

In Solidarity

The Newsletter of the Coalition of Arizonans to Abolish
the Death Penalty

www.azabolitionist.org • P.O. Box 42465 • Tucson, AZ 85733

December 2003



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LETTER FROM THE PRESIDENT

Eighty-eight years ago, at sunrise on a cool November morning in 1915, Joe Hill was executed by firing squad in the yard of the Utah State Prison in Salt Lake City. His body was taken to Chicago, where more than 25,000 people attended the funeral. Historians today continue to debate whether Hill – an immigrant, a hobo, a rebel, a poet, and a union organizer – was actually one of the gunmen who entered John Morrison’s grocery store at closing time on January 10, 1914 and shot Morrison and his son to death.

Over the years, fair and reasonable people have come to different conclusions regarding Joe Hill’s guilt or innocence. Helen Keller pleaded for presidential intervention to stop the execution. The Swedish ambassador was convinced that Hill had received a highly politicized, unfair trial. At the request of the AFL, President Woodrow Wilson asked the Utah governor to delay the execution until a further inquiry could be conducted. Utah Governor William Spry, however, joined a host of others who were convinced of Joe Hill’s guilt.

In a last message from Utah’s death row, Joe Hill sent a telegram to fellow union organizer “Big Bill” Haywood. Eloquent in its simplicity, Hill’s telegram said, “Don’t waste time mourning. Organize!” He was shot to death the following morning.

We would do well to heed Joe Hill’s advice. I encourage you to organize together

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ABOLITION LEGISLATIVE COMMITTEE REPORT

By Dennis Seavers

As part of their manifold efforts to end the death penalty – not just for juveniles or persons with mental retardation – CAADP and Sanctity of Life/People Against Executions (SOLPAE) introduced a bill this session to abolish the death penalty in Arizona altogether. Both organizations contributed to hire a lobbyist, Diane Ziple, to advocate for the legislation and, more importantly, help us form a strategy for education and achieving total abolition.

The committee expected that the current legislature would be hostile toward an abolition bill. In the end, the bill was assigned to four committees and gained a hearing at none. A high number of committee assignments is a nearly insuperable political obstacle, since the legislation must pass each committee. Nonetheless, the committee felt that an abolition bill should be introduced, despite its bleak prospects, in order to keep the issue in front of legislators. Representative John Loredó sponsored the bill, and Reps. Ken Clark, David Bradley, Linda Lopez, and Ted Downing cosponsored it.

Diane's role was to push the legislation, while also getting a sense of where legislators stood on the death penalty issue and what approaches seemed most and least favorable. In addition, Diane consulted with CAADP on strategies for working toward complete abolition.

Plans for Future Legislative Work

In the upcoming 2004 legislative session, CAADP and SOLPAE will seek sponsors for an abolition bill. Since the legislators from 2003 will be the same as 2004, neither organization expects this bill to fare better than last year. However, we believe it's important to continue introducing the bill at each legislative session, for several reasons. By keeping up our legislative efforts, we let legislators and the public know that we will maintain pressure for abolition of the death penalty. Furthermore, the

issue of capital punishment continues to capture more of the public's attention; the recent 9th Circuit Court ruling relating to *Ring v. Arizona* 536 U.S. 584 (2002) is an example of how waves of media coverage lap against the public conscience. (For more information on the ruling of *Summerlin v. Stewart*, see the article on page 7.)

In addition, CAADP will focus its anti-death penalty efforts on education. CAADP is developing plans for a diversity of education outreach efforts, such as establishing an education committee in Phoenix and hosting celebrity events with speakers such as Ray Krone and members of the CAADP Advisory Committee. Our plan is to enlarge our membership, especially volunteer members, and share our convictions with a public that, in turn, can convince lawmakers to abolish the death penalty. And, as the 2004 elections for state legislature approach, CAADP will resume its role of educating the public about political candidates and the death penalty. While CAADP won't endorse candidates, it will announce their positions on capital punishment.

How You Can Become Involved

The Abolition Legislative Committee is always looking for volunteers. We welcome any level of involvement from anyone who wants to see the death penalty abolished. To join our committee, please contact me at:

abolitionleg@azabolitionist.org
(602) 400-4025
13518 East Butler Street
Chandler, AZ 85225

Also, please visit the CAADP Web site at www.azabolitionist.org.

