The D.A. Stole His Life, Justices Took His Money

By LINCOLN CAPLAN

In an important prosecutorial-misconduct case this term, the Supreme Court’s conservative majority threw out a $14 million jury award for a New Orleans man who was imprisoned for 18 years, including 14 on death row, for a robbery and a murder he did not commit. One month before John Thompson’s scheduled execution, a private investigator discovered that prosecutors had hidden evidence that exonerated him.

After his release, Mr. Thompson won a civil lawsuit against the Orleans Parish district attorney’s office, which had been led by Harry F. Connick, for its gross indifference to the incompetence of the prosecutors who violated his constitutional rights.

Justice Clarence Thomas, writing for the 5-to-4 majority in Connick v. Thompson, said the D.A.’s office was not liable for failing to train its lawyers about their duty under the Constitution to turn over evidence favorable to the accused.

The lawyers had kept secret more than a dozen pieces of favorable evidence over 15 years, destroying some. That failure to provide training, the court said, did not amount to a pattern of “deliberate indifference” to constitutional rights.

Justice Ruth Bader Ginsburg wrote a powerful dissent, which she read from the bench.

The Thompson ruling tore down an essential bulwark for ensuring that prosecutors are properly trained, and severely diminished the right of citizens everywhere to hold them accountable. The Supreme Court’s decision to shield the district attorney’s office from having to pay a monetary award for stealing 18 years of Mr. Thompson’s life is shameful.

Innocence Project New Orleans found that in 9 of 36 death penalty convictions while Mr. Connick was chief prosecutor, his office suppressed exculpatory evidence. It had one of the worst records in America on that score.
The New Orleans district attorney’s office is by no means alone in its failure to ensure justice in capital cases. Failure to turn over evidence is a chronic problem. Its consequences are magnified by the government’s advantage over the inexperienced and inept defense lawyers who are often assigned to indigent defendants. Many of these violations are exposed. Many other instances may never be uncovered.

The capital punishment system in this country has put many innocent people on death row. It cannot be fixed and should be repealed everywhere. With this ruling, the court made it even more likely that innocent people will be railroaded by untrained prosecutors — with the terrible prospect of their being put to death for crimes they did not commit.