

Death Penalty Cases Riddled with Errors

Fifth Estate Collective

After years of overwhelming public and political support in this country for the death penalty, the tide may be turning.

Following a string of exonerations for Illinois death row inmates, Governor George Ryan declared a halt to all executions in that state. Since 1977, when Illinois reinstated the death penalty, the state has executed 12 men, but has freed 13, several in the last two years, when they were found to have been convicted in error. One can only wonder, given that the dead-to-freed ratio is less than 50 percent, how many of those killed by the state were also innocent.

The ultimate penalty is almost exclusively reserved for the poor and people of color, usually those with court appointed attorneys.

Since the death penalty was reinstated by the U.S. Supreme Court in 1976, for every seven prisoners who were executed, one prisoner awaiting capital punishment was found to be innocent and released. That totals 82 people who were on death row before their innocence was established, including 18 in Florida and 10 in Illinois since 1984 alone.

Their release came about not because the system worked but in spite of it. In every case that was overturned, the authorities tried everything possible to obscure the bad evidence, terrible legal representation, judicial error, and often (particularly in Illinois) police torture that eventually was exposed and allowed the falsely convicted to be set free.

At least 381 homicide convictions have been overturned since 1963 because prosecutors concealed evidence of innocence or accepted police-planted evidence they knew to be false. Does anyone believe this is anything more than a small tip of a huge iceberg?

The death penalty doesn't even do what its supporters claim-deter crime. States with the death penalty such as Florida and Texas have a much higher murder rate than ones like Michigan and Wisconsin which don't. The South has carried out 80 percent of the nation's executions yet has the highest murder rate of any region in the country.

Over 90 percent of those tried on capital charges had court-appointed attorneys, as did Mumia Abu-Jamal. Numerous state studies show that upwards to 25 percent of death row inmates were represented at trial by lawyers who were later disbarred or resigned to avoid disbarment.

Here's a news flash: A study by the U.S. General Accounting Office found racial prejudice to be determinative factor in death sentencing. Mumia Abu-Jamal is convicted of killing a white police officer

and it might as well be 1912 in Georgia. Now, however, the lynch mob wants the hanging to be legal.

Although the impulse for repealing the death penalty has come from a grassroots movement, much of it from Catholic pacifists, recently publicized frequent "mistakes" (including the case of Rueben Carter made famous in the popular film "Hurricane") even has politicians questioning the ultimate penalty. Bills calling for moratoriums are pending in 12 states and the Nebraska legislature passed one last year, only to have it vetoed by the governor.

In Michigan, which hasn't had a death penalty since 1837, even the conservative governor opposes the introduction of one.

For information on the moratorium movement, contact the Quixote Center, POB 5206, Hyattsville MD 20782; (301) 699-0042; or www.quixote.org/ej



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