



# Spring Newsletter 2000

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## Death Penalty Awareness Week Will Feature Death Row Survivor

A week of activities to highlight state executions of innocent persons will center around the visit of Sonia (Sunny) Jacobs, a death-row survivor whose common-law husband, Jesse Tafero, was put to death in Florida's electric chair in 1990 despite his innocence. The same false evidence was used to convict both Jacobs and Tafero for the 1976 murder of a state trooper, but by the time federal courts threw out Jacobs' conviction, Tafero had already been executed.

Sunny Jacobs was released in 1992 after sixteen years in prison including five years on death row. She has spent her time since then reestablishing relationships with her family and teaching yoga classes for prisoners. She has a personal tale to tell of criminal injustice and survival.

The Olympia Fellowship of Reconciliation is organizing and coordinating the following events for Death Penalty Awareness Week. *This is a tentative schedule. For updated information call Glen Anderson at (360) 491-9093 or Alice Curtis at (360) 943-4076.*

**Sunday, April 9, 6:30–8:00 PM:** Sunny Jacobs speaks at Condon Hall, Room 109/129, at the University of Washington, sponsored by UW Amnesty International, Innocence Project Northwest, WCADP and Olympia FOR. Refreshments will follow. Condon Hall is at NE Campus Parkway and 12<sup>th</sup> Ave. NE, Seattle.

**Saturday, April 8 and Sunday, April 9, 1:00 PM both days:** "Twelve Angry Men," classic film starring Henry Fonda, plays at the Olympia Film Society (Capital Theater, 206 5<sup>th</sup> Ave., downtown Olympia). A facilitated discussion with interested audience members about death penalty issues will take place after the film.

**Monday, April 10, noon–2:00 PM:** Sunny speaks at South Puget Sound Community College, Olympia, Bldg. 22 Student Lounge.

**Tuesday, April 11, 10:30 AM–2:00 PM (times approximate):** Sunny Jacobs speaks at Centralia College (space is limited; event is primarily for Centralia students)

**Tuesday, April 11, 5:00–7:00 PM:** Sunny Jacobs speaks at The Evergreen State College in Lecture Hall #1, sponsored by TESC Prison Action Committee.

**Wednesday, April 12, 10:30 AM–12:30 PM:** Sunny Jacobs makes a presentation at the Olympia Community Yoga Center on Survival Yoga: bringing yoga to prisons. Contact Judith Dahn, (360) 357-4157.

**Wednesday, April 12, 7:00–9:00 PM:** Sunny Jacobs speaks at the Olympia Timberland Library, 313 8<sup>th</sup> Ave. SE. Refreshments and literature available at 6:30 PM.

**Thursday, April 13, 7:00 PM:** Interfaith Service in memory of innocent persons who have been executed. United Churches sanctuary, 11<sup>th</sup> and Washington, Olympia.

## Washington Considers Moratorium, Passes DNA Bill

Two bills important to the abolitionist community were debated in the state legislature during this year's short session. SB 6137 would have created a task force to study administration of Washington's death penalty. As originally introduced, it placed a moratorium on executions—but not appeals or new death sentences—until July 1, 2002 while the task force completes its work. The bill was later amended to remove the moratorium, and ultimately the bill did not reach the floor.

HB 2491 provides a limited guarantee of the right to DNA testing of evidence for persons sentenced to death or life imprisonment, even if reconsideration of a conviction might not otherwise be possible. The need for such a bill was publicized by the Illinois moratorium (see articles inside

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## Illinois Moratorium Spurs Abolitionists

The worldwide movement for a moratorium on capital punishment which has slowly gained strength since 1998 received a major boost in January when the governor of Illinois declared that he would unilaterally and indefinitely stay all execution warrants.

Governor Ryan took this action on January 31, citing Illinois' "shameful record of convicting innocent people and putting them on death row." He repeatedly referred to the thirteen condemned inmates who have been cleared since Illinois reinstated capital punishment in 1977, which is more than the number of inmates executed during that period. Illinois has the second highest number of such releases in the post-Furman era; Florida leads the country with 21.

Ryan's action galvanized moratorium and abolition efforts across the country. Some newspapers called for abolition. At least ten other states, including Washington (see article in this issue), considered moratorium or abolition legislation this winter. Several cities endorsed a moratorium, most notably Philadelphia on February 10. Philadelphia has a notorious record in death sentencing and, along with Los Angeles, has recently been involved in major corruption scandals involving frameups for murder and other crimes.

President Clinton was asked by Senator Russell Feingold, who last November introduced a bill to abolish the federal death penalty (see our autumn issue), for a federal moratorium. Clinton rejected the idea on February 17, but advised governors to "look very closely at the situation in" their states. Clinton said Ryan "did the right thing." The federal Justice Department is studying bias in the application of the federal death penalty.