Dennis Seavers is the CAADP Vice President and Chair of the Abolition Legislative Committee.

JUVENILE ABOLITION LEGISLATIVE COMMITTEE REPORT

By Andy Silverman and Kathy
Norgard

Executing juveniles violates the standards of decency in this country. As abolitionists, we have always known that, and now the highest court in Missouri has agreed.

Recently, the Missouri Supreme Court overturned the death sentence of Christopher Simmons, who was 17 when he killed a woman a decade ago. In resentencing Simmons to life in prison, the Court found that "a national consensus has developed against the execution of juvenile offenders" and concluded that when the United States Supreme Court considers this issue again, it "would hold that the execution of juveniles violates the evolving standards of decency and is prohibited by the Eighth Amendment to the United States Constitution [cruel and unusual punishment clause]." Decisions like this bolster the work of the Juvenile Abolition Legislative Committee and make its work even more important and imperative.

For the last two years, SOLPAE members have been working alongside a group of child advocates on a bill that would ban the death penalty for people who are convicted of murder and were under the age of 18 when they commit the offense. This year, Representatives Meg Burton Cahill, Leah Landrum-Taylor, John Loredó, and Linda Lopez and Senators Robert Cannell and Victor Soltero sponsored the bill. During the last legislative session, the House Judiciary Committee held a hearing on the bill. Even though a vote was not taken in the committee, the hearing went very well and helped educate the committee members on the issue. In addition, Susan Cannata, who was the lobbyist for the bill during the last legislative session, met with many senators and representatives educating them about the issue. However, the bill did not go beyond the hearing stage, and we need to do more to

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ensure its enactment.

The committee has determined that in order to be successful, we need to meet with as many legislators as we can before the next session begins in January. The committee has hired Diane Zipley as its lobbyist for the 2004 session. Based on her excellent work with the Abolition Legislative Committee, we have high expectations for her contacts with legislators. But legislators need to hear not only from our lobbyist but from constituents as well. Thus, this summer we began to identify people who could meet with legislators. Those meetings have begun particularly with Tucson legislators. However, we need many more people, especially in the Phoenix area, who are willing to meet with legislators. We have prepared two packets – one for the people meeting with legislators and another for the legislators themselves. If the bill is going to have any real chance this coming session, lawmakers need to hear from us. Please consider meeting with your legislators; we will help you form a group of two or three people to do so. If you're willing to participate in this very important effort, please contact us at juvenileleg@azabolitionist.org.

We know that we can end the juvenile death penalty in Arizona, as we did a few years ago with the executions of persons with mental retardation. It takes working together in a concerted effort – please join us!

Andy Silverman is a member of the CAADP Steering Committee. Kathy Norgard is the CAADP Secretary. They are the co-chairs of the SOLPAE Juvenile Abolition Legislative Committee.

The fact sheet to the right was developed for use by advocates of legislation to abolish the juvenile death penalty. A summary fact sheet was developed for legislators. You can request copies of the fact sheets from:
juvenileleg@azabolitionist.org

LEGISLATIVE FACT SHEET

THE SIMPLE FACTS ABOUT THE JUVENILE DEATH PENALTY AND WHY IT SHOULD BE ABOLISHED IN ARIZONA

This version of the fact sheet provides additional background information about many of the points presented. Legislators will not have this information in front of them but may be interested in discussing it. This information is meant to help you answer legislators' questions and feel familiarized with juvenile death penalty issues and research.

PROPOSED LEGISLATION TO STOP THE JUVENILE DEATH PENALTY

Arizona law currently allows the execution of children who were between the ages of 16 and 18 at the time of their offenses. The proposed legislation would prevent such executions. It would not exempt those children from other, appropriate punishment.

Arizona law now allows judges to sentence offenders to life in prison without the possibility of parole. We believe that it is possible to punish juvenile offenders adequately and effectively and to protect society without employing the death penalty.

WHY PREVENT THE EXECUTION OF JUVENILE OFFENDERS?

