

Virginia inmate fights for his life

by Anita Gallagher

For the second time in less than one year, Virginia's Attorney General Mary Sue Terry has left a man who is very possibly innocent—Herbert Bassette—waiting for the electric chair. Bassette will die on Jan. 23, 1992 unless Virginia Governor Doug Wilder, now campaigning for the Democratic nomination for President, grants his petition for clemency in the days immediately ahead.

Herbert Bassette's attorneys are seeking international support for their campaign to commute his death sentence. In February 1991, such a political mobilization directed at Wilder succeeded in saving from execution another death row inmate, Joe Giarratano, of whose guilt there was substantial doubt.

These two cases of men probably innocent who are condemned to die, occurring only 11 months apart, in just one state, demonstrate even on the most base, pragmatic level, why the death penalty must be abolished in the United States.

Convicted on no evidence

Bassette is the first person in Virginia to be convicted of a capital crime *solely on the basis of accomplice testimony*. Three people—Betty Winfield, Sam "Dap" Cook, and Jeannette Green—admitted their own participation in the murder of 16-year-old Albert Burwell during a November 1979 service station robbery in Richmond. All three had long criminal records and all three admitted that they were drug addicts. Although all three confessed that they were high on heroin or prelude on the night of the crime, none testified that Bassette was a drug user at all.

All the physical evidence in the case *points away from Bassette*. The police search of Bassette's car, which the trio of accomplices said was used in the crime, found no evidence to link Bassette to the crime. When Winfield and another acquaintance, Tyrone Jackson, admitted they had sold the murder weapon within 48 hours of the crime, it was established that the accomplices, not Bassette, had controlled the .22 pistol used in the killing. Winfield and Jackson then retrieved the pistol for a bank robbery on Nov. 27, 1979—only four days after the murder.

Miraculously, when the "accomplices" tried to implicate Bassette in the bank robbery, he was able to produce a policeman witness, who testified that he was in court with Bassette on a traffic charge at the time. As well as showing that the

accomplices, not Bassette, controlled the murder weapon, this also showed that they were out to pin crimes on Bassette. Furthermore, a witness testified that Tyrone Jackson had confessed to killing Burwell.

Bassette, who is black, has steadfastly maintained his innocence throughout. His first murder trial ended in a hung jury; and the attempt to implicate him in the bank robbery charge failed because of the policeman witness.

Cover up evidence of innocence

Both Winfield and Cook could have faced the death penalty, but instead got extravagant deals from the Virginia Attorney General's office in exchange for pinning the crime on Bassette. A prominent study of the death penalty to be reviewed in *EIR's* next issue documents that the use of perjured testimony obtained by U.S. prosecutors in exchange for lenient treatment for a lying witness, has frequently caused persons later proven innocent to be convicted of capital crimes.

In Bassette's case, the Virginia Attorney General's office took steps to *prevent* a jury from seeing the 12-month *suspended* sentence that Winfield received (and after Bassette's first trial ended in a hung jury), by asking the court to postpone her case and that of Jeannette Green until after Bassette's second trial.

Lyndon LaRouche, candidate for the Democratic nomination for President and himself a political prisoner, addressed this in a Dec. 19 statement: "Worse, there is suspicion that the [Virginia] Attorney General *knows* of evidence pointing to such innocence, and is sitting on it. . . . Nothing could be more monstrous. This woman, this Attorney General, Mary Sue Terry, is neither a man, nor a woman, nor a person. She *is* a monster. She is perhaps the United States' Ilse Koch."

In the case of Roger Coleman, a second Virginia death-row inmate with a substantial claim of innocence whose appeals are nearly exhausted, Terry's office argued Dec. 5 that "claims of 'newly discovered' evidence pertaining only to the issue of guilt or innocence do not constitute a basis for *habeas corpus* relief." In other words, even if Coleman is innocent, he does not have a right not to be executed!

Coleman's motion for reconsideration of his appeal is expected to be decided in the first week of January. He was originally intended to be Terry's victim on Jan. 23; when the trial court refused on Dec. 5 to authorize Roger Coleman's execution, another probably innocent man, Herbert Bassette, was plugged into Coleman's slot to appease Terry's bloodlust. Coleman's attorney told *EIRNS* on Dec. 19: "I know who committed this crime and I can prove it. But I do not believe that I will get the opportunity to present this evidence."

Telegrams and letters for clemency for Herbert Bassette should be sent to The Honorable Douglas Wilder, Governor of Virginia, P.O. Box 1475, Richmond, Va. 23212.