

The Sentry

A Publication of Death Penalty Focus

Life, Death and After

By Donna Marsh O'Connor
Mother of Vanessa Lang Langer,
WTC Tower II, 93rd Floor

It's almost autumn again. The sixth one I'll spend without my daughter, Vanessa Lang Langer and her almost five-year-old child. She and her child were murdered on September 11th, 2001. Vanessa was four months pregnant at the time (or five months if the forensic detective who showed me the pictures of the fetal bones only one year ago on September 10th is correct). What difference does a month make if a life never comes to fruition? Somehow to me a great deal. Because I am the mother of a murder victim and the joy she carried within her was four or five months old. So everything has meaning. Every text is large and emotionally charged. I am to be suspected, forever in grief, never again of the rational. I am a new kind of life.

For a while I was inundated with mail (paper and electronic) about the upcoming sentencing phase for Zacarias Moussau, the man the government caught, the 19th (or 20th, I don't remember) hijacker. The one who first got away and then was captured. The one who pled guilty. The scapegoat. An embodied bag of evil. The stand-in for Osama.

I told the feds I wanted to make an impact statement, but I am against the death penalty, so they never called on me. I told the defense team the same thing. I have this need to reach him, Zacarias Moussau, to have him see me and through me to see Vanessa and her wildly curly hair, to hear her outrageous laughter, her joy and her

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Rick Walker (Pictured Left) and Greg Wilhoit (Pictured Right) are just two of the wrongfully convicted men and women participating in the Faces of Wrongful Conviction Speakers Series. For more information on the series, visit www.facesofwrongfulconviction.org

World Unites Against the Death Penalty

By Lance Lindsey, Executive Director

"Those who believe that the death penalty is a deterrent know nothing about humankind. Criminal passions are not any more undermined by the fear of death than by other noble passions."

~Robert Badinter~

French National Assembly, 1981

The *World Coalition Against the Death Penalty* was created in Rome on May 13, 2002, following the commitment undertaken by organizations who signed the Final Declaration of the *First World Congress Against the Death Penalty* in June 2001 in Strasbourg. It comprises 52 nongovernmental organizations, as well as bar associations, trade unions and local communities.

The Coalition aims to reinforce the international movement to abolish the death penalty, to reduce the scope of capital punishment and put an end to executions wherever they take place. To this end, the Coalition facilitates the creation and development of national

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Wrongfully Convicted Men and Women Bring Their Stories to Communities Across California

The Faces of Wrongful Conviction Speaker Series, organized by Death Penalty Focus, the ACLU of Northern California and California People of Faith Working Against the Death Penalty was launched in July 2006. The goal of the series is to bring the stories of the wrongfully convicted to religious institutions, schools and community groups across California, in order to educate the public and stimulate dialogue about the failures of California's criminal justice system generally, and the failure of the death penalty specifically.

A recent study by Pennsylvania State University Professor of Political Science Frank Baumgartner shows just how great an impact stories of wrongful conviction can have on the public. Baumgartner's study found that there was a significant correlation

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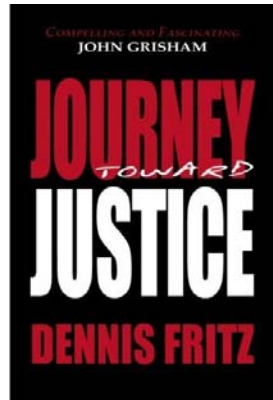
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Death Penalty Focus is a non-profit organization dedicated to abolishing the death penalty. For reprint information, contact DPF.

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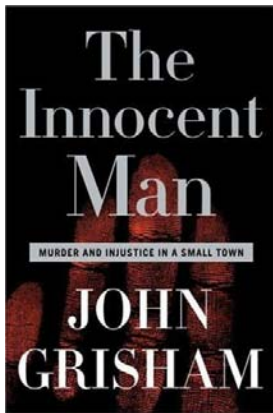


Journey Toward Justice

By Dennis Fritz

Due out: October 2006

In 1987, Dennis Fritz was sent to prison for a rape and murder he did not commit. An overzealous prosecutor and circumstantial evidence convicted Dennis, and sentenced him to life in prison. His codefendant, Ronnie Williamson, was sentenced to death. After 12 years of incarceration, both men were exonerated with the help of DNA evidence, and Barry Scheck of The Innocence Project. In Journey Toward Justice, Dennis Fritz recounts his experience as an innocent man trapped in the criminal justice system.

