history of childhood abuse by his father.

The other young men scheduled to be executed for crimes committed when they were juveniles are T.J. Jones and Toronto Patterson, both in Texas. Of the approximately 3,700 inmates currently on death row in the US, 83 received death sentences for crimes committed when they were under the age of 18.



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