

This week in history: May 7-13

7 May 2018

25 years ago: Man executed after Supreme Court rules it “does not correct errors of fact”

On May 12, 1993, at 4:49 a.m., Leonel Herrera was executed in Huntsville, Texas, after Governor Ann Richards refused a last-minute appeal for clemency and the US Supreme Court ruled 6-3 that new evidence that might exonerate him was irrelevant. In the words of the majority decision handed down by Chief Justice William Rehnquist, the Supreme Court “does not correct errors of fact.”

Herrera had been convicted of the killing of two police officers in 1981 near the Rio Grande River. His initial conviction bore many of the trappings of a police frame-up. It was based on evidence that included an alleged handwritten confession found in his wallet, that his social security card was found by one of the officer’s bodies, as well as a death-bed identification of him by one of the officers.

Later, exculpatory evidence emerged, including two affidavits identifying Herrera’s brother, Raul, who had been killed in 1984, as the murderer. The sworn statements came from Raul Herrera’s attorney and a prison cellmate. Because Texas law only permitted new trial motions based on newly discovered evidence within 30 days of sentence, Leonel Herrera filed a writ of habeas corpus with the Supreme Court, arguing that he was actually innocent and that allowing the state of Texas, which had refused his appeals, to execute him would violate his Eighth Amendment protections against cruel and unusual punishment, and his Fourteenth Amendment rights to due process.

Rehnquist’s opinion, issued January 25, 1993, which was echoed by concurring opinions from Sandra Day O’Connor and Antonin Scalia, held that there was no constitutional issue at stake as Herrera’s original trial had been fair. “Herrera’s claim of actual innocence does not entitle him to federal habeas relief,” Rehnquist wrote in dismissing the petition. “Federal habeas courts do not sit to correct errors of fact, but to ensure that individuals are not imprisoned in violation of the Constitution.” Therefore “actual innocence based on newly discovered evidence” could not be grounds for Supreme Court intervention.

Herrera, who also had passed a polygraph test, refused his last meal. His final words were:

I am innocent, innocent, innocent. Make no mistake about this; I owe society nothing. Continue the struggle for human rights, helping those who are innocent... I am an innocent man, and something very wrong is taking place

tonight. May God bless you all. I am ready.

50 years ago: General strike in France backs student protests

After two weeks of demonstrations and strikes by French college and high school students, which had witnessed pitched battles on the streets of Paris with police, the most powerful social force in France began to make its presence felt: the working class.

On May 13, millions of French workers staged a one-day general strike in support of the students. The action was called by the main French trade unions—the Confédération Générale du Travail (CGT), Confédération française démocratique du travail (CFDT), and the Force Ouvrière (CGT-FO)—as a means of venting steam among rank-and-file workers angry over the abuses inflicted upon the students by police, and, increasingly, itching for their own showdown with French capitalism. The strike brought France to a standstill, shutting down virtually all private industry, as well as most transportation.

The entry of the working class into struggle terrified the government of President Charles de Gaulle. Immediately, Prime Minister Georges Pompidou announced that he would meet two of the students’ central demands—the release of imprisoned students and the reopening of the Sorbonne. However, the government had lost the initiative. Hundreds of thousands of workers seized on the general strike to join students in Paris, forcing past police barricades to occupy the Sorbonne.

Only two days earlier, on May 11, the “Night of the Barricades,” police had violently swept aside student barricades in the Latin Quarter. In the days preceding, college and high school occupations swept France. In Paris, the students showed tenacity and discipline in the face of beatings at the hands of the police, violence that increasingly angered French workers, and mobilizing disciplined marches and demonstrations numbering in the tens of thousands.

75 years ago: Axis powers suffer final defeat in North Africa

On May 13, 1943, the remaining German and Italian forces in Tunisia surrendered to British and US troops, marking the end of the North African campaign, a three-year series of battles for control over the geo-strategically critical and resource-rich region.

Fighting in the theatre had begun in June 1940, with an Italian declaration of war. The British, anxious to retain their lucrative colonial possessions, had immediately dedicated substantial troop personnel to repelling Italian and German forces which sought to move east from Italian-occupied Libya into Egypt.

In November 1942, Anglo-American forces launched Operation Torch, a major troop landing and offensive in French-controlled North Africa. The Allies quickly overran the Vichy French positions. In the same month British forces inflicted a major defeat on German-Italian forces at El Alamein, in western Egypt, beginning a counteroffensive that took town after town across Libya.

The combined attacks from the east and from the west squeezed the Axis powers into a tiny salient in Tunisia by March 1943. In May, British and American troops launched their final attack. This included artillery and aerial bombardments and forward troop movements that crippled the remaining Axis defenses. The Allies had imposed a naval blockade, aimed at preventing any evacuation of Axis forces. The German and Italian troops were running short on supplies, including ammunition, and fuel, rendering them largely immobile. The Axis surrender, on May 13, after some 40,000 casualties, gave the Allies an estimated 275,000 Italian and German prisoners of war.

The defeat intensified the crisis of the fascist regimes, which had suffered a series of severe blows, most importantly the Nazi reversals on the Eastern Front at the hands of the Red Army. It also spurred ongoing conflicts between the Allied powers over the division of the spoils in North Africa.

100 years ago: Wilson administration circulates “German-Bolshevik conspiracy” slander

On May 9, 1918, Edgar Sisson, an agent of the US propaganda bureaucracy known as the Committee on Public Information (CPI), circulated the first of 68 forged Russian documents that came to form the pamphlet *The German-Bolshevik Conspiracy*, which alleged that Lenin and Trotsky were paid agents of the German Army’s General Staff.

Sisson, who had served as editor of *Collier’s Weekly* and *Cosmopolitan* before the war, arrived in Petrograd in November 1917, after the Bolshevik seizure of power. He obtained the documents in the spring of 1918, sending them, along with a report attesting to their authenticity, to President Woodrow Wilson, who received them on May 9.

The documents were crude forgeries created by enemies of the Bolsheviks in Russia. As the American diplomat and Russia expert George Kennan demonstrated in a 1956 analysis, the signatures on the supposedly incriminating documents were false, their letterheads and seals were suspect, letters supposedly originating from different offices were produced by the same typewriter, and the dating system used in the correspondence was incorrect.

Nonetheless, when the Wilson administration and the CPI released the documents to the public in September,

1918—distributing 137,000 copies in pamphlet form—leading academics and newspapers declared them to be authentic. As the *New York Times* told its readers, the documents prove:

that the present heads of the Bolshevik government—Lenin and Trotsky and their associates—are German agents ... that the Bolshevik revolt was arranged for by the German Great General Staff and financed by the German Imperial Bank and other German financial institutions ... that the Treaty of Brest-Litovsk was a betrayal of the Russian people by German agents, Lenin and Trotsky ... that the present Bolshevik government is not a Russian government at all, but a German government, acting solely in the interests of Germany, and betraying the Russian people, as it betrays Russia’s natural allies, for the benefit of the Imperial German Government alone. And they show also that the Bolshevik leaders ... have equally betrayed the working classes of Russia whom they pretend to represent.

The obviously false nature of the letters was no obstacle to Wilson, the CPI, and the *Times*, because the “documents” suited important purposes, both foreign and domestic: to help continue on the imperialist slaughter that had been discredited by the October Revolution, and to brand working class opposition to the war within the United States, as well as sympathy for the Russian Revolution, as the activity of agents in the pay of Germany.



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