

Spring Newsletter 2005

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Washington Coalition to Abolish the Death Penalty

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Founded in 1984, WCADP is a statewide 501(c)(3) non-profit organization comprised of individuals and organizations. WCADP is dedicated to public education and activism to abolish the death penalty.

2005 Annual Dinner Features David Kaczynski, Brother of "Unabomber"

You are invited to join us at the WCADP Abolition Day Dinner on March 4, 2005. This is a great opportunity to get together with other abolitionists, share a meal, and support WCADP.

Our featured speaker will be David Kaczynski, who lobbied tirelessly for two years to prevent the execution of his mentally ill brother, Theodore, after the US Justice Department had reneged on their promise not to seek the death penalty. David and his wife, Linda, also fought the execution of another prisoner similarly betrayed by the justice system. In 1999, David and Linda received the New York State Bar Association's annual Justice Award. David has served as Executive Director of New Yorkers Against the Death Penalty since 2001.

Mark Larranaga will be honored for his outstanding work as the Director of the Washington Death Penalty Assistance Center, which provides education and resources to capital trial attorneys across the state. As an attorney, Mark has devoted many years of his practice to representing indigent individuals and has tried capital murder cases through the penalty phase. He has written extensively about the death penalty and works tirelessly to seek the end of the death penalty through his writings, public speaking, and dedicated support for groups such as WCADP.

Clara Hulkower will be honored for providing pro bono tax services to WCADP since 2001. In addition to her assistance to WCADP, Clara has provided financial advice and technical assistance to the National Coalition to Abolish the Death Penalty and abolitionist organizations in California and Massachusetts.

In addition to a great dinner and inspirational speakers, treat yourself to a

purchase through our fundraising auction. Auction items will include autographed books by Sr. Helen Prejean and Bill Pelke, framed photographs, a Washington Post article autographed by David Kaczynski, Sonics tickets, jewelry, artwork, and other surprises.

The auction will also feature two museum-quality art prints by Howard Brodie, who witnessed several executions in his long and illustrious career as an artist-journalist. He has donated these illustrations of a 1967 execution at San Quentin, and signed them specifically for WCADP.

In the book, *A Punishment in Search of a Crime: Americans Speak Out Against the Death Penalty* (Gray and Stanley, 1989), Brodie described his

Continued... See "Dinner" on Page 4.



This is one of two drawings by Howard Brodie—the famed reporter, artist, and witness to several executions (see story)—that will be among the many items to be auctioned off at the 2005 Annual Benefit Dinner & Auction on Friday, March 4th.

President's Message

by Andrea Crabtree

It is 2005 and, yes, we still have the death penalty in this country. At times, I am amazed that such a barbaric practice still exists in this day and age, especially in this advanced nation of intelligent, caring, hopeful, and resourceful people. And then there are times when I am not so subtly reminded of the cruelty that exists right in front of me. It happens when I receive an email from a random individual that reads, "Thank you for your website because without it I wouldn't know the names of the scum that must die." I am reminded of exactly what we are doing in this state and across the country when I get a handwritten note from a man sentenced to death wishing me health and happiness in the New Year while the State continues with its calculated plans to extinguish his life.

Fortunately for me, and anyone else who has taken up this cause, I know that I am doing something to advance this nation and stop the brutal practice of capital punishment. That is why I continue to do the work that I do, why I donate large

amounts of my time, energy, and financial resources to the WCADP, and why I am proud to be the President of this organization's Steering Committee. One of the great things about this society is that you too can do something. You get to decide what to offer and exactly how much to give.

I understand firsthand how extremely busy everyday life is for people right now and how difficult it can be to pick which organizations you will give your time and money. For example, we are all aware of the horrifying tsunami disaster that ravaged South Asia. It is inspiring to see all of the amazing relief efforts taking place that are assisting those unfortunate victims. I must admit that it is also inspiring to hear about the responses the WCADP is getting from our most recent appeal letter because unlike a natural disaster, this tragedy can be prevented. This tragedy of justice does not have to be a part of our society. Supporting the WCADP can put a stop to the death penalty. That is why donations of \$10 a month from members

who can barely afford it are as powerful as donations of \$1,000 a year from members who can – it is enduring commitment that will help this cause.