Ryan denounced a system "so fraught with error and [which] has come so close to the ultimate nightmare" of executing an innocent person. "Until I can be sure that everyone sentenced to death in Illinois is truly guilty, until I can be sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate."

Ryan's announcement was an about-face prompted by a week-long series last fall in the Chicago *Tribune* entitled "The Failure of the Death Penalty in Illinois," which examined the state's 285 capital cases and exposed bias, error and incompetence. Among the newspaper's findings were that in at least 46 cases there was reliance on jailhouse informants with reasons to lie; that nearly half of the state's death penalty cases were reversed on appeal; that in at least 33 instances, defendants were given death sentences after being represented by disbarred or suspended attorneys; and that in at least 35 instances, black defendants were sentenced by all-white juries.

When Anthony Porter was released a year ago, having come within two days of execution for a crime solved by college students completing a homework assignment, Ryan at that time called a moratorium a "knee-jerk reaction." A few weeks later he allowed the only execution during his administration to proceed. His moratorium announcement this year indicated the importance of the media exposure of the system's weakness. Ryan specifically pointed to the *Tribune's* findings.

His action creates the first moratorium anywhere in the US since the ten-year national moratorium ended in January, 1977. Of

the twelve Illinois prisoners executed since then, Girvies Davis had a strong, credible claim of innocence. However, none of the news coverage of the Illinois moratorium mentioned Davis, who was executed in May, 1995 during a previous governor's administration. Coerced confessions, a rampant problem in Illinois, were at issue in Davis' case as well as with many exonerated Illinois prisoners.

Locke Bowman, a lawyer at the University of Chicago's MacArthur Center for Justice, asked the Illinois Supreme Court to review ten other death row cases for which there is evidence that

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## Death Penalty Repeal Advances In New Hampshire Legislature

The New Hampshire House of Representatives voted 191-163 on March 9 to repeal capital punishment. The bill now goes to the state Senate, where a newspaper reported that as of March 13, eleven senators were for repeal, eleven against and three undecided. The governor, Jeanne Shaheen, a Democrat, has promised to veto any repeal bill reaching her. In the days following the House vote, abolitionists doubted that a veto would be overridden.

This is the first abolition vote to pass any legislative chamber in the country since the 1976 national reauthorization of the death penalty. 38 states and two federal jurisdictions now provide for capital punishment. Twelve states and the District of Columbia do not. New Hampshire is presently one of only two New England states that allows the death penalty. Connecticut is the other, but unlike that state, New Hampshire has no one on its death row. That fact, and also that the state's last execution was 61 years ago, prompted the governor and other death-penalty supporters to claim that the state was not excessively applying capital punishment.

An unlikely coalition formed to pass the repeal law. In a traditionally conservative state, liberal Democrats and Catholic leaders persuaded several conservative Republicans who have supported retention, but were swayed by the Illinois situation or by the broad concerns of abolitionists.

One newspaper editorialized, "We confess to bewilderment over [the governor's] long-held enthusiasm for executions. Here is a governor with a social conscience. Her greatest achievements have been in the areas of health care and education. Listening to her hawking the merits of the death penalty is akin to coming upon a trusted friend bent over a dead body in an alley."

Two years ago a bill backed by Governor Shaheen attempted to expand the death penalty. Not only did it fail, but a floor amendment for abolition came only forty votes short of passing, setting the stage for this year's vote.

Washington was one of the last states to abolish capital punishment by legislative action. The repeal law was passed in 1975, although the death penalty was restored by initiative petition later that same year. The current law, RCW 10.95, was passed in 1981. Washington also abolished the death penalty in 1913 and restored it in 1919.

## Leahy and Jackson Introduce Bills to Protect the Innocent

On February 11, Senator Patrick Leahy of Vermont introduced S. 2073, the Innocence Protection Act. Leahy is the ranking minority member of the Senate Judiciary Committee, a former prosecutor and a longtime abolitionist. The bill is a comprehensive package to address wrongful convictions and capital punishment reform.

Key among the provisions would be a requirement that states establish some legal forum in which death row inmates could bring forward exculpatory evidence from DNA testing, even after the expiration of time limits for new evidence and for appeals. For federal criminal cases, the legislation also would allow DNA evidence to be an exception to a general two-year time limit on the introduction of new evidence. The legislation also includes a series of provisions to set minimum standards for defense attorneys who represent indigent defendants accused of capital crimes. The legislation is expected to require states to set up systems to award "reasonable damages" to prisoners sentenced to death but later found innocent. The US Attorney General would be limited from seeking a death sentence for crimes that occurred in states that prohibit the death penalty for the identical crime.