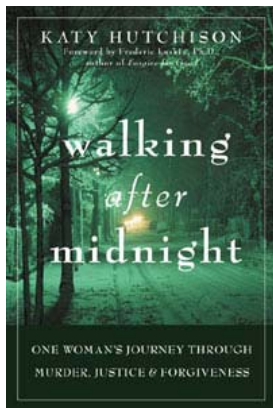


The Innocent Man: Murder and Injustice in a Small Town

By John Grisham

Due out: October 2006

John Grisham's first nonfiction work tells the dramatic story of Ron Williamson, Dennis Fritz' co-defendant in a 1987 rape and murder trial. Sentenced to death, Williamson spent 11 years on death row, and came within five days of being executed. Grisham explores the background of the murder, which took place in Ada, Oklaholma in 1982, and delves into the circumstances surrounding Williamson's conviction. The publisher has stated, "If you believe that in America you are innocent until proven guilty, this book will shock you. If you believe in the death penalty, this book will disturb you. If you believe the criminal justice system is fair, this book will infuriate you."



Walking After Midnight

By Katy Hutchinson

Due out: October 2006

On New Years Eve 1997, Katy Hutchinson's husband, Bob, went out to check on an unsupervised party nearby. When Bob attempted to get the intoxicated party guests to leave the house, he was punched and kicked to death. Four years later, Ryan Aldridge confessed to the murder, and wrote a letter of apology to Katy and the two children that Bob left behind. Thus started a remarkable relationship between Katy and her husband's killer. In Walking After Midnight, Katy Hutchinson shares her courageous tale of grief, love, and forgiveness.



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The Faces of Wrongful Conviction Symposium Issue

Due out: September/October 2006

In April 2006, the largest gathering of wrongfully convicted persons in California convened at The Faces of Wrongful Conviction conference on the UCLA campus to examine specific cases of wrongful conviction and brainstorm to find solutions. The conference brought together seventeen wrongfully convicted men and women from across California, legal experts, academics, former prosecutors, students, and activists, who presented a lively and moving discussion of California's criminal justice system. Golden Gate University Law Review is publishing a special symposium issue to celebrate this important and historic conference. The articles in this issue are written by conference panelists and participants, as well as scholars and practitioners working to improve our system of criminal justice.

International and National News Updates

By Krista Shackelford, Aron Feingold, & Stefanie Faucher

International News

Moldova

On August 2, 2006, President Vladimir Voronin signed a bill abolishing the death penalty in Moldova. Echo of Moscow, an independent Russian radio station, reports that this action ends an era in which the death penalty was used during times of war. By joining the 13th protocol of the European Convention for the Protection of Human Rights, Moldova has committed to abstaining from implementing the death penalty in all judicial cases.

Rwanda

In September 2006, Rwanda Minister of Justice Tharcisse Karugarama revealed that the country would pass legislation by December 2006 eradicating the death penalty. Eliminating capital punishment is an important step as Rwanda attempts to bring war criminals from the horrendous 1994 genocide to justice because suspects held in United Nation countries cannot be extradited to Rwanda until it gets rid of capital punishment. In addition a, a myriad of war crime suspects from countries like Belgium, Denmark, Switzerland, and the Netherlands will be able to face justice in Rwanda's national courts once the death penalty has been abolished.

United Nations

In July 2006, the United Nations Human Rights Committee, a panel consisting of 18 independent experts, recommended that the United States impose a moratorium on executions. Citing the 1996 International Covenant on Civil and Political Rights, the panel states they are concerned by "studies according to which the death penalty may be imposed disproportionately on ethnic minorities as well as on low-income groups, a problem which does not seem to be fully acknowledged." The U.S. ratified the treaty in 1992 with a number of reservations, including provisions on the death penalty. The panel also urged the U.S. to limit the number of crimes that carry a penalty of death and to assess the extent to which death sentences are inflicted disproportionately on vulnerable populations. Criticism by the panel may spark international scrutiny of the U.S.'s practices, but the body has no authority to carry out sanctions against the U.S.

