

Capital punishment is under assault in U.S.

by Marianna Wertz

Opposition to the continued use of capital punishment—or at least to the possible execution of innocents—is growing across America, in the wake of Illinois Gov. George Ryan’s Jan. 31 decision to declare a temporary moratorium on executions in that state, where 13 people have been released from death row, having been proven innocent, since the death penalty was reinstated in 1976. Ryan, a Republican, is a proponent of the death penalty, but said that he did not want to execute an innocent person. He is also the Illinois campaign director for George W. Bush, who, as Governor of Texas, has executed 119 people in his five-year incumbency, a record number for an American governor in modern times.

The issue has now been joined at the Federal level. On Feb. 1, Sen. Russ Feingold (D-Wisc.) publicly urged President Bill Clinton and Attorney General Janet Reno to suspend Federal executions and undertake a thorough review of the administration of the Federal death penalty, in light of Governor Ryan’s decision.

“Before using the immense power of the Federal government to take the life of a citizen,” Feingold wrote to Clinton and Reno, “our government has a solemn responsibility to every American to prove that its actions are consistent with our nation’s fundamental principles of justice, equality, and due process.”

President Clinton’s spokesman Joe Lockhart, asked on Feb. 4 what Clinton’s response was to the Feingold letter, said that Clinton “will consider” the request, but that does not guarantee that he will act on the matter soon.

Clinton and Reno are also under pressure on this issue in the District of Columbia, whose court system is a Federal jurisdiction. There, Reno recently ignored the residents’ expressed opposition to the death penalty, by deciding to seek the death penalty against the suspect in a high-profile triple killing at a Starbucks restaurant in Georgetown. The D.C. Council repealed the death penalty in 1981, and District voters overwhelmingly rejected a proposal to reinstate it when Congress forced the city to hold a referendum on the issue seven years ago. On Feb. 8, Eleanor Holmes Norton (D), the District’s Delegate to Congress, castigated Reno’s decision to go for the death penalty, charging that it was made because the murders were committed downtown, rather than in an African-American community which makes up the majority of

the city. It shows “just how discriminatory the death penalty is,” Norton charged.

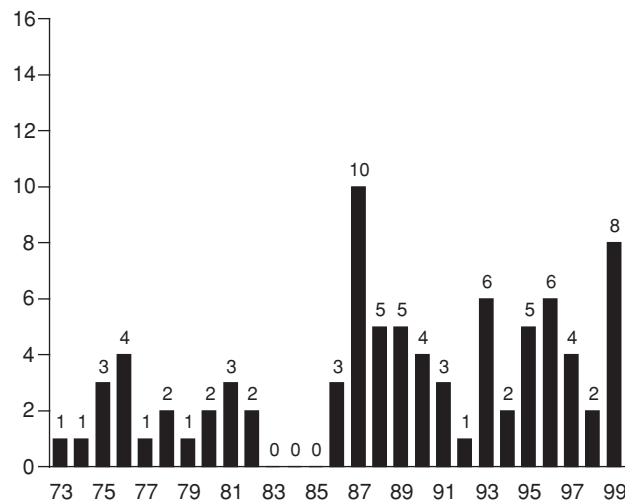
The Innocence Protection Act

On Feb. 11, Sen. Patrick Leahy (D-Vt.) introduced the Innocence Protection Act of 2000, the first Federal bill to address the problems in the administration of capital punishment. At a press conference where he was joined by Feingold and others, Leahy said, “Whether you support the death penalty or not, executing an innocent person is abhorrent. . . . We have a moral duty to make the criminal justice system accurate and fair, especially when innocent lives are at stake.”

The Innocence Protection Act of 2000 is a comprehensive package of criminal justice reforms aimed at reducing the risk that innocent persons may be executed. Most urgently, the bill would 1) ensure that convicted offenders are afforded an opportunity to prove their innocence through DNA testing; 2) help states to provide competent legal services to the accused at every stage of a death-penalty prosecution; 3) enable those who can prove their innocence to recover some measure of compensation for their unjust incarceration; and 4) provide the public with more reliable and detailed information regarding the administration of the nation’s capital punishment laws.

