

News From The States

EVENING WRAP

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By [Kate Queram](#)

Real talk: There is not a lot of new data that I can tell you about our broken prison system, and there is literally nothing funny about mass incarceration, so I never know what to talk about in this chatty fun section when the newsletter is about prison and/or criminal justice. We use them a lot, and they're not great, and that never changes. There are just new examples of it, over and over again.



The Big Takeaway

Three months after his 18th birthday, Casey McWhorter and two of his friends hatched a plan to rob a house. The plan, McWhorter said, was to “go in, get a bunch of stuff, some guns, some weed, some drugs, and leave.”



*Casey McWhorter's home since 1994.
(Photo via the Alabama Reflector)*

“That was all that was supposed to happen,” McWhorter [told the Alabama Reflector](#).

But things took a turn when Edward Lee Williams came home early and discovered the teens. They tussled over a gun, and then the boys shot Williams 11 times, grabbed his wallet, and left the house in his truck. The other two boys were later sentenced to life in prison. McWhorter was sentenced to death in 1994 by a jury vote of 10-2. He was 19. Absent a last-minute [court intervention](#), he will die by lethal injection before 6 a.m. on Friday at the age of 49.

Opponents of the death penalty have asked Gov. Kay Ivey to halt McWhorter’s execution after a trio of botched lethal injections [in 2022](#). Two were called off after staff spent hours trying to locate usable veins, and multiple puncture marks were found on the arms of [a man executed](#) last July. In final appeals before both the state and U.S. Supreme Courts, McWhorter’s attorneys also cited his age at the time of Williams’ murder, noting that Alabama does not recognize legal adulthood until the age of 19. Minors cannot be sentenced to death, rendering McWhorter’s execution unconstitutional, they said.

The Alabama Supreme Court on Saturday denied McWhorter's request. The U.S. Supreme Court had not ruled on the motion as of Wednesday afternoon.



*Protesters in Madison on Wednesday.
(Photo by Henry Redman/Wisconsin Examiner)*

Protesters gathered in Wisconsin Wednesday to call for an end to lockdowns at two state prisons where people have for months been mostly confined to their cells with limits on activities and visits from loved ones. State officials said the restrictions were implemented for safety reasons amid overcrowding and severe short-staffing at both the Waupun and Green Bay correctional facilities. Gov. Tony Evers [said Tuesday](#) he had eased some of those policies amid plans to relocate inmates to other facilities, which advocates said did not go far enough to address [the suffering](#) that stemmed from the lockdowns, [per the Wisconsin Examiner](#).

“I am in frequent contact with thousands of men and women who are in the system, who are experiencing the torturous, inhumane and completely unacceptable conditions that we’re finding in the prisons in Wisconsin,” said James Wilbur, prison outreach director for the advocacy organization WISDOM. “The governor and the Department of Corrections said five years ago they would diligently work to reduce the prison population ... the Department of Corrections

has consistently refused to implement those platforms.”

Republicans, by contrast, said Evers had gone too far. Relocating “dangerous felons” to other prisons will put communities “in danger” and exacerbate “capacity issues at other facilities,” state Rep. David Steffen, a Howard Republican, said [in a statement](#).

“It’s time for Governor Evers to stop passing the buck and show leadership by closing and replacing our 19th-century prisons,” he added.



*Unclear if this is a 19th-century fence.
(Photo by David McNew/Getty Images)*

Understaffing is also a problem in the New Mexico court system, which needs nearly 900 additional public defenders to handle current caseloads. The Law Offices of the Public Defender on Wednesday asked lawmakers for far less than that, requesting a 20% budget increase to hire an additional 30 attorneys, [Source New Mexico reported](#).

Lawmakers approved a smaller budget increase last year, giving the public defender’s office an additional \$6.3 million to give raises to defense attorneys and hire eight new lawyers. That wasn’t nearly enough to keep pace with caseloads, which have increased by more than 19% in each of the last three

years due to increased policing and a higher number of arrests on warrants, said Thomas Joseph Clear III, chair of the state's [Public Defender Commission](#).

The flurry of activity has coincided with understaffing in the office, which had an 18% vacancy rate among attorneys as of Monday. It's worse in rural areas, where vacancy rates are as high as 52%, Clear added.

"The stresses of having all those new cases come upon our clients and our attorneys to represent them," Clear said.

At current staffing levels, people accused of crimes are being deprived of their constitutional rights to adequate defense and due process, said Bennett Baur, the chief public defender.

"Our request is assertive in a way that's necessary because the need is so great," he said. "Because we represent members of the community who don't have their own resources and face police, prosecution and those kinds of resources."