National News

Missouri

In July 2006, Missouri halted execution because of a challenge to the lethal injection procedures. In June, U.S. District Court Judge Fernando Gaitan ruled that a board certified anesthesiologist must participate in every execution. However, no anesthesiologists in the state have been willing to participate. There is also concern stemming from the revelation that previous executions were carried out by a dyslexic, and reportedly incompetent, surgeon.

Ohio

In May 2006, State Senate Bill 262 was passed by the Ohio

House of Representatives. The bill expands an inmates' ability to petition the state to use DNA evidence to prove their innocence. However, the law allows prosecutors to deny DNA testing to prisoners who plead guilty even if the individual denied their guilt as they were entering the plea.

South Carolina

In June 2006, the Governor of South Carolina signed a bill which would allow the death penalty to be used against those convicted, at least twice, of sex crimes against children under age eleven. In 1977 the Supreme Court ruled (*Coker vs. Georgia*) that sentencing a criminal to death for rape was unconstitutional, because the punishment was disproportionate to the crime.

Tennessee

In May 2006, the U.S. Supreme Court declined to hear *Abdur'Rahman v. Bredesen*, thus upholding a Tennessee Supreme Court decision that the current drugs used for lethal injection in Tennessee do not violate the "cruel and unusual" clause of the 8th amendment to the Constitution. Death row inmate, Abdur'Rahman, claimed that the three-drug combination currently utilized for lethal injections could cause "extraordinary pain." His appeal was based on recent evidence that individuals may not be receiving the proper amount of anesthesia during the execution process. So one may be experiencing excruciating pain during the execution, but he/she is unable to cry out or express this pain because he/she is also injected with a paralytic agent. Additionally, Abdur'Rahman pointed out that the paralytic agent, pancuronium bromide, is so problematic that the American Veterinary Medical Association bans its use in euthanizing animals.

Vermont

In June 2006, Donald Fell was sentenced to death by a federal jury in Vermont for the murder of Terrie King. This is the first death sentence to be issued in Vermont since 1954. The state effectively abolished the death penalty in 1964, and removed the last remaining death sentencing statutes in 1987.

Wisconsin

In May 2006, the Wisconsin State Senate, by a vote of 18-15, placed the following question on the November 7 ballot: "Should the death penalty be enacted in the state of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?" The referendum will not be binding, but depending on the results, may clear the way for future attempts to reinstate the death penalty. The death penalty has been banned in Wisconsin since 1853, which is longer than any other state. For more information, visit www.nodeathpenaltywi.org.

wrath. And I want the jury to hear me, too. So that I can say, as I have said before, and will keep saying until someone with power hears:

No more death on my babies' bones. They have borne enough.

They have borne on their bones tons of steel and cement. The two biggest buildings on earth fell on them and every day of my life, I see this occurring over and over again as if it is fresh, as if a phone call to my daughter in Tower II of the World Trade Center where I yell "run, baby girl, run" will finally end this and she will be home. But all reason tells me, all science tells me, all of my poetic sensibility, all knowing says the same thing in concert: Not in this life. She cannot come home. And this, too, is evidence of my lack of reason: I still wait.

And that is the joyous distinction between life and death. They are separate. And only God knows why.

So, please, grant me this: If I am a victim who says no more killing on behalf of victims and their families, then we should either stop state sanctioned killing, or we should admit that my emotions are irrelevant and that my feelings are absolutely not what we are honoring when you allow the state in your name to take a life.

For twenty years, before September 11th, 2001, I taught writing and rhetoric at Syracuse University. During the course of my career I put American public discourse under the microscope of critical scrutiny. I know, as did many of my students after our common exploration of how we write and speak how deeply and meaningfully language works. But after 9/11 (as we tend to shorthand it) my expertise began to work against me. I could no longer pretend all of our collective ideas have merit, or that it is possible to make the world a kinder place without forcing people to confront their

individual and our collective weaknesses, without insisting that real kindness, not the surface politesse of everyday life, not courtesy, not tolerance, but genuine kindness and compassion takes work and means that each and all citizens examine American contradictions, American sins, American systemic acts of racism, hate and injustice and that each of us takes the responsibility for fixing us.

