judiciary’s circumspection before imposing the ultimate sentence is justifiable.

DECEPTIVE FACTOIDS

The 68% factoid, however, is quite deceptive. For starters, it has nothing to do with “wrong man” mistakes—that is, cases in which an innocent person is convicted for a murder he did not commit. Indeed, because no crime was committed, missing from the media coverage was the most critical statistic: After reviewing 23 years of capital sentencing (the study's authors and other researchers) were unable to find a single case in which an innocent person was executed. Thus, the most important error rate—the rate of mistaken executions—is zero.

What, then, does the 68% “error rate” mean? It turns out to include any referral of a capital sentence at any stare by a appellate court—even if those courts ultimately uphold the capital sentence. If an appellate court asks for additional findings from the trial court, the trial court complies, and the appellate court then affirms the capital sentence, the report finds not extraordinary due process but a mistake. Under such curious rules, a defendant can list 64 Florida postconviction cases as involving “serious errors,” even though more than one-third of these cases ultimately resulted in a reimposed death sentence in not one of the Florida cases did a court ultimately overturn the murder conviction.

To add to this ligeredmain, the study skewers trial samples that cases are several decades old. The report skips the most recent five years of cases, with the study period ostensibly covering 1973 to 1995. Even within that period, the report includes only cases that have been completely reviewed by state appellate courts. Escaping pending cases knocks out one-fifth of the cases originally decided within that period, leaving a residual skewed toward the 1980s and even the 1970s.

During that period, the Supreme Court handed down a welter of decisions setting constitutional procedures for capital cases. In 1972 the court struck down all capital sentences involving too much deference. When California, New York, North Carolina and other states responded with mandatory capital-punishment statutes, the Court struck those down too rigid. The several hundred capital sentences invalidated as a result of these two cases inflate the report’s error totals. These decades-old reversals have no relevance to contemporary death-penalty issues. Studies focusing on more recent trends, such as a 1996 analysis by the Criminal Justice Legal Foundation, found that reversal rates have declined sharply as the law has settled.

The simplistic assumption underlying the report is that courts with the most reversals are the doing the best job of “error detection.” Yet courts can find errors where none exist. About half of the report’s data on California’s 67% “error rate” comes from the tenure of Justice Rose Bird, whose keen eye found grounds for reversing nearly every one of the dozens of capital appeals brought to her court in the 1970s and early 1980s. Voters in 1986 threw out Bird and two of her like-minded colleagues, who had reversed at least 18 California death sentences for a purportedly defective jury instruction. California Supreme Court has since authorized approving.

The report also relies on newspaper articles and secondhand sources for factual assertions. Unfortunately, this approach produces some jarring mistakes. To cite one example, the study claims William Thompson’s death sentence was set aside and the sentence imposed. Not true. Thompson remains on death row in Florida today for beating Sally Fyester with a chain belt, ramming a chair leg and nightstick into her vagina and torturing her with lit cigarettes (among other depravities) before leaving her to bleed to death.

These obvious flaws in the report have gone largely unreported. The report was distributed to selected print and broadcast media nearly a week in advance of Monday’s Senate date. The timing and orchestrate favorable media publicity, which conveniently broke 24 hours before the Senate Judiciary Committee began hearings on W. Bush approved McDuff’s execution in 1998. Perhaps most importantly, Jean Strauss is a devoted wife to her husband Jack. Together, they are the proud parents of Jake and John Strauss. Just recently, she celebrated the birth of her first granddaughter—Eric Dawson Strauss. When Jean is not volunteering, one is likely to find her at a local dining establishment, or perhaps pushing her luck at a “gaming” enterprise.

Again, I am pleased to congratulate Jean Strauss before my colleagues today. Mr. Speaker, I sincerely hope that Jean will enjoy many more years of service to the Southwest Chicagoland community, and I thank her for her many contributions.

TRIBUTE TO JEN SAUSS
WOMAN OF THE YEAR

HON. WILLIAM O. LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 20, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today in response to the tragic events in African countries such as Sierra Leone and the Democratic Republic of Congo. I rise, however, Mr. Speaker to highlight a different image of African image I have witnessed firsthand.

All too often the only impression of Africa made upon the American public is that of carnage, corruption, and catastrophe, as reported by our country’s television and print media. While I recognize that these problems are real and continue to present serious challenges to the social, political, and economic development of African countries, I wanted to highlight some of the success stories from the Continent.

There is a new generation of leaders who hope to make Africa a continent of flourishing democracies. While the Trade and Development Act of 2000, originally the African Growth and Opportunity Act, is a necessary first step in committing ourselves to African success; it by no means signals the end of our walk with