

JUSTICE

A War Over Witnesses

A Texas death-penalty case raises intriguing questions

BY MARK MILLER

TO A DEGREE THAT STILL TROUBLES veteran lawyers, the case against Gary Graham depended on the testimony of a single eyewitness. Graham, who is scheduled to die by lethal injection this Thursday in Huntsville, Texas, was found guilty of shooting a drug dealer and small-time gambler named Bobby Lambert outside a Safeway store in north Houston in May 1981. The murder weapon was never found and prosecutors had no physical evidence linking Graham to the crime scene. But they had Bernadine Skillern, a 34-year-old secretary and mother of three. Skillern, sitting in her car in the Safeway parking lot, actually saw the murder take place - she even honked her horn in a frantic effort to distract the gunman. "I saw Mr. Graham shoot and kill Mr. Lambert on that parking lot in 1981," she told a press conference in Houston last week. "That has not changed. That is not going to change." Sounds like a solid case for the prosecution until you know that two other witnesses, both entirely credible, say Graham was not the killer and no jury has ever heard their testimony. In interviews with NEWSWEEK, these witnesses raise doubts about Graham's conviction and death sentence, now the focus of an increasingly desperate effort to win a stay of execution from the state of Texas and Gov. George W. Bush. Bush supports the death penalty, and his campaign last week had no statement on the Graham case. But capital punishment is now an issue in the presidential race and, in Austin, the governor's staff was treading carefully. Graham's lawyers got a meeting with Bush's general counsel and the chairman of the Texas Board of Pardons and Paroles, which will review the case this week - a sliver of hope for Graham. The other two witnesses were Sherian Etuk and Ronald Hubbard, both of whom worked at the Safeway back in 1981. Etuk was a

checker and Hubbard was a bag boy, and both of them say they got a good look at the slim, handsome African-American man loitering outside the store. Etuk and Hubbard say the man was between 5 feet 3 inches and 5 feet 6, which could have posed a problem for the prosecution - Graham is almost 5 feet 10. Hubbard says

five times by the Texas Bar Association and that in one case, a court investigator said Mocks lawyering created "a breakdown in the adversarial system of justice."

The broader issue is whether Texas, the nation's leading death-penalty state with 221 executions since 1982, takes reasonable steps to ensure a competent defense in capital cases.



A matter of life and death:
Convicted murderer Gary Graham in a prison interview last

he passed within one or two feet of the man not long before the shooting, then saw him run away after Lambert was shot. Like Skillern, Hubbard attended the lineup of suspects that included Graham. Skillern picked Graham as the killer, but Hubbard said he didn't see the gunman in the group. (Prosecutors say Etuk and Hubbard have changed their stories over the years.) To defense lawyers, the core issue isn't necessarily whether Skillern was right or wrong, but whether a man should be sentenced to die when credible witnesses disagree. The fact that the jury never heard Etuk or Hubbard raises questions about Graham's court-appointed lawyer, Ronald G. Mock. Graham's current legal team says Mocks defense was a travesty. Mock told the Chicago Tribune that he is "a good lawyer" who represented his clients "to the best of my ability" The Tribune noted, however, that Mock has been disciplined

The Tribune, noting that lawyers in 43 of those cases were disciplined for misconduct at one time or another, strongly suggested that it does not. That is exactly the sort of systemic problem that led Illinois Gov. George Ryan to declare a moratorium on executions earlier this year, and there is every likelihood it will haunt Bush as well: between now and Election Day, 15 more people are scheduled to die in Huntsville.

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Note: Gary Graham was executed on
June 22, 2000

- Why do you think that buying flowers takes up so much of the story?
What difference would it make if this scene was shortened?
- The flower vendor thinks, "If this kid were sick, they'd have him in intensive care right now." – what do you think of this remark in the light of what happens later in the story?
 - What do you think of the title of the story? Is it good or bad? Would you prefer a different title?
 - What are the main themes of the story?
 - Message: what does Stephen King want to tell us through this story? What impression do we get of people's sexual life/married life in this story?
- Find some examples.
What impression do we get of life in a big city like New York?

Written Work

Make a different ending from the point when the young man leaves Seventy-third Street.

Make sure that you keep up the same style and tone that the story has been written in so far.

