

# A grim milestone: Texas carries out 500th execution

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Texas marked a grim milestone Wednesday evening. Death row inmate Kimberly McCarthy died at the Huntsville prison just after 6 p.m. after receiving a lethal injection of toxic chemicals. She became the 500th individual to be executed in the state since the US Supreme Court reinstated the death penalty in 1976, and the fifth woman to be executed in Texas since 1854, before the Civil War.

McCarthy was pronounced dead at 6:37 p.m., local time, 20 minutes after Texas prison officials began administering a single lethal dose of pentobarbital. As the drug began to take effect, she took loud, raspy breaths for several seconds, then became silent. Her chest moved up and down for another minute before she stopped breathing.

The case of Kimberly McCarthy, 52 at the time of her death, was similar to those of many of the condemned inmates who were sent to their deaths before her. African-American, she was convicted in the 1997 robbery-murder of her 71-year-old Dallas neighbor by a jury that included only one black member.

The Texas Court of Criminal Appeals rejected McCarthy's claims that three African-Americans were improperly struck from serving on the jury, and that she received poor legal counsel after she was sent to death row. The court rejected her petitions on Tuesday without consideration, saying they should have been presented earlier. As they were rejected on procedural grounds, an appeal to the US Supreme Court was not possible, according to her defense.

It is common knowledge that the Texas death penalty system is racially biased and has long been plagued by prosecutorial and police misconduct. In 1963, a Texas training manual instructed prosecutors not to "take Jews, negroes, dagoes, Mexicans, or a member of any minority race on a jury, no matter how rich or how well educated."

In 1986, 10 years after the US Supreme Court reinstated

the death penalty after a four-year hiatus, a similar training manual counseled prosecutors that it was "not advisable to select potential jurors with multiple gold chains around their necks or those who appear to be 'free thinkers.'" Of the 300 inmates currently on death row in the state, 121 are black, 88 are Latino and 87 are white. Numerous studies have shown that defendants in capital cases more often than not receive shoddy legal representation, with overworked or unscrupulous court-appointed attorneys failing to counter the misconduct of prosecutors hell-bent on convictions. Tales of sleeping or intoxicated defense attorneys have been reported not infrequently.

Texas, one of 32 US states that still practices capital punishment, has also routinely ignored the rulings of international courts calling for a halt to the execution of foreign nationals denied their consular rights. Included among the 500 executions have been four women, 11 foreign nationals, and 13 convicted of crimes committed as juveniles. The mentally ill and impaired have also been represented among the condemned.

Of the 1,337 executions carried out in the US since 1976, more than a third have taken place in Texas. George W. Bush presided over 152 executions as Texas governor from 1995 until he assumed the presidency in 2000. He most often signed the death warrants for these prisoners within minutes, after reading only brief synopses of their cases prepared for him by his staff.

Karla Faye Tucker became the first woman to be executed in Texas since the Civil War when the Texas Board of Pardons and Parole denied her clemency plea and Bush signed off on her execution. Tucker, convicted and sentenced to death for a 1983 murder, maintained she was under the influence of drugs at the time and had reformed and converted to Christianity in prison. Bush is famously remembered for mocking the condemned woman in a television appearance, saying, "Don't kill

me, don't kill me!"

On August 17, 1999, Texas executed Larry Keith Robison, a diagnosed paranoid schizophrenic. Robison spent 16 years on death row for murders committed while in a psychotic state. He was denied proper treatment because he had no medical insurance and his family was unable to pay the exorbitant costs of medication and private care. Aspiring presidential candidate George W. Bush ignored calls by the European Union, Pope John Paul II and the National Alliance for the Mentally Ill to halt the execution.

Despite international protests, Bush also did not intervene to stop the June 17, 1999, execution of Canadian Stanley Faulder, 61, a native of Jasper, Alberta. Texas authorities failed at the time of his arrest to inform him of his right to seek assistance from the Canadian consulate. Faulder became the first Canadian executed in the US since 1952.

Bush's successor as Texas governor, Republican Rick Perry, has presided over a staggering 263 executions, more than any other governor in modern US history. One of these was Napoleon Beazley, who was executed on May 28, 2002, for a crime committed when he was 17 years old.

Beazley's impending execution was met with protests from the European Union, the American Bar Association, Amnesty International and other human rights groups. Governor Perry, who has the power to grant 30-day stays of execution, refused to halt it, commenting: "To delay his punishment would be to delay justice."

Perry has never lost sleep over thoughts that wrongfully convicted individuals have been executed, commenting, "I've never struggled with that at all. The state of Texas has a very thoughtful, a very clear process in place." He added, "In the state of Texas, if you come into our state and you kill ... you will face the ultimate justice in the state of Texas, and that is, you will be executed."

Despite Perry's protestations that justice is always served in Texas, Cameron Todd Willingham is one of many likely innocent people who have been sent to their deaths. He was executed on February 17, 2004, convicted of murdering his three young children by arson by burning their family home on December 23, 1991.

A September 2009 investigative report in the *New Yorker* by David Grann cast doubt on Willingham's guilt. Drawing on arson investigation experts and advances in fire science since the 1992 investigation, the report suggests that, had this information been available at the time of trial, it would have provided grounds for

Willingham's acquittal.

In 2008, Texas executed two foreign nationals within two days of each other, following US Supreme Court rulings rejecting stays of execution. Ignoring a ruling by the International Court of Justice that his execution be stayed, as well as protests by the Mexican government, Texas executed Mexican-born Jose Ernesto Medellin on August 5, 2008. Heliberto Chi, an undocumented Honduran national, was executed on August 7, 2008, after the Supreme Court rejected his appeal on grounds that his consular rights had been violated.

Perry also presided over the execution of Marvin Wilson, 54, who showed clear signs of intellectual disability. Tests measured his IQ at 61, placing him below the first percentile of functioning, and with the mental capacity of a six-year-old. He was sent to his death on August 7, 2012, after the US Supreme Court failed to grant him a stay of execution, ruling less than two hours before his lethal injection was set to begin.

All of the people who have met their fate in the execution chamber known at the "Walls Unit" in Huntsville, Texas, deserve to have their stories told, although the vast number of these condemned individuals makes it impossible within the scope of this article. While the cases of some of those executed have gained greater notoriety—the mentally impaired, women, juveniles, foreign nationals, those incompetently represented, those possibly innocent of their crimes—all of those executed in the US are the victims of a state-sponsored killing machine.

The occasion of the 500th execution in Texas points to the brutal nature of the death penalty in and of itself, a practice that is condemned and outlawed by the vast majority of industrialized nations and growing numbers of US citizens. It is one of the most diseased manifestations of a class-based society that prosecutes military aggression abroad and metes out violence and repression against the population at home. The *World Socialist Web Site* condemns the death penalty unreservedly, and in all cases.



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