**George Wright, a Murderer?**

**A closer look at the Plea-Bargaining aspect of the US Judicial System**

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December 4, 2011

Many news articles had an aura of the "spectacular" in their reporting on Portugal's arrest of the Portuguese citizen, Jose Luis Jorge Dos Santos (George Wright), at the request of the US government for consideration of his extradition to the United States. The articles placed their accent on the arrest of a "convicted murderer," who had been a fugitive for 41 years.

Portuguese police arrested Jose Luis Jorge Dos Santos, earlier known as George Wright, September 26, 2011. In 1970, after serving eight of a 15 – 30 year sentence, Wright, along with three other inmates escaped from the Bayside minimum security prison facility in Leesburg N.J. According to the media, US officials are allegedly seeking to have Wright return "to serve the remainder of a 15- to 30-year jail sentence for the killing of Walter Patterson,"[[1]](#1340daf2e6c01788__ftn1) during a 1962 gas station hold-up in New Jersey. (One must add "allegedly," because the media quotes no specific US official alleging that this is the sole or even the main reason for their seeking his return.)

In 1972, Wright, and 4 other Afro-American (taking along 3 children), hijacked a Delta Airlines flight from the USA to Algeria with a ransom of $1,000,000 destined for the foreign section of the Black Panther Party, based in Algiers at the time. Wrights 4 companions were arrested in Paris in 1976 based on a US extradition demand for their hijacking. France refused extradition that same year, recognizing that their hijacking had been a politically motivated act in the struggle against US racism. Having refused to extradite them, France, in accordance with an international treaty, was compelled to try them in a French court, even though the hijacking had nothing to do with French jurisdiction. In 1978, they were tried and convicted of the hijacking.

One could speculate that the US government is insinuating merely wanting Wright to finish his sentence for murder, because to demand extradition for the hijacking, the real reason, would pose legal difficulties, since an EU member state has already refused extradition for that same act, judging it was politically motivated in the struggle against racist oppression.

November 17, 2011, the Portuguese court of appeals refused extradition because Jorge Dos Santos is a Portuguese citizen and because the crime, for which the US is asking his extradition, has long since surpassed the statute of limitations. November 29, 2011, the US government appealed that decision.

Given the fact that the US government puts forward the claim of wanting George Wright back because of the murder conviction, it would be worthwhile examining this conviction. Does one have to kill someone to become a "convicted murderer" in the USA?

**Is George Wright a Murderer?**

Wright has often been referred to as a "convicted murderer," leading many – both Europeans and US-Americans – (understandably) to believe that George Wright had taken someone's life. This is even more understandable, when the source of this information is considered.

FBI Special Agent, Bryan L. Travers, announcing Wrights arrest, wrote in his press release (September 27, 2011) that

"On November 23, 1962, George Wright and three associates were involved in the commission of multiple armed robberies. During the second of these robberies, Wright and an associate shot and killed Walter Patterson, a World War II veteran and Bronze Star recipient, during the robbery of the Collingswood Esso gas station in Wall, New Jersey."[[2]](#1340daf2e6c01788__ftn2)

The FBI special agent goes on to explain that:

Wright was arrested two days later and was indicted on state charges along with his associates on December 13, 1962. On February 15, 1963, Wright entered a plea of “no defense” to the charge of murder. Wright was subsequently sentenced to 15 to 30 years’ incarceration.[[3]](#1340daf2e6c01788__ftn3)

For those, unfamiliar with the US penal system, a translation of the background of these allegations becomes necessary.

Special Agent Travers writes that "Wright AND an associate shot and killed Walter Patterson."

This stands in blatant contradiction to press reports from other sources in New Jersey – the state where Special Agent Travers works. The Newark-based Star-Ledger journal, having the largest circulation in the state writes:

"One of [the robbers], Walter McGhee, had a revolver, according to police records. McGhee fired two shots at Patterson and ran off with $70. (...) McGhee was sentenced to life in prison. Wright, as one of the holdup men, was also charged with murder. He changed his plea from innocent to no defense to evade a jury trial that could have resulted in the death penalty if he were found guilty, according to news accounts. Wright, at age 19, was sentenced to 15 to 30 years in prison, where he served time until his escape in 1970."[[4]](#1340daf2e6c01788__ftn4)

The Neptune N.J.-based "Asbury Park Press" daily, with the third largest statewide circulation, which holds "numerous national honors in journalism, including the Selden Ring Award for Investigative Reporting,"[[5]](#1340daf2e6c01788__ftn5) adds these significant details:

Wright, armed with a sawed-off 22- caliber rifle, and McGhee, armed with a 32-caliber pistol, were both wearing women’s pantyhose over their faces when they assaulted Patterson and fired at least one shot during the robbery. Patterson was shot once in the abdomen before the four got away with $70 in cash. Police later determined it was a shot from McGhee’s pistol that led to Patterson’s death.[[6]](#1340daf2e6c01788__ftn6)

Therefore "according to police reports" even though Wright had been armed and had participated in the holdup, "police (...) determined" it had been McGhee, not Wright, who had fired the fatal shot; a nuance that was probably not lost on the FBI.

The FBI must have had access to these police records. Yet, the FBI deliberately falsified its version of events to the public, seeking to place the fatal weapon in George Wright's hand, to make him appear dangerous. This has nothing to do with criminology. This is a criminal "manipulation of evidence."

The FBI, banking on the authority of the bureau’s reputation, spread this falsified version to the press, with a degree of success.

Whereas most media organs referred to Wright as a "convicted murderer," the NY Times, for example, in its early article on Wright's arrest, went further to conclude:

"In 1962, Mr. Wright was involved in a string of armed robberies. During one of them, at a gas station in Monmouth County, N.J., Mr. Wright shot and killed the owner, Walter Patterson (...)."[[7]](#1340daf2e6c01788__ftn7)

When asked for the source of this information, the author responded, "That information came from the FBI."[[8]](#1340daf2e6c01788__ftn8)

Several television newscasts – available on internet – illustrate the background of the story of Wright's arrest in Portugal with a trick-drawing animated film produced by Next Media News Direct.[[9]](#1340daf2e6c01788__ftn9) This animation depicts Wright with another male robbing a gas station. The animation falsely suggests 1) that of the two robbers, Wright is the only one armed and 2) he is depicted firing 2 shots before fleeing with his partner.

