
In Virginia, Innocent Man Stays in Prison

To the Editor:

Your brief Jan. 16 account of the action of the outgoing Governor of Virginia, L. Douglas Wilder, in commuting to life imprisonment the death sentence of Earl Washington Jr. does scant justice to a troubling situation. Last fall, Mr. Washington was headed for the electric chair on charges of rape and murder, despite powerful reasons to doubt his guilt.

Fortunately, biological samples remained from the crime scene, which could be subjected to DNA testing. Testing was performed by the state's own crime laboratory and evaluated by a leading outside scientist, one of the inventors of DNA analysis. The results showed that Mr. Washington did not commit the crime for which he was convicted. The wrong man is in prison, and the true criminal remains undetected.

In similar cases, the legal system has taken all possible steps to rectify the injustice. But Governor Wilder served up the political half-loaf of a commutation, rather than the pardon that the circumstances justified.

His stated reason was that Mr. Washington had "confessed" to the crime. But that "confession" was extracted from a suggestible and mentally retarded person in an interrogation session that produced four other "confessions" — each of which the government now acknowledges to be false. Mr. Washington's "confession" contains not a single detail that would have been known to the perpetrator

and not to the police. Indeed, when Mr. Washington was first questioned, he was ignorant of even such facts as the race of the victim.

More fundamentally, the confession cannot be true if the DNA test results are correct — and the Governor did not question those results.

There is no conceivable reason for Earl Washington, an innocent person, to spend the remainder of his life behind bars. The continuing efforts to secure his complete exoneration deserve the support of everyone with the imagination to conceive that he or she might one day be falsely accused of a crime.

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