

Widespread protests against impending execution of Gary Graham in Texas

By Joseph Tanniru
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Texas inmate Gary Graham, also known as Shaka Sankofa, is scheduled to be executed this Thursday, June 22 at 6 p.m. Graham has been imprisoned on death row for 19 years.

If not commuted by Governor George W. Bush and the Texas Board of Pardons and Paroles, his execution would follow three executions in the state last week and twenty-two so far this year. Texas has put 221 people to death since the reinstatement of the death penalty in 1976, more than any other US state.

There are many doubts as to whether Graham, who was 17 at the time of his arrest, actually killed grocery clerk Bobby Lambert on May 13, 1981, during a robbery attempt. There is no physical evidence linking Graham to the crime. His conviction was based primarily on the testimony of one eyewitness, whose identification of Graham is disputed by other eyewitnesses.

Graham, now 38, twice previously had his sentence delayed within hours of execution, in 1993 and 1999. Earlier this month the US Supreme Court declined to hear his case.

Texas State Senator Rodney Ellis has called on the Texas Board of Pardons and Paroles to hold a public hearing on the Graham case. The 18-member board, which generally votes by fax, plans to vote privately on Thursday and issue a decision at noon, only six hours before Graham is to be put to death. Usually the board meets prior to the scheduled day of execution. The board, comprised of Bush appointees earning \$80,000-a-year salaries, has only commuted one death sentence since Bush took office in 1995.

Bush has come under increasing pressure to halt Graham's execution. Anti-death penalty protesters have disrupted his presidential campaign appearances, and he canceled a press conference on Tuesday to avoid

questions about the pending execution. Earlier this month Bush granted a 30-day reprieve, his first ever, to halt the execution of Texas death row inmate Ricky McGinn so as to allow for DNA testing to determine McGinn's guilt or innocence.

Bush has presided over 134 executions. He insists that none of the people put to death during his five-and-a-half years as governor have been innocent. However, a recent *Chicago Tribune* investigation documented the fact that dozens of inmates executed during Bush's term in office were represented by unqualified, disbarred or subsequently suspended defense attorneys. According to the *Tribune*, many convictions were compromised by unreliable evidence or dubious psychiatric testimony.

Gary Graham's case falls into this category. Bernadine Skillern, the only eyewitness to identify Graham at trial, was parked 30 to 40 feet outside the store in a dark parking lot at the time of the killing. Other eyewitnesses, including workers at the grocery store, have contradicted Skillern's testimony, saying that Graham was definitely not the killer. None of the latter eyewitnesses were called to testify during Graham's trial.

There are many indications that Graham's defense counsel was incompetent, and that there was prosecutorial and police misconduct. In addition to failing to call eyewitnesses who would contradict the prosecution's testimony, Graham's defense lawyer, Chester Thornton, did not introduce to the jury a ballistic report showing that the bullet that killed Lambert was not fired from the gun found on Graham. Thornton also failed to interview or call to the stand any alibi witnesses for Graham, a number of whom have since stepped forward, claiming that Graham was with them at the time of the shooting.

Graham had admitted to participating in a number of armed robberies around the time of his arrest, and his court-appointed lawyer apparently assumed that he was also guilty of murder. A defense investigator stated in a 1993 affidavit that because Graham was assumed to be guilty “from the start, we did not give his case the same attention we would routinely give a case. We just did not have the time to worry about a guilty client.”

One of the jurors, Bobby Joe Pryor, has stated that the defense attorney “didn't present any kind of fight for [Graham].... It was just, ‘I'm in here to get it over with and get out of here.’” Graham's trial lasted only two days. Pryor and other jurors have since stated that they might have reached a different verdict if presented with the full evidence.

The one eyewitness who identified Graham as the killer picked him out of a lineup in which he was the only individual who even superficially matched the description of the suspect. Other eyewitnesses say the killer was much shorter than Graham.

Graham's case, because of the obvious flaws involved, has become an important focal point for death penalty opponents. Last week, the Center for Wrongful Convictions at Northwestern University called on Bush to grant a reprieve to Graham, citing “overwhelming doubt of guilt.” Graham has stated, “Politically, [Bush and other politicians] cannot afford to acknowledge that they have poor people, innocent people, here in Texas who are being systematically killed.”

In Detroit on Monday a group of hunger strikers protesting Graham's execution set up camp outside the City County Building, where they plan to remain. They are planning daily noontime rallies and will hold a vigil at 5 to 7 p.m. on Thursday, the time Graham's execution is scheduled to take place. Demonstrators rallied outside the Republican State Committee in New York City on Tuesday, and seven demonstrators from the International Action Center were arrested after occupying the Committee's offices, calling on Governor George Pataki and Mayor Rudolph Giuliani to prevail upon Bush to halt the execution.

On Monday evening supporters of Gary Graham and US political prisoner Mumia Abu-Jamal appeared on the popular Cuban television program “Round Table.” Panelists included Pam Africa of the International Concerned Family and Friends of Mumia Abu-Jamal

and Abu-Jamal's attorney Leonard Weinglass. Actor Danny Glover was interviewed by phone from New York and talked about his involvement in Gary Graham's defense over many years.

Jesse Jackson, accompanied by Bianca Jagger of Amnesty International USA and other supporters, met with Graham on Tuesday in Huntsville. Jackson has called on Bush to issue a stay of execution and call for a new trial.

The United States, in addition to being one of the few countries allowing the death penalty, is one of the only countries in the world that does not ban the execution of individuals convicted of crimes committed as a juvenile (under the age of 18). If executed, Graham will be the seventeenth such individual executed in the US since 1976, and the eighth since September 1997. Of the eight individuals executed since 1997 throughout the world for crimes committed as juveniles, seven have been in the United States and one in Iran.

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