Unlike Senator Feingold's Federal Death Penalty Abolition Act (S. 1917) introduced last November, Leahy's bill does not abolish capital punishment, but at least some of its provisions do stand a real chance of passage. President Clinton vaguely said he was "favorably disposed toward" the Leahy bill when he announced in February his rejection of a federal moratorium.

### Jackson Proposes Seven-Year National Moratorium

Congressman Jesse Jackson, Jr. (D-Illinois) introduced on February 10 a bill mandating a seven-year execution moratorium in all state and federal death-penalty jurisdictions. HR 3623, the Accuracy in Judicial Administration Act of 2000, has many of the same purposes as Senator Leahy's Innocence Protection Act. Jackson, son of the former presidential candidate, is an abolitionist who hopes that this bill will be a step towards the end of the death penalty.

The bill's official title is "an act to assure protection for the innocent to the fundamental right to life by providing a temporary moratorium on carrying out the death penalty to assure that persons able to prove their innocence are not executed." The proposal directs the Attorney General to "prescribe standards to provide overwhelming confidence that innocent parties will not suffer the death penalty." The standards are to include guarantees of access to DNA testing. States may end the seven-year moratorium early if they meet the standards.

Jackson's bill, like Feingold's, at this time is largely symbolic. In any case, Coalition members may wish to state their opinions of Jackson's, Feingold's and Leahy's bills to their Congressional district representative and Senators Murray and Gorton. Gorton supports capital punishment and Murray has voted in favor of it.

## Abolition Day Dinner a Great Success

This year's dinner was held at the General Petroleum Museum on Capitol Hill in Seattle. Attendees enjoyed the scenic rooms and were treated to a delicious dinner served off an old gas truck. The silent auction was extremely successful and lively. Income from the event exceeded \$3,000, our best tally ever.

Kevin Glackin-Coley, WCADP President and Executive Director of Detention Ministry for the Catholic Archdiocese of Seattle, skillfully hosted the dinner once again.

Reverend David Alger delivered the keynote address. Reverend Alger is the Executive Director of Associated Ministries of Tacoma/Pierce County. He gave a historical overview of the death penalty and spoke on both cleansing and healing the violence in our communities.

Jeanette Howard, WCADP Vice President, presented Christina Albouras with an Award of Service. Christina was thanked for the 4½ years she worked for WCADP and praised for her dedication to abolition. She received a standing ovation.

Todd Maybrown, attorney at law, received this year's Abolitionist Award for his excellent service representing inmates sentenced to death. Todd is a criminal defense attorney in the firm Allen, Hansen & Maybrown, PS in Seattle. He is presently co-chair of the Death Penalty Committee of the Washington Association of Criminal Defense Lawyers and is a member of the legal committee of the Northwest Women's Law Center and a founder of the King County Legal Task Force for the Homeless. Todd's great determination and skill won a new sentencing hearing for Mitch Rupe and a second personal restraint petition for Blake Pirtle. He consults on numerous death penalty cases and has even prevented some death penalty notices in capital cases. We also thank him for his extraordinary efforts in the Ninth Circuit Court of Appeals to stop the execution of Jeremy Sagastegui.

Capital-defense attorney Katie Ross presented the award to Todd and the audience was amused to hear about Todd's many moments of distinction in the media following his victory in the Rupe case. Todd is probably the only Washington attorney to have been featured in a Jay Leno monologue every night for a week and also to have been represented in a Saturday Night Live skit. The ridiculousness of the media attention in the Rupe case further proved the absurdity of capital punishment.

Perhaps the most telling thing about Todd is that his former clients think so much of him. No other attorney has received as much praise from his/her clients as Todd. It is a testimony to both his legal skill and humanity.

Todd accepted the award but would not admit to any skill or talent on his part and instead insisted that his colleagues, wife and law partners all deserved the award. We're quite certain no one believed him but even his humility was impressive.

The evening was capped with the phenomenally talented blues band, Diamond Dave's Blues Review.

This year's Abolition Day event was the result of many people's contributions. The Silent Auction again was the result of Judy Blinder's tireless efforts. Elin Martin designed the program.

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## Brothers Bush Deny Possibility of Executing the Innocent

In the wake of Illinois Governor Ryan's moratorium announcement, quite a few governors scrambled to issue statements explaining whether the conditions prompting Ryan's action weren't also present in their states. The typical response was that of Governor Jeb Bush of Florida, who told the St. Petersburg *Times* on February 14, "Illinois appears to have had a unique problem with the administration of capital punishment."

He said, "Administration of capital punishment has—by all accounts—been fair, although the resolution of capital cases has taken far too much time. Here in Florida, there is no competent evidence that suggests an innocent person has been wrongly executed."