On December 12th 2005, we (the American we) discussed putting yet another man to death, Tookie Williams. We discussed it all day on every talking head show we share. CNN. The Today Show. Evening News on all networks. On December 12th 2005 Stanley Tookie Williams resided at San Quentin prison, alive, blood moving through his veins, as we talked, another discussion that ends in the same place. We said the final decision rested in Arnold Schwarzenegger's hands. And with knowledge and forethought, we/I/you put him to death. We all did. And now he is just one more example. He is no longer a person among us. And we talked that night, in the same cliché "an eye for an eye." The victims deserve justice. Take a life, give a life. Guilty hurt the innocent.

On Larry King that night defense attorney Mark Geragos giggled because Dennis Prager spoke inconsistently, childishly even, about how, in his view, having too many murderers walking amongst us cheapens murder. Cheapens murder? Does Prager value it? Geragos came back at him with an equal non-sequitur: We don't use the death penalty for all murders. And this, I thought, was part of the problem: the back and forth, tit for tat, we each have a right to our own opinion nonsense that continues to determine how we Americans explain our lives. Geragos was a sloppy spokesperson for the left and Prager the perfect beast of false reason. And I am the one most emotional?

How we articulate our lives and values is the most telling of all of our collective actions.

If we can't see that we are not just a little racist, but that we are still murderously racist, criminally negligent in the way we pretend to enact justice, what will save us?

On that same Larry King show, Mike Farrell (actor and political activist) spoke from San Quentin, from outside where it appeared he shivered as he spoke. Not in the cliché of the status quo argument, but as a genuine human being who wants to recoup civil society, he said to Dennis Prager, without laughing, without glibness, "While you sit there and lick your lips, a man will die."

And there for a moment it was to me, crystal clear, pungent: There is a hunger, not for revenge, not for punishment, but for death. For crisis. For the ultimate enactment of power. And it was named except in the visual description. Prager licked his lips.

For a brief moment I knew that despite my state of forever grief I could see reason through emotion. The voice of reason came not through judgment, but through description. Mike Farrell could see with his own eyes the hunger in Prager and in others like him. And I felt less alone.

Despite the fact that I, the/a/one of many victims wrote to Arnold Schwarzenegger, begging him to grant a stay along with many others who knew Williams and the work he had done in prison to counter his crimes, Schwarzenegger did nothing. As expected.

And this is what I am left with: the cold executions that are state sponsored are exponentially more heinous than any individual act could ever be. Certainly victims' families will want their own sense of justice enacted because we pretend that at the end of a crime,

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guilt or innocence is the only rubric for the evaluation of the protection of civil society. But in reality the guilt or innocence of the accused has nothing to do with our future safeties. In this way, the state must be as cold to the victim as it must be to the perpetrator. The state must not kill because it has other means to protect its citizens. We have prisons. We have other means of punishment and protection. The death penalty removes from us any obligation to free those wrongly convicted, to punish appropriately as persons, not as G-d, and to confront our own collective failures as a culture that prefers vengeance over compassion and racism over justice. The death penalty, in essence, is the most heinous enactment of collective power.

In the end I was not permitted to give an impact statement to save the life of Moussaoui. My political views were too far to the left. My twelve year-old son told me that he respected my desire to testify, but that he feared he could not do the same thing if they caught bin Laden. He wanted to know, could I?

We are at war right now. A war engaged ostensibly to protect Americans from the threat of terrorism. Osama bin Laden becomes Saddam Hussein and many civilians and our own service people die in numbers too grand to count without research. We will soon be in a bigger war, though it is getting hard for me to think its possible Iran, Syria, who else?

It's almost autumn again. Vanessa was born in autumn. And as the trees go gold and blood red I can no longer take joy in her birth without mourning her death and all that has come to pass since.

Life itself is without reason. But I prefer it over death. I hunger for it.

Donna is a member of September 11th Families for Peaceful Tomorrows, as well as 9/11 Press for Truth. She lives in upstate New York.

and regional coalitions against the death penalty. The Coalition also spearheads lobbying efforts directed towards state and international institutions.

