

what happens when  
justice plays "let's  
make a deal"

# SNITCH CULTURE

**A**gain and again, the same situation occurs.

In 1974 a jury convicted Joseph Green Brown for murder, rape and robbery. Testifying against Brown was Ronald Floyd. Several months after the trial, Floyd admitted he had lied at trial. He said he had testified to avoid prosecution for the murder and to receive a lighter sentence on another crime. Brown spent 13 years on death row before being released.

In 1977 Randall Dale Adams was convicted of murdering a police officer. The prosecution's key evidence against him was the testimony of David Harris, who claimed to have been with Adams when Adams shot the officer. In return for Harris' testimony, prosecutors did not charge him with anything. Adams spent 12 years on death row before proving his innocence.

In 1983 Anthony Silah Brown was convicted and sentenced to death for murdering a deliveryman. Another man who had been arrested for the same murder implicated Brown as an accomplice. This man was given a deal in return for his testimony. Brown served three years on death row before he was acquitted of all charges in a retrial. The witness admitted he had lied.

In 1983 Charles Smith was sentenced to death for murder and robbery. The prosecution called as a witness a man who admitted to having been the getaway driver, and who claimed that Smith had committed the murder. It emerged at a retrial that the witness had testified after making a deal with the prosecution that allowed him to avoid a murder charge. Smith spent eight years on death row.

In 1989 Joseph Burrows was convicted of murder and armed robbery. The prosecution's primary evidence was the testimony of the two men who also had been charged with the murder. Direct evidence implicated the two, but by naming an alleged accomplice they escaped the death penalty. Burrows spent five years on death row before a court reversed his conviction and dropped all charges.

In each of these cases, and many more that were examined at the National Conference on Wrongful Convictions and the Death Penalty, an

innocent man was convicted of murder and sentenced to die on the basis of testimony by a jailhouse snitch seeking reduced charges or preferential treatment. Witnesses lied to avoid the death penalty for crimes they themselves had committed. In each case it took years to unravel their deceit.

The snitch culture is so embedded in our judicial system that there is now an entire industry of convicts who buy information from other criminals or friends on the outside that allows them to rat and cut off years from their sentences. And prosecutors go along. The snitch enables them to clear cases and to inflate their conviction rates.

The snitch culture has become a crucial element in the war on drugs. For the past decade, the federal government has rewarded drug users and dealers with reduced sentences and cash—so long as they finger someone else.

In 1986 Congress passed mandatory minimum sentences. Sell enough drugs and you face five years to life in prison. Two years later, the law was amended—anyone involved in a drug deal would get the maximum sentence. There didn't even have to be drugs exchanged. Just talking about the sale of drugs was evidence of conspiracy.

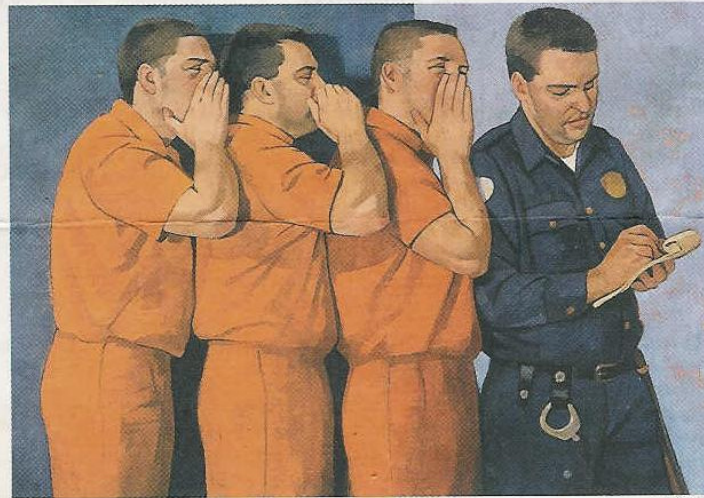
The only way to avoid the maximum was to turn on your confederates (or almost anyone else you could finger as a drug dealer) and provide "substantial assistance" to narcotics officers.

Federal prosecutors have an overwhelming conviction rate in such cases, prompting Nora Callahan, an advocate for drug war prisoners, to note that "there are thousands of people sitting in prison because of bought testimony alone, with no other evidence against them. It is an affront to justice, and to humanity itself. And it's important for people to remember that this could

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happen to anyone, to anyone's child."

On January 12 *Frontline* broadcast a report on the fallout from mandatory minimums. Again and again, the same situation arose: Big-time dealers would lie to avoid maximum sentences. Drug kingpins received payouts, lighter sentences or complete freedom for turning in the little fish—or in some cases people who were completely innocent.



deal and told her that if she would admit to wiring money to her boyfriend—whom the government claimed was the biggest drug dealer in Wichita—she would receive less than a year. Singleton refused, maintaining she was innocent. Indeed, the boyfriend was never prosecuted. Another drug dealer, seeking to lower his sentence, testified against Singleton. On the basis of that testimony, she was convicted and sentenced to 46 months in jail.

Singleton's lawyer, John Wachtel, appealed, using an interesting argument: Offering leniency or sentence reduction for the right testimony violated the federal law against bribery. "Whoever directly or indirectly gives, offers or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such a person as a witness upon a trial" shall be fined or imprisoned.

A panel of three judges from the Tenth Circuit Court of Appeals agreed

with Wachtel: "Promising something of value to secure truthful testimony is as much prohibited as buying perjured testimony," it wrote. "If justice is perverted when a criminal defendant seeks to buy testimony from a witness, it is no less perverted when the government does so."

For a moment it looked as though prosecutors would have to go out and investigate cases the old-fashioned way—with physical evidence, motive and opportunity.

In January, the full Tenth Circuit Court of Appeals overturned the panel's decision, ruling in a 9-3 vote that enforcing the antibribery law would have made criminals of federal prosecutors. The panel's ruling, it said, was "patently absurd." For now, prosecutors are free to go after the big fish, the little fish and also the innocent.

Only 11 percent of the prisoners serving time for drug crimes are kingpins; 52 percent are users or low-level street dealers.

The report chronicled the case of Clarence Aaron, a college athlete who was paid \$1500 to drive his cousin and some high school friends to meet people he knew were involved in drugs. Upon arrest, the cousin and his accomplices—all of whom had criminal records—agreed to "cooperate" for lighter sentences. The ringleader drew 12 years. Two accomplices served less than five years. The cousin went free. Aaron received three life sentences with no chance of parole. He didn't have anyone to turn in.

Aaron's story is no aberration. Sonya Singleton, 25, was accused by the feds of money laundering and conspiracy to distribute cocaine. They offered her a