

Summer Newsletter 2005

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Washington Coalition to Abolish the Death Penalty

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U.S. Supreme Court rules that the execution of minors is unconstitutional

In a 5-to-4 decision the Supreme Court ruled on March 1, 2005 that it is unconstitutional to execute juveniles, ending a practice that has been roundly condemned by the rest of the civilized world. The executions, the court said, violate the Eighth Amendment ban on cruel and unusual punishment.

"The age of 18 is the point where society draws the line for many purposes between childhood and adulthood. It is, we conclude, the age at which the line for death eligibility ought to rest," Justice Anthony Kennedy wrote.

Washington State outlawed the practice of killing minors in 1993 (State v. Furman). The fact that Washington and other states had abandoned this abhorrent practice led the justices to their decision today. They held that executing young killers violates "the evolving standards of decency that mark the progress of a maturing society," and that American society has come to regard juveniles as less culpable than adult criminals.

The Justices wrote that, "When a juvenile commits a heinous crime, the state can exact forfeiture of some of the most basic liberties," the majority held today, "but the state cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

While the vast majority of Americans believe that executing minors is wrong, Dianne Clements, president of the Houston-based Justice for All victims' advocacy group, criticized the decision and said she hopes that when there is a Supreme Court vacancy a strong death penalty supporter is nominated. "The Supreme Court has opened the door for more innocent people to suffer by 16 and 17 year olds," she said. "I can't wait for the Supreme Court to have judges more concerned with American values, American statutes and American law than what the Europeans think."

The decision in Roper v. Simmons is available at: <http://wid.ap.org/documents/scotus/050301roper.pdf>

Abolition Day Dinner raises funds and sustains hope

Approximately 160 members and friends of the Washington Coalition to Abolish the Death Penalty gathered for the Annual Benefit Dinner & Auction in Seattle on Friday, March 4. It was an evening of inspiration, collaboration, and celebration as we shared a meal and honored the work being done in our state and across the nation to eradicate the death penalty.

The evening's honorees included Clara Hulkower who was named Volunteer of the Year for her many years of pro bono accounting services, and well-known defense attorney and Director of the Washington Death Penalty Assistance Center, Mark Larranaga, who was honored as Abolitionist of the Year. Clara was unable to attend, however the presentation of the Abolitionist of the Year award by defense

Continued, see "Abolition Dinner" on Page 2...

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

President's Message

by Andrea Crabtree

As summer approaches, you will see WCADP volunteers tabling and speaking at various events accomplishing our mission of educating the public. Each interaction has one goal: to get the conversation about the death penalty started. We do this because we know that it is all too easy to support the death penalty if you don't have the facts.

In particular, we intend to draw attention to the issue of executing the mentally ill in this state and across the country. We believe that to be successful our movement must find ways to incrementally limit the use of capital punishment. We can make the killing of the mentally ill as unacceptable as it has become to execute the mentally retarded and juveniles.

In 2002, the US Supreme Court recognized a national consensus against executing the mentally retarded and outlawed the practice in Atkins v. Virginia; and early this year, the Court did the same thing for juveniles in Roper v. Simmons. In both of rulings the Court cited "evolving standards of decency" after surveying current practices across the US and the world. To our credit, Washington was one of the states that had already abolished these practices, and until we can abolish the death penalty altogether, perhaps we can continue to limit its use thereby reducing the number of individuals eligible for death.

The National Alliance for the

Mentally Ill (NAMI) estimates about 16% of death row inmates nationwide has severe illnesses, but a precise number is unknown. Based on that percentage, more than 500 of the nation's approximately 3,455 inmates on death row would be severely mentally ill. Here in Washington, three of four men executed in the modern era were "volunteers" – men who chose to be executed. These volunteers are not necessarily mentally ill, but one must question what Washington State and we as citizens of it are doing when Jeremy Sagastegui was medicated with Thorazine, a powerful antipsychotic drug, up until his death in 1998.

The question is this: Will we now lay the groundwork for an end to executing the mentally ill?