Every bit counts. Your membership and contributions allow us to print this newsletter, to hold events like the 2005 Annual Dinner & Auction, to host guest speakers from across the country, to produce educational materials, and to accomplish the outreach required to spread the truth about the death penalty. I hope this newsletter will serve as a reminder for you to renew your commitment to justice and to help promote civility – because it is up to each of us to create an environment where people begin to care again that the State remains committed to murder as public policy. Unfortunately, here in America it is our financial commitments that speak most loudly about our beliefs. That is why your decision to support the WCADP and groups like ours demonstrates a deeply profound commitment to human life, liberty, and justice.

Thank You.

Death Row Support

WCADP is one of the only organizations in the state that provides direct support to the men living on Death Row. If you are interested in making a donation towards the purchase of one of the items listed below please send your check—marked "Death Row Support"—to the WCADP office. WCADP will purchase and send the items. (Prison policy does not permit strangers to send money or gifts directly to prisoners). If you have any questions, please do not hesitate to call (206) 622-8952.

- Sweat shirts @ \$17.50 (at least two of the men need these)
- Sweat pants @ \$17.50 (at least two of the men need these)
- A winter coat (maximum \$100)
- Books ranging in price from \$20 - \$40 (several men)*
- Magazine subscriptions average \$20 (several men)*

(We can not accept donations of magazines or books. They must be ordered and shipped directly from the publisher.)

Washington State Death Penalty Cases Update

As we go to print there are currently eight men under sentence of death in Washington and several more defendants whose fate have yet to be determined. We are grateful to the defense attorneys who help us keep gather this information every quarter.

Death Row

- **Cal Brown:** Mr. Brown appealed to the Ninth Circuit Court of Appeals in November after losing his petition for writ of habeas corpus. He is represented by Suzanne Elliott and Gilbert Levy.
- **Dayva Cross:** Mr. Cross's direct appeal is still pending in the Washington Supreme Court. He is represented by Todd Maybrow and Katie Ross.
- **Clark Elmore:** Mr. Elmore's Personal Restraint Petition (PRP) is still pending before the Washington Supreme Court. After an evidentiary hearing this summer in Whatcom County Superior Court (dealing with the alleged ineffectiveness of trial counsel), the PRP is back in the Supreme Court. In the next few months, defense counsel intends to file additional briefing around a number of claims. Then, the case will be ready for decision by the Washington Supreme Court. He is represented by Jeff Ellis and Meredith Rountree.
- **Jonathan Gentry:** Defense counsel still awaits rulings from the U.S. District Court Judge that will begin the discovery process that will eventually lead to an evidentiary hearing. The judge has held that he will have an evidentiary hearing on a variety of issues, but has not set a date for the hearing. He is represented by Scott Engelhard, Brian Tsuchida, and Meredith Rountree.
- **Allen Gregory:** Mr. Gregory's direct appeal is still pending in the Washington Supreme Court. His case has been fully briefed and oral argument is scheduled for March 22, 2005. He is represented by Suzanne Elliott and David Zuckerman.
- **Darold Stenson:** Mr. Stenson's Personal Restraint Petition was rejected by the Washington Supreme Court, so only his federal habeas corpus in U.S. District Court is pending. Defense counsel is still waiting to find out if there will be an evidentiary hearing, or argument, or anything else. He is represented by Sheryl Gordon McCloud and Robert Gombiner.
- **Dwayne Woods:** Mr. Woods's Personal Restraint Petition is still pending in the Washington Supreme Court. Defense counsel continues to wait for a response to their request for a reference hearing. He is represented by Lenell Nussbaum and Judith Mandel.

