

Death Row Exonerations Continue To Rise

by Marianna Wertz

Juan Roberto Melendez, a Florida Death Row inmate for more than 18 years, will soon walk free, the 99th innocent person released from Death Row in the United States since 1973, according to a Jan. 3 release by the Death Penalty Information Center. Melendez is also the 22nd Florida Death Row inmate to be exonerated and freed since 1973, at least three times the number of any other state but Illinois (see **Figure 1**).

The announcement of Melendez's release puts heavy pressure on Florida Gov. Jeb Bush, brother of the President, to impose a moratorium on executions in the state. This is especially true if one compares Florida to Illinois, a state which had the next highest number of exoneerees. Because of the 13 exonerations in Illinois, nine fewer than in Florida, Gov. George Ryan, a fellow Republican (and President George W. Bush's 2000 Illinois campaign chairman), two years ago this month imposed a moratorium on executions, a

moratorium which remains in effect today.

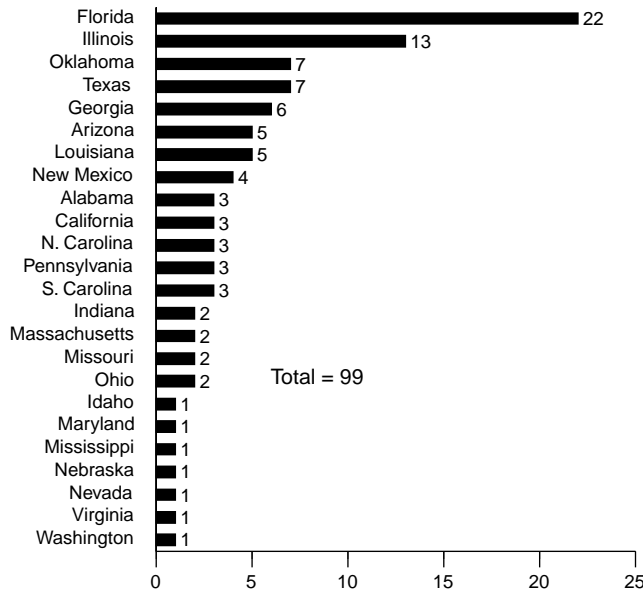
Like many of the other 98 exoneration cases, Melendez's case was overturned because a state Appeals Court found that prosecutors in his original trial had withheld critical evidence. Judge Barbara Fleischer of the 13th Circuit Court in Florida, who overturned Melendez's 1984 conviction, also noted that no physical evidence linked Melendez to the crime.

Melendez is the first person to be exonerated in 2002, following five exonerations in 2001 (see **Figure 2**). Those five included Florida Death Row inmate Joseph Ramirez, whose capital conviction was thrown out by the state Supreme Court because of faulty testimony by prosecution witnesses.

Pressure for a moratorium on capital punishment is building in other states as well, because of the high moral cost of mistakes in capital cases. The Kansas Supreme Court ruled in late December that the state's death penalty law is flawed, and the sentences of the four Kansas Death Row inmates will have to be decided again. The Death Penalty Information Center reported that the Kansas law allowed a death sentence if the aggravating factors presented by the prosecutor were equal to the mitigating factors presented by the defense. "Fundamental fairness" requires that a tie go to the defendant when it is a matter of life and death, the court found.

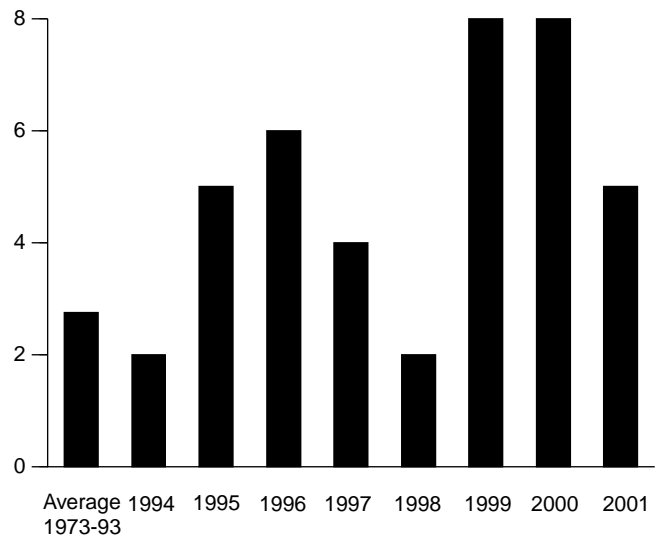
On Dec. 19, 2001, the Cincinnati City Council became the 60th local government in the United States to pass a moratorium resolution, supporting suspension of all executions in Ohio.