- ✓ **CHILDREN ARE DIFFERENT FROM ADULTS.** Current medical research using MRIs demonstrates that children's brains – including the portion governing impulse control and judgment – are not fully developed in adolescents and continue to develop past adolescence. **In a 1999 Harvard Medical School study, researchers discovered that during the decision-making process, adolescents rely on the amygdale (the area of the brain responsible for gut reactions), while adults rely on the brain's frontal lobe (the area responsible for goal-oriented reasoning). This study and others challenge the previously held notion that a person's brain and reasoning skills are fully developed by adolescence.**
- ✓ **CHILD DEVELOPMENT** is directly relevant to criminal responsibility. The emotional, physical, and mental maturity of children can create grave risks of injustice. **Once again, if a person's brain is not yet fully developed, she or he is simply unable to make the same, reasoned decisions that an adult would make.**
- ✓ **IN EVERY OTHER IMPORTANT PART OF LIFE** children are treated differently in order to protect them from their mistakes. In Arizona, without parental permission, children under 18 cannot marry, make a binding contract, drink, vote, serve on a jury, consent to medical treatment, own a gun, or decide how long to stay out at night. Yet, they can be executed.
- ✓ **JUVENILE OFFENDERS ARE OFTEN VICTIMS OF ABUSE** or neglect or suffer from mental disabilities. **In an earlier Harvard study, it was determined that abuse and other traumas experienced during childhood and adolescence may permanently alter the brain structure.**

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This study was the first to show that trauma results in actual changes in the brain tissue and not simply psychological damage. Additional studies of juveniles on death row reveal that every one has some form of mental impairment.

WHAT IS THE PUBLIC CONSENSUS?

- ✓ **A RECENT PUBLIC POLL** indicates that only 37% of Arizonans favor the execution of juvenile offenders.
- ✓ **THE NONPARTISAN CAPITAL CASE COMMISSION** formed by the Arizona Attorney General recommended that Arizona should abolish the death penalty.
- ✓ **TWENTY-NINE STATES, THE FEDERAL GOVERNMENT**, and the vast majority of other nations prohibit the juvenile death penalty. **Even more states have introduced moratoriums on the death penalty, acknowledging that it is employed unfairly.**
- ✓ **THE UNITED STATES IS THE ONLY WESTERN, INDUSTRIALIZED NATION** that executes children. Only Iran, Saudi Arabia, Pakistan, Yemen, Nigeria, and Congo (DRC) have executed children in the last ten years. Pakistan, Yemen, and Congo no longer execute children. **All of these other nations have been cited for multiple human rights violations, and many are unstable or war-torn states. Due to the failure of the United States to abolish the death penalty, and the juvenile death penalty in particular, the United States consistently appears on the United Nations' index of countries that violate human rights.**

CAADP ANNUAL MEETING

CAADP's annual meeting will be held at noon on Martin Luther King Day, January 19, 2004, at Ramada #15 in Reid Park (Tucson Boulevard and Country Club Road) in Tucson. We invite CAADP members and friends to join the MLK march earlier that morning from University of Arizona to Reid Park, where there will be refreshments and entertainment at Reid Park. The CAADP meeting will start at noon. More details are forthcoming by e-mail. We hope you can be there.

DEATH PENALTY DECLINES IN KEY AREAS

Death Penalty Information Center
www.deathpenaltyinfo.org

Philadelphia, Pennsylvania and Pima County, Arizona have been the main jurisdictions in their respective states for death sentences in the past. Now they are sending considerably fewer people to death row or seeking the death penalty less. Philadelphia prosecutors have sought the death penalty 24 times since last September, but jurors from the city have not sent anyone to death row in more than a year. In fact, the city has only secured death sentences against 4 people since 2000. In the majority of cases where jurors have chosen not to send defendants to death row, they have imposed a sentence of life in prison without parole. Cathie Abookire, a spokeswoman for Philadelphia District Attorney Lynne M. Abraham, noted: "When someone wants to plead guilty to the crime of murder, and we know that life means life in Pennsylvania, then we are all for it. It gives the family some peace of mind, because it is over. There are not going to be 20 years of appeals" (Associated Press, October 3, 2003).

Similarly, the number of death sentences pursued in Pima County, Arizona has decreased by a third. "We've made a conscious effort to limit the death notices to the worst cases. We have a fuller discussion about can we - and should we - pursue death. It's a more thoughtful process," said prosecutor Rick Unklesbay. The policy shift was embraced by victim advocate Gail Leland, who stated, "I think the process and the options that we have now regarding sentencing have really been improved" (Associated Press, October 5, 2003).