Additional resources: [Advocates say now is the time to implement air-conditioning in Florida prisons ...](#) [Lawmakers hear report that says path of Florida's prison system is 'unsustainable' ...](#) [Iowa lawyer reprimanded for failing to show up for clients' hearings ...](#) [This Louisiana town runs largely on traffic fines, and the mayor is your judge ...](#) [Mississippi women were prosecuted for using drugs while pregnant. It may not have been a crime ...](#) [Millions in legal settlements now disclosed by New Mexico ...](#) [David Renteria scheduled for execution Thursday for 2001 murder of El Paso girl ...](#) [Mexico "rejects" Texas' proposal to allow state police to deport undocumented immigrants](#)



State of Our Democracy

Four Republican senators spent Wednesday night partying as only Republican senators can: Giving long speeches in hopes of convincing fellow Republican Sen. Tommy Tuberville to please stop blocking hundreds of military nominations, [our D.C. bureau reported](#). Together, U.S. Sens. Dan Sullivan (Alaska), Todd Young (Indiana), Joni Ernst (Iowa) and Lindsey Graham (South Carolina) spoke until nearly 4 a.m. Thursday in what sounds like the world's worst slumber party.



*Oop just gonna scoot right past ya there
(Photo by Kevin Dietsch/Getty Images)*

Tuberville, a former football coach who is now, [for reasons I cannot explain](#), representing Alabama in Congress, began blocking military nominations [in March](#) in protest of a Department of Defense [policy](#) that grants paid leave and travel allowances to service members in need of “non-covered reproductive health care,” including abortions. This, according to Tuberville, is an attempt by the Biden administration to “to push through a massive expansion of taxpayer-subsidized abortions” without congressional approval. And they aren’t going to get away with that! Not on Tuberville’s watch!

“Three months ago, I informed Secretary Austin that if he tried to turn the DoD into an abortion travel agency, I would place a hold on all civilian, flag, and general officer nominees,” Tuberville said March 8 on the Senate floor.

This is, at least, the stated reason for the one-man protest, though Tuberville may also have other goals. The blockade has been endorsed by the [Heritage Foundation](#), a right-wing policy group funded by [the Koch brothers](#), which [sent a letter](#) to Senate leaders demanding support for Tuberville’s courageous stand against the “left-wing social agenda.” Tuberville, the foundation opined in a

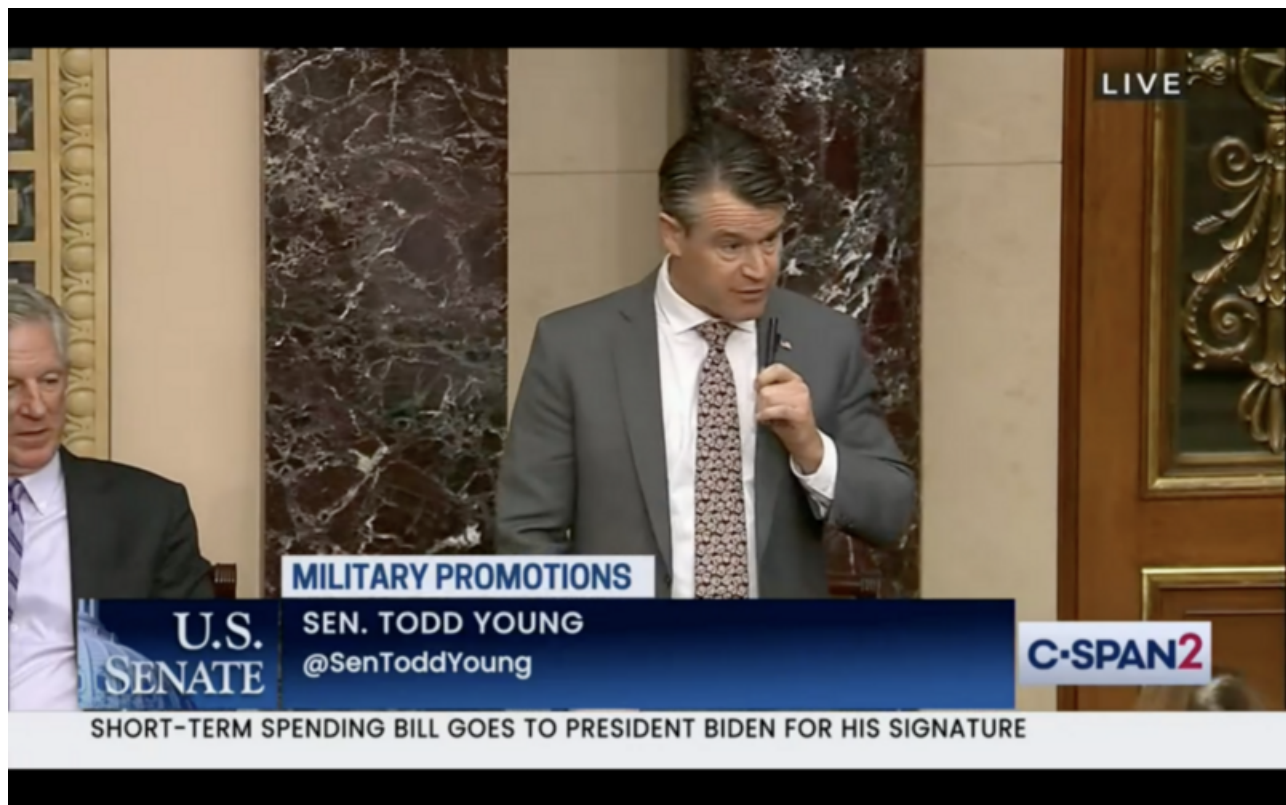
separate self-published article, on behalf of a horde of right-wing ex-military officials, including Donald Trump acolyte/[pardon recipient](#) Michael Flynn.