- **Robert Yates:** Defense counsel has finally received all of the transcripts in this case. The record was deemed complete on January 5, 2005, so the due date for filing Mr. Yates's opening brief is May 5, 2005. He is represented by Gregory Link and Thomas Kummerow of the Washington Appellate Project.

King County

- There are no longer any death notices pending in King County. Charles Champion has pleaded guilty and received a 34-year sentence. The State declined to file a death notice in John Morimoto's case.

Pierce County

- Death notices were filed in the case of co-defendants Jeremy Hosford (represented by Judith Mandel and John O'Melveny) and William Schorr (represented by Sverre Staurset and Mary Kay High) in Pierce County. The jury trial is currently set in August 2005.
- The State will once again seek the death penalty against Cecil Davis at a penalty phase trial that is currently set for September 2005. His death sentence was overturned in November 2004. Mr. Davis is represented by Ronald Ness and John Cross.
- The State has also decided to seek death again when they retry Covell Thomas for aggravated murder. After a successful appeal, only his conviction for first degree murder stands. The State must convict him of aggravated murder and succeed at the penalty phase in order to get death a second time. Trial is currently set for October 2005. Mr. Thomas is represented by Michael Schwartz and Phil Thornton.

Snohomish County

- In Snohomish County, Prosecuting Attorney Janice Ellis decided to seek death against Richard Clark again. A second death penalty trial is set for May 2005. However, a motion to dismiss the death penalty is pending based on the prosecutor's failure to honor agreements made by the parties relating to that decision. Mr. Clark is represented by Jeff Ellis and Kevin Cole.

Why I am an Abolitionist

By Marie Bernard

Marie is a former member of the Steering Committee and long-time advocate for human rights. Over the years she has donated countless hours to the work of the WCADP and was involved in every activity of our organization from stuffing envelopes to soliciting more donations to our annual Benefit Dinner & Auction than any else.

Being asked why I am an abolitionist places me in an awkward position. The answers concern the topics of race and class – topics that many people do not wish to discuss. As children we were often asked two questions: where do you go to school, and what does your father do? The answers determined my acceptance or rejection as a playmate. A person was expected to stay in their class or work to rise higher in social and financial status. These rules were never spoken in our house; they were just lived. It was the culture in which we were raised.

In elementary school we were taught basic ideals of democracy. I saw daily life as an open contradiction to these ideals. Fearing for my social status, my mother became irritated with my rule-breaking. My father's professional status protected him from many repercussions when he broke the rules, which he often did, because he was a loving person. Only because I was white, privileged, well-

educated, and had a powerful parent did I dare as a young woman to try to think and act as if all people are equal. Gradually, making new rules became important to me. When you act like that you get into trouble. Living on the edge can get tricky.

Unfortunately the rules are written to consistently overrule, overcome, repress, and even kill those who are not members of the upper classes. Rules are still written to keep in place large lower classes of people whose purpose is to provide service to the white males in power. Poor whites and people of color do not commit more crimes than established whites do. They just get caught more often, receive poor-quality defenses and maximum sentences; they stagnate and are abused in prison, and lose the chance to vote, which could change the rules.

In regard to the death penalty, some cases push me to the edge very quickly. Just as I slack off, information about another particularly egregious case will

prick me into action. One example was in 1993 when the state of Texas denied Leonel Torres Herrera the “protection of the law.” Texas law stated that new evidence must be introduced within 30 days of sentence imposition or suspension. Eight years later Herrera was provided with enough evidence that would have found him innocent of one murder. The Federal Supreme court sent the case back to Texas where Herrera could have been offered a new trial or even given clemency. Despite national and international pressure, Herrera was executed. Both Federal and Texas courts could have saved this man's life; obviously they are in no hurry to save anyone.

I believe that in a democracy no government can decide whether or when someone should be born or someone should die. Even when a crime is beyond terrible, abolition work must continue to be done. At such time the prayer in my heart becomes “ask not for justice but mercy.”