When asked about the basis for these allegations, one of the persons responsible for the group producing the film responded:

“Please see NYT 27 Sept story of where. Mr. Wright shot and killed Walter Patterson. After that story a simple nexis search or google has examples from Gannett, CBS.”[[10]](#1340daf2e6c01788__ftn10)

Still another illustration used in newscasts[[11]](#1340daf2e6c01788__ftn11) of unknown origin, consists of a “doctored” presentation of a newspaper clipping, published a few days after the 1962 holdup. The article is entitled, ""Holdup Victim Dies, Four Suspects Held," the journal and date are unknown. A portion of the article is shown as a blurred background, with portions of sentences legibly superimposed in relief. The texts in relief contain the words/phrases "bullet," "gunmen fired" and "2 caliber pistol." The first digit of the caliber is still off-screen when the scene changes. The text of the article in the background obviously expresses that a bullet from a .32 cal. pistol killed the victim. [[12]](#1340daf2e6c01788__ftn12)

As shown above, police records – also at the disposal of the FBI – explain that a bullet from a .32 cal. pistol killed the victim, and that George Wright was carrying a sawed-off 22. caliber rifle. Would the news broadcaster have an interest in fabricating this disinformation? Would the broadcaster know – or even care – about these details of such a cold case? Would it not be more plausible that the FBI contracted this illustration?

**Plea[-Bargain] of "No Defense"**

Another aspect that may be particularly alien to European observers of the US system – though it is now beginning to take root also in Europe[[13]](#1340daf2e6c01788__ftn13) – is the question of plea-bargaining.

George Wright was convicted of a killing that police, prosecutor, defense counsel and judge all knew that not he, but someone else, had committed. Whereas the FBI press release merely states, "Wright entered a plea of 'no defense' to the charge of murder," the journalists, quoted above, say why.

McGhee, who had fired the fatal shot, was sentenced to life in prison. Wright, charged with this same killing, was forced to change his plea from "innocent" to "no defense," – meaning he will not defend himself against the charge.

Under US law, if during the commission of a lesser crime – in this case robbery – a more serious crime occurs – for example a killing – the participants in the lesser crime can also all be charged with the more serious violation. This holds true even though it is clear that not each participant was personally involved in the commission of the more serious act. This is an indication of the subordinate role played by the question of PERSONAL guilt and innocence in US judicial proceedings.

The prosecutor, having also charged Wright with murder, put him under pressure to obtain another quick conviction for this serious crime. But Wright insisted on his innocence, which meant he had a right to a jury trial.

The main actors in the judicial process dislike jury trials, because they entail much time and hard work for the prosecution, defense, and judge to prepare the case to reach a conviction. Conviction, not justice is the objective – regardless of the degree of the defendant's guilt.

Therefore, Wright, having no means to hire his own lawyer, had to also to rely on the services of a court appointed attorney or a public defender. These are usually inexperienced, underpaid and most important, very often indifferent to the fate of those they represent in these cases. Not being particularly interested in taking the case to trial, the court appointed lawyer would also probably advise his/her client to take a "plea bargain", meaning one of the versions of not contesting the charges, SO THAT the judge can pronounce the defendant guilty, without having to go through the "normal" jury trial procedure of examining the state's evidence.

Wright was caught in the mills of what is known as the "plea-bargaining" system. Jessica Mitford, in her very good dissection of the US penal system, "The American Prison Business" describes the plea-bargaining mechanism:

"Those who have the temerity to proclaim their innocence of the crime with which they are charged and to demand a trial will, if convicted, serve more than twice as long a sentence as those who 'cop a plea' of guilty. (...) Over 90% of all criminal cases are dealt out through the plea-bargaining process; judges say that if every accused or even a majority were granted a trial, the criminal courts would become so hopelessly clogged they would soon grind to a halt. (...) As characterized by one public defender, plea-bargaining is 'trial by trick and deceit.' In a typical plea-bargaining situation, the prosecutor will pile on felony charges, regardless of whether he has evidence to support them, in order to pose the threat of long years in the penitentiary should the accused put the state to expense and trouble of a trial and be found guilty."[[14]](#1340daf2e6c01788__ftn14)

The press reports, "Wright said he entered the plea only to avoid the death penalty or a life sentence."[[15]](#1340daf2e6c01788__ftn15) If he were found guilty by a jury, chances are very good, he would have received the death penalty.

McGhee, the triggerman, was sentenced in February 1963, to a life prison term [at the time, meaning usually about 20 years] but was paroled in August 1977. Wright insisted that he never fired a shot in the holdup and pleaded ”no defense” to the murder charge because his lawyer advised him to do so to avoid the death penalty.[[16]](#1340daf2e6c01788__ftn16) Wright was given 15 – 30 years – a maximum sentence 1.5 times longer than McGhee's. Evidently feeling tricked, Wright sought to appeal this conviction to have a full trial. After the judge rejected this appeal attempt, Wright was sent to the New Jersey State Prison.[[17]](#1340daf2e6c01788__ftn17)

A "plea bargain" in fact boils down to an official extortion of a "guilty" plea from a defendant, regardless of his/her innocence, in exchange for a promised – but not always kept – specific sentence.

The US government's justification for plea-bargaining is that it speeds up the judicial process – from arrest to imprisonment. The government has an additional advantage with the plea-bargaining system. It provides judges extraordinary arbitrary powers.

"This is how (Soledad Brother) George Jackson was put in prison for a crime he had not committed. He 'copped a plea' hoping to get at least less and ended up with a sentence of 1 year to life. He had served 10 years in prison for supposedly having stolen 70 dollars, when he was assassinated in a racist conspiracy.

"There is one snag in the whole plea-bargaining deal: once you plead guilty, you cannot appeal your case or change your plea to not-guilty. One becomes a "felon" for life. "[[18]](#1340daf2e6c01788__ftn18)

Former Assistant Secretary of the US Treasury, Paul Craig Roberts,[[19]](#1340daf2e6c01788__ftn19) explains:

"In the US the wrongful conviction rate is extremely high. One reason is that hardly any of the convicted have had a jury trial. No peers have heard the evidence against them and found them guilty. In the US criminal justice (sic) system, more than 95% of all felony cases are settled with a plea bargain."

