Coleman execution speeds U.S. descent into barbarism

by Anita Gallagher

The recent orgy of barbaric decisions in U.S. courts culminated in the May 20 execution of Roger Keith Coleman, a Virginia death row inmate who had proclaimed his innocence of a charge of murder for 11 years, and had strong evidence to back it up. In 16 rounds of appeals that spanned a decade, U.S. courts refused to examine any of Coleman's evidence, though the state claimed it had the right to take Coleman's life. This barbarism has shocked the world and, with the massive press coverage, even many in the United States, prompting comparisons here and abroad to justice under the Nazis or pagan Rome. For the first time in many months, a crowd demonstrated outside the U.S. embassy in Rome to protest Coleman's execution.

On May 18, the U.S. judicial system, in the person of Judge Albert V. Bryan, Jr. of Virginia, also denied the new trial motion of Democratic presidential candidate Lyndon LaRouche, the U.S. leader of resistance to this emerging fascist order. The prosecution of LaRouche has proven to be the bellwether of justice in the United States (see article, page 65).

The U.S. Supreme Court refused by a 7-2 vote, *one minute* before Coleman's scheduled execution, to look at Coleman's new evidence of innocence. The Court, led by Chief Justice William Rehnquist, handed down other rulings in May which affirm that procedure, speed, and judicial economy are more important than justice. The latest casualties are protections from grand jury indictment and requirements that defendants understand what disposition is being made of them.

Voices of opposition to the death penalty are being raised around the world. In the United States, LaRouche, himself a political prisoner, spoke thus of American justice a few hours before Coleman's execution: "We have come to the point, that even elements on the Supreme Court, as well as in other courts, are prepared to murder people on death row *whom they know* either to be innocent or whom they know were not properly convicted, and thus must be judged as having innocence before the law. When we murder innocent people and deny them the chance to show they have been wrongly convicted for the sake of legal procedure, on legal technicalities, we have become worse than the Nazis."

Pope John Paul II, in a May 19 letter to Virginia Gov. Douglas Wilder, appealed for clemency on Coleman's behalf: "Motivated by the profound respect for the God-given dignity and value of each human life, the Holy Father prays that this sentence will be commuted through your magnamimity and mercy. Your gesture of clemency would greatly contribute to the promotion of non-violence and the advancement of mutual respect and love in society."

Roman Catholic Cardinal Fiorenzo Angelini, president of the Pontifical Council for Pastoral Assistance to Health Care Workers in Rome, warned those who oppose abortion but not the death penalty that they are in an "unacceptable contradiction," and that today "the death penalty is no longer admissible."

Harvard Law Prof. Alan Dershowitz told a radio interviewer that Chief Justice "Rehnquist would have been very comfortable as a judge in the Germany of the 1930s."

Was an innocent man executed?

Was Roger Coleman innocent of the murder of Wanda Faye McCoy, for which he was executed on May 20? Investigators, such as Jim McCloskey of Centurion Ministries, who has developed evidence freeing 12 other men on death row from wrongful conviction, demonstrated that Coleman's presence at the scene of the crime would have been nearly miraculous. Minimally, it is true Coleman had an alibi, corroborated by witnesses; that police withheld evidence, and enticed witnesses to lie; that he maintained his innocence for the 11 years since the murder. It is also the case that there were no witnesses, murder weapon, or fingerprints ever

found. Coleman's knife, which the prosecution claimed was the murder weapon, was one inch too short.

Coleman's evidence is not addressed in the polygraph test which he took in desperation on the morning of his execution—the most stressful situation imaginable. A polygraph measures stress to show the "truth" of the subject's responses. Coleman's defense team charged that Wilder permitted the polygraph to neutralize reaction against his denial of clemency to Coleman on May 18, but in so doing, Wilder attempted "to come out clean, but instead came out dirtier." Wilder explained that he denied clemency because Coleman had failed to prove his innocence—a burden that no defendant is supposed to bear, and radically different from "reasonable doubt" of guilt.

