

Editorial

For a moratorium on executions

After a Feb. 2 plea from Sen. Russell Feingold (D-Wisc.), President Clinton is now considering a moratorium on all Federal executions, pending a study on the fairness of the application of the death penalty. The immediate background to Feingold's appeal, was the moratorium on all executions in Illinois, introduced by Gov. George H. Ryan (R) on Jan. 31. Governor Ryan is a death-penalty supporter and head of the George W. Bush campaign in his state, but he felt compelled to introduce the moratorium, when it became clear that more Illinois death-row prisoners have been eventually found innocent (13), than have been executed (12), since the death penalty was reintroduced in 1977.

President Clinton must do the right thing here, and declare such a capital-punishment moratorium, regardless of what may appear to be politically expedient. Why? As Lyndon LaRouche said on July 23, 1989, while running for Congress from Federal prison, "The death penalty is essentially a ritual human sacrifice performed in the name of law. I believe that no state has the right to execute criminals, as horrendous as their crimes may be. As I have stated many times, a state in the Judeo-Christian tradition is justified in issuing the death penalty only during times of war, and in cases of high treason under conditions of national emergency."

More immediately to the point: If over half those condemned to death in Illinois were innocent, the proportion of innocent people *actually executed* nationally since 1977, must be far higher, because Illinois is much fairer in permitting the accused the opportunity to defend themselves in court, than most other states, especially those which lead the country in executions: Gov. George W. Bush's Texas, and Gov. James Gilmore's Virginia. If the 13 Illinois citizens who proved themselves innocent after being condemned to death, had instead been citizens of Texas or Virginia, they would never have had the chance to prove themselves innocent. Or, even if they did, they could still have been executed anyway.

An exaggeration? Early this year, Judge Sharon Keller, of the Texas Court of Criminal Appeals, wrote the majority decision in the rape/murder case of Ray

Criner. The 5-4 majority found that, despite DNA evidence proving that Criner did not rape the girl, still he had not proved his innocence, because he told three friends that he had had sexual relations with a girl that night. Judge Keller called the DNA test "negative evidence," and claimed that he might have used a condom, and the victim might have had other sexual relations that night — none of which speculation was ever considered in court.

Judge Keller said, "At best, [Criner] established that he might be innocent. We can't give new trials to everyone who establishes, after conviction, that they might be innocent. We would have no finality in the criminal justice system, and finality is important."

Face it: Our justice system has declined to the point that innocent Americans are being sent to the electric chair, or to the gas chamber.

Unfortunately, this Texas "law" is not limited only to state courts. On Jan. 25, 1993, the U.S. Supreme Court, in an opinion written by Chief Justice William Rehnquist, ruled in the case of *Herrera v. Collins*, that actual innocence was not a bar to execution of a convicted murderer, provided that state courts had followed proper procedures. The essence of Rehnquist's decision was expressed in an *amicus* brief filed by then-Solicitor General Kenneth Starr, later the hatchet-man for the judicial frame-up of President Clinton. Starr wrote that higher courts need not worry whether the trial court "made a *correct* decision, but only that the trial court did not make an *irrational* decision."

Since the "rock-drug-sex" counterculture was introduced in the early 1960s, our country has been drenched in blood: in the streets, on television, in movies, video-games, and the Internet, in state execution-chambers, and now in public schools as well. Capital punishment does nothing to stop this; those who advocate it are panderers, encouraging citizens enraged at what is happening to their own lives, to turn to blood-lust, like the Roman proletarians in the Colosseum. Must our country destroy itself in this way? Can we return to the values which made us great in the past? That is the question, in the proposed moratorium on executions.