
Book Reviews

Targeting injustice on too low a level

by Marianna Wertz

Circumstantial Evidence: Death, Life, and Justice in a Southern Town

by Pete Earley

Bantam Books, New York, 1995

416 pages, hardbound, \$23.95

Circumstantial Evidence is the story of Walter McMillian, an African-American who was framed and convicted for the murder of two white teenage girls in Monroe County, Alabama in 1986, by a white racist establishment that needed to convict somebody, for political reasons. It is the story, too, of McMillian's exoneration and liberation in 1993, after six years on death row, through the heroic efforts of Bryan Stevenson, a Harvard-educated attorney who gave up a lucrative career to head the Alabama Capital Representation Resource Center and has devoted his life to stopping the execution of poverty-stricken, mostly black death-row inmates.

In his introductory statement, author Pete Earley, a former *Washington Post* reporter, writes, "This book describes a simple death penalty case. I believe that what it has to say about our system of justice and how it is dispensed should frighten us all." Indeed, were the United States today a civilized nation, our justice system would frighten us all, as did Harper Lee's *To Kill a Mockingbird*, the 1960s autobiographical novel of injustice and racism also set in Monroe County, Alabama, to which Earley often refers. However, *To Kill a Mockingbird* was written before the Conservative Revolution took control of Congress.

In the barbarism of today's America, McMillian's case is almost normal. Were we civilized, we would not tolerate dozens of similar cases occurring *every year*; 44 men on death row would not have been found to be innocent since 1976; the O.J. Simpson show-trial would never have occurred. *Newt Gingrich would not be elected in a civilized nation*.

America will not be a civilized nation until we eradicate *at its source* the injustice which is reflected in the McMillian case. The source of that injustice is not Southern racism, but the agents of an oligarchic elite centered in the permanent bureaucracy of the Department of Justice. Their evil is best

seen in the targeting of *EIR* Founder Lyndon LaRouche. I spoke briefly with Earley on Nov. 14, to see if he was familiar with the LaRouche case; he said he was not.

The real corruption inside the DOJ was spotlighted on Aug. 31, when a blue ribbon panel of elected officials, convened by the Schiller Institute, met in Vienna, Virginia to take testimony in LaRouche's and three other cases: 1) the hundreds of black elected officials nationwide who have been targeted for harassment and imprisonment by the FBI's Operation Frühmenschen ("early man"); the case of John Demjanjuk, the retired Cleveland auto worker whom the DOJ wrongfully extradited to Israel to be prosecuted for war crimes, knowing that he was innocent; and the case of former Austrian President Kurt Waldheim, wrongly accused by the DOJ of complicity in Nazi war crimes, in order to discredit his policy, as U.N. secretary general, of opening to the Palestinian cause (see *EIR*, Oct. 6).

The McMillian case intersects this blue ribbon panel in an interesting way. Co-chairing the panel was Alabama attorney and civil rights crusader J.L. Chestnut. Chestnut and fellow African-American attorney Bruce Boynton, the son of Schiller Institute Vice-Chairman Amelia Boynton Robinson and a crusading civil rights fighter in his own right, were the lawyers in McMillian's initial trial, in which he was convicted of murder and sentenced to death.

In *Circumstantial Evidence*, Chestnut and Boynton are depicted, perhaps unwittingly, virtually as shysters, more interested in getting their attorneys' fees from McMillian's family than in getting to the truth. Perhaps this is how it appeared to the McMillian family. Perhaps Pete Earley was uncomfortable with Chestnut and Boynton's reputation for fighting injustice on the level it must be fought—outside the courtroom. In any case, this depiction must not be allowed to stand unchallenged.

Chestnut described to the blue ribbon panel how he has fought injustice throughout his career. Discussing his strategy to defeat indictments by the Reagan-Bush Justice Department against 126 black Alabama leaders in 1985, he said: "We got our folk together. Those who were charged, we reminded them of what had occurred in Alabama in the 1960s; that they had to be ready to die, if necessary, go to jail, whatever, they had to be ready to turn a town inside out, upside down. We had to be prepared to boycott, march, demonstrate." Chestnut ultimately won these cases in the courtroom, but he won them first through political action.

To be fair, Earley's heart is in the right place. He wants to see justice done. He opposes the death penalty, and *Circumstantial Evidence* serves to discredit its use. The problem remains, however, that such investigative journalism will never end injustice in this nation, because its target is too low. Southern racists are the mere arms and legs of a much greater evil—an evil which now runs the U.S. Congress and has inhabited the Justice Department for more than 30 years. That is the evil that Lyndon LaRouche has in his sights.