And warns:

"Before jumping to the conclusion that an innocent person would not admit guilt, be aware of how the process works. Any defendant who stands trial faces more severe penalties, if found guilty, than if he agrees to a plea bargain. Prosecutors don’t like trials because they are time consuming and a lot of work. To discourage trials, prosecutors offer defendants reduced charges and lighter sentences than would result from a jury conviction. In the event a defendant insists upon his innocence, prosecutors pile on charges until the defendant’s lawyer and family convince the defendant that a jury is likely to give the prosecutor a conviction on at least one of the many charges and that the penalty will be greater than a negotiated plea."[[20]](#1340daf2e6c01788__ftn20)

Given the presumption of innocence,[[21]](#1340daf2e6c01788__ftn21) in fact and in principle, these more than 95% of the inmates in US prisons are innocent! Their guilt has not been proven – beyond a reasonable doubt – in a trial. They had been blackmailed and/or tricked into a guilty plea – regardless of the degree of their guilt or innocence for the crime for which they were charged.

The theory behind plea-bargaining is that "the confession of the defendant is considered solving the conflict and rendering the judicial procedure (particularly the analysis of the evidence) superfluous. This is why as soon as there is a confession, the judge pronounces the sentence'."[[22]](#1340daf2e6c01788__ftn22)

Plea bargaining has robbed the criminal justice system of its middle name. With plea-bargaining, the question of personal guilt and innocence – the prerequisite sine qua non for JUSTICE – no longer plays any role. Through the plea-bargaining technique, the government mass-produces convictions. For many, the assumption is that "they are obviously guilty." For some it is obvious because they were "convicted." And for others because "no one would plead guilty if they were not."

As one observer noted: "And when, as part of a plea bargain, innocent people confess to a crime they did not commit, that isn't a breakdown of the system. It is the system working exactly as it is supposed to. If you're the suspect, sometimes this means agreeing with the prosecutor that you will confess to jaywalking when you're really guilty of armed robbery. Sometimes, though, it means confessing to armed robbery when you're not guilty of anything at all."[[23]](#1340daf2e6c01788__ftn23)

In addition, as the FBI demonstrates above, official propaganda can always conjure up a "murderer" by pointing to his "conviction." This is how George Wright became a "convicted murderer" without having killed anyone.

# Official Lynching

Throughout US history, lynching has played an important role as part of the justice system. From the witch-hunts in colonial New England to the racist lynchings during and since slavery, to the Wild West lynchings, there has always been a particular identification with vigilante "justice."

In every US courtroom today, there are recurrences of the lynch mob mentality, often deliberately provoked by the prosecution and/or judge in jury trials. One famous example is that of the racist, fascist Philadelphia judge Albert F. Sabo, who had presided in the case against the Afro-American journalist and activist, Mumia Abu Jamal, as well as many of his appeal hearings. During the period of the Abu Jamal trial, he was overheard telling someone, "Yeah, and I'm going to help them fry the nigger." He sentenced Mumia Abu Jamal to death.

An often-used method of agitating a lynch mob is known as "waving the bloody shirt." This is the use of the demagogy of appealing to the mob to "avenge the victim" (and/or the victim's family). This is a call for vengeance aimed at eclipsing rationality and demands for justice. The name refers back to the agitator repeatedly brandishes a blood-stained garment, thought to have belonged the victim (but any blood-stained rag will do) to whip the mob into a frenzy.

In the Dos Santos case, the FBI has been waving two “bloody shirts.” The first is that of the US flag, by constantly mentioning that the victim, Walter Patterson, had been a decorated WW II veteran, a fact of absolutely no relevance to the case. But this "shirt" serves to suggest that the pursuit of Dos Santos – clearly innocent of Patterson's death – is a “patriotic duty,” even a "national priority." A question that comes to mind is whether the US authorities had felt this sense of obligation toward Walter Patterson, and other decorated veterans while they are still alive, and if so how was it demonstrated?

The second "bloody shirt" method consists of having convinced the victim's daughter, Ann Patterson to crusade in the media for Wright's return, based on the FBI's falsification of Wright having been her father’s assassin.

This particular "bloody shirt" method is widely used by prosecutors and police throughout the country.

It would be somewhat understandable that someone who has lost a loved one to a crime, would want to see the perpetrator justly punished. But it crosses the border to become a lynching, when that family member campaigns for the "punishment" of someone they either know to be innocent or where there is hard evidence leaving serious doubt about the guilt of the accused.

Ann Patterson has certainly crossed that border.

In an article dedicated to Ann Patterson's crusade,[[24]](#1340daf2e6c01788__ftn24) published just one week after Dos Santos was arrested in Portugal, she is quoted:

"After hearing an FBI agent tell her 'Ann, we got him,' Patterson said she [sic] a lot of jumbled up emotions but a little piece of mind, too.

”'Now we have a chance to have justice for Daddy,' Patterson said. 'Daddy didn’t get any justice and he (Wright) was out living a good life while he took Daddy’s life away from him.'

”'It was like a burden was lifted,' Patterson said."

In the same article, one reads also that:

"Wright, armed with a sawed-off .22-caliber rifle, and McGhee, armed with a .32-caliber pistol, were both wearing women’s pantyhose over their faces when they assaulted Patterson and fired at least one shot during the robbery.

"Patterson was shot once in the abdomen before the four got away with $70 in cash. Police later determined it was a shot from McGhee’s pistol that led to Patterson’s death."[[25]](#1340daf2e6c01788__ftn25)

The article returns to Ms Patterson and other family members:

"(...) And with Wright back behind bars, [in Portugal, awaiting the extradition decision] Walter Patterson’s family is focusing on seeing justice served.

”'He [Wright] needs to come back here and pay his debt to society. He’s had a good life for the past 40 years, but he took away about half of my father’s life. He owes this state between eight and 22 years on that sentence, and I’m sure he owes more for everything else,' Ann Patterson said.

”'I want the justice system to do its job and put him back in that jail,' Phil Patterson said.  'I want him back in jail with some extra time for the escape.'

”'God may forgive him but I never will,' Phil Patterson added."

And provides a key indication:

(...) Wright and McGhee were each charged in Walter Patterson’s murder. McGhee, as the triggerman, was sentenced to a life prison term in February 1963, but was paroled in August 1977. Wright escaped from prison on Aug. 22, 1970, after serving only 7 years and 6 months of his sentence."[[26]](#1340daf2e6c01788__ftn26)

One could grant Ann and Phil Patterson the benefit of the doubt. They may not have known the information from police records on the case published in their state's most popular journal (quoted above). But one can be sure that they read their own interview, and therefore, also the information concerning McGhee rather than Wright being the "triggerman." It may not have been known at the time of their October 1 interview with the journal. But that is the extent of the doubt.