2005 Annual Benefit Dinner & Auction

...Continued from Page 1

feelings after witnessing the execution of three young German soldiers during WW II, “You know, just before the shots fired, regardless of what the Germans had done, I wanted to cry out. I had been in war but I had never seen men deliberately killed and it seared me. It was very dehumanizing...my memory of the executions is still far more horrendous to me than the horrors of war, as horrible as war is.”

In the same book, Brodie reflected on his feelings about how the death penalty affects society, “You know, when people see me coming, they often say, ‘Where's the trouble?’ Because I am usually assigned to major criminal trials, sometimes wars, but I feel less a human whenever I witness an execution. I can't believe that we sane human beings can do this to another mad human being. It doesn't mean for a moment that I am easy on criminals but I still know they are fellow human beings.”

Brodie continues, “I've covered the killing fields of World War II, Korea, French Indo-China, and Vietnam. I have seen the horrors of the Nazis, known of atrocities in other wars, but I must say that executions constitute the most dehumanizing experiences I have ever had in my life.”

It is the work of people like David Kaczynski, Mark Larranaga, and Clara Hulkower that will help us to eradicate this most dehumanizing of human experiences. Join us at the Annual Dinner to celebrate the work that is being done, and to help move us closer to our goal. Call WCADP at (206) 622-8952 or email info@abolishdeathpenalty.org to make a reservation.

Additional information is available online at www.abolishdeathpenalty.org/Annual_Dinner.htm.

Three New Members Join WCADP Steering Committee

Jeff Ellis

"I am honored to be part of the steering committee," says Jeff Willis, WCADP's 2004 Abolitionist of the Year. A criminal defense attorney, a large percentage of Jeff's work is defending individuals charged or convicted of capital crimes. He currently represents Clark Elmore (challenging his conviction and death sentence in a state post-conviction proceeding) and Richard Clark (currently pending a second death penalty trial). He also represents a death-sentenced individual in Texas.

Eula Garrison

Eula Garrison studied philosophy and education at Western Washington University with an emphasis on ethics, working toward diversity and multicultural education. She works for the National Alliance for the Mentally Ill, running the state-wide mental health help line. She starts law school in the summer, hoping to study poverty law and inequality. The death penalty is an important issue for Eula: "I see it as a barbaric and outdated extension of ultimate control over the poor, people of color and the mentally disabled. I hope to stick with the coalition until our goal is accomplished."

Tom Wagner

Tom recently moved back to Seattle from Portland, OR, and works as the Catholic Detention Minister at King County Jail. He has been involved with WCADP in previous years, traveling to Walla Walla for execution vigils. "I oppose the Death Penalty," says Tom, "most specifically because of my faith-held belief that all human beings are created as good and therefore capable of redemption. It is also a firm belief of mine that as a 'principled society' we are called to transcend the notion of an 'eye for an eye,' that out of even the most heinous violence we should focus on the healing of the victims and the restoration of what is broken."

2005 Annual Meeting

WCADP held its Annual Meeting on Saturday, January 8, at the University of Puget Sound. Approximately 20 people turned out to review the successes of 2004 and to discuss our plans for 2005.

Successes for the WCADP in 2004 ranged from holding the most successful dinner/auction in the organization's history to hiring an Office Manager with a wealth of background in non-profit work. Volunteers participated in numerous outreach programs from tabling to speaking engagements and we sent out an effective appeal letter that helped boost the year-end revenue numbers. We also collected enough funds, including a matching donation from Amnesty International, to hire a Legislative Researcher to work for us during the 2005 legislative session.

In 2004, we faced many challenges after the *Ridgway* decision, including uncertainty in terms of how the case would influence future death cases and emotional opposition to King County

Prosecuting Attorney Norm Maleng's decision allowing Mr. Ridgway to enter a guilty plea thereby escaping a death sentence. The WCADP held steadfast in its position that ANY execution is wrong and supported Mr. Maleng's decision. When legislation was proposed that would have expanded the death penalty by eliminating pleas, such as Ridgway's deal, members contacted their legislators and urged them to vote appropriately. Thankfully, that bill did not become law and there was no legislation in 2004 impacting the scope of the death penalty in Washington State.