In [the article](#), the Heritage Foundation anointed Tuberville as the “one man” preventing Biden from replacing military officers “with politicized ideologues who will bend to a transformative dogma,” which is *extremely interesting* because that is precisely what the foundation has proposed in [a blueprint](#) for Trump’s (as yet hypothetical) second term. The handbook, dubbed “Project 2025,” aims to jettison as many as 50,000 federal workers in an attempt to rid the federal government of “deep state” adversaries who thwarted Trump’s aspirations. Among other things, the plan would direct the National Security Council to “rigorously review” military promotions to “prioritize the core roles and responsibilities of the military over social engineering and non-defense related matters” like climate change and also “manufactured extremism,” which appears to have been included unironically. Trump’s allies are already screening foot soldiers for this effort, [according to Axios](#).

Tuberville is a [big \(sorry, yuge\) Trump fan](#), which might explain why he’s continuing to block military nominations even though the move is unpopular with [military officials](#), [military families](#), [veterans](#), his [own constituents](#) and a growing number of Republicans [not named Trump](#). Until Nov. 1, Senate opposition was limited to Democrats, but as the number of stalled nominees continues to grow — 359 at last count — Republicans have [started to buckle](#). And that brings us back to the Senate floor, where the gang of four tried, and failed, to sway Tuberville.

Each took a different tack, beginning with Sullivan, who said he’d received “hundreds of text messages and emails” from military families thanking him for “having our back.” (Tuberville was unimpressed.) Ernst went the procedural route, toting a binder “full of nominees” to the floor in hopes that Tuberville would “allow us to bring them up one by one for a voice vote.” (Tuberville did not.) Graham struck a conciliatory tone, telling Tuberville that while he agreed with dictating other people’s health decisions, he’d prefer to do it outside of Congress. Like in court, for example.

“One way you right a wrong in America if you think a law is broken, you actually bring a lawsuit,” Graham said. “You say it’s illegal. I tend to agree with you. Go to court.”



*Tens of people possibly saw this live!
(Screenshot via our D.C. bureau)*

Alas, Tuberville did not go to court, and so it was Young's turn to take the floor. The Indiana Republican spent most of his time reading the biographies of two nominees, which he correctly surmised that "tens of Americans" were watching on C-SPAN 2. Tens of them!

Tuberville was not among them, nor was he consistently among the senators in the chamber, which he left and returned to at will throughout the night. He also did not defend himself or otherwise participate in the debate, leaving that to Sen. Mike Lee, a Utah Republican who was happy to play spokesman — just as soon as he made it clear that this "particular strategy" of blocking nominees and thus forcing everyone to listen to these boring speeches all night, "is not mine."

"It's not my strategy," he repeated.

But! It is "legitimate," according to Lee. And it's not Tuberville's fault that Tuberville chose to spend his time explicitly not doing his job, Lee added — it's Joe Biden's fault.

The president "should be watching this, because this is compelling television," Lee said, because I guess he has never actually watched C-SPAN 2. And after that, he should suspend his "godless, lawless abortion travel policy."

K thanks Mike: [Congress sends stopgap spending bill to Biden's desk, averting shutdown for now](#) ... [The State Bar of Arizona is investigating Kari Lake's election challenge attorneys](#) ... [New FAU survey shows majority of Floridians disapprove of Matt Gaetz's performance in Congress](#) ... [Fulton judge weighs protective order to block sharing of evidence in Trump 2020 election RICO case](#) ... [Kansas Democrats push property tax relief as alternative to GOP's 'political extortion'](#) ... [Louisiana Gov.-elect Jeff Landry picks former Trump official, first Black woman for environmental post](#) ... [Challenge to Missouri voter ID law focuses on barriers faced by the elderly, disabled](#) ... [New Hampshire sets Jan. 23 presidential primary date, the first in the nation](#) ... [Ohio Secretary of State Frank LaRose misses deadline for U.S. Senate financial disclosures](#) ... [GOP women in Pennsylvania House announce bills to strengthen rules against sexual harassment](#) ... [Texas appeals court weighing whether state bar can discipline Ken Paxton for challenging 2020 presidential election](#) ... [Virginia members of Congress ask for investigation into site pick for new FBI headquarters](#)



From The Newsrooms

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- ['I'm not real proud': Kansas public library gets new lease by removing LGBTQ books for kids](#)
- [Missouri legislators criticize regulations targeting cannabis packaging aimed at kids](#)
- ['Unprecedented' Trump 14th Amendment trial in Colorado comes to a close](#)



One Last Thing

The final season of “The Crown” depicts Princess Diana returning as a ghost to haunt both the Queen and her ex-husband Charles, a plotline that is, shockingly, [not earning rave reviews](#). (When you’ve lost [People magazine](#), you’ve lost.) Did we learn nothing from [Denny Duquette](#)?

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