FEDERAL JUDGE ON ELECTROCUTION AND RING

Death Penalty Information Center

In a decision vacating the death penalty for Nebraska death row inmate Charles Jess Palmer, U.S. District Court Judge Joseph Bataillon declared that electrocution is unconstitutional. Bataillon wrote, "In light of evidence and evolving standards of decency, the court would find that a death penalty sentence imposed on a defendant in a state that provides electrocution as its only method of execution is an unnecessary and wanton infliction of pain." Nebraska is the only state that maintains electrocution as its sole method of execution. Bataillon's ruling also stated that the U.S. Supreme Court's decision in *Ring v. Arizona* - which held that it is unconstitutional to have a judge, rather than a jury, decide eligibility for a death sentence - is retroactive and applies to Palmer's case. The judge further decried the lengthy period of time Palmer has spent on death row. Palmer remains incarcerated with a sentence of life imprisonment (Lincoln Journal Star, October 10, 2003).

POEM FROM DEATH ROW

By Anthony Chaney, executed February 16, 2000

Once I was a rabbit's grave, a basketball hoop on the garage,
a cucumber patch, lilac trees, and peonies crawling with ants.

I was mossy stepping stones in a creek and a mysterious cistern,
grass fires, water fights, and a swing in the back yard.

I dreamed a lot.

In this place of institutional death, I am more alone than ever before.
Part animal, but not protected by his instincts or restricted by his vision.
I am part spirit as well, yet scarcely free, limited by taste, touch, and time,
yearning for all life.

There is no security. Security is sameness and fear, the postponing of life.
I am not waiting to die. I love each moment as a lifetime.
I live with uncertainty. I refuse to lay down and make things easier.
There are mountains yet to climb, clouds to explore, and friends to love.

I dream a lot.

My soul is not empty from living in this barren city of the damned.
There are the wind and the oceans, books and music, strength and joys
contained within my heart and always—always the night.
My life is celebration; I refuse to lose myself in ritual.

Reality is: I dream a lot.

ABOLITION ORGANIZATIONS IN ARIZONA

CAADP – the Coalition of Arizonans to Abolish the Death Penalty – was formed in 1997 by a group of dedicated abolitionists. Since that time, CAADP has grown to an organization with a statewide presence and a membership exceeding 1,300. CAADP is a group of varied and diverse organizations and individuals. The members of our steering committee are from both Pima and Maricopa Counties; each year we welcome new members and volunteers from around the state. SOLPAE – Sanctity of Life, People Against Executions – is our sister organization that engages in lobbying the Arizona State Legislature on abolition matters.

In March of this year, a new abolition group – the Arizona Death Penalty Forum (ADPF) – formed in Phoenix. This group is focusing on educational efforts in support of the complete abolition of the Arizona death penalty. CAADP and ADPF cooperated together in hosting Ray Krone in both Phoenix and Tucson this past May. Both organizations hope to continue to work together on future abolition efforts.

The work of CAADP and SOLPAE is enriched by our relationships with other Arizona abolition organizations, including Catholics Against Capital Punishment, Students Against the Death Penalty, Law Students Against the Death Penalty, many multi-issue abolition groups, and now ADPF. We welcome overlapping membership. We support each other's missions.

SOLPAE and CAADP still depend upon your support to continue our work against the Arizona death penalty. In 1999, we succeeded in our efforts to eliminate the Arizona death penalty for people with mental retardation. This year, in keeping with the national abolition agendas, we are working to end the death penalty for children.

For those of you on our e-mail list, we will keep you on that list unless we hear from you that you would prefer another form of communication. Also, if you prefer to receive an electronic copy of future newsletters (in .pdf format), instead of a paper copy, please write to dennis@azabolitionist.org.

We are thankful for involvement in the abolition cause.

Suzanne Rabe
President of the Steering Committee
CAADP

Andy Silverman and Kathy Norgard
Co-Chairs of the Board of Directors
SOLPAE

ABOLITIONIST OF THE YEAR BANQUET

Saturday, February 7, 2004, 12:00 P.M.

Claudia Ellquist

Abolitionist of the Year

Kelly McClear and Penelope Jacks

Legislative Advocacy

Jana Johnson

Volunteer of the Year

The Abolitionist of the Year Banquet – a fundraising event for CAADP's sister organization, Sanctity of Life/People Against Executions (SOLPAE) – will take place in Tucson on Saturday, February 7, 2004 at 12:00 P.M.