Help us lead the way by contributing to our efforts – assist with education, generate ideas on how to gain support from legislators and others in power, suggest allies in the movement, be prepared to speak out or testify before the legislature, and, of course, give generously to ensure we have the resources required to get the job done.

Thank you for your support!

If you attend an event or know of one where WCADP should have a presence, please let us know. Also, please contact the office if you are willing to staff a table or present to a group. The phone number is (206) 622-8952, or e-mail info@abolishdeathpenalty.org.

Abolition Day Dinner

...Continued from Page 1

attorney Jeff Ellis and Mark's moving acceptance were both truly inspirational.

The Evening's Keynote Speaker was David Kaczynski, Executive Director of New Yorkers Against the Death Penalty. David told of how he became an active abolitionist following the realization in 1996 that his older brother, Ted, could be the notorious Unabomber and the government's subsequent attempts to execute Ted. Now one of America's preeminent leaders in the abolitionist movement, David also spoke about his current work in his home state of New York.

A hopeful theme emerged from all the evening's speakers: Progress has been made and, working together, we can end the death penalty once and for all.

In addition to the speeches and presentations of awards, many guests went home with treasures purchased through the silent and live auctions. The auctions, along with other money donated that evening, raised nearly \$15,000 to fund our continued work toward the day that the death penalty will just be a memory in Washington State and throughout our great country.

Update from New York

In a critical vote on April 12, the New York State Assembly's Codes Committee defeated a bill to reinstate New York's death penalty. Instead of death, those convicted of the worst offenses now face life in prison without parole. The vote reflected polls showing declining public support for the death penalty, testimony presented at five separate hearings held by Assembly committees, and a flood of letters and calls from death penalty opponents. A report on the Assembly hearings describes the overwhelming evidence that the death penalty is fatally flawed, wastes money, and is not a deterrent. The death penalty is not likely to be brought up again in New York this year. Congratulations and appreciation goes out to David Kaczynski and many others for their hard work back east.

Why I am an Abolitionist: An interview with Marie Deans, founder of Murdered Victims' Families for Reconciliation.

By Eula Garrison

Marie Deans founded the MVFR, Murder Victims' Families for Reconciliation, in 1976 in response to the murder of her mother-in-law, Penny. She has been an undeniably active and important force in the abolitionist movement. Marie answered some questions for us recently.

Why are you an abolitionist? Did you know you were before the tragedy with your mother in law?

My mother's family was from Sweden, and they and the Church of Sweden deeply influenced me. The church teaches that we cannot justify our sins by the sins of another, which certainly rules out the death penalty. So I always opposed the death penalty, but there is a difference between opposing the death penalty and being an abolitionist, and I became an abolitionist when my mother in law was murdered and our family was stunned by the assumptions that "frying" the man who murdered her would make us feel better.

Had you always been cognizant of issues of inequality?

I was raised in Charleston, S.C. under the laws of segregation. However, Charleston was not residentially segregated, so I grew up playing with black and white children, and I could not really comprehend the laws of segregation. They made no sense to me, and I would not drink from a "white's only" fountain while my friends drank from a "colored" fountain. As a pre-teen those laws began to infuriate me, and I first demonstrated (sat in) when I was thirteen, so in a gut-level way, I suppose I always was cognizant of unequal treatment.

What is the death penalty, to you?

The death penalty is a government program that turns all citizens into killers,

a model that teaches our children that the way to solve problems is through the use of violence, and a ritual of imitation that destroys the soul of our nation.

Why do you care so much to do all that you do?

I care so much for many reasons. Besides those above, bullying and overkill are repugnant to me whether it is a nation with a bigger bomb or a state with the power to strap a human being to a gurney and poison him or her to death. I have watched as we killed men who were mentally retarded, mentally ill, and even a man who was paralyzed. The horror of these killings will never dissipate, and I know as a member of a murder victim's family that the pain of the families of the executed will never go away. I also have seen the emotional damage executions bring to corrections officials, chaplains, medical personnel and others involved. Seeing how many people are permanently scarred by this useless display of power makes you want to do all you can to stop it.