On February 11, former Florida Supreme Court Chief Justice Gerald Kogan repeated claims he had made before and since Ryan's January 31 announcement. Kogan said again that the state has executed two or three prisoners who were not guilty. "Knowing as I do the imperfections in our system, I know that we have, on occasions in the past, executed those people who are in fact innocent," Kogan said at a Washington, DC news conference held by supporters of Senator Leahy's Innocence Protection Act (see article on page 3). Kogan was challenged by Jeb Bush's aides to name any innocent prisoner who has been executed. Kogan refused, saying he wouldn't engage in a "war of words" with Bush.

Governor Bush need not quarrel with Justice Kogan. Florida leads the country in being forced to release innocent prisoners from death row, surpassing Illinois' count by eight. Among the Floridians who have been executed although probably innocent are Jesse Tafero, Pedro Medina, Leo Jones and Willie Darden. Tafero's wife, Sonia Jacobs, also was sentenced to death but was freed by new evidence that equally proved Tafero's innocence—but he had already been executed. (Sonia Jacobs will visit Olympia, Centralia and Seattle in April; see the article on page 1.)

Jeb Bush's brother, presidential candidate and Texas governor George W. Bush, likewise is convinced that no innocent people have been executed in the Lone Star State. During a presidential candidates' debate on CNN, Bush said that all of Texas' condemned prisoners have "had full access to the courts of law," despite such ubiquitous examples of low-quality representation as the sleeping attorney who defended Calvin Burdine, resulting in the recent reversal of Burdine's conviction. He remains on death row after the federal circuit court stayed a district judge's order to release Burdine when the state missed a filing deadline for a retrial.

"There's no doubt that all of the people who have been executed have been guilty," Bush continued. When Larry King asked if Bush knew that all of them did the deeds for which they were executed, Bush replied, "Yes, absolutely."

The confidence of George W. Bush is no more warranted than his brother's. Texas would have released many more prisoners from death row than it already has if its laws allowed the same access to the courts as do, for example, Illinois'. The state has perpetrated such famous travesties of justice as the railroading of

Randall Adams of *Thin Blue Line* fame. Adams faced federal courts before access was gutted; James Beathard, executed last December after farcical proceedings, wasn't so lucky.

Although almost completely ignored in this country, the 122<sup>nd</sup> execution approved by Bush, that of Odell Barnes on March 1, caused an uproar in France. The French called Bush a "serial killer" and aided Barnes' efforts to demonstrate his innocence. A senior member of the French parliament said, "The execution of Odell Barnes is an assassination." Barnes' supporters pointed to weak evidence and showed that some of it must have been planted.

Another misplaced case of certainty for Bush is that of David Spence, executed on April 3, 1997 despite the conclusion of the police lieutenant who supervised the case that "I do not think David Spence committed this crime." The homicide detective on the case added, "My opinion is that David Spence was innocent. Nothing from the investigation ever led us to any evidence that he was involved." One of the prisoners who testified in Spence's trial, Robert Snelson, said, "We all fabricated our accounts of Spence confessing in order to try to get a break from the state on our cases."

Had Anthony Porter or the other twelve released Illinois death-row prisoners been executed, they would today be forgotten statistics and presumed guilty, and there would have been no hand-wringing that an innocent person had been executed. Nevertheless, Governor Ryan has taken the first step towards ending the attitude of "it can't happen here."

## Four More Countries Abolish

In the past several weeks, four more countries have abolished capital punishment: Ukraine on February 22, Bermuda in midwinter, Albania on about December 10 and Turkmenistan on December 27. In the past two decades, about four countries a year on average have repealed the death penalty, and today well over half the countries in the world are abolitionist. The Phillipines is the only once-abolitionist country in recent times to resume executions.

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*Abolition Day Dinner, continued from page 3*

Monica Zucker designed and prepared the award certificates. Christina Albouras, Judy Blinder, Rosemary Mayo, Billy Kreuter, Kevin Glackin-Coley, Amy Fields, Doug White, Sylvia Mathews and Jeanette Howard (and others whose names we apologize for possibly missing) assisted with either coordinating the dinner, auction, auction setup, or registration.

Sponsors of this year's dinner were Walter and Melinda Andrews, Phil Bereano, Judy Blinder and Billy Kreuter, Brenda Collier, Evelyn Dekker, Ronnie Friedman-Barone, Jeanette and Scott Howard, Jackie Lent, Hubert Locke, Sylvia Mathews, Kathleen Pugh, Jane Villanueva and Mary Weatherley. Special thanks go to Neal Hulkower, who generously donated this year's auction item, a wine tasting for six at his home in Redmond.

*Washington Moratorium and DNA bills, continued from page 1*

this newsletter); by the use of DNA evidence to win release for dozens of prisoners nationally, including quite a few on death row; by the refusal of several states to allow or abide by the results of DNA testing; and by the rapid and continuing advances in DNA technology, which make possible new proof of innocence even when guilt might have recently seemed clear. The bill is similar to ones introduced in other states in the aftermath of a report that DNA testing has exonerated the primary suspects in sexual assault cases in fully a quarter of the cases referred to the FBI crime lab during 1989–1996.

