

Seven US executions scheduled in next 10 days

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Over the next 10 days, seven death row inmates are scheduled to be executed in the United States. Five of these condemned men are in Texas, a state that has carried out 15 of the 31 executions in the US so far this year.

Barring a last-minute reprieve, George Whitaker III will die by lethal injection at 6 p.m. Wednesday evening at the Texas execution chamber in Huntsville, north of Houston. The next day, prisoner Denard Manns is set to be put to death.

Three more Texas executions are planned for next week: Eric Cathey on Tuesday, November 18; Rogelio Cannady on Wednesday, November 19; and Robert Hudson on Thursday, November 20.

Two executions are scheduled in other states: Gregory L. Bryant-Bey in Ohio, and Marco Allen Chapman in Kentucky. Chapman would be the first person put to death in Kentucky in 10 years.

George Whitaker, 36, was convicted and sentenced to death for the 1994 murder of Shakeitha Carrier, his ex-girlfriend's sister. His former court-appointed lawyer, retired state District Judge Jay Burnett, petitioned the Texas Board of Pardons and Paroles to recommend that Republican Governor Rick Perry commute his sentence to life in prison or grant a 30-stay so that his petition could be reviewed.

In his petition to the pardon board, Burnett argued that his client was unjustly condemned to death because the presiding judge in his case, Caprice Cooper, prevented the jury from being told that the alternative sentence would have been 40 years in prison with no possibility of parole. Burnett said he was reasonably certain that the jury "believe[d] in the popular myth that convicted defendants serve only short terms before being released from prison."

Burnett also contended that Whitaker received poor legal representation because lawyers did not present expert testimony regarding lingering effects of a childhood brain injury. He also maintained that the crime did not meet the criteria for the death penalty in Texas, which requires the prosecution prove that a murder occurred during the commission of another felony offense. Prosecutors argued that the murder took place while Whitaker burglarized the family's home, but Burnett argued that the defendant had not entered the house to steal anything.

Earlier this week, the pardon board recommended that Governor Perry reject Burnett's petition, making it increasingly likely that Whitaker's execution will go forward. Texas governors rarely act against the recommendations of the board. Rick Perry has presided over 181 executions, more than any other governor since the US Supreme Court reinstated the death penalty in 1976.

Perry took over as Texas governor in December 2000 from George W. Bush, who left the office to assume the US presidency. Bush presided over the 152 executions during his five years as Texas governor, commuting only one death sentence.

As governor, Rick Perry has taken a fervently pro-death-penalty stance, and has signed death warrants for the mentally retarded, foreign nationals, those convicted for crimes committed as juveniles, and many condemned prisoners whose guilt was in reasonable doubt. In June 2002, Perry vetoed a ban on the execution of mentally retarded inmates.

On May 28, 2002, Texas executed Napoleon Beazley, who was convicted for a murder committed when he was 17 years old. Perry refused to issue a 30-day stay of execution when the pardon board voted against granting Beazley commutation of his sentence or a reprieve. (See

“Texas executes man for crime committed at 17”)

The European Union, the American Bar Association, Amnesty International and other human rights groups opposed the execution, and called on Texas to stop it. As protesters demonstrated outside the governor’s mansion as the execution approached, Perry commented, “To delay his punishment would be to delay justice.”

The US and the state of Texas in particular have continually flouted both world opinion and international law in relation to its death penalty practices. On July 16 of this year the International Court of Justice (ICJ) ordered the US to stay the imminent executions of five Mexican nationals on death row in Texas.

The 1963 Vienna Convention on Consular Relations, signed by the US, mandates that local authorities inform all detained foreigners “without delay” of the right to have their consulates notified of their detention. Governor Perry said of the ICJ ruling, “The world court has no standing in Texas and Texas is not bound by a ruling or edict from a foreign court.”

Less than a month later, Texas carried through on its defiance of the international court. On August 5, Mexican-born Jose Ernesto Medellin died by lethal injection at the Huntsville prison; and on August 7, Honduran national Heliberto Chi was put to death. (See “Texas executes Mexican and Honduran nationals”)

Condemning the executions scheduled in the US during November, Amnesty International stated, “It’s only a week since Barack Obama’s historic election win, but with a spate of executions scheduled in the USA this month we already have a chilling reminder of how much needs to be done to improve the country’s human rights standing in the world...”

“The death penalty is always cruel and unnecessary and carries the inescapable risk of irreversible error. We urgently need a US president prepared to speak out against executions.”

The new resident in the White House, however, will not champion this cause. In his book, *The Audacity of Hope*, Obama made clear his support for the death penalty in principle, writing: “I believe there are some crimes—mass murder, the rape and murder of a child—so heinous, so

beyond the pale, that the community is justified in expressing the full measure of its outrage by meting out the ultimate punishment.”

During the presidential campaign, Obama denounced the June 24 US Supreme Court decision barring the death penalty for child rape, siding with the extreme-right justices dissenting in the ruling. His position on this case was one indication of his rightward political trajectory, and a demonstration of his efforts to assure the ruling elite that he is fit to govern and will represent their financial and political interests. (See “Obama attacks US Supreme Court decision barring death penalty for child rape”)

Commenting on the Supreme Court ruling at a Chicago press conference, he said, “I have said repeatedly that I think that the death penalty should be applied in very narrow circumstances for the most egregious of crimes. I think that the rape of a small child, six or eight years old, is a heinous crime and if a state makes a decision that under narrow, limited, well-defined circumstances the death penalty is at least potentially applicable, that that does not violate our Constitution.”

If George Whitaker is executed tonight, he will be the 32nd person executed in the US this year and the 1,131st since the US reinstated the death penalty. His would be the 421st carried out in the state of Texas. The world looks on with horror as the US continues a practice that has been condemned and outlawed by the vast majority of the world’s industrialized nations.



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