Ms Patterson has not changed a single point in her crusade against George Wright / Jose Luis Jorge Dos Santos since publication of this full-page article. She consistently, at every stage of the development in the case, has rejected any indication that George Wright was NOT the person who shot her father.

Once the victim's family members go public, the danger arises that they can skid into a personal obligation to continue insisting in the media how painful the loss of that loved one is. This leads to a hypocritical spectacle to justify seeking the "punishment" of the innocent, while knowing full well that the guilty party has long since paid for his crime and been released from prison.

In an interview with the International Herald Tribune, we read:

"Mr. Wright insisted that he had never killed anybody, despite being convicted for taking part in the 1962 killing of a gas station owner, Walter Patterson, during a botched armed robbery in Monmouth County, New Jersey. He said that the armed attack was his first crime and that he had decided to join two others in the robbery only because he was desperate for money. 'It was just a robbery that went wrong,' he said, adding that one of the other men had pulled the trigger. Furthermore, he said, 'the gun went off in a struggle.'"[[27]](#1340daf2e6c01788__ftn27)

The New York Times version of this same interview adds, "on Friday, Ann Patterson, the daughter of the man Mr. Wright shot [sic] in 1962, declined to discuss Mr. Wright’s version of the robbery."[[28]](#1340daf2e6c01788__ftn28)

After the Portuguese court's decision refusing extradition, Ann Patterson declared in an email that: "she hopes U.S. officials will appeal the case and insisted that the extradition attempt 'has not all been done for nothing. The entire world now knows what this man did,' said Patterson, who has repeatedly expressed disbelief at Wright's contention that he never opened fire."[[29]](#1340daf2e6c01788__ftn29)

After the US government announced its going on appeal, Ms Patterson again stated her position: "Ann Patterson (...) said that she was pleased American authorities had appealed and hoped it would be successful."[[30]](#1340daf2e6c01788__ftn30)

"Members of Patterson’s family have said there can be no statue of limitation on a conviction, while also noting that Wright has never been brought to trial for his alleged involvement in the 1972 hijacking. To get their concerns heard, Ann Patterson, Walter’s daughter, is scheduled to meet with representatives of [Congressional] Representative Chris Smith (R-4th Dist.) on Monday. They are also reaching out to other politicians to put more pressure on the U.S. government in its dealings with Portugal. A petition has also been set up by family members on the website [change.org](http://change.org), with signatures calling for the Portuguese government to extradite Wright to the United States.[[31]](#1340daf2e6c01788__ftn31)

In other words, she is politicizing a question of justice, to create a "national issue" and thereby insinuating a "national duty."

This single-mindedness goes far beyond her father's fate. The man responsible for her father's death has long-since paid his debt to society – which includes to the Pattersons – and was released on parole. Wright does not become "guilty" merely because of the injustice in the US penal system. The Pattersons are but a recent example of family "bloody shirt" wavers.

Nowhere is this family "bloody shirt" crusade more prevalent than in cases involving the death penalty. In nearly every courtroom where there is a possibility that the death sentence could be issued, or in the audience room of the execution chambers where a condemned is about to be killed, one often finds the family members "seeking relief." The prosecution and police usually instigate this.

Perhaps the best known case of a lynching crusade is that of Maureen Faulkner in the case of Mumia Abu Jamal. Jamal was convicted of the murder of Philadelphia police officer Daniel Faulkner and sentenced to death in a highly political case. Maureen Faulkner, wife of the deceased, has become the figurehead of the campaign by the rightwing "Fraternal Order of Police" and other pro-death penalty advocates to execute Mumia Abu Jamal, a prolific and internationally widely read author and journalist.

A large amount of evidence indicating police and prosecution tampering with evidence and coercion of witnesses to obtain a conviction and the death penalty have been exposed to the public. In addition the partiality and racism of the presiding judge, Albert Sabo, mentioned above, is a fact of record.

In the film "Deadline," a documentary about the process leading to former Illinois Governor George Ryan's decision to commute the death sentences of the state's death row inmates to life in prison without parole, attorney and author Scott Turow sheds insight into this method of "waving the bloody shirt" in criminal trials;

"The fact of the matter is that the crime was committed against the community as a whole. Community values generally end up prevailing. And to a great extent, prosecutors trot out the victims, when they want to justify the death sentences. And they ignore them when they don't want to impose the death sentence.

"I'm not criticizing anybody for what their emotional needs are. But, does that make sense in a democracy, where we are supposed to treat like cases alike, where you're going to have equality under the law? Where it is one family's view of justice vs. another. [Is] that how you are going to decide whose living and dying?" [[32]](#1340daf2e6c01788__ftn32)

A feeling of social obligation toward the victim's family, for their 'suffering' from the loss of their loved one, is supposed to become the justification for the injustice of "punishing" someone innocent. It is treated as a "personal affront" to the family, to dare demand equality before the law, or justice for the accused.

As Prof. Bryan Stevenson, of New York University and Executive Director of the Equal Justice Initiative in Montgomery, Alabama explains:

"Its an exploitation of the victims, to try to create a system where if you really loved your husband, you loved your child, you've got to get into the criminal court and fight for the death penalty. Because the death penalty becomes the "blue ribbon" of how much you really cared about your loved one, about how valuable their life was."[[33]](#1340daf2e6c01788__ftn33)

**The Role of the Death Penalty**

The US penal system is built around plea-bargaining. As was stated above, without a plea-bargaining solution to the overwhelming majority of cases, the system would "grind to a halt" with the overload of trials.

On the other hand, the system of plea-bargaining is, to a certain extent, also dependent on the death penalty – more precisely on the execution of defendants, who are innocent of the charges they are convicted of. This forms the basis of credibility for the threat used to coerce the suspect into accepting a plea-bargain – to escape being found guilty by a jury and being eventually condemned to death.