Although the bill which passed the state House in February granted relatively liberal access to DNA testing, the bill which passed the Senate in March was heavily amended. Some abolitionists are very dismayed by the final bill, which awaited the Governor's action as we went to press. Although one of the original reasons for the bill was that new DNA tests will be introduced in coming years, the amendments reduce the ability to request tests starting in 2003. The prisoner is required to apply to the county prosecutor for the test. Appeal of the prosecutor's decision is to the state attorney general. These are obviously not disinterested officials. Under the original bill, initial requests and appeals were to the Department of Corrections. The amended bill also stipulates that the test is to be performed by the Washington State Patrol's crime lab, which in some circumstances likewise may not be impartial.

The task force created by SB 6137, the moratorium bill, would have studied several issues, including adequacy of the counsel and resources provided defendants in capital offense cases, disparities among prosecutors in deciding whether to charge aggravating circumstances, the impact of race, ethnicity, gender, and economic status on the likelihood of a defendant's being charged with aggravated murder; and methods of decreasing the likelihood of wrongly sentencing a person to death.

The Senate Judiciary Committee held a hearing on SB 6137 on January 12. At least thirty supporters of the bill, many coming from long distances through snow, filled the hearing room in Olympia, and over a dozen testified in favor of it; only one person, the lobbyist from the state district attorneys' association, testified against. Among Coalition steering committee members, Glen Anderson testified on behalf of the Coalition itself, Kevin Glackin-Coley testified on behalf of Detention Ministries of the Catholic Archdiocese of Seattle, and William Kreuter testified on behalf of Amnesty International. Kevin Glackin-Coley also testified later in January in favor of the DNA testing bill, HB 2491.

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## Six Hundredth Execution Protested

On January 7, the six hundredth execution in the United States, counting from Gary Gilmore in 1977, occurred. On January 9 in response, Coalition members Jeanette Howard, Jackie Lent and Billy Kreuter displayed protest signs, leafletted and discussed the issue with passersby at Westlake Center.

*Illinois Institutes Moratorium, continued from page 2*

confessions were beaten out of the men by Commander Jon Burge, fired by the Chicago police in 1993 after a report showed systematic physical abuse of suspects by officers under Burge's command. "What Gov. Ryan senses is that there's an opportunity here to lead and in the wake of the Porter exoneration, the level of support for the death penalty has dropped," said Bowman.

Indeed, several polls—for example, one in January for ABC—show support for capital punishment dropping to two-thirds or lower, while a California poll indicated that the death penalty was in a statistical dead heat against life-without-parole, with neither sentence receiving majority support. A February Gallop poll showed support for the death penalty at its lowest level in thirteen years.

Other events are bringing the death penalty and the fallibility of the criminal-justice system back into widespread discussion. For example, the movie *The Hurricane*, starring Denzel Washington, which was released in January, presented a somewhat fictionalized account of the ordeal of the professional boxer "Hurricane" Carter. Carter, at one point on trial for his life, was twice falsely convicted of murder in trials that had many of the same problems, including malign intent by police, prosecutors and judges, as recently have been highlighted in Illinois and elsewhere. *The Green Mile*, released earlier this winter, explored some of the same issues. A *Frontline* program on PBS in January discussed obstacles created by the criminal-justice system to the use of DNA evidence to prove innocence after conviction.

Ryan's January 31 announcement does not prevent prosecutors from seeking death sentences, nor does it remove anyone from death row. The moratorium may be revoked at any time by Ryan or a future governor, although Ryan has promised that it will stay in effect at least until the commission he appointed on March 9 issues its report, which conceivably could call for abolition. This blue-ribbon Commission on Capital Punishment will examine the causes and cures of the missteps in Illinois' death penalty. Three prominent abolitionists are among the fourteen commission members. There is no time limit for completing its report. Two other commissions with similar purposes are already working in Illinois.

Similar commissions have been set up in some other states, including Florida. However, Michael Radelet, a Florida sociology professor and nationally known abolitionist, refused to participate in the commission's work, saying that it was stacked in favor of capital punishment. The state, in response to the US Supreme Court's acceptance of a case that could have resulted in a ban on the electric chair, in January switched its default method of execution to lethal injection. A companion measure to drastically reduce the ability to appeal a death sentence is being reviewed for constitutionality in state court. However, the state lost no time in making use of its new lethal-injection machine, executing Terry Melvin Sims on February 24 despite Sims' protestations, possibly plausible, of innocence.

