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~~Deukmejian~~ Who's To Blame?

By: Kenneth Gay

In 1974, State Assemblyman, George Deukmejian re-wrote the state's laws on capital punishment. Within two years the death penalty in California was open for business. However, in order to pass legislative muster, the NEW death penalty laws were far more stringent and required law enforcement as well as the courts to tailor their conduct to comport with the rights of the accused. Law enforcement found it increasingly difficult to comply. In fact, so much so, that the first 90 convictions that California trial courts managed to secure, were reversed by the California Supreme Court on appeal. It seemed as if all of the hard work of the state assemblyman to re-start the death penalty was failing miserably. Until 1986, when George Deukmejian became California's GOVERNOR.

The newly-elected Governor's first order of business was to threaten California's Supreme Court with, "Stop reversing capital cases, or be removed from the bench." Chief Justice, Rose Bird (1972-86) leader of the Judicial Branch told the Governor, "re-train your staff to comply with the new laws, or we'll continue reversing unlawful convictions." The Governor (Deukmejian) made good on his threats in short order. Within several months, Justice Rose Bird and three of her colleagues were defeated in a retention election. The Governor quickly replaced them with judges willing to AFFIRM capital convictions despite the legalities. Overnight, the court was transformed. The BIRD Court had reversed 92.8% of ALL capital cases they reviewed. The new LUCAS Court however, denied 100% of ALL capital cases they reviewed. This NEW court was just the beginning of Deukmejian's rise to power.

Within two short years of being AFFIRMED, condemned prisoners were seeking Writs of Habeas Corpus to the Federal Courts. 73% of them were successful. It seemed that the Governor's plan was falling apart. Something had to be done. Deukmejian ordered his new California Supreme Court Justice, Chief Justice, Malcolm Lucas to create special laws specifically for condemned prisoners. As head of the Judicial Branch, Lucas had NO authority to make law. However, the Governor assured him (Lucas) that the newly-elected State Attorney General, Dan Lungren, would NOT interfere. Lucas then did something never before seen in the history of the United States. He committed HIGH TREASON. He violated SEPARATION OF POWERS, and SUSPENDED the Writ of Habeas Corpus. This outrageous and evil act created a ripple effect throughout the judicial system.

The Governor signed the POLICE OFFICER'S BILL OF RIGHTS. The only Bill in the ENTIRE nation that encourages the police to withhold evidence, manufacture evidence, and commit perjury, without any fear of recriminations. Trial judges and prosecutors were given "blanket immunity", rather than "qualified immunity". They could no-longer be held accountable for ANY of their CRIMINAL acts of misconduct committed during the performance of their duties. And, for those condemned prisoners who were going to federal courts to seek review of their respective trial court convictions, the Writ of Habeas Corpus was SUSPENDED. This meant that a person convicted in a capital criminal trial could no-longer challenge the validity of that conviction on a Writ of Habeas Corpus -- the most valuable tool in the appellate arsenal was eliminated.



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As a direct result of these outrageous criminal acts by a handful of desperate politicians, the average time it now takes to process a state death penalty appeal, is 18-25 years versus two years under the correct appellate process originally utilized in the Rose Bird court. The average cost in the Bird court was \$1.2 million dollars. The average time it takes to complete all state court appeals is now 34 years. The cost of each appeal is \$250 million dollars. This is 600% higher than any other state in the entire union. Translated, 49 other states are footing the bill for California's fraudulent capital appellate process. Prisoners are held 34 years WITHOUT Due Process of Law, and without the Equal Protection of the Law. If that wasn't enough, California took the extraordinary step of PROHIBITING and self-representation to condemned inmates to prevent them from complaining about this corrupted system.

Trial judges, prosecutors, and police know that their misconduct will not be reviewed for 30+ years, and even if caught, they have immunity and are shielded beneath the Police Officer's Bill of Rights. The California Supreme Court currently DENIES 100% of ALL capital appeals after a delay of 34 years. While the capital appellate lawyers have siphoned off \$3.2 trillion dollars in federal subsidies over the past 25+ years. That's YOUR money.

In recent weeks, a federal court judge ruled that the California Death Penalty is UNCONSTITUTIONAL, because of the delays caused by the "process". Politicians and lawyers would have you believe that it is due to the "broken system", or simply blame the overcrowded courts. Too many men and women on death row, costing \$2.2 million dollars PER inmate per year. Multiply that by the 750+, and you'll begin to understand why no one is being executed. The death penalty is a multi-trillion dollar fraudulent enterprise controlled by the state's elected officials. This small group of people, acting under color of law have committed The Ultimate Betrayal. The fact that they've been able to pull it off for so long is a testament to the code of silence amongst lawyers. But, like all good things -- it MUST come to an end. 750+ people, many of them murderers, some of them innocent, have been convicted in unreliable and unfair trials, held for decades without the right to appeals. These same people are entitled to their freedom.

The economic fallout and the damage to the integrity of the criminal justice system will be ugly and messy. When it comes time to hold someone responsible and more-importantly, accountable for these CRIMINAL ACTS, look no further than the politicians you yourselves have elected. Now you know who's to blame.

Kenneth Gay  
Death Row Inmate  
San Quentin State Prison (California)

A CAL DIRTY (COLD)