At his Feb. 11 press conference to announce the bill, Leahy told a roomful of reporters and supporters that wrongful convictions of people sentenced to death “is not just an Illinois problem, it’s a national crisis.” He noted that while 610 people have been executed in the United States since

FIGURE 1
Death row inmates exonerated by year
(number freed)



Source: Death Penalty Information Center.

the reinstatement of capital punishment in 1976, eighty-five people have been found innocent and released from death row. This means, he said, “that for every seven executions, one person has been wrongly convicted.”

Justice Gerald Kogan, formerly the Florida Supreme Court Chief Justice, told Leahy’s press conference that there is “no question” that some of those who were executed in his Florida jurisdiction—where George Bush’s brother, Jeb Bush, is Governor—“either didn’t fit the criteria for execution, or were not guilty of the crime for which they were executed.”

Bush and executing innocents

Leahy targeted George W. Bush directly, with respect to the execution of innocents, as has Democratic Presidential pre-candidate Lyndon LaRouche, the only candidate to raise the issue in the campaign. In a Feb. 1 statement on the Senate floor, Leahy said, “In Texas, the state that leads the nation in executions, courts have upheld death sentences in at least three cases in which the defense lawyers slept through substantial portions of the trial. The Texas courts said that the defendants in these cases had adequate counsel. Adequate counsel? Would any one of us, if we were in a taxicab, say that we had an adequate driver who was asleep at the wheel?”

Leahy detailed all three cases, including that of George McFarland, whose lawyer slept through much of his 1992 trial. McFarland is still on death row for a murder which he insists he did not commit. Said Leahy, “The judge who presided over McFarland’s trial summed up the Texas court’s view of the law quite accurately when he reasoned that, while the Constitution requires a defendant to be represented by a lawyer, it ‘doesn’t say the lawyer has to be awake.’ ”

Leahy noted, “If your conscience says otherwise, maybe we ought to do something.”

Other motion

Other motion against the death penalty nationwide includes the following:

- Legislation to impose a death penalty moratorium has recently been introduced in New Hampshire, New Jersey, Maryland, Alabama, Oklahoma, and Washington State.

- Bishop Joseph Fiorenza, the president of the National Conference of Catholic Bishops, on Feb. 10 urged President Clinton to propose a suspension of all Federal executions. Bishop Fiorenza said that he was adding his voice to others who have called for this in the wake of Governor Ryan’s “courageous step to stop executions in the State of Illinois.” Bishop Fiorenza cited Pope John Paul II’s “continuing conviction that there are better ways to protect society that are more in keeping with the dignity of all people.”

- On New Year’s Day, Pope John Paul II joined the United Nations and Amnesty International in a year-long campaign against capital punishment, in which the Colos-



Betty Lou Beets, a 62-year-old great-grandmother, who is scheduled to be put to death in Texas on Feb. 24, for the murder of her abusive husband, unless Gov. George W. Bush grants a pardon.

seum in Rome will be lit up for 48 hours every time a government renounces capital punishment or a death sentence is commuted. It was last lit on Dec. 17, 1999, to honor the commutation of Wendell Flowers’s sentence by North Carolina Gov. Jim Hunt.

- The Philadelphia City Council on Feb. 10 adopted a resolution urging the Pennsylvania legislature to enact a moratorium similar to that which Governor Ryan implemented in Illinois. This makes Philadelphia the eighth—and largest—municipality to call for a moratorium. Other municipalities that have passed moratorium resolutions recently include Charlottesville and Mount Rainier, Virginia; New Haven, Connecticut; and four North Carolina municipalities.

- Maryland Gov. Parris N. Glendening announced on Feb. 9 that he is proposing to fund a study of the death penalty in Maryland to determine whether it is being imposed fairly and without racial bias. He has set aside \$225,000 in his budget to pay for the study. While moratorium legislation was introduced on Feb. 1 in the Maryland legislature by Del. Salima Siler Marriott (D-Baltimore), Glendening opposes a moratorium.