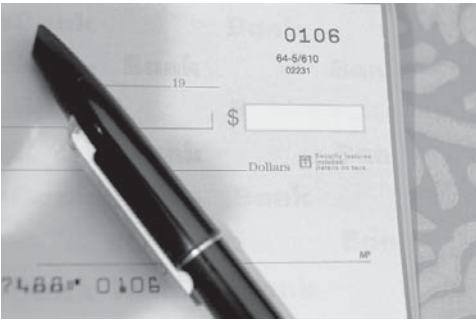
Because we know that one way to abolish the death penalty in this state is through legislation, we invited former Legislative Director for the American Civil Liberties Union (ACLU) Jerry Sheehan to be our guest speaker. Jerry's wealth of information regarding how to effectively communicate with and educate legislators in Olympia provided the necessary knowledge for us to work toward one of our goals in 2005 – supporting an

abolition bill. Jerry educated us and led a lively discussion on how to work with the legislators and take the steps that we, as an organization and as individuals, need to do to get an anti-death penalty law passed in Olympia.

Another goal in 2005 is to hire an Outreach Coordinator who would work to get WCADP out in the community as well as build relationships with new members. With the expertise of the new Office Manager, we have the ability to spend less time on administrative issues and focus more on education. This goal is in line with increasing our membership and providing facts about capital punishment to everyone across this state.

Elections were held for the Steering Committee (see above). The 2005 members are: Glen Anderson, Brenda Collier (Treasurer), Andrea Crabtree (President), Alice Curtis, Jeff Ellis, Eula Garrison, Tim Kaufman-Osborn, Judith Kay, Angela Krisinger (Vice President), Tom Wagner, and Sean Walsh (Secretary).

Thank You For Your Support! Donors from 6/1/2004 to 12/31/2004



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Amnesty International of Puget Sound
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WANTED: The WCADP Office is in need of the following:

- Plain Paper Fax Machine
- A Licensed Copy of Adobe Illustrator
- A Licensed Copy of FileMaker Pro, Version 6.0 or Later
- 9' x 9' or 10' x 10' Canopy for Outreach/Education Events

Please call (206) 622-8952 if you have any of these or if you would like to make a cash donation to cover their purchase.

The Cost of Death Penalty in Washington State

The Washington Death Penalty Assistance Center has released, "A Review of the Costs, Length, and Results of Capital Cases in Washington State: A comprehensive study of costs and policies associated with the death penalty in Washington State from September 2004."

Among other findings, on average a death penalty trial costs more than double the amount spent on a non death penalty trial. Death penalty appellate review takes longer than those for non-death penalty cases. Twenty-one death sentences have completed their appellate review—17 of those cases have been reversed and none, after remand, have resulted in a sentence of death. The reversals demonstrate the presence of systemic error leading to the death sentences being reversed rather than a single identifiable factor. Four resulted in executions; three defendants effectively waived their federal appellate review. Only one case resulted in an execution after all review was exhausted, which took eleven years.

There is a link to this study from our website (www.abolishdeathpenalty.org/) or you can contact the Washington Death Penalty Assistance Center directly at (206) 447-3900 (www.wdpac.org).

The Washington Coalition to Abolish the Death Penalty is funded primarily through the support of individual donors like you. We sincerely believe in our motto: "It is easy to support the death penalty when you don't have the facts." That is why we are out at public events doing outreach and education. That is why we provide a speakers bureau to schools and other groups. That is why we work to educate our elected officials about this immoral practice. We need your help if we are to continue. Please consider clipping this form and mailing it in today with your gift. Every dollar we receive will bring us closer to that day when the death penalty is just a terrible memory.

Make checks payable to WCADP and mail to P. O. Box 3045; Seattle, WA 98114-3045.

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