Murder is a human tragedy, and our governments need to make its citizens as safe from it as possible. Honest, courageous corrections people have told us we don't need the death penalty - which spreads that tragedy outward into more and more circles - to accomplish that. In fact, many corrections people have said executions make their prisons and society less safe.

As a mitigation specialist, I have come to learn much about how people

spiral down into violent acts, and I know we could prevent most murders if we cared more about doing that than we do about posturing and revenge. Seeing that makes me crazy. What possible good comes from pouring all our resources into addressing violent crime after lives like Penny's have been taken? We need to set up programs to prevent crimes and to work with children who are sending up red flags every day that they are starting down that spiral. Another reason I work against the death penalty is that I truly fear that we will not put our attention on and resources into effective prevention so long as we have a death penalty we claim as the answer to murder.

As for the oft touted "closure" executions bring, "closure" is a political word that to me means nothing more than "here's another dead body, now get over it." I wanted to get over the legal case. I never wanted, and to this day do not want to get over Penny. I don't want "closure." I want to remember Penny, not as part of a hideous cycle of murder and execution, but as the loving, funny, sometimes outrageous, and always nurturing mother she was to me.

And finally, I believe that if any life is sacred, all life is sacred, even the life of a murderer, and we have no more right than did the murderer to decide who lives and dies.

More information about MVFR and Marie Deans can be found at www.mvfr.org.

Death Row Update

There are currently 8 men under the sentence of death – all have appeals pending in the courts.

Cal Brown was convicted of one count of aggravated first degree murder for the stabbing and strangulation death of Holly Washa on May 24, 1991. The aggravating factors were that the murder was committed to conceal the identity of the person committing the crime and that it was in the course of or furtherance of first degree kidnapping, first degree rape, and first degree robbery. Mr. Brown was sentenced to death on January 28, 1994 in King County. He is a 47-year-old white man.

Dayva Cross pleaded guilty to three counts of aggravated first degree murder for the stabbing deaths of his wife, Anouchka Baldwin, and his two stepdaughters, Amanda Baldwin and Salome Holly in March 1999. The aggravating factors were that there was more than one victim and that the murders were part of a common scheme or plan or the result of a single act. Mr. Cross was sentenced to death on June 22, 2001 in King County. He is a 45-year-old white man.

Clark Elmore pleaded guilty to one count of aggravated first degree murder for the death of Christy Onstad, the 14-year-old daughter of Elmore's live-in girlfriend, on April 17, 1995. The aggravating factors were that the murder was in the course of and in flight from second degree rape and that the murder was committed to conceal the commission of and the identity of the perpetrator of the crime. Mr. Elmore was sentenced to death on May 3, 1996 in Whatcom County. He is a 53-year-old white man.

Jonathan Gentry was convicted of one count of the aggravated first degree murder for the death of 12-year-old Cassie Holden in June 1988. The aggravating factor was that the murder was committed to protect or conceal the identity of the person committing the crime. Mr. Gentry was sentenced to death on July 22, 1991 in Kitsap County. He is a 48-year-old black man.

Allen Gregory was convicted of one count of aggravated first degree murder for the stabbing death of his neighbor, Geneine Harshfield, on July 27, 1996. The aggravating factors were that the murder was committed in the course of or furtherance of first degree robbery and first or second degree rape. Mr. Gregory was sentenced to death on May 25, 2001 in Pierce County. He is a 33-year-old black man.

Darold Stenson was convicted of two counts of aggravated first degree murder for the shooting deaths of his wife, Denise Ann Stenson, and his business partner, Frank Clement Hoerner, on March 25, 1993. The aggravating factors were that the murders were part of a common scheme or plan and that the murders were committed to protect or conceal the identity of the perpetrator of the crime. Mr. Stenson was sentenced to death on August 19, 1994 in Clallam County. He is a 52-year-old white man.

