

Judge reverses guilty verdict in 1944 execution of 14-year-old

Tom Mackaman
20 December 2014

On Wednesday, a South Carolina judge overturned the 1944 murder conviction of 14-year-old George J. Stinney, Jr., the youngest person executed in the United States in the 20th century. Stinney, who was African American, was arrested, tried, convicted and electrocuted for the murder of two white girls in the small mill town of Alcolu, South Carolina.

Stinney's story is typical of what was once called "Southern Justice." After his arrest, a confession was secured without a lawyer present. Provided with a defense that was at a minimum ineffective and more than likely complicit with the prosecution, Stinney was tried in two hours without a single witness called on his behalf. The guilty verdict was handed down by an all-white jury in ten minutes. After his conviction and his imprisonment on death row, no legal defense was mounted to spare the youth from the electric chair. George Stinney's fate, in other words, was determined the moment he was arrested.

Wednesday's ruling from Circuit Court Judge Carmen T. Mullen did not settle the question of Stinney's guilt or innocence, but whether or not the case could be reversed according to the rarely used legal principle of *oram nobis*, employed to correct judicial errors "of the most fundamental character" when "no other remedy" is available.

Mullen found that Stinney's attorney had done "little or nothing" in his defense; a psychiatrist who examined the supposed confession found it "coerced, compliant, false." The entire case consisted of this confession, obtained by the police, and testimony solicited from a cellmate during Stinney's imprisonment. There was no physical evidence linking the boy to the crime.

Judge Mullen was at pains to insist that her ruling did not establish a precedent whereby other cases from the days of the Jim Crow South might be reopened. "The

extraordinary circumstances discussed herein simply do not apply in most cases," she wrote.

In fact, the only thing extraordinary about the case was Stinney's age. From the 1880s through the 1960s, tens of thousands of blacks and poor whites were railroaded through the Southern justice system, resulting in countless executions and prison sentences in the brutal chain gang system of coerced labor. Many thousands of blacks were also murdered, very often after being removed from prison cells and then burned alive or hung at the hands of "Judge Lynch." The white supremacist Ku Klux Klan, essentially the paramilitary wing of the Democratic Party, committed its crimes by night and behind masks. It was comprised of the "best citizens" and the same lawmen who terrorized by day.

As was the case with Stinney's conviction, rape or violence against white women and girls was often the accusation. The avowed aim was the maintenance of a racial caste system. "I say segregation now, segregation tomorrow, segregation forever," as Alabama Governor George Wallace put it in 1963. To be more specific, the southern elite had in mind the racial segregation of the *working class*.

Alcolu, where the 1944 murders took place, illustrates the point well. It is situated in Clarendon County, once a cotton-producing zone captured by Union forces under William Tecumseh Sherman days before Lee's surrender at Appomattox. After the Civil War, sharecropping gradually replaced chattel slavery as the labor regime, though a nominal political equality existed until the full implementation of Jim Crow segregation in the 1890s.

At about the same time, between 1885 and 1890, Alcolu was founded as a company mill town by D.W. Alderman. The Alderman family controlled the town's store, and it funded the churches, the schools and the

sports teams. Workers were paid in “babbits,” a company scrip described as “a metal coin stamped with an ‘A’ that could be used in the company store. There they could buy groceries, see the doctor, get a haircut, or watch a show in the 200 seat auditorium upstairs.” The Aldermans sold their interests in 1947, three years after Stinney was executed. The last mill in Alcolu was closed in 2000.

A railroad ran through the middle of Alcolu, dividing the black working class neighborhood from the white. On March 23, 1944, June Binnicker, 11, and Marry Emma Thames, 8, rode their bicycles across the railroad and asked George Stinney and his sister Katerina where they might find passionflowers, called “maypops” by South Carolina children. The girls left looking for the flowers and did not return. Their bodies were found the next day in a muddy ditch.

Not quite three months later, on June 16, 1944, Stinney was walked down a hall to the execution chamber in Columbia, the capital of South Carolina, carrying a Bible under his arm. The “Good Book” was used as a booster seat. At 5 foot 1 inch tall and 90 pounds, George Stinney was too little for the electric chair. The adult-sized face mask he received did not fit either. It fell off after the first shock, “revealing his wide-open, tearful eyes and saliva coming from his mouth.”

Largely forgotten, the case came to light in 2004 through the work of George Frierson, a local historian from Alcolu, and was taken up by attorneys Steve McKenzie and Matt Burgess. Frierson claims that the real killer was from an elite white family who years later made a deathbed confession.

Commentary since Wednesday’s reversal has presented the Stinney case as though this clear miscarriage of justice came from an era of history well and truly over.

“Back in 1944, we should have known better, but we didn’t,” said aspiring black politician Ernest A. Finney III, who, as counsel for the state, argued for upholding the verdict. “The fact of the matter is, it happened, and it occurred because of a legal system of justice that was in place.”

In 2014, the “legal system of justice in place” is hardly better. Under a president who arrogates to himself the privilege to assassinate anyone anywhere at any time, lawlessness is the law of the land. Only in the

past month, officers in Ferguson, Missouri and New York City were exonerated without trial in the murder of two defenseless “suspects,” Michael Brown and Eric Garner, in spite of incontrovertible evidence of police guilt. And in Cleveland, policemen who were caught on videotape shooting to death a child on a playground have merely been placed on administrative leave.

Nor is it the case that the United States has advanced measurably in its youth penal system since the 1944 state murder of the 14-year-old Stinney.

Right now, in the state of Pennsylvania, ten-year-old Tristin Kurilla remains in solitary confinement in an adult prison. Kurilla is accused in the October 11 killing of a 90-year-old woman at his grandfather’s Honesdale, Pennsylvania home. As was the case with the punishment exacted on Stinney, the child is being held on the merit of his own “confession,” gathered by a state trooper after the boy allegedly waived his right to an attorney. (See: “Pennsylvania fifth grader still in prison.”)

The United States remains the only country in the world to refuse to ratify the United Nations Convention of the Child, which prohibits, among other things, the death penalty and life sentences for children and the prosecution of children as adults. So far, 196 countries have ratified the convention, and Somalia and South Sudan are in the process of doing so.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact