

To the Pulitzer judges:

It was a sordid case of injustice, the kind the rest of America has sadly come to identify with criminal justice in Texas: a young, illiterate black man sat on death row, fingered by an unscrupulous prosecutor with the help of a biased grand jury for a murder he didn't commit.

But there's another, more complex side to criminal justice in Texas that America would also soon discover, through the eyes and metro columns of Lisa Falkenberg.

She's a sixth generation Texan, the daughter of a truck driver from a small town outside San Antonio, and to feel her outrage at injustice is to understand something important about the big, wide-open, fiercely individualistic state she proudly calls home.

The first column she wrote about the wrongful conviction of Alfred Dewayne Brown was jaw-dropping: eight years after Brown was convicted by a Harris County court for killing a Houston police officer during the burglary of a check-cashing store, a homicide detective cleaning out his garage found a telephone record confirming Brown's alibi and making a strong case for his innocence. He had in fact called his girlfriend at work from her apartment the morning of the crime, as he had always insisted. Along with the phone record: a document showing a prosecutor had requested the record shortly after Brown's girlfriend had told a grand jury about the call.

Radley Balko of The Washington Post called her column "eye-opening" and went on over the summer to chronicle her trail of disclosures, each more outrageous than the last:

First, that Brown's girlfriend had been brow-beaten by a prosecutor and grand jurors and eventually jailed for perjury after she refused to completely disavow her claim that Brown had been in her apartment around the time prosecutors claimed he was preparing for robbery.

Then, that she had recanted her testimony and, in a sworn statement, accused a prosecutor of threatening to take her children away if she did not cooperate.

And then, in a stunning revelation that was unknown even to Brown's team of appellate attorneys, Falkenberg reported that the foreman of the grand jury that initially investigated Brown and threatened his girlfriend was himself an active-duty Houston police officer. Balko called it "a pretty explosive detail."

The judge who had empaneled the grand jury went quite a bit further than that in describing the grand jury's handling of the case: "It's terrible, it's terrible," she told Falkenberg. "That shouldn't have happened. I hope that was an aberration. No, grand jurors do not work for the state."

A policeman leading a grand jury weighing a murder charge in the shooting of his longtime colleague was but the ultimate consequence of a system in which those with ties to law enforcement are routinely selected to serve, as Falkenberg had now brilliantly demonstrated. "The blatant conflict is stunning even in a county known for its cozy, pick-a-pal grand jury system stocked with police- and prosecution-friendly elites," she wrote.

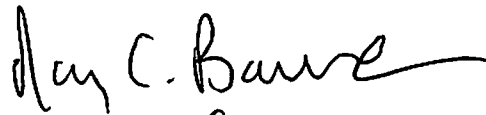
Indeed, Falkenberg invoked her own very personal sense of right and wrong in a subsequent column in which she revealed that all 22 criminal court judges in Harris County had for the past year and a half been sealing all

grand jurors names, which, in effect, protected them from all accountability: "We the people of Texas have only one window into the shrouded system, one tool to ensure judges are empaneling fair, diverse grand juries and aren't filling them with country club pals, active duty cops, and mostly white elites. We have their names."

When Falkenberg had finally finished writing columns on the Brown case that stretched from May to December, all those concerned had felt the heat of her reporting like an August day in Houston: Texas' highest criminal court took the rare step of overturning Brown's conviction and his death sentence; some Harris County judges vowed to stop sealing the names of grand jurors after term; the Harris County criminal defense bar had called for an investigation of Brown's case, and lawmakers, including the chairman of the state Senate committee on criminal justice, had introduced legislation banning the pick-a-pal option for grand jury selection.

Thanks to Lisa Falkenberg and her impassioned columns on the Brown case and the other great social issues facing the nation's fastest growing state - immigration, voting rights and police shootings, among them -- the rest of America now knows there's more to justice in Texas than tainted grand juries and wrongfully convicted men on death row, which is why we are so very proud to nominate her for the Pulitzer Prize in Commentary.

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