

'New civil rights movement' targets the death penalty

by Anita Gallagher

A "new civil rights movement," called into existence by the independent presidential campaign of Lyndon H. LaRouche, Jr. and civil rights movement strategist Rev. James L. Bevel, has given new impetus to ending the death penalty in the United States.

This mobilization could hardly be more urgent. On Oct. 7, the U.S. Supreme Court will hear the case of Leonel T. Herrera, to decide whether it is legal to execute a man who has been convicted of murder but is innocent. Indications are that the Supreme Court will decide in the affirmative.

The U.S. Senate was tried and found wanting, in approving George Bush's nomination of Edward Carnes, called "Mr. Death Penalty," to be a judge of the 11th Circuit Court of Appeals, by a 66-30 vote on Sept. 9. Virginia Attorney General "Bloody Mary" Sue Terry is campaigning for governor of the state by executing one person a month, since her May execution of Roger Keith Coleman, a man with strong proofs of innocence which were never argued in federal courts for procedural reasons. No fewer than four ballot initiatives are now in the works to reinstitute a death penalty in the District of Columbia, which repealed capital punishment in 1981.

President Bush is an ardent supporter of the death penalty and wants to apply it to 50 new crimes. Gov. Bill Clinton boasts that while Bush says he supports the death penalty, "I'm the only one who has implemented it." And so-called anti-establishment candidate Ross Perot supports it, along with higher taxes and austerity. In sum, as Reverend Bevel said, Bush is for the Nazi gas chamber method, Perot for the electric chair, and "liberal" Bill Clinton favors lethal injection. That's the political landscape, minus the LaRouche-Bevel campaign.

Rally against death

On Sept. 15, independent vice-presidential candidate Rev. James Bevel led a rally in Richmond, the former capital of the Confederacy, to commemorate the Ku Klux Klan's murder of four black children in the 16th Street Baptist Church in Birmingham, Alabama on that date in 1963. "The same Klan spirit is behind the execution of Willie Leroy Jones" today in Virginia, said Reverend Bevel, who led near-

ly 100 people in a marching song: "If you're gonna kill the people, put on your hood and robe." Gov. L. Douglas Wilder, the nation's only black governor, has killed more people this year than the Klan, Reverend Bevel stated, noting that without the victory in the right-to-vote campaign, which Bevel led as Dr. Martin Luther King's Direct Action Coordinator in the Southern Christian Leadership Conference, "Wilder would not be governor today."

The rally included representatives from the Nation of Islam in Richmond and Washington, D.C.; students from Howard University, Virginia Union University, and Virginia Commonwealth University; the NAACP; the Virginia Coalition on Jails and Prisons; civil rights attorney Sa'ad el-Amin; people drawn from leafleting of Richmond's churches the previous Sunday; and LaRouche-Bevel supporters.

After the rally, a strategy session led by Reverend Bevel planned a march which would mobilize forces, starting from Richmond after church services on Sept. 27, and would arrive at the U.S. Supreme Court in Washington, D.C. by Oct. 7, the date on which the Herrera case will be argued.

Lyndon LaRouche, in a statement issued Sept. 1, entitled "Why I Demand an End to the Death Penalty Throughout the United States," said: "Every human being is in the living image of God by virtue of that divine spark of reason which sets man apart from and above all lower forms of life. When we execute a person, no matter how hideous the crime they may have committed (if indeed they did commit it), we are forgoing the possibility of the redemption of that soul, and we must never deny, in a Christian civilization in particular, the possibility of redemption."

Reverend Bevel told the planning meeting in Richmond: "I don't believe in protest. Americans have been given the authority to *be* the government. Therefore, we must outlaw that which is unlawful." Our Declaration of Independence, said Bevel, represents the first group of men who acted to create government on the basis of Christ's understanding of man. It says that life is an inalienable *right*—a *right*, and not a privilege. We must not allow life to be defined as a privilege. Whatever law (and there is none) allows government to kill, also allows the people to kill. Thus, instead of executions deterring crime, they catalyze it.

The Herrera case: a turning point

In his petition for a hearing to the U.S. Supreme Court, Herrera's attorney states: "The [5th Circuit] Court of Appeals accepted as a matter of fact that Petitioner Leonel T. Herrera is indeed innocent of the crimes for which he is scheduled to be executed, and so no evidentiary hearing was necessary to prove his innocence. The Court accepted as a matter of fact that Petitioner could prove his innocence. The Court of Appeals then held that executing a person whom everyone, including the Courts, knows to be innocent did not run afoul of the Constitution." Herrera's attorney, Mark Olive, remarks in the brief, "While there has been much debate of late about capital punishment and *habeas corpus* [the right to post-conviction appeals], there is not yet a groundswell for executing innocent persons."