Experts unravel the psyche of an Ohio rape suspect

The Man with Ten Personalities

Terror stalked the Ohio State University campus last year. Between August and October, four female students were abducted, forced to cash a check or use a bank card to obtain money, then driven to a rural area and raped. Acting on a mysterious phone tip and a mugshot identification by one victim, police in Columbus arrested William Milligan, 23. At first the suspect seemed like a classic young offender: physically abused as a child, cashiered from the Navy after one month, constantly in trouble with employers and police. That familiar portrait changed suddenly during a psychological exam. When a woman psychologist addressed Milligan as "Billy," he replied, "Billy's asleep. I'm David." It was the first strong clue that Milligan suffered from a rare and dangerous disorder: true multiple personality.

Psychiatrist George T.

Harding Jr. was called in on the case,

along with Cornelia B. Wilbur, the psychoanalyst who melded the 16 personalities of a patient known as Sybil, later the subject of a book and television play. With Wilbur's aid, Harding came to a startling conclusion: Milligan had fractured his psyche into ten "people," eight male and two female, ranging from Christine, a vulnerable three-year-old, to Arthur, 22, a rational, controlled planner who speaks with a British accent and tries to repair the damage done by the other personalities.

According to the psychiatrists, Milligan's personalities use different voice patterns and facial expressions, test at varying I.Q. levels, and turn out different kinds of artwork.

Ragen, 23, who speaks with a Slavic accent, is "almost devoid of concern for others." Danny and Christopher are decent, quiet teen-agers, but

Tommy, 16, who initiated the enlistment in the Navy, is depressed and has many schizoid characteristics.

Most surprising of all, for reasons the psychiatrists cannot explain, the personality that committed the rapes is a woman, Adelena, 19, who Milligan says is a lesbian. Allen, 18, is a sociable, talented artist and the only personality who smokes. David, 9, a frightened and abused child, may have made the call leading to Milligan's arrest. The police number was found on a pad next to Milligan's phone. Billy, 23, is the core personality – guilty, suicidal and “asleep” for most of the past seven years. When Wilbur first summoned up Billy, Milligan jumped off his chair and said “Every time I come to, I’m in some kind of trouble, I wish I were dead.”

Milligan's multiple personality, like others, is a desperate attempt to handle conflicting emotions by parceling them out to different “people” and is associated with a severely warped childhood. The illegitimate son of two Florida entertainers, Milligan was three when his father committed suicide. His stepfather physically abused his mother and sodomized young Milligan, threatening to bury him alive if he told. As a teenager in Ohio, Milligan fell into trances and walked the streets in a daze. He was incarcerated twice, once for rape, once for robbery, and failed at every job he had.

Drawing by Christene personality, age 3

While nearly everyone agrees that Milligan is seriously ill, there is some doubt about whether to bring him to trial. Earlier this month, Harding reported to the court that Milligan's personalities had fused to the point where he was competent to stand trial, and Judge Jay C. Flowers set a December trial date. Last week, however, Milligan came apart again. His Ragen personality emerged and handed Public Defender Gary Schweickart a picture of a rag doll with a noose around its neck, hanging in front of a cracked

mirror. Three days later, Arthur was in control, questioning the attorney closely about what had happened and how the other personalities could be protected. Said Schweickart: “The stress of jail and confinement was too much.” Psychiatrist Wilbur thinks the prognosis for Milligan is doubtful. So does Milligan. His Tommy personality turned out this poem: *I am sorry I took your time I am the poem that doesn't rhyme So just turn back the page I'll waste away! I'll waste away.* (TIME, 1978)

Group/Class Work

1. What kind of crime has Billy committed?
2. How do the police get hold of him?
3. How do the doctors find out that he is a special case? What is the matter with him?
4. What do the doctors think has caused this split personality?
5. Make a list of the personalities we hear about.
6. Why is it difficult to bring him to court?
7. What do you think Billy wants to express in the poem at the end of the article?
8. Have a look at the drawing by “Christene” – does it look like a three-year-old girl's drawing?
9. Is it possible that Billy is just pretending? Why, why not?
10. What do you think should happen to Billy? What would you do to cure him?
11. Compare Billy with the young man in “The Man Who Loved Flowers.” Are there any similarities?

Discussion Topics

Would the death penalty be the right solution in Billy's case?