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Counterpunch

Is Fascism Coming to America? And If So, Dressed as What?

by ALEXANDER COCKBURN
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But first, a simple rule for killers: If you are going to murder someone in the United States, don't try to get the job done in Texas. Keep your captive alive in the car till New Mexico, which recently banned the death penalty, or press on to California, which retains the death penalty but makes available very large sums of state money – potentially, hundreds of thousands of dollars — for a capable death penalty defense.

That's enough to hire good investigators, lawyers and expert witnesses who can spend many years on the case — first the trial and then the penalty phase and then the appeals process, which can go on for decades. California currently has 648 prisoners on death row in San Quentin, and since 1976, it has managed to execute only 13, just enough to keep people on their toes.

An indigent person charged with murder in the state of Texas, however, can count on maybe \$500 for a court-appointed attorney to pay for special expenses. Yet the cost of importing an expert witness, who will be charging transportation, hotel and a fat fee, easily can exceed \$10,000.

Business is correspondingly brisk in the lethal injection chamber in Huntsville, Texas. There are currently 413 on death row, and at the time of writing, 475 have been executed since 1976, 235 of them during Rick Perry's decade-long stint as governor.

It turned out Thursday we won't have to adjust the numbers yet. On Sept. 15, the scheduled execution day for Duane Edward Buck, the U.S. Supreme Court granted a stay of execution for Buck, (who on Sept. 12 had his clemency request turned down by the Texas Board of Pardons and Paroles,) while it reviews the case.

No one claims that Buck, 48, didn't shoot to death his former girlfriend and her male companion and wound a third in Houston in 1995. He himself admits his crimes. At issue is what an expert witness told the court during the sentencing hearing, where the jury decides whether the convicted murderer should go to prison for a life term or get lodgings on death row.

To get Buck lined up for the lethal needle, his prosecutors needed to prove "future dangerousness." How might Buck behave in the event he ever got out of prison?

Dr. Walter Quijano, a psychologist practicing in Conroe, a town just south of Huntsville (and no doubt filled with employees for the big prison in Huntsville, some of whom may well have resort to Quijano's ministrations), had actually been called by the defense, who hoped that he would testify that Buck's killing spree was an act of rage unlikely to be repeated.

Under cross-examination, however, the prosecutors asked Quijano: "The race factor, black, increases..."