In 2003, the Coalition established October 10th as World Day Against the Death Penalty. World Day 2005 prompted 263 local initiatives throughout the world. An international petition asking the leaders of African states to extend abolition to the whole continent gathered 42,200 signatures. During the year 2006, the Coalition plans to:

- Support several national coalitions (e.g. National Coalition for the Abolition of the Death Penalty in Morocco and Death Penalty Asia Network);
- Undertake an international campaign to prompt states to ratify the Second Optional Protocol to the United Nations' International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Organize the Fourth World Day Against the Death Penalty, promoting over 500 initiatives in more than 100 countries under the theme "The Death Penalty: A Failure of Justice."

The Coalition also participates in and supports international actions led by its members, such as the Comunitá di Sant'Egidio's World Cities Against the Death Penalty Day (which involves 392 cities in the world, including 31 capitals, in a demonstration against the death penalty on November 30th) and the Third World Congress Against the Death Penalty, organized by ECPM, set to take place in Paris on February 1-3, 2007.

The theme for World Day 2006 is "The Death Penalty: A Failure of Justice" which aims to expose the inadequacies and failures of the criminal justice system, summary, arbitrary or unfair trials, lack of competent legal representation and corruption.

The goal for World Day 2006 is to generate 500 local initiatives in 60 countries on all five continents. The main objective is the universal abolition of the death penalty. To that end we encourage you to publicize the World Day on October 10th and organize local activities in as many communities and in as many countries as possible, especially in those countries and states that still retain the death penalty.

Debates, press releases, radio interviews, demonstrations, petitions, exhibitions, concerts, film showings and exchange programs with schools and cultural centers are some of the activities that in the past have successfully brought awareness of the need to abolish the death penalty to the public. Take the initiative and organize an event in your town this year!

Internationally, there is a growing movement toward abolishing the death penalty, even for the most horrendous crimes: crimes against humanity, genocide and war crimes. Several international bodies, including the International Criminal Court in The Hague, the European Union and the United Nations, are actively trying to bring about universal abolition of the death penalty and regularly encourage the United States to abandon the practice.

The majority of the nations in the world no longer kill their prisoners. All western democracies, except for the U.S., have abolished the death penalty in principle or practice. For these reasons we believe that the universal abolition of the death penalty can be achieved in our lifetime, but we continue to need your active support to guarantee success. To quote Cesar Chavez: ¡Sí, Se Puede!

To learn more about the World Coalition and World Day 2006, please visit: www.WorldCoalition.org

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between the number of articles in the *New York Times* about innocence and the death penalty, and rates of death sentencing. The study, which looked at more than 3600 stories between 1960 and 2003, showed that as the number of articles about wrongful conviction and the death penalty increased, the rate of death sentencing nationwide decreased.

While other factors (such as budget issues and/or local politics) may also be contributing to a reduction in death sentences over time, this study argues that increased public awareness of wrongful conviction, more than any other factor, has affected the number

of people being sentenced to death each year.



Exoneree Tom Goldstein

Baumgartner states, "The death penalty is an old and well-understood debate. Traditionally, it has focused on questions of morality and on complicated legal ma-

neuvers beyond the comprehension or interest of most Americans. But recent events and, we suspect, the advocacy efforts of those opposed to the death penalty have caused a dramatic shift in attention toward a new dimension of debate: whether the system works with no flaws or, indeed, could possibly ever do so."

While the risk of wrongful conviction is certainly not the only reason that the death penalty is not good public policy, it is an issue that moves the public to think critically about it and also allows a discussion to begin about other problems that plague the criminal justice system.

Visitors to the speaker series' website, www.facesofwrongfulconviction.org, are able to watch Quicktime video segments or listen to Podcasts of the

wrongfully convicted telling their shocking stories, read speaker bios, print out the latest news articles and action alerts or request a speaker.



Exoneree Harold Hall

THIS HOLIDAY, GIVE A GIFT FOR HUMAN RIGHTS

Death Penalty Focus is working hard for the abolition of capital punishment; every day, we stand up for human rights. To help us with our efforts, do your holiday shopping this year at Amazon.com.

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