Wright, like most other first-time offenders, did not understand what was happening. What he was experiencing corresponded to nothing he had ever heard or read concerning how a "justice system" was supposed to function. However, one thing he had understood was that police and prosecution would use every means available to have a jury pronounce him guilty, if he continues to uphold his plea of innocence. And if that happens at the end of a jury trial, that could bring him the death penalty. As mentioned above, "Wright insisted (...) that he never fired a shot in the holdup and pleaded ”no defense” to the murder charge because his lawyer advised him to do so to avoid the death penalty."[[34]](#1340daf2e6c01788__ftn34)

This explains why so many of the executed in the USA go to their deaths still insisting on their innocence.

For a recent example, September 21, 2011, despite pleas for clemency from around the world, including from the European Parliament, the Council of Europe and the Pope, the state of Georgia executed Troy Anthony Davis for a murder, he had obviously not committed. Seven of the nine witnesses against him had retracted and recanted their testimonies, declaring in written statements that police and prosecution had coerced them into a false accusation of Davis in court. One of the two witnesses, who had not recanted, is the most likely murder suspect. It was he who had placed the original blame on Davis, to save himself. Nevertheless, the US Supreme Court had long since ruled against admitting new exonerating evidence in court. This not only could have resulted in Davis being liberated, but possibly in bringing the real culprit to trial.[[35]](#1340daf2e6c01788__ftn35)

Davis, strapped to the gurney for execution, issued his final statement. He began by addressing the family members of Mark MacPhail:

"Well, first of all I'd like to address the MacPhail family. I'd like to let you all know that despite the situation -- I know all of you still are convinced that I'm the person that killed your father, your son and your brother, but I am innocent. The incidents that happened that night was not my fault. I did not have a gun that night. I did not shoot your family member.

"But I am so sorry for your loss. I really am -- sincerely.

"All that I can ask is that each of you look deeper into this case, so that you really will finally see the truth. (...)"[[36]](#1340daf2e6c01788__ftn36)

After the execution, members of the MacPhail family were quoted saying that now they can find peace. They have been indifferent to all the evidence that has been uncovered placing Troy Davis' guilt into question. They, like Ms Patterson mentioned above, are obviously indifferent to what really led to the death of their family member. To claim that they still blindly believe that Troy Davis was the murderer, is but a threadbare justification for complicity in his pre-meditated murder.

These examples and the many others like them, show that these are not "mistakes." The role of the US penal system is not to catch criminals, but to criminalize the innocent. Not only does the system do everything in its power to convict innocent people, it continues its efforts by blocking the convicts' access to exonerating evidence that could lead to overturning the conviction.

Hank Skinner, a Texas death row inmate, recently had to race the clock. He had successfully sued for the right to have the police and prosecutor's evidence against him examined for DNA. He is sure that the results will exonerate him from the charge of murder. These pieces of evidence had never been forensically examined.

Although the US Supreme Court had recognized his right to have the evidence examined, it took an international protest to have the execution date postponed to allow an examination of the evidence – while he is still alive.

(As in other known cases, this is also no guarantee that the police and/or prosecutor's office will not manipulate the evidence once again to have their guilty verdict confirmed in the DNA test. This happened in the case of Roger Keith Coleman in Virginia. Executed BEFORE his evidence could be analyzed, the police falsified the "evidence" it gave to the lab, resulting in a positive DNA match to Coleman. But it soon became clear that the "evidence" they had furnished was not the evidence from the case.

 [[37]](#1340daf2e6c01788__ftn37) This particular manipulation of evidence was publicly exposed. How many others were not?)

All of these reasons show why prosecutors and police in the USA so vehemently resist prisoners' access to DNA analysis of evidence, or why over the years, courts have systematically restricted possibilities for appeal and the introduction of newly found exonerating evidence.

In January 1993 the US Supreme Court ruled by a vote of six to three in Herrera vs. Collins that "neither federal nor Texas courts were required to hear evidence purporting to prove that Leonel Herrera was innocent. Under Texas law, post-conviction evidence must be filed within thirty days of the end of the trial, but the evidence Herrera's attorneys believe would have acquitted him *was not available to him* until eight years later. Chief Justice William Rehnquist, writing for the court, declared: [W]e cannot say that Texas' refusal to entertain petitioner's newly discovered evidence eight years after his conviction transgresses a principle of fundamental fairness."[[38]](#1340daf2e6c01788__ftn38)

This ruling in fact declared that executing innocent prisoners is constitutional. It reduces the function of courts to administering laws, rather than dispensing justice.

**Elastic Sentences – Plea-Bargain No. 2**

Whereas Walter McGhee was sentenced to life in prison (roughly 20 years), George Wright was sentenced to an elastic 15 to 30 year prison sentence. Elastic sentences have provoked much curiosity about the functioning of US "justice.

Criminal cases elsewhere usually have a limited range of penalties for a particular crime. Theoretically, this applies regardless of who is found guilty of that particular crime. There are variations, but arbitrary penalties stretching from a minimum to a maximum, such as those in the US are very rarely found elsewhere.

In the Wright case, one could theoretically assume that his minimum sentence – 15 years – was the sentence for murder, to which he pleaded "no defense." The second 15 years – judging from other cases – is the time he was given to accept the fact that he was "guilty."

George Wright was coerced into waiving his rights of innocence – which would have forced the state to prove his guilt. The judge's pronouncement of his "guilt" and the accompanying sentence do not change the facts of the case: Wright had not fired the fatal shot. He remains innocent of murder. Wright was given a "day in court" but was refused a trial.

The second 15 years, of the 15 – 30 year sentence constitute, in effect, a second round of official coercion, a second plea-bargain. The state wanted a second "guilty" plea. Wright would have begun appearing before the parole board, where he would have been asked if he "recognizes" his guilt. If he would have answered "no" or if his "yes" would not have been too convincing, he would have been deemed "not yet rehabilitated" and told to come back and try again next year. As long as Wright would have insisted on his innocence, he would have remained in prison. Year after year, the authorities would have dangled this deal before his eyes.

The prisoner is being forced to proclaim the "infallibility" of the US court system.

The case of former Black Panther, Veronza Bowers Jr., convicted of the murder of a park police officer, based on testimony of two government informants, provides a very vivid example.