Dwayne Woods was convicted of two counts of aggravated first degree murder for the deaths of Telisha Shaver and Jade Moore on April 27, 1996. The aggravating factors were that the murders were committed to conceal the commission of a crime or to protect or conceal the identity of the person committing the crime and that there was more than one victim – the murders were part of a common scheme or plan. Additionally, the murder of Ms. Moore was committed in the course of or furtherance of first degree rape. Mr. Woods was sentenced to death on July 23, 1997 in Spokane County. He is a 35-year-old black man.

Robert Yates was convicted of two counts of aggravated first degree murder for the deaths of Melinda Mercer in 1997 and Connie LaFontaine Ellis in 1998. The aggravating factors were that there was more than one victim and the murders were part of a common scheme or plan, that the murders were committed to conceal the commission of a crime or to protect or conceal the identity of the perpetrator, and that they were committed in the course of, in furtherance of, or in immediate flight from the crime of first degree robbery. Mr. Yates was sentenced to death on October 9, 2002 in Pierce County (he also pleaded guilty to 13 killings in three other counties and got a 408-year prison term). He is a 53-year-old white man.

Death Sentences under Review:

There are currently 3 men who were sentenced to death and won on appeal, but the State continues to seek death.

Richard Clark was convicted of one count of aggravated first degree murder for the stabbing of 7-year-old Roxanne Doll on March 31, 1995. The aggravating factors included that the murder was committed in the course of or furtherance of first degree rape and kidnapping. Mr. Clark was originally sentenced to death on April 25, 1997 in Snohomish County, but the Washington Supreme Court overturned his death sentence in June 2001 finding the jury had been prejudiced because prosecutors illegally introduced details of his previous conviction (locking a 4-year-old girl in his grandfather's garage). He is a 36-year-old white man.

Cecil Davis was convicted of one count of aggravated first degree murder for the suffocation of Yoshiko Couch on January 25, 1997. The aggravating factor was that the murder was committed in the course of and or furtherance of the crimes of burglary, robbery, and rape. Mr. Davis was originally sentenced to death on February 23, 1998 in Pierce County, but the Washington State Supreme Court overturned his death sentence in November 2004 finding that a juror's glimpses of the defendant's ankle shackles in the courtroom may have prejudiced the jury. He is a 45-year-old black man.

Covell Thomas was convicted of one count of aggravated first degree murder for the shooting of his boss, Richard Geist, on March 28, 1998. The aggravating factors included the murder was committed in the course of or furtherance of first degree robbery. Mr. Thomas was originally sentenced to death on February 1, 2001 in Pierce County, but the Washington State Supreme Court overturned both his conviction and death sentence in November 2004 finding the trial jury was given faulty instructions which allowed the jury to sentence him to death without requiring prosecutors to prove that he personally caused the death of Mr. Geist (an accomplice got life). Mr. Thomas is a 27-year-old black man.

A special Thank You to all the members who have donated to our Death Row Support Program

Texas may have put innocent man to death, panel told; nobody would listen, lawyer, expert say

With Texas' criminal justice system the subject of intense scrutiny for a crime lab scandal and a series of wrongful convictions, a state Senate committee heard testimony on March 19, 2005 about the possibility that Texas had experienced the ultimate criminal justice nightmare: the execution of an innocent person.

Fourteen months after Cameron Todd Willingham was executed in the nation's busiest death chamber, a renowned arson expert and Willingham's lawyer told the Senate Criminal Justice Committee that they believed Willingham might have been innocent but found nobody willing to listen to their claim in the days before the execution in February 2004.

"This was a frustrating case, and it was frustrating because it appeared that we could not get anybody to listen," said attorney Walter Reaves, who represented Willingham.

The execution of Willingham, convicted of the December 1991 arson fire that killed his three young daughters.

An investigation by the Chicago Tribune of the Willingham case last December showed that he was prosecuted and convicted based primarily on arson theories that have since been repudiated by scientific advances – a fact backed up by testimony Tuesday by one of those experts, Gerald Hurst.

According to Hurst and three other fire experts who reviewed evidence in the case at the Tribune's request, the original investigation that concluded the fire was arson was flawed, relying on theories no longer considered valid. It is even possible the fatal fire at the Willingham home in Corsicana, a small town about an hour south of Dallas, was accidental, according to the experts.