Each year, the event honors an individual who has been a committed opponent against the death penalty and who brings energy, resources, and inspiration to Arizonans seeking to end capital punishment in our state. The 2003 honoree is Claudia Ellquist, a member and former co-chair of the CAADP Steering Committee and a longtime activist in Tucson for the cause of abolishing the death penalty.

This year, there will be two special awards for other anti-death penalty activists. Kelly McClear and Penelope Jacks will receive Legislative Advocacy Awards. Kelly advocated for legislation to abolish the death penalty for persons with mental retardation. Penelope is being recognized for her work with the Children's Action Alliance to prohibit the execution of individuals who were minors at the time of their offense. In addition, SOLPAE is honoring Jana Johnson as Volunteer of the Year. Jana has been a tireless fundraiser and is Chair of the Tucson Education Committee.

The keynote speaker will be Paris Carriger. In January 1999, Paris Carriger re-entered the free world after 21 years of incarceration, most of it on Arizona's death row. He had maintained his innocence all those years. Another man confessed to the crime in 1987, yet Mr. Carriger was repeatedly denied a retrial. Ultimately, he won release, although his conviction was never reversed. Today, Paris Carriger lives in Oklahoma. Periodically, he travels to different states to speak against the death penalty. Many who have heard him have been impressed both by his eloquence and his lack of bitterness. After a recent trip to Massachusetts, faculty of the Francis W. Parker School wrote that the students and faculty who heard him were "moved, touched, and enraged by Paris' story."

The banquet is at the parish hall of St. Michael and All Angels Episcopal Church. Tickets are \$25 and include a luncheon catered by death penalty lawyer Carla Ryan. Reservations are required. For more information, or to purchase tickets, contact Kathy Norgard in Tucson at (520) 325-6240 or norgard@azabolitionist.org or Dennis Seavers in Phoenix at (602) 400-4025 or dennis@azabolitionist.org.

The recipients of the Abolitionist of the Year awards, as well as annual special awards, are selected by the former Abolitionists of the Year. The past honorees are: Ann Nichols (1998), Kathy Norgard (1999), Msgr. Ed Ryle (2000), Andy Silverman (2001), and John A. Stookey (2002). In addition, special awards have been presented to The ARC of Arizona as Abolitionist Organization of the Year (2000) and Andy Nichols as Abolitionist Lawmaker of the Year (2001, awarded posthumously).

ABOLITIONIST OF THE YEAR BANQUET

Tickets, Advertisements, and Congratulatory Notes

Purchasing tickets or advertising in the Abolitionist of the Year program booklet is a great opportunity for you to help bring about abolition of the Arizona death penalty. You also are welcome to purchase advertisement space for congratulatory messages to the honorees, show your support for abolition, or promote your organization.

You can use the forms below to order banquet tickets or advertisements. Or you can Kathy Norgard in Tucson at norgard@azabolitionist.org or (520) 325-6240 or Dennis Seavers in Phoenix at dennis@azabolitionist.org or (602) 400-4025.

Order Form

Name _____

Address 1 _____

Address 2 _____

City _____ State _____ ZIP _____

Telephone _____

E-mail _____

How many tickets would you like to purchase (\$25 ea.)? _____

Please indicate the advertisement you'd like to purchase.

Whole page, \$100 _____

Half page, \$60 _____

Quarter page, \$35 _____

Business card (1/8 page), \$25 _____

Please send your payment for tickets or ads to:

SOLPAE
4133 E. Roberts
Tucson, AZ 85711

Advertisement orders should include a business card or a camera-ready ad. Checks should be made out to **SOLPAE** (not CAADP). Proceeds from the event support lobbying costs for anti-death penalty legislation. SOLPAE is the 501(c)4 nonprofit, sister organization to CAADP. It serves as the legislative arm for organizing to end executions in Arizona. Contributions to SOLPAE are not tax deductible. However, some of the above options may be legitimate business expenses. Please consult with your tax advisor with any questions.

TUCSON EDUCATION COMMITTEE REPORT

By Kathy Norgard and Jana Johnson

The Tucson Education Committee has been active on several fronts putting out the word about death penalty abolition. To join this committee or to help out at its activities, please contact Jana Johnson at tucsoned@azabolitionist.org.