Bowers had been given a life sentence. He is currently held in an Atlanta, Georgia prison. Having maintained his innocence, he has been consistently denied parole throughout his sentence. Bowers served every single day of his maximum sentence. When his mandatory release date[[39]](#1340daf2e6c01788__ftn39) arrived he was informed, "you won't be leaving tomorrow." A telephone call had arrived at the prison from the National Parole Commission in Washington D.C. – on orders from then incumbent Sec. of Justice, Gonzales – informing the warden that Bowers should not be released. Bowers recounts:

"After 30 years of being denied release on parole, despite the fact that your conduct has been exemplary for over 20 years and you have long since met the criteria to be released on parole, finally your mandatory release date rolls around."[[40]](#1340daf2e6c01788__ftn40)

His mandatory release date was April 7, 2004. Ten months later, in Feb. 2005, his parole was again postponed to allow relatives of the person, he was supposed to have killed, the opportunity to oppose his being released on parole. Parole was again denied in December 2005.

One observer explains: "At the expense of having his parole appeals denied, Bowers consistently maintains his innocence. Friends and supporters stand with him and offer testimony in his behalf. One is from Maynard Garfield.

"[Garfield] is treasurer of the Veronza Bowers, Jr. legal defense fund. (...) Garfield said: 'I have pleaded with him. Just tell them: 'I was young and did wrong. But I have found my way. I am a born-again Christian. I have found salvation.' "

"Bowers responds: "'Don't you understand. I have been here for 35 years. If the only way I can get out is to lie and say I am guilty, then my whole life is a sham. I will rot here in prison before I will do that'.

"According to Garfield, rot he may without considerable help." [[41]](#1340daf2e6c01788__ftn41)

Veronza Bowers Jr. is today still – seven years later – in prison, without charges and without a date of release. Neither Bowers nor his case is well known, which is why he is being arbitrarily held.[[42]](#1340daf2e6c01788__ftn42)

The public is rarely made aware of how many people are imprisoned for crimes they had not committed. This aspect of the US penal system most often reaches public attention in final hour death row cases. Even in these cases, this is most often considered an individual "mistake" in the justice system. The question of the innocence of the prisoner often becomes either a reason for the demand of a reprieve from execution or expressed as a reason for denying a reprieve.

In 2005, for example, California Gov. Arnold Schwarzenegger reiterated several times in his clemency denial statement for Stanley "Tookie" Williams that Williams' refusal to admit his guilt meant he had not been redeemed, and therefore should be executed as planned. Schwarzenegger declared:

"(...) Williams protests that he has no reason to apologize for these murders because he did not commit them. (...) Stanley Williams insists he is innocent, and that he will not and should not apologize or otherwise atone for the murders of the four victims in this case. Without an apology and atonement for these senseless and brutal killings there can be no redemption. In this case, the one thing that would be the clearest indication of complete remorse and full redemption is the one thing Williams will not do."

Stanley Williams had already answered the point about an apology. In an interview, conducted by Phil Gasper, professor of philosophy at Notre Dame de Namur Univ. in California, he answered the question:

"The media has made much of the fact that you have never apologized to the murder victims’ families in your case--you’ve said that you would rather die than lie about something you didn’t do. Do you have anything you would like to say to the victims’ families?"

Answer: If I had the opportunity to talk to any victims’ family members, I would say that I can empathize and I sympathize with their loss of a loved one. I would say the same thing to anyone who has lost a loved one.

However, in regards to me apologizing, it would be wrong of me to apologize for something I didn’t do. I didn’t commit those crimes. I’ve been averring my innocence since day one, and it is the truth. So I cannot apologize for something I didn’t do.

It would be wrong of me. It would be a coward’s act. I would be craven to proclaim guilt for something I didn’t do. And that’s why I say that I’d rather just go on and die than to lie about something that is so untrue.[[43]](#1340daf2e6c01788__ftn43)

Clemency denied, Williams was assassinated, Dec. 13, 2005.

A commentator of the above mentioned Troy Davis case, recently encapsulated the problem in a nutshell:

If [Troy] Davis were not confronting execution, but instead had been convicted and sentenced to life imprisonment without parole by his trial jury, the simple truth is that he would be just another nameless, faceless prisoner among the thousands upon thousands who have been convicted of crimes and incarcerated notwithstanding colorable claims of innocence.

(...) But if wrongful convictions occur in cases that result in the death penalty, as they undoubtedly do, then they occur exponentially more often and for all of the same reasons in the untold number of cases not resulting in the death penalty -- ones that are met with a collective yawn or shrug of the shoulders by policymakers who are in a position to make meaningful systemic reforms.[[44]](#1340daf2e6c01788__ftn44)

No other country in the world – not even China, four times more populous – has as many prisoners as the USA. There are 750 prisoners per 100,000 people in the U.S. — the highest incarceration rate in the world.[[45]](#1340daf2e6c01788__ftn45) As the social scientist Glenn C. Loury pointed out, with 5 percent of the world’s population, the United States imprisons 25 percent of all humans behind bars.[[46]](#1340daf2e6c01788__ftn46) And according to the Federal Bureau of Investigation, violent crime rates fell in the 20 years from 1987 to 2007, by 25 percent,[[47]](#1340daf2e6c01788__ftn47) while during those same 20 years, the rate of incarcerations nearly tripled.[[48]](#1340daf2e6c01788__ftn48)

**This is not coincidence, this is policy.**

The case of Jose Luis Jorge Dos Santos/George Wright provides a very good example of just how alien criminology is to the judicial process in the USA. Solving crimes and punishing perpetrators – and only the guilty – has long since ceased to be the objective.

Most police, prosecution, judges, prison officials and defense attorneys in penal cases are not interested in finding and punishing the guilty – they are not interested in justice. They are interested in sending the poor to prison, to stigmatize them as "felons" for the rest of their lives. Beginning with criminological incompetence and criminal manipulation of evidence, extortion of "confessions" or a plea before and during the hearing and the post-sentencing extortion of a supplementary recognition of "guilt" through elastic prison sentences, all show that this is not only systematic, it is systemic.

In the USA there is no "criminal justice system." The judicial process is itself the crime. It is an officially sanctioned criminal enterprise of mass kidnapping, hostage taking and murder. This explains the disparity between falling crime rates and rising incarceration rates.

Jose Luis Jorge Dos Santos is no longer George Wright. The metamorphosis was a complicated one. As one journalist neatly summarized it:

The tale of Wright's life on the run spans 41 years and three continents. It starts in New Jersey with a prison break, moves to Algeria on the hijacked plane, to Paris where he lived underground, to Lisbon where he fell in love, to the tiny West African nation of Guinea-Bissau — and finally to an idyllic Portuguese seaside village, where he built a life as a respected family man.[[49]](#1340daf2e6c01788__ftn49)

If the purpose of justice is to find and punish the guilty, but then to rehabilitate and reinsert the transgressor into the mainstream of society, one could clearly answer the question posed by the International Herald Tribune in the title of its interview with Dos Santos, is he a "Criminal or 'role model of rehabilitation'?[[50]](#1340daf2e6c01788__ftn50)" with an affirmation of the latter.