Herrera was convicted of murdering two policemen near Brownsville, Texas in 1982. In fact, the evidence suggests that police involvement in the drug trade in the Rio Grande valley along the Mexican border led to the shooting of the two officers, and that police knew of the innocence of Herrera, but kept silent rather than disclose police-shared responsibility for the murders. After Herrera's conviction, Raul Herrera, his brother, confessed that he was the killer; this was confirmed by Raul's son, who was an eyewitness. Because Texas allows new evidence of innocence to be admitted only up to 30 days after conviction, the 5th Circuit Court of Appeals refused to overturn the conviction.

The U.S. Supreme Court mustered four votes, which is the minimum necessary for accepting a case for review. Only four justices, and not the five required, voted for a stay of Herrera's execution while the case was heard. Although the Texas Court of Criminal Appeals acted to stop Herrera's execution until the case was heard, the Supreme Court's refusal to stay it is seen as a sign that the court will rule that executing an innocent man does not represent "cruel and unusual punishment."

Senate approves 'Mr. Death Penalty'

On Sept. 9, the U.S. Senate approved Edward Carnes, a man who has fought to execute the poor and minorities, to be a judge on the 11th Circuit Court of Appeals, covering Alabama, Florida, and Georgia. Carnes replaces the retiring Frank Johnson, a civil rights hero who cast the deciding vote to desegregate buses in Montgomery in 1956.

Carnes wrote Alabama's death penalty law, which is one of a handful in the country which give judges the power to impose the death penalty if a jury declines to do so. Carnes fought to preserve capital convictions in more than 20 cases in which all blacks had been struck from the jury pool. His Senate defenders, such as Howell Heflin, Richard Shelby, and other Confederates, tried to obfuscate the issue by trotting out self-serving statements that Carnes had made denouncing such all-white juries—while using them to the hilt. The 41-year-old Carnes has spent virtually his entire profes-

sional life trying to execute the poor and minorities.

Carnes was greatly helped in his confirmation, which every civil rights organization opposed, by Anti-Defamation League collaborator Morris Dees, the founder of the Montgomery, Alabama Southern Poverty Law Center. Dees has worked closely with the ADL, the Department of Justice, and the FBI in prosecuting the Ku Klux Klan—which is virtually run by the ADL, DOJ, and FBI.

Capital punishment in the nation's capital?

Only six weeks before the general election, no fewer than four separate initiatives are in the works to re-impose the death penalty in Washington, D.C. The City Council unanimously repealed the death penalty in 1981, not having used it since 1957. The House-Senate Committee on D.C. Appropriations is currently meeting on the 1993 appropriations bill, which includes, at the insistence of Sen. Richard Shelby (D-Ala.), that Washington, D.C. put an initiative on the ballot in November to reinstitute the death penalty.

Republican National Committeeman Harry Singleton has so far introduced three separate initiatives to make the death penalty law in the District, where over 60% of the population is black and where living conditions approach Third World levels. Singleton is now appealing a May D.C. Board of Elections ruling that the language of his first initiative was defective. A second initiative, filed in August by Singleton, has been challenged by the American Civil Liberties Union and former D.C. City Council President Dave Clark. A Board of Elections hearing on yet a third Singleton version is set for Sept. 29. Sources say that Singleton hopes to collect the 15,000 signatures required for ballot status from registered voters on election day, and thus have the initiative ready for the next election.

Both the Shelby and Singleton death penalty initiatives would be, in reality, run by the federal government against the overwhelmingly minority population of the nation's capital, since all the D.C. prosecutors and judges who would implement it are appointed by the federal government. The only role of the residents of the District would be pulling the switch on the electric chair and serving on juries. However, under current U.S. law, any person opposed to the death penalty can be struck for cause from a jury in a capital case.

Meanwhile, in Virginia, fresh from the execution of Willie Leroy Jones on the 29th anniversary of the hateful bombing of the 16th Street Baptist Church in Birmingham, Attorney General Mary Sue Terry has already scheduled two more executions in the next 10 weeks, and possibly others before the end of the year. On Oct. 28, Charles Sylvester Stamper, a 39-year-old African-American, is to be executed, and Timothy Dale Bunch, a white 33-year-old, is to be executed on Dec. 10.

Reverend Bevel told his audience on Sept. 15 in Richmond not to wait for the Messiah to straighten this mess out; it is our job to bring about an alternative, he said.