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The Washington Coalition to Abolish the Death Penalty Newsletter is normally published four times each year. This issue was edited by Billy Kreuter and Jeanette Howard. Rosemary Mayo coordinated the mailing party. This newsletter is mailed to supporters of the Coalition and it is also available on the World Wide Web and by e-mail. Our web URL is <http://www.scn.org/activism/wcadp>. Send a message to [billyk@drizzle.com](mailto:billyk@drizzle.com) to request an e-mail subscription.

## Death Row Updates

### Washington

**Brian Lord** will be retried, Kitsap County prosecutor Russ Hauge announced on February 28, hours after the US Supreme Court rejected the state's appeal of the Ninth Circuit's July decision vacating Lord's conviction. Hauge claims he has a strong case, despite the weakness of evidence at the 1987 trial, key testimony shown to be erroneous, and the availability of witnesses who saw the victim alive the day after Lord supposedly murdered her. At press time Hauge had not yet announced whether he would file a notice to seek another death sentence.

**Mitchell Rupe** will be sentenced to life imprisonment. Rupe's third sentencing trial ended on March 10 with the jury split 11-1 in favor of a death sentence, making the LWOP sentence automatic. The holdout juror was persuaded by the arguments of Rupe's lawyers Roger Hunko and Jim Freeley. The juror said, "I am not fully opposed to the death penalty, but I felt the mitigating circumstances of the rest of his life and his character caused me to have a doubt about the reasonableness of the death penalty."

Deliberations lasted three days, beginning shortly after Rupe apologized to the survivors of bank tellers Candace Hemmig and Twila Capron whom he killed in a robbery in 1981. Hemmig's and Capron's family members remained adamant since the crime that a death sentence was the only acceptable outcome. Capron's brother-in-law said upon hearing the March verdict, "[Rupe] just won. He's played a game for eighteen years, and he just won."

Rupe has hepatitis C. The disease has caused cirrhosis of the liver and has caused wide fluctuations in his weight. At one point Rupe weighed 409 pounds. In a famous ruling by a federal district judge, Rupe's death sentence was vacated partly because at that weight, decapitation by hanging was a strong possibility. The "too fat to hang" reporting which ensued (and which was renewed with this year's trial) misrepresented the facts that Rupe's weight was a consequence of fatal liver disease and that the death sentence was voided on other grounds as well.

Thurston County spent almost a million dollars in this third bid to sentence Rupe to death, 2½ times the average cost of entire aggravated murder trials stated in Justice Guy's report. (See the article on page 7.) Execution was sought despite medical testimony that Rupe will die of the liver disease within three years.

### National

**Freddie Lee Wright** was executed March 3 in Alabama despite his likely innocence. The jury vote for his acquittal in his first trial was 11-1. Wright was black; the first jury was interracial, but he was convicted by the second which was all-white. One witness against him was psychotic, another recanted in 1996, and one of the Alabama Supreme Court judges dissenting in Wright's favor wrote of "the likelihood that we are sending an innocent man to his death." Wright's execution marks the second time in a year that Alabama Governor Siegelman has ignored clear evidence both of innocence and that racial bias against a specific defendant was a factor in obtaining his conviction and death sentence.

**Larry Robison** was executed in Texas on January 21. His advocates worldwide worked for years to spare his life. His family could not afford to treat his psychosis and the state refused him treatment before he became murderous.

Four of the five juveniles scheduled for execution in January were killed: **Stephen Roach, Christopher Thomas, David Hicks** and **Glen McGinnis**. **Anzel Jones** received a stay, as did **Johnny Paul Penry**; Penry is a severely retarded man but was not a juvenile. The execution of a juvenile in Iran on January 14 ended a two-year period during which the United States was the only country in the world to kill those convicted of committing a crime when younger than 18.

**Betty Lou Beets**, a partially deaf, brain-damaged 62-year-old great-grandmother, was executed in Texas on February 24. Her supporters said that she was a battered wife who killed in self-defense, and that Governor Bush should have granted clemency to demonstrate his "compassionate conservatism." Her trial attorney had a blatant conflict of interest, offered little defense and was later imprisoned for bribery. Her conviction was thrown out by Texas' highest court and by a federal district court, but both actions were later reversed. The aggravating factor used to obtain a death sentence can be easily disproved.

**Philip Workman** is scheduled for execution in Tennessee on April 6. Last fall, a key witness recanted his testimony. In March, Workman's attorneys filed for a new trial based on an X-ray of the body of the policeman, Lt. Ronald Oliver, whom Workman was convicted of slaying. The X-ray was either lost or illegally withheld from the defense until a few weeks ago, and the attorneys say it proves that Workman did not shoot the officer. Five of the twelve original trial jurors now say that there should be a new trial.

