

North Carolina frame-up: Two innocent men jailed for 30 years

Patrick Martin
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In a case that demonstrates the pitiless brutality of the US system of injustice and frame-up, two North Carolina men were released after more than 30 years in prison for a crime they did not commit.

Henry McCollum, 50, left Central Prison in Raleigh Wednesday, and his half brother, Leon Brown, 46, left Maury Correctional Institute in Greenville a few hours later. Superior Court Judge Douglas Sasser overturned their 1983 convictions for the rape and murder of 11-year-old Sabrina Buie after a Robeson County prosecutor said that new DNA evidence meant that there was no longer a credible case against either man.

When Buie's body was found in a soybean field outside Lumberton, North Carolina, an impoverished town near the South Carolina border, McCollum and Brown were quickly arrested by local police and interrogated by state bureau of investigation agents until they confessed.

They went into the police station with three strikes against them: they were poor and black, they were young (McCollum 19, Brown only 15), and they were mentally handicapped. Neither of them could read the handwritten confessions taken down by their interrogators, which they were then coerced into signing with the promise that they could go home afterwards.

The local prosecutor at the time, Joe Freeman Britt, was building a reputation as a law-and-order politician, including a profile on "60 Minutes" as "America's deadliest DA." He boasted of setting a Guinness World Record with more than 50 death sentences handed down in his jurisdiction, including Velma Barfield, the first woman to be executed in the United States after the resumption of capital punishment in 1976. Barfield died by lethal injection in 1984, the same year that McCollum and Brown were convicted and sentenced to

death.

Britt's office was completely indifferent to its responsibility to find the actual killer of Sabrina Buie, the 11-year-old victim, who like the defendants was poor and African American.

Although Roscoe Artis, who lived next door to the soybean field where the victim was killed, confessed a month later to a very similar rape-murder of an 18-year-old, the prosecutor's office failed to act on a police request to check his fingerprints against those taken from the scene of Buie's murder. Thirty years later, analysis of a cigarette butt found by Buie's body found Artis's DNA.

There was never any forensic evidence against McCollum and Brown, who were convicted based entirely on confessions that they had retracted before they went on trial.

Tuesday's hearing underscored the completely concocted character of the case against the two men. Only one witness, Sharon Stellato, associate director of the North Carolina Innocence Inquiry Commission, an official state agency, presented the new DNA evidence.

She also testified about an interview with Artis, still serving a life prison sentence, in which he insisted that McCollum and Brown were innocent of killing Sabrina Buie, and admitted seeing Buie the night she disappeared. While Artis still denied the murder, his account of events was riddled with contradictions—and the DNA evidence placed him at the scene.

Ken Rose of the Center for Death Penalty Litigation in Durham, McCollum's lawyer for the past 20 years, told the press, "It's terrifying that our justice system allowed two intellectually disabled children to go to prison for a crime they had nothing to do with, and then to suffer there for 30 years."

In its news account of the exoneration, and a

subsequent editorial, the *New York Times* drew attention to the national significance of the case. It noted that in 1994, US Supreme Court Justice Harry Blackmun announced his opposition to capital punishment in an opinion dissenting on the Court's refusal to review the death penalty against Henry McCollum. Blackmun particularly noted that McCollum had the mental age of a nine-year-old.

In reply, ultra-right Justice Antonin Scalia cited the circumstances of Sabrina Buie's death as so outrageous that the case for execution was unanswerable, and that McCollum's "quiet death by lethal injection" would be "enviable" compared to the fate of his victim.

The *Times* noted the continuing use of the case by the ultra-right: "As recently as 2010, the North Carolina Republican Party put Mr. McCollum's booking photograph on campaign fliers that accused a Democratic candidate of being soft on crime, according to The News & Observer of Raleigh, N.C."

Scalia and the North Carolina Republican Party are easy targets, however. The *Times* made no mention of the fact that for 22 of the 30 years that Henry McCollum and Leon Brown languished in prison, the state of North Carolina had a Democratic Party governor. The Democratic Party also controlled the state legislature for most of that period.

The two big business parties share responsibility for administering a "justice" system that is stacked against the poor and working class. In 1985, when the *New York Times* published a profile of Joe Freeman Britt as a successful prosecutor, it noted that Robeson County was 89th out of 100 in North Carolina in terms of poverty. The 50 percent of the population who were black or Native American were even more deprived.



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