The Portuguese court's decision not to turn over its citizen, Jose Luis Jorge Dos Santos, to the arbitrary penal system of the USA was the only verdict in the interests of JUSTICE the court could have reached. This verdict coincides with a similar verdict handed down by a French court in 1976, concerning George Wright's 4 companions in the 1972 hijacking.

It can only be hoped that Portugal will continue to maintain its decision to uphold JUSTICE.

December 4, 2011

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[[2]](#1340daf2e6c01788__ftnref2)   Travers, Bryan L., International Fugitive Captured After More Than 40 Years, FBI Newark September 27, 2011 <http://www.fbi.gov/newark/press-releases/2011/international-fugitive-captured-after-more-than-40-years>

[[3]](#1340daf2e6c01788__ftnref3)   ibid

[[4]](#1340daf2e6c01788__ftnref4)   Grant, Jason, "A fugitive's quiet life in Portugal: Seaside village, friendly neighbors," The Star-Ledger, September 29, 2011, <http://www.nj.com/news/index.ssf/2011/09/a_fugitives_quiet_life_in_port.html> (See also: Ferreira, Leonardo, Após 40 anos, fugitivo norte-americano de New Jersey é preso em Portugal, Brazilian Voice, 06/10/2011, <http://www.brazilianvoice.com/bv_noticias/bv_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-preso-Portugal.html>)

[[5]](#1340daf2e6c01788__ftnref5)   Asbury Park Press, Wikipedia, <http://en.wikipedia.org/wiki/Asbury_Park_Press>

[[6]](#1340daf2e6c01788__ftnref6)   Webster, Charles, "A promise made, a promise kept" Asbury Park Press, Oct. 1, 2011, <http://www.app.com/article/20110930/NJNEWS/309300132/Fugitive-s-arrest-brings-relief-to-the-family-of-WWII-veteran-killed-in-Wall>

[[7]](#1340daf2e6c01788__ftnref7)   Elizabeth A. Harris, "New Jersey Fugitive Is Caught in Portugal After 41 Years," NY Times, September 27, 2011,
([http://www.nytimes.com/2011/09/28/nyregion/george-wright-hijacking-and-murder-fugitive-arrested-in-portugal.html?scp=1&sq=%22wright%20shot%20and%20killed%20the%20owner,%20walter%20patterson,%22&st=cse](http://www.nytimes.com/2011/09/28/nyregion/george-wright-hijacking-and-murder-fugitive-arrested-in-portugal.html?scp=1&sq=%22Wright%20shot%20and%20killed%20the%20owner,%20walter%20patterson,%22&st=cse))

[[8]](#1340daf2e6c01788__ftnref8)   Personal email correspondence with the author Nov. 1, 2011.

[[9]](#1340daf2e6c01788__ftnref9)   Fugitive US hijacker caught after 40 years on run, Sept. 28,2011 <http://www.youtube.com/watch?v=xfgH7CfXwuk&feature=related>

[[10]](#1340daf2e6c01788__ftnref10)   Personal email correspondence with one of the authors on Oct. 29, 2011.

[[11]](#1340daf2e6c01788__ftnref11)   Fugitivo detido em Portugal procurado há mais de 40 anos por FBI!!!, <http://www.youtube.com/watch?v=HTBLiRsdrVU&feature=related>

[[12]](#1340daf2e6c01788__ftnref12)   <http://www.nj.com/news/index.ssf/2011/09/a_fugitives_quiet_life_in_port.html> and <http://www.brazilianvoice.com/bv_noticias/bv_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-preso-Portugal.html>

[[13]](#1340daf2e6c01788__ftnref13)   Italy has passed legislation allowing plea-bargaining, it is also being used to a limited extent in England, Wales, Germany and France and the EU is considering its adoption in the EC competition law. The primary difference, for the time being, is that in Europe the objective is not yet to tag as many members of the population as possible as felons. The only institution in Europe that widely uses plea-bargaining is the ICTY – the Yugoslavia Tribunal in The Hague, an institution that has copied must of the inherent (in)justice in the US system.

[[14]](#1340daf2e6c01788__ftnref14)   Mitford, Jessica, The American Prison Business, Penquin, 1977, pp 83 - 84

[[15]](#1340daf2e6c01788__ftnref15)   Clendenning, Alan, (AP), US fugitive's 41-year life on lam, NPR, November 20, 2011, 12:06 am ET, [http://www.npr.org/templates/story/story.php?storyId=142556359](http://www.google.com/hostednews/ap/article/ALeqM5hCEMBvczcxJ1UJMGe8ylorttaD9g?docId=9c2bacffb1dd4329a58d75ae963ffc61)

[[16]](#1340daf2e6c01788__ftnref16)   Clendenning, Alan, Hatton, Barry, (AP) "US Appeals Portugal Denial Of Fugitive Extradition," Salon, November 29, 2011, <http://www.salon.com/2011/11/29/us_appeals_portugal_denial_of_fugitive_extradition/singleton/>

[[17]](#1340daf2e6c01788__ftnref17)   op cit. Clendenning, Alan, (AP), US fugitive's 41-year life on lam,

[[18]](#1340daf2e6c01788__ftnref18)   Brown, George, Nous Noirs Americains, Evadés du Ghetto, Seuil, Paris, pg. 217 – 218

[[19]](#1340daf2e6c01788__ftnref19)   Paul Craig Roberts was Assistant Secretary of the Treasury in the Reagan administration, Associate Editor of the Wall Street Journal editorial page and Contributing Editor of National Review.

[[20]](#1340daf2e6c01788__ftnref20)   Roberts, Paul Craig, "America’s Injustice System Is Criminal," December 12, 2006, <http://www.lewrockwell.com/roberts/roberts187.html>

[[21]](#1340daf2e6c01788__ftnref21)   The principle that one is considered innocent until proven guilty beyond a reasonable doubt.