(1) **Billboard campaign.** Earlier this year, the committee began a tour of Tucson-area churches that feature a banner promoting abolition. (The banner shows Jesus' crucifixion and has the message "Executions Have Always Been Wrong." You can see what the banner looks like on the CAADP Web site at www.azabolitionist.org.) There is a waiting list of churches that wish to display the portable billboard. Currently, St. Cyril's Catholic Church on the busy corner of Swan and 5th Street in Tucson is displaying the banner. The Rincon Congregational Church will have the second billboard as soon as the frame is repaired. (Volunteers accidentally injured the frame while moving it from Southside Presbyterian Church.) On May 20, Claudia Ellquist and Kathy Norgard visited the Catholic church in Casa Grande to discuss this project, so the billboard may be appearing outside of Tucson, as well. If your church would like to display this billboard, contact Joan Bundy at joan@bundy.info.

(2) **Another billboard campaign coming soon.** Tucson graphic artist Michael Moore and activist Kathy Norgard are developing a secular billboard with the same message that will be available for non-Christian settings.



Robert, an artist and Arizona death row inmate, created this ink drawing for the CAADP Tucson Education Committee.

(3) **Tabling for abolition.** Sponsoring tables at events allows CAADP to draw in new members and share information about the abolition movement. Volunteers who staff the tables collect signatures on petitions to abolish the death penalty for juveniles and invite new folks onto our e-mail list. They also solicit CAADP memberships; distribute literature; and offer books, T-shirts, bumper stickers, window stickers, and jewelry for sale. CAADP had a table at the recent appearance of Amy Goodman, journalist for Democracy Now! on Pacifica radio. The committee staffed a table at the Ray Krone speech at St. Michael Church (see below). There was a table at the Tucson mayoral debates at the Pima Community College Desert Vista Campus, as well as the Labor Day Parade in Reid Park on September 1. The committee sponsored a table at the Tucson Blues Society in Reid Park on October 19. Finally, there was

a table at the Si Kahn concert at the Unitarian Universalist Church. Committee members Claudia Ellquist, Jana Johnson, Gretchen Nielson, Candy D'addirio, Laura Winsky, Joan Bundy, Kathy Norgard, Ann Nichols, Michael Moore, Suzanne Rabe, Robin Johnson, Andria Hollis, Michael Clarken, Ed Murphy, and others have worked hard to create this presence at local events.

(4) **World Day for Abolition.** On October 10, committee members Laura Winsky and Joan Bundy organized a demonstration on the World Day for Abolition.

(5) **CAADP abolition brochure.** Committee member Joan Bundy produced an updated version of the CAADP abolition brochure. The brochure includes facts about the death penalty and reasons for supporting abolition. If you'd like a copy of this important document, contact Joan at joan@bundy.info.

(6) **Yard sale.** Jana Johnson single handedly held a fundraising yard sale. It netted over \$300 to stop executions in Arizona.

(7) **Ray Krone.** On May 20, Claudia Ellquist and Kathy Norgard went to Tempe to pick up Ray Krone, who was speaking at events sponsored by CAADP and the Arizona Death Penalty Forum. On May 21, he spoke in Tucson at St. Michael Church.

SUMMERLIN V. STEWART AND ITS IMPLICATIONS FOR ANTI-DEATH PENALTY ACTIVISM

By Dennis Seavers

After the 9th Circuit Court of Appeals ruling in *Summerlin v. Stewart*, No. 98-99002 (September 2, 2003), which overturned numerous death sentences, an acquaintance asked me whether the decision was a major or minor victory. At the time, although I saw some positive aspects of the opinion, I still felt that the ruling was a relatively minor victory. But now, in the context of shifting social attitudes toward capital punishment, *Summerlin* seems to underscore society's ongoing inability to devise a death penalty system free from administrative flaws. Indirectly, *Summerlin* points to an abolition strategy that has public education as its centerpiece, with legislation or litigation only as secondary aims.