- Former Virginia Attorney General William G. Broadus, who carried out five executions while serving under Gov. Charles Robb during 1985-86, announced at the Leahy press conference on Feb. 11 that he now opposes the death penalty. What changed him, he said, was the execution of Paraguayan national Angel Breard in Virginia in 1998. Broadus said that he believed Breard had a sincere conversion before dying, and

that he, Broaddus, had tried, but failed, to stop the execution because of the stringency of Virginia's pro-death penalty laws. On Feb. 14, the Virginia House of Delegates voted to change the worst of those laws, which outlaws the introduction of new evidence in a capital case 21 days after sentencing. However, the legislation is not expected to pass in the Virginia Senate.

International perspective

The United States stands alone, among its closest allies in the world, in continuing to use capital punishment. In April 1999, the United Nations Human Rights Commission voted in favor of a resolution supporting a worldwide moratorium on executions. The United States voted against the resolution.

Both the European Parliament and the 40-nation Council of Europe have made the banning of capital punishment a prerequisite for membership, recently forcing Russia, Ukraine, and other former East bloc nations to change their laws on capital punishment in order to join.

In 1998, according to the Washington, D.C.-based Death Penalty Information Center, European Parliament official Alan Donnelly wrote to Texas Governor Bush warning of possible economic consequences for any U.S. states that continue to use the death penalty.

In a recent discussion with a British expert who campaigns for the abolition of the death penalty, *EIR* learned that the history of opposition to capital punishment in Britain closely parallels ongoing developments in the United States today. The death penalty was banned in Britain in 1965, except for a few categories of offenses including piracy, treason, and certain military-related offenses, he said. In 1998, even these categories were eliminated legally. As the source told it, there was "a very strong campaign to get rid of the death penalty, dating back to the 1930s." Then, after World War II, a Royal Commission on Capital Punishment raised many doubts about the way in which executions were being conducted. In 1957, a Homicide Act was passed, which reduced the use of the death penalty significantly. Then it was found that the law had many strange anomalies in practice, and it fell into disrepute, leading to the 1965 law, which was reaffirmed in 1970.

"What turned the tide against capital punishment, even among hard-line Conservatives," the source said, "was the mounting concern over *wrongful convictions*, especially for the Irish defendants, and not only for them. We had a spate of wrongful convictions, resulting in those wrongfully convicted, being executed."

Bush to execute great-grandmother

On Feb. 24, Betty Lou Beets, a 62-year-old great-grandmother, is scheduled to be put to death in Texas, for the murder of her abusive husband, unless a reprieve is granted by Governor Bush. Beets' case has captured the attention of domestic violence organizations and advocates nationwide, according to a Feb. 10 press release by the Death Penalty Information Center. "After a lifetime of victimization, it is time for Betty Lou Beets to receive some mercy," said Sue Osthoff, director of the National Clearinghouse for the Defense of Battered Women. "Governor Bush can do that by commuting her death sentence to a life sentence."

The jury in the Beets case never heard about her lifetime of horrific abuse, which began at age five, when she was raped by her alcoholic father. Her trial attorney, E. Ray Andrews, failed to investigate her background and made no effort to present expert testimony on her behalf. Since her conviction, Beets has been diagnosed by prominent psychologist Lenore Walker as suffering from organic brain damage, Post-Traumatic Stress Disorder, and Battered Women's Syndrome, all of which would have supported her defense at trial.

Since 1976, only three women have been executed in the United States: Velma Barfield in North Carolina, in 1984; Judy Buenoano in Florida, in 1998; and Karla Faye Tucker in Texas, in 1998. If George W. Bush continues his record as a "compassionate conservative" and orders Beets' execution to go ahead, she will be the second woman executed in Texas in more than a century.

As Senator Leahy said, "If your conscience says otherwise, maybe we ought to do something."

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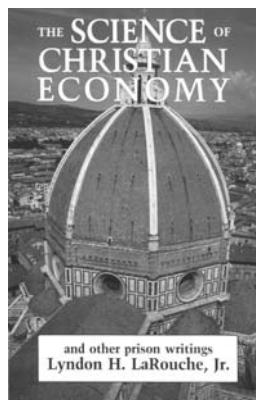
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