Nonetheless, before Willingham died by lethal injection on February 17, 2004, Texas judges and Perry turned aside a report from Hurst in which he questioned the arson evidence and suggested the fire was an accident.

Willingham maintained his innocence until the end. Strapped to a gurney in the death chamber last year, an angry Willingham said: "I am an innocent man, convicted of a crime I did not commit."

Thank You For Your Support! Donors from 1/1/05 through 3/31/05



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National Abolition Fast and Vigil Set For June 29th to July 2nd in Washington, DC

The Abolitionist Action Committee has announced plans for the 12th Annual Fast and Vigil to Abolish the Death Penalty. The event – scheduled for June 29 to July 2, 2005 – will be held in front of the U.S. Supreme Court in Washington DC. Death Penalty Abolitionists from across the nation and from other countries join together each year for this event to maintain a four-day presence in front of the Court and to educate the public about alternatives to the death penalty.

The Fast and Vigil begins at 12:00 AM on Tuesday, June 29, the anniversary of Furman v. Georgia, the U.S. Supreme Court’s 1972 decision which found the death penalty to be unconstitutional in practice, forcing all states to rewrite their death penalty laws. The Fast and Vigil ends at midnight on July 2, the anniversary of Gregg v. Georgia, the 1976 decision that allowed the resumption of executions in the U.S.

The primary goal of the 12th Annual Fast and Vigil is to educate the public. This is the tenth year in a row that Abolitionists will stand vigil in front of the U.S. Supreme Court between these historic anniversaries. The primary goal is to further educate the public about why the death penalty is a bad public policy, and everyone is invited to stand with us for alternatives to the death penalty. But the Fast and Vigil also serves as an opportunity for activists to come together and renew their commitment to the struggle for abolition.

For more information please visit www.abolition.org or call (800) 973-6548. Want to organize locally? Contact WCADP at either (206) 622-8952 or info@abolishdeathpenalty.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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This amount would really help.

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(The Washington Coalition to Abolish the Death Penalty is a 501(c)(3) organization. Your gift is tax deductible to the full extent allowed by law.)

Catholic Church renews stand against the death penalty

by Tom Wagner

On March 20, 2005 the U.S. Conference of Catholic Bishops launched a Catholic Campaign to End the Use of the Death Penalty. While the Roman Catholic Church has traditionally opposed the use of capital punishment this is the first time they have taken such an aggressive and active stance on the issue.

The Bishop's Conference has developed a brochure and website that explains the church's position as well as providing resources for education and action. In speaking for the Bishop's Cardinal Theodore McCarrick, Archbishop of Washington, DC further stated that the church "...will act with continued advocacy in the Congress and state legislatures, in our legal briefs and before the courts."

We at WCADP applaud the Bishops for this aggressive stance. We call on all people of faith to proclaim the inconsistency of the death penalty with Jesus' proclamation of the inherent dignity of each human being. For additional information and to see the full text of the Bishops' statement go to: www.usccb.org/sdwp/national/deathpenalty/

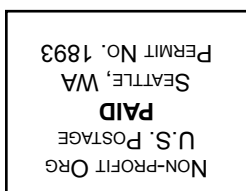
In Memoriam: Marie Bernard (1936 - 2005)

The Washington Coalition to Abolish the Death Penalty is saddened by the death of former Steering Committee member Marie Bernard. Marie was a long-time peace activist and advocate for human rights. Her loss will be felt by many Puget Sound non-profits involved in peace and justice issues.

During her tenure as a member of the WCADP Steering Committee, Marie was involved in every aspect of our organization from stuffing envelopes to soliciting donations for our annual Benefit Dinner & Auction. Most importantly, she brought her passion and activist experience to the table, and was willing to share her vision and wisdom with other members of the Steering Committee. The WCADP is richer as a result of Marie's participation.

Marie's article, "Why I am an Abolitionist," was featured in the Spring 2005 edition of the WCADP newsletter.

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