

Texas Criminal Justice System 'Out of Control'

by Marianna Wertz

In the middle of the third Presidential debate on Oct. 17, sandwiched between hogwash and lies, was the discussion of the death penalty. A courageous African-American man asked Texas Gov. George W. Bush if he really intended to convey a sense of "pride," in the second debate, after having put so many people to death in Texas (145 at last count). Bush, who was acting like he was on "downers," said no, he wasn't proud, just "upholding the law," and that capital punishment "saves lives."

Vice President Al Gore, asked his view of capital punishment, said that he too supports the death penalty, because, like Bush, he believes (contrary to almost every study) that it is a "deterrent" to crime. This was the only issue on which the two completely agreed—the two Presidential candidates are warm and fuzzy when it comes to killing people!

Earlier in the day, Bush had been confronted by reporters while campaigning, with the breaking story about two innocent men who have been serving life sentences for rape and murder in Texas prisons since 1988. The real perpetrator of the crime had written Bush a letter in 1998, confessing to committing the crime, but Bush had filed it. Asked about it, Bush said that "the authorities in Austin" conducted a thorough investigation, case closed.

The Texas Defender Service Report

Those two are not the only innocent individuals sitting in Texas prisons, according to a report released by the Texas Defender Service on Oct. 16. The Texas Defender Service, a non-profit organization which provides direct representation to indigent inmates on Texas' death row, released a political bombshell—the most comprehensive report to date on the death penalty in Texas, titled "A State of Denial: Texas Justice and the Death Penalty."

The report documents in bloody detail what it calls "the thoroughly flawed system" of criminal justice in Texas. It covers the systematic use of false or misleading testimony; the use of "junk science" and phony experts to fool juries; the clear pattern of racial disparity in charging and sentencing practices; the practice of executing the mentally ill; sham appeals conducted by sleeping and drugged lawyers; the myth that the appellate courts do anything but rubber-stamp lower-court decisions; and case studies of at least six men who have

been executed despite "substantial and compelling doubt about their guilt."

EIR spoke on Oct. 17 with Maurie Levin, a spokesperson for the Texas Defender Service, about the report, asking if the timing of its release was intended to impact the Presidential campaign. While she said it was "not intended to influence George W. Bush's campaign or embarrass Bush," nevertheless, she said, "We've killed 33 people this year. There are eight more executions scheduled. We're in a time of crisis and no one's going to stop the executions, because there's a Presidential race. But we're going so fast with the number of executions in the midst of a profoundly flawed system, that we felt compelled to call for a stop. It's careening out of control down here."

Blatant Racial Disparities

Because of Bush's routine flaunting of his "inclusiveness," perhaps the report's findings on racial disparities in charging and sentencing practices best exemplifies why this report is so politically damaging. (The reader should not mistake this to say that Gore is any better when it comes to treatment of racial minorities—witness his insistent defense, in the debates, of "middle-class values," and his persistent failure to address the real problems confronting minorities in America.)

According to the report, there is a clear pattern in Texas of disparity in the punishment meted out to those convicted of killing whites as compared to those convicted of killing non-whites. Despite the fact that black males are the most likely murder victims, the death penalty is used most often to punish those convicted of murdering white women, the least likely victims of murder.

- While a 1998 study indicates that 23% of all Texas murder victims were black men, only 0.4% of those executed since the reinstatement of the death penalty were condemned to die for killing a black man.
- Conversely, as of 1998, white women represented 0.8% of murder victims statewide, but 34.2% of those executed since reinstatement were sentenced to die for killing a white woman.
- African-American Texans are the least likely to serve on capital juries, but the most likely to be condemned to die.

Texas Attorney General John Cornyn has described the death penalty in Texas as "a model for the nation." The Texas Defender Service report shows why Texas's death penalty system "is not a model for anyone," according to the Executive Summary. It is thoroughly flawed, and George W. Bush, the man who has been presiding over it for the last five years, is thoroughly rotten. No other governor in American history, indeed, few nations in modern history, has ever executed anywhere near the number of people that Governor Bush has. Should he, or his alter ego, Gore, really be President?

The report is available on the Internet at www.texasdefender.org