**Lonnie Weeks** was executed March 16 despite a lengthy effort by the son and daughter of his victim to have Weeks' life spared. Corrections officials refused to allow the daughter to meet Weeks personally because they said that that would have encouraged anti-death-penalty activism. A 5-4 decision in the US Supreme Court rejected the assertion that trial jurors mistakenly thought they were required to sentence Weeks to death, despite statements since the trial from some jurors to that effect, notes during deliberations from the jury to the judge asking for clarification, and recent research showing that most people would have misunderstood the trial judge's instructions. Virginia's Governor Gilmore said he saw nothing to disagree with in the court rulings adverse to Weeks.

On February 17, Amnesty International called for a new trial for **Mumia Abu Jamal**, saying that the original trial of the Pennsylvania journalist convicted of killing policeman Daniel Faulkner in 1981 was deeply flawed. "This is not about an issue affecting the life of just one man. This is about justice—which affects us all." Amnesty's statement said.

After many years of monitoring the case and an exhaustive review of the original documents, the grassroots, worldwide human-rights monitoring group concluded that the proceedings under which Abu-Jamal was tried, convicted and sentenced to death fail to reach minimum international standards for fair trials. Subsequent

*Continued on page 8*

## Not In Our Names

Since 1/00	Since 1/77	Date	Prisoner	State
1	599	1/6	Malcolm Johnson	OK
2	600	1/7	David Duren	AL
3	601	1/10	Douglas Christopher Thomas	VA
4	602	1/12	Earl Heiselbetz	TX
5	603	1/13	Gary Walker	OK
6	604	1/13	Steven Roach	VA
7	605	1/18	Spencer Goodman	TX
8	606	1/20	David Hicks	TX
9	607	1/21	Larry Robison	TX
10	608	1/24	Billy Hughes	TX
11	609	1/25	Glen McGinnis	TX
12	610	1/27	James Moreland	TX
13	611	2/10	Michael Roberts	OK
14	612	2/16	Anthony Chaney	AZ
15	613	2/23	Terry Melvin Sims	FL
16	614	2/23	Cornelius Goss	TX
17	615	2/24	Anthony Bryan	FL
18	616	2/24	Betty Lou Beets	TX
19	617	3/1	Odell Barnes	TX
20	618	3/3	Freddie Lee Wright	AL
21	619	3/14	Ponchai Wilkerson	TX
22	620	3/15	Darrel Rich	CA
23	621	3/15	Patrick Poland	AZ
24	622	3/15	Timothy Gribble	TX
25	623	3/16	Lonnie Weeks	VA

## Judge Notes Steep Cost of Washington's Death Penalty

Richard Guy, a justice of the Washington State Supreme Court, on March 9 issued a report detailing costs and administration of the state's capital punishment law. Justice Guy's study was prompted by the proposal for a study commission which had been part of the execution-moratorium bill introduced in this year's legislature. (See the article on page 1.) Consistent with many studies in recent years, Guy found that the death penalty greatly increases the cost of legal proceedings. The average cost of eight death-penalty trials held between 1997 and 1999 was \$388,680. Death-penalty trial court records often exceed 10,000 pages. State and federal appellate review of these trials averages 11.2 years. The report mentions the importance of a thorough appeals process to prevent wrongful executions, noting that some of the death-sentenced Illinois prisoners proved their innocence with DNA testing which only became available years after conviction.

Guy found that in King and Pierce Counties, death penalty trials cost 2.7 times more than aggravated-murder trials without death notices. Likewise, "Appeals from aggravated murder cases not involving a death sentence are much less costly and are usually of much shorter duration," Guy wrote.

The report can be viewed at <http://www.courts.wa.gov/deathpen>.

## Productive Strategy Session and Annual Meeting

WCADP held its annual meeting in Tacoma on January 8. Some twenty abolitionists from the Puget Sound area and Spokane gathered to develop a strategic plan for the next five years. Our hope was to develop a strategy for building support for a moratorium on executions and eventually the abolition of the death penalty here in Washington State.

Those gathered felt that between now and 2005 great strides can be made and that the notion of having a moratorium and building support for abolition is not unrealistic. To do so, however, will require a drastic change in how the Coalition does business. It was decided to pursue the greatly increased financial support necessary to hire a full-time Executive Director. This would allow the Coalition to provide active support for local organizing efforts across the state while helping develop a focused and consistent presence in Olympia. The fund-raising committee is in the midst of a major donor campaign to fund this position. If all goes well, we hope to have our Director in place in the fall.

A detailed version of the five-year plan is posted on our web site (<http://www.scn.org/activism/wcadp>).

The strategic planning meeting was combined with our annual business meeting for the election of this year's steering committee. The Coalition's four officers for 1999 were each reelected: Kevin Glackin-Coley, President; Jeanette Howard, Vice-President; William Kreuter, Secretary; and Doug White, Treasurer. Kevin is also the steering committee's representative from Detention Ministries of the Catholic Archdiocese of Seattle, Billy is the representative of Amnesty International, and Jeanette is the representative of Washington Association of Churches.