FIGURE 1
Number Of Death Row Exonerations By State, 1993-Jan. 3, 2002



Source: Death Penalty Information Center.

FIGURE 2
Number Of Death Row Exonerations By Year, 1973-2001



Source: Death Penalty Information Center.

No Execution For Mumia Abu-Jamal

Perhaps the most celebrated American Death Row inmate, writer and former Black Panther Mumia Abu-Jamal, had his 20-year-old death sentence thrown out by a Federal judge in Philadelphia on Dec. 18. U.S. District Court Judge William Yohn called for a new sentencing hearing within 180 days, saying that the jury that sentenced Abu-Jamal was not properly instructed on how to consider mitigating factors. If no hearing occurs within 180 days, Yohn ruled, then Abu-Jamal's death sentence would be void and he would be sentenced to life in prison.

Abu-Jamal's thousands of supporters—from the international anti-death-penalty movement and the political left—welcomed the fact that he won't be executed, but announced their determination not to stop their efforts until Abu-Jamal, whom they believe to be innocent, goes free.

Abu-Jamal's claim of innocence is not without foundation. Most important, his supporters point to Judge Yohn's refusal—now and earlier this year—to admit as evidence a sworn affidavit and videotaped account by mob hit-man Arnold Beverly, who has fully admitted to the 1981 murder of Philadelphia policeman Daniel Faulkner, the murder for which Abu-Jamal was convicted.

In July, Judge Yohn refused to allow Beverly to testify in court, ruling that the confession was "time barred." Yohn cited the notorious 1992 U.S. Supreme Court decision in the case of Leonel Herrera, a Texas Death Row inmate. In that case, the Supreme Court ruled that it is *Constitutional* to execute a person who has been convicted of murder, but who is actually innocent, if the time limit for his appeals has run out.

Beverly made his confession, not just last year, but also to Abu-Jamal's original attorneys in the case, who said that it was not credible and refused to pursue it. (Abu-Jamal's supporters say that these attorneys were on the side of the prosecution.) But, Beverly has passed a lie detector test on his confession. In his affidavit, he said that he was hired and paid to shoot and kill Faulkner by the mob and corrupt elements in the Philadelphia police force, because Faulkner "interfered with graft and payoffs."

Abu-Jamal's current attorneys asked Judge Yohn, "In what case, in what court, anywhere in this country, has any jury ever convicted a defendant of a crime after the true perpetrator voluntarily came into court and testified under oath that he, rather than the defendant, was the guilty party?"

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Book Review

Martin Luther King, Jr.: Still Preaching In 2002

by Anita Gallagher

King Came Preaching: The Pulpit Power Of Dr. Martin Luther King, Jr.

by Dr. Mervyn A. Warren

Downers Grove, Illinois: InterVarsity Press, 2001
223 pages, hardbound, \$19.99

It is with both profound joy and deep sadness, that one spends some hours with Dr. Martin Luther King, Jr. through Dr. Mervyn Warren's new book. Joy, for the obvious reasons, and also because in looking intensely at Dr. King's relationship to preaching, one meets him afresh. Sadness, that such a giant is no longer among us in the end phase of a centuries-long struggle which will either see the development of all men, or a new "Dark Age." Such a powerful exemplar of the belief in human progress for all, should be living at this revolutionary hour.

Amelia Boynton Robinson, the heroine of the 1965 "Bloody Sunday" civil rights march who invited Dr. King to Selma, and a leader of the movement of U.S. statesman Lyndon H. LaRouche, Jr. since 1979, has spoken many times of the similarities between what Martin Luther King, Jr. did and what LaRouche is doing today: "Were Dr. King living, he would certainly be working with us."

Salient Insights On Dr. King

Dr. Warren's book arose out of his Ph.D. dissertation at Michigan State University in the late 1960s. His faculty adviser, Dr. Robert Green, who had marched with Dr. King in Selma, granted him permission to write on Dr. King's preaching only if Dr. Warren would attend Dr. King's sermons and interview him about them. Dr. King agreed, and their first, lengthy interview occurred in Chicago in August 1966. Dr. Warren, currently Professor of Preaching at Oakwood College in Huntsville, Alabama, did not present his finished dissertation to Dr. King before he was assassinated, but did present it to his widow, Coretta Scott King, in 1988, and rewrote it for the general public in his 2001 book. This valuable book