It is also certain that Coleman's trial should have been moved to a different venue. Instead, it occurred in Grundy, a terrified town of 1,300 in the southwest corner of Virginia. During Coleman's trial, a lighted 4 by 8 foot sign was displayed next to the courthouse which read, "Time For Another Hanging in Grundy." After trial, one witness volunteered the information that her husband's cousin lied to get on the jury, "to burn that [obscenity]."

Vital questions remain, because courts which have jurisdiction, including the U.S. Fourth Circuit Court of Appeals and the U.S. Supreme Court itself, have refused to hear them for 11 years. The Commonwealth of Virginia ruled that all Coleman's issues were lost forever because his first set of appeals attorneys filed one day late. In April 1991, the U.S. Supreme Court concurred, with Justice Sandra Day O'Conner's opinion declaring, "This is a case about federalism." The May 20 *New York Times* editorialized against the U.S. Supreme Court: "Mr. Coleman's execution . . . marks a modern low in the federal judiciary's default, as guardian of justice. . . . And it exposes the utter failure of a governor and state legislature to secure fairness in capital cases."

Supreme Court continues Nazi trend

On May 4, the U.S. Supreme Court issued an opinion restricting the right of defendants to a federal hearing, even when a court agrees that a severe error has occurred at the state level. The opinion, written by Justice Byron White for a majority he has been seeking on this issue since 1963, argues that judicial economy—cost considerations—is a prime reason for limiting federal review of these *habeas corpus* cases.

The case, *Keeney v. Tamayo-Reyes,* concerned a Cuban immigrant's plea to a manslaughter charge based on a mistranslation of the plea into Spanish, which was admitted by all parties. Justice O'Conner warned in the dissent that the Supreme Court, "under the guise of overruling what it called 'a remnant of a decision' . . . and achieving 'uniformity in the law' . . . has changed the law of *habeas corpus* in a fundamental way." Forty percent of the death penalty cases that are reviewed in federal *habeas corpus* proceedings are overturned, and the clear intent is to shut the door on such reviews.

In another 5-4 decision May 4, the U.S. Supreme Court voted to sanction grand jury railroads. In *U.S. v. Williams,* the Court ruled that a prosecutor's failure to present exculpatory evidence to a grand jury is not a prosecutorial error that requires an indictment to be dismissed.

The opposition

Cardinal Angelini stated in a recent interview with the Italian paper *Avvenire:* "Among the individuals and groups against legalized abortion in the United States, there are some who support the continuation of capital punishment. This is an inconsistency and an unacceptable fact." The cardinal stated that in previous eras, "Catholic theologians accepted the death penalty. But today, it is no longer admissible. There is a motive of civility: to condemn someone to death is barbaric . . . absolutely, one cannot kill, as is done now, 14 or 16 years after a crime . . . [one cannot commit] a homicide in cold blood like that which occurred a few days ago," he said, referring to the execution of Robert Alton Harris and Billy White. "Not everything sanctioned by the law is moral," the cardinal emphasized. "That is valid for both abortion and the death penalty."

The official Vatican daily *Osservatore Romano* in a recent front-page editorial called the death penalty "a terribly desperate tool" of a society that seems to show "a primitive instinct for revenge." The California execution of Robert Alton Harris, with its last-minute court decisions, should have turned Americans against the death penalty, but instead, the paper said, the United States "seemed to return to an abnormal normality."

The death penalty issue also arose in the Democratic Party Platform Committee's hearings in Cleveland during the week of May 18. The U.S. Catholic Bishops gave pro-life testimony which included the demand that the death penalty be abolished. Testimony submitted by Democratic presidential candidate Lyndon LaRouche also included the demand that the party renounce the barbaric death penalty. Meanwhile, putative Democratic front-runner Bill Clinton has declared that he intends to execute Barry Lee Fairchild in Arkansas, a borderline retarded black man who he knows to be innocent.

Interview: Roger Keith Coleman

'A barbaric practice'

Virginia death row inmate Roger Keith Coleman, interviewed on the ABC News program "Nightline" on May 18, two days before he was executed, said: "I hope that some day we'll wake up and abandon the death penalty. Maybe I'll die. I hope that my death won't be in vain. I hope that my innocence will be proven and that because of it, other innocent people will not have to die."

Mr. Coleman spoke with EIR*'s Anita Gallagher on May*