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## DEATH AND JUSTICE: AN EXPOSE' OF OKLAHOMA'S DEATH ROW MACHINE

## MUERTE Y JUSTICIA: UNA EXPOSICIÓN DE LA MÁQUINA DE MUERTE DE OKLAHOMA

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By Mark Fuhrman. (New York: Harpercollins publishers, 2003, pp. XII-276)

In the research and development of *Death and Justice*, Mark Fuhrman has once again used his superior crime scene investigation skills to reinvestigate capital murders, their investigations, and their trials in the death penalty capitol of the United States; and also his investigative journalistic skills to report the findings, interpretations, and conclusions of his research in this compelling work. What he discovers about death penalty justice in Oklahoma City is both enlightening and shocking; and the conclusions drawn by the author may leave the reader's beliefs shaken.

Exposed as a racist and product of Los Angeles police officers' sub-cultural bias by defense attorney Johnny L. Cochran (Cochran, J. L., Jr., & Rutten, T., 1996, *Journey to Justice*) during the double murder trial of professional football hero Orenthal James Simpson, Mark Fuhrman appears in *Death and Justice* to have deviated far from Cochran's characterization of him in those earlier days. In their writings about the O. J. Simpson murder trial, both Vincent T. Bugliosi (1996, *Outrage*) and Dominick Dunne (2001, *Justice*) stood by Mark Fuhrman in the sense that they acknowledged his excellent investigative and communicative skills. Dunne went a step further to shake Fuhrman out of his self-imposed isolation in the Idaho

woods, then to prod, encourage, and support him in the use of his skills to help bring closure to the grieving families of murder victims.

For the present study, Mark Fuhrman went to Oklahoma City, to begin his research, at first strongly believing in the justice of the death penalty, in the conscientiousness and thoroughness of the death penalty foundational detective work, and in the fairness of the criminal trial process from prosecution through conviction and appeal. Still living in the mindset of the Los Angeles police subculture, he did not question whether or not capital punishment was just.

He therefore had no forewarning that the results of his research were to negate his understandings of how the criminal justice system and courts functioned in the processing of death penalty cases; and beyond his newfound illumination, how his logical conclusions demanded change in himself, both as a journalist and as a criminal investigator.

What the author found was a politically motivated district attorney in the person of Bob Macy, who used his office to bring to prosecution exceptional numbers of capital punishment cases, to use the loosely defined Oklahoma state statutes to define and pursue a broad range of homicides as heinous, atrocious, and cruel so as to render them deserving of the death penalty, and to aggressively prosecute to win at all costs. In the course of a few years, with the flair of an old western sheriff, Macy built his political power base upon the fact that he put more people on death row than anyone else in the nation. Dressed in cowboy hat and shod in riding boots, Bob Macy proudly and publicly listed the numbers he had successfully placed on the Oklahoma death row as if he were displaying a string of scalps hanging from the horn of his Mexican saddle.

The district attorney arose almost to the level of a folk hero -- the super hero of crime fighting. He was elected and re-elected without serious challenge during his years in power. Macy, at the peak of his success, even remarked that he thought of running for governor of Oklahoma.

The second actor, in this series of courtroom death penalty dramas, was undoubtedly the head of the Oklahoma City Police Department's forensic science laboratory, Joyce Gilchrist. Gilchrist rapidly built her power and credibility in the police laboratory and in the courtroom by being able to deliver scientific evidence needed or desired by police investigators, and through her ability to convince juries from the witness stand. Fuhrman found that Gilchrist was more dedicated to helping the police and prosecutor(s) prove their death penalty cases, than she was to the careful practice of empirical science.

With large numbers of successful death penalty prosecutions being the chief crime fighting tactic of the district attorney's office, soon all actors in the death penalty drama were cutting corners off justice and fairness in order to expedite executions. Police detectives turned in incomplete and shoddy detective work, for once they decided upon a suspect, they were certain that Gilchrist would support their hunches with scientific tests, and that Macy would be able to win the case and convince the jury to decide for the death penalty. It troubled Bob Macy little that innocents might be executed, for he believed that some innocents would necessarily have to be executed in order to make the death penalty work toward the reduction of the crime rate.

In the process of his research, Mark Fuhrman came to the realization that the problems of justice and equity were not so much to be found in the processes associated with the processing of death penalty cases, nor in the executions

themselves, but rather, the death penalty itself was the problem. He states in conclusion, it boils down to this -- the death penalty brings out the worst in all of us: hatred, anger, vengeance, ambition, cruelty, and deceit (p., 251). And finally, I no longer believe in the death penalty. I no longer have faith that it is administered fairly or justly. I fear that innocent people have been executed.

Death and Justice: An Expose' of Oklahoma's Death Row Machine, by Mark Fuhrman, should be included in undergraduate and graduate courses in which the death penalty debate serves as one of the major foci. While admittedly, Fuhrman reports upon a particularly aggriegous justice system which might serve best as a worst-case scenario, who may be certain that similar failures of justice and fairness are not common in many locations and criminal justice/legal systems across America?