[[22]](#1340daf2e6c01788__ftnref22)   Nikiforov, Boris, "Etat Actuel de la Justice aux Etats Unis," ed. Revue Trimestrielle de la section des Sciences Sociales de l'Academie des Sciences de l'URSS, Nr. 4, (34) 1978, pg. 221

[[23]](#1340daf2e6c01788__ftnref23)   Kinsley, Michael, "Why Innocent People Confess", Slate, Dec. 12, 2002, <http://www.slate.com/articles/news_and_politics/readme/2002/12/why_innocent_people_confess.html>

[[24]](#1340daf2e6c01788__ftnref24)   Webster, Charles, "A promise made, a promise kept," Asbury Park Press, Oct. 1, 2011, <http://www.app.com/article/20111117/NJNEWS/111170001/A-promise-made-promise-kept>

[[25]](#1340daf2e6c01788__ftnref25)   ibid

[[26]](#1340daf2e6c01788__ftnref26)   ibid

[[27]](#1340daf2e6c01788__ftnref27)   Minder, Raphael, "Criminal or 'role model of rehabilitation'?," International Herald Tribune, October 28, 2011, (transcribed)

[[28]](#1340daf2e6c01788__ftnref28)   Minder, R., Barron, J., Telling the Story of 41 Years on the Run, NY Times, October 28, 2011, <http://www.nytimes.com/2011/10/29/nyregion/george-wright-tells-story-of-hijacking-from-portugal.html?scp=2&sq=wright&st=cse>

[[29]](#1340daf2e6c01788__ftnref29)   Hatton, Barry, (Associated Press), Portugal court denies US extradition request for longtime US fugitive George Wright, Newser, Nov 17, 2011 4:57 PM CST in, <http://www.newser.com/article/d9r2p2eo0/portugal-court-denies-us-extradition-request-for-longtime-us-fugitive-george-wright.html>

[[30]](#1340daf2e6c01788__ftnref30)   op cit Clendenning, and Hatton, "US Appeals Portugal Denial (...) ," Salon, Nov 29, 2011, <http://www.salon.com/2011/11/29/us_appeals_portugal_denial_of_fugitive_extradition/singleton/>

[[31]](#1340daf2e6c01788__ftnref31)   Considine, Bob, "U.S. appeals Portuguese decision to not extradite N.J. fugitive George Wright," The Star-Ledger, November 29, 2011, <http://www.nj.com/news/index.ssf/2011/11/us_appeals_portugese_decision.html>

[[32]](#1340daf2e6c01788__ftnref32)   Turow, Scott, Transcribed from the film "Deadline" by Katy Chevigny and Kirsten Johnson, Big Mouth Film Producer, 2004 (0.56.43), (0:58.16) and (0:58.53),

[[33]](#1340daf2e6c01788__ftnref33)   Stevenson, Bryan, Transcribed from the film "Deadline" by Katy Chevigny and Kirsten Johnson, Big Mouth Film Producer, 2004 (0:37.20)

[[34]](#1340daf2e6c01788__ftnref34)   Clendenning, A., Hatton, B. Salon op cit

[[35]](#1340daf2e6c01788__ftnref35)   For a good four-part summary of the Troy Davis Case see:
Part 1: <http://www.youtube.com/watch?NR=1&v=5SH4IpmJl6M;>
Part 2: <http://www.youtube.com/watch?v=ajDmdDl-FhM&feature=relmfu>;
Part 3: <http://www.youtube.com/watch?v=9mcraX7yq_0&feature=relmfu>;
and Part 4: <http://www.youtube.com/watch?v=BJxudiudK4c&feature=relmfu;>. Very interesting in this series is how the speakers all still give the system the benefit of the doubt, believing that though there is injustice, this is neither systematic nor systemic, that it can be fixed.

[[36]](#1340daf2e6c01788__ftnref36)   Troy Davis' Last Words Released By Georgia Department Of Corrections, <http://www.huffingtonpost.com/2011/10/07/troy-davis-execution-last-words_n_1000648.html>

[[37]](#1340daf2e6c01788__ftnref37)   Green, Frank, "Fate of Coleman Evidence Unknown," Richmond Times Dispatch Jan 7, 2006 <http://www.freerepublic.com/focus/f-news/1553596/posts>

[[38]](#1340daf2e6c01788__ftnref38)   Radelet et al "In Spite of Innocence: Erroneous Convictions in Capital Cases," Northeastern University Press, May 26, 1994 pg. xii

[[39]](#1340daf2e6c01788__ftnref39)   the date, having served his full sentence, beyond which it would be illegal to continue to hold him without new charges

[[40]](#1340daf2e6c01788__ftnref40)   Bowers, Veronza Jr., "You Won't Be Leaving Tomorrow," CounterPunch, August 27-29, 2004, <http://www.counterpunch.org/2004/08/27/thirty-one-years-and-counting-inside-the-belly-of-the-beast/>

[[41]](#1340daf2e6c01788__ftnref41)   Lendman, Stephen, "Veronza Bowers, Jr. - Another Victim of America's Criminal Justice System," <http://www.opednews.com/articles/Veronza-Bowers--Another-V-by-Stephen-Lendman-090713-165.html>

[[42]](#1340daf2e6c01788__ftnref42)   Visit his website, become aware, get involved. <http://www.veronza.org/>

[[43]](#1340daf2e6c01788__ftnref43)   Gasper, Phil, "Interview with Stan Tookie Williams; Speaking out from death row," Socialist Worker, Dec. 2, 2005, <http://ccadp.proboards40.com/index.cgi?board=cases&action=display&thread=1133353268>

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[[46]](#1340daf2e6c01788__ftnref46)   Carroll, James, "The prison boom comes home to roost" Boston Globe: November 8, 2010, <http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2010/11/08/the_prison_boom_comes_home_to_roost/>

[[47]](#1340daf2e6c01788__ftnref47)   Liptak, Adam, "1 in 100 U.S. Adults Behind Bars, New Study Says" NY Times,February 28, 2008, <http://www.nytimes.com/2008/02/28/us/28cnd-prison.html>

[[48]](#1340daf2e6c01788__ftnref48)   Hales, Larry, op cit.

[[49]](#1340daf2e6c01788__ftnref49)   op cit. Clendenning, Alan, (AP), US fugitive's 41-year life on lam

[[50]](#1340daf2e6c01788__ftnref50)   op cit. Minder, Raphael, "Criminal or (...)" International Herald Tribune,