In addition to the officers, representatives of other organizations who were elected to the 2000 steering committee were David Fathi from the American Civil Liberties Union of Washington, Glen Anderson from Olympians Against the Death Penalty, Dan Austin-Smith from Western Washington Fellowship of Reconciliation, Rusty Nelson from Peace and Justice Action League of Spokane, Fred Markham from Humanists of Washington and Catherine Chaney from Washington Association of Criminal Defense Lawyers. In addition to treasurer Doug White, at-large members elected for this year are Christina Albouras, Niko Colella, Amy Fields, Neil Hulkower, Tim Kaufman-Osborn, Judith Kay, Jackie Lent, Mary Medved, Elin Martin, Mike Morris and Larry Wydro.

## Virginia's 21-Day Rule to Stand

Virginia's legislature has rejected a bill to relax the country's most draconian restriction against introduction of new evidence after a conviction. The existing law prohibits considering more than 21 days after conviction evidence not presented at trial; even the results of DNA tests that only became available after the trial could not be presented. The rejected proposal in its original form would have changed that to three years. The brevity of the 21-day period has been an issue in several cases of possible innocence on the state's death row.

## Randy Reeves' Sentence Overturned

Randy Reeves is entitled to a new sentencing hearing, the Nebraska Supreme Court ruled on January 7. The court said it erred when it decided to uphold Reeves' death sentence in 1991 by not properly following the state's two-tiered sentencing process.

The ruling marks a major turning point in Reeves' favor. A year earlier, the state Supreme Court withdrew Reeves' death warrant within forty hours of his scheduled execution. That stay was issued so the court could consider an appeal based on a newly passed equal-protection amendment to the state constitution. The January, 2000 ruling rejected that appeal because the amendment was held not to be retroactive to Reeves' case, but instead the court ruled that it "lacked the authority to resentence Reeves to death in 1991."

Reeves was convicted of a 1981 double murder in Lincoln. Relatives of his two victims have campaigned for commutation of his death sentence, and the Coalition hosted his adoptive father, Don, in 1995 when he toured the country seeking support for Randy Reeves.

## Departures and Condolences

David Fathi and Dan Austin-Smith have announced their resignations from the steering committee for personal reasons. The Coalition wishes them well and thanks them for their lengthy service and numerous contributions.

We mentioned elsewhere in this issue and our previous one that Christina Albouras resigned as Program Director of the Coalition effective December 31. Christina has faithfully served the Coalition as our staff person since 1995. The Coalition has benefitted enormously from Christina's contributions which far exceeded her part-time hours. We are delighted by Christina's acceptance of election to this year's steering committee. Our personnel and fundraising committees continue to examine options for filling the position of Program Director and also a contemplated position of Executive Director.

We sadly note the passing of three longtime supporters of the Coalition. After illnesses, Penny and George Poor died in December and January, respectively, and longtime steering-committee member Ruth Evans died in February. Our condolences are extended to their families.

## Italian Manufacturer Mounts US Campaign

The Italian clothing manufacturer Benetton this winter mounted an advertising campaign entitled "We, On Death Row," featuring photos and interviews with 26 condemned prisoners. Professor Speedy Rice of Gonzaga Law School in Spokane helped Benetton construct the campaign. On February 16, the retail chain Sears cancelled its contract with Benetton after being picketed by death-penalty supporters offended by Benetton's campaign. Sears chairman and chief executive Arthur Martinez said he was "outraged" at the ads. Missouri's department of corrections sued Benetton and Speedy Rice, saying that they were misled into granting Benetton access to death-row prisoners. Some abolitionists thought that Benetton's campaign might have been counter-productive and that it should instead have displayed, for example, members of Murder Victims' Families for Reconciliation.

*Death Row Updates, continued from page 6*

appeals may have been biased, Amnesty said. The group pointed specifically to an unfair trial judge, inadequate counsel, politicization of the judicial process, altered and contradictory testimony, concocted confessions, tampered witnesses and the subsequent lobbying by the Fraternal Order of Police for Mumia's execution. Amnesty has expressed some of these concerns in the past and has pointed out that the prosecution argued for a death sentence by citing Mumia's political statements.

Amnesty, which unconditionally opposes death sentences, said it was not taking a position on his guilt or innocence. However, "only a new and fair trial could prevent the execution of a man who has not been proved guilty in a fair trial."

In January, 185 people were arrested in Washington, DC at a demonstration demanding a new trial for Abu-Jamal. On March 12, several thousand people marched in Paris also making that demand. The French demonstration included dozens of groups, including unions and some political parties, organized by the National Collective in Support of Mumia Abu-Jamal, which has gathered 100,000 signatures. An initial ruling in Abu-Jamal's federal habeas appeal is expected April 2.

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