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Experts puzzled over panel change

Perry defends removal of three on commission probing fire that led to a man's execution

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HOUSTON CHRONICLE

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For Democrats, it was an ah-ha moment, a suggestion that by abruptly removing three members of a forensic science commission Gov. Rick Perry was trying to derail an investigation into a case raising the disturbing possibility Texas may have executed an innocent man.

For other people, not so much.

"Unless there's real solid evidence that the guy didn't do it and Rick Perry's people screwed up a review, I can't see it becoming an issue," GOP analyst Royal Masset said.

Political junkies spent Thursday trying to decode Perry's decision a day earlier to remove three political appointees from a once-obscure commission looking into the investigation of a 1991 fire that killed three children, for which their father was executed.

Talking to reporters at a campaign appearance in Austin on Thursday, Perry described the new appointments as "pretty normal protocol" prompted by the fact that the former members' terms expired three weeks ago.

"If you've got a whole new investigation going forward, it makes a lot more sense to put the

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new people in now and let them start the full process, rather than having people in there for a short period of time and then replacing them," he said.

That didn't stop people from speculating on his motives and what impact, if any, the action might have on the gubernatorial campaign in a state where surveys show most voters support the death penalty.

Sen. Kay Bailey Hutchison, running against Perry in the Republican primary, called the action "both disappointing and disturbing" in a statement released by her campaign late Thursday.

"The governor's actions have cast a cloud over the entire process," she said.

Democratic gubernatorial candidates were less restrained.

"Wholly unacceptable," Tyler rancher Hank Gilbert trumpeted in a statement. "This was a political decision by a governor who wanted (to) avoid criticism of the horrendous record Texas has regarding the execution of the innocent."

"Very disturbing," Fort Worth attorney Tom Schieffer agreed.

Effect on election?

But what, if anything, voters will make of the brouhaha, both in the March primary and in

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November, remains to be seen.

"I think for most Texans, this is an opportunity to sit back and milk the entertainment value as it goes forward," said Cal Jillson, a political scientist at Southern Methodist University.

The case against Cameron Todd Willingham, sentenced to death for setting the fire in Corsicana that killed his three children, gained national attention after several respected fire experts criticized the initial investigation, which found the fire was deliberately set and pointed to Willingham as the culprit.

Willingham was executed in 2004 after Perry denied a stay of execution.

Effect on findings?

On Wednesday, two days before the Texas Forensic Science Commission was to hear from one of the experts, Perry removed three members and named replacements for two of them.

The new chairman, Williamson County District Attorney John Bradley, canceled the hearing, saying he needed time to prepare.

Perry said he expects the investigation to continue but would not tell Bradley or other commissioners how to proceed. But critics — including some Republicans — suggested the new appointments will inevitably taint the commission's findings.

They aren't charged with determining whether Willingham was guilty, but whether the original fire investigation was reliable.

"If it turns out we executed an innocent man,

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that's bad and the state ought to be held accountable," said Gary Polland, former chairman of the Harris County Republican Party and an attorney. But new evidence, and new interpretations of evidence, routinely come to light as scientific methods advance, he said.

The bigger issue, he said, is whether Perry was attempting to manipulate the process.

"The idea that we should change commissioners to avoid an outcome smacks of a cover up," Polland said. "Why do that? If I advised the governor, I would have told him, 'Let the commission finish their investigation and, whatever they come up with, they come up with.'"

Still, he and other political observers said Perry is unlikely to be hurt by concerns Willingham was wrongly executed unless additional convincing evidence arises.

Texans still generally support the death penalty, Jillson said. "It's unlikely to become a *cause celebre*."

Austin bureau chief Peggy Fikac contributed to this report.

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