In *Summerlin*, the Circuit Court determined that the U.S. Supreme Court's decision in *Ring v. Arizona*, 536 U.S. 584 (2002), should apply not only to cases on direct appeal, but also retroactively, even to cases where a conviction is final and appeals have been exhausted. Criminals who were sentenced to death under the scheme that *Ring* declared unconstitutional must be resentenced under a scheme consistent with *Ring*. In order to make this finding, the Circuit Court had to determine that *Ring* mandated changes in (a) the substance of death penalty statutes and (b) the foundation of death penalty sentencing procedures, so that these procedures improved the accuracy of criminal convictions. *Teague v. Lane*, 489 U.S. 288 (1989). The Circuit Court understood *Ring* to require more than a jury verdict that a defendant is guilty of murder, after which the jury finds facts (aggravating and mitigating factors) to decide whether the convict is eligible for a death sentence. Instead, *Ring* required a jury determination of whether a defendant was guilty of "simple" murder (where the defendant could not be sentenced to death) or capital murder (where the defendant might be sentenced to death). Under *Ring*, murder and capital murder were deemed to be wholly separate offenses.

The importance of *Summerlin* was not so much that many death row inmates had their sentences vacated. Unfortunately, the decision does not prohibit new death sentences from being imposed. Instead, the significance lay in the Circuit Court's interpretation that the changes *Ring* required were substantial and, in terms of criminal procedure, foundational. According to the Circuit Court, *Ring* found Arizona's capital punishment system to be flawed, not just superficially, but fundamentally. And by saying that the fundamental changes in procedure meant to reduce inaccurate convictions, the Circuit Court implied an ongoing concern with the possibility of sentencing innocent persons to death.

Summerlin appears in the context of two cultural trends that oppose each other. First, the death penalty has been an institution that enjoyed what American philosopher John Dewey, in *Ethics* (1932), called "quasi-sacredness." (Dewey's comments were on institutions – social arrangements, laws, or inherited traditions – in general, and not on capital punishment in particular.) This quasi-sacred character has placed capital punishment beyond mainstream "moral questioning." Without this moral questioning, "the problems of morals have to do with the adjustments which individuals make to the institutions in which they live, rather than with the moral quality of the institutions themselves." In the political and legal history of capital punishment, the assumption has endured that the death penalty is worth keeping: that capital punishment rewards the society that has faith in it.

Nonetheless, as a second cultural context, the death penalty's quasi-sacredness has become increasingly precarious, even though the political momentum is toward reform rather than abolition. At the 2002 Abolitionist of the Year banquet, honoree John A. Stookey spoke about signs of changing cultural attitudes toward the death penalty – signs that appear in both popular and governmental spheres. One of the most prominent signs is a more widespread concern about the accuracy of the capital punishment system.

The results of crises of faith in capital punishment appear both locally and nationally. In 2002, the Phoenix-based daily newspaper *The Arizona Republic* altered its long-standing support of the death penalty, in large part due to the very real possibility that innocent individuals might be executed. Also in Arizona, then-Attorney General Janet Napolitano's Capital Case Commission issued a report that said, "at a minimum, a moratorium should be imposed within the capital system until we can determine whether the observed flaws can be eliminated or whether our inability as a society to remedy these flaws should lead to the abolition of the death penalty in Arizona." Nationally, some states, such as Maryland and Illinois, have enacted moratoria on death sentences, and the Missouri Supreme Court recently banned executions of minors.

Although public policy debate over the value of capital punishment has heightened, the death penalty retains a tenacious presumption of value. When questions about the practice of executing criminals arise, the problems are resolved not by abandoning capital punishment, but rather with piecemeal reforms and adjustments, which temporarily sedate the public conscience. For a short time, society can set aside the growing concerns with how the death penalty is administered. But now comes *Summerlin*, which interprets

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Ring as a far-reaching indictment of some states' death sentencing schemes. *Summerlin* is another step in a burgeoning tradition of questioning the moral quality of the death penalty and another step toward what Dewey called moral questioning. American states' attempts to establish an effective and constitutional system of capital punishment failed again, even after political efforts, spanning from 1977 to 2002, to reform and adjust the death penalty. As Donna Leone Hamm, executive director of Middle Ground Prison Reform, noted in a recent letter to the editor of *The Arizona Republic*, *Summerlin* shows that 22 death row inmates, beginning in April 1992, were executed under a sentencing scheme that was inaccurate and unconstitutional.

We have evidence of the following. There has been a continuing failure to enact functional death penalty statutes. There is proof of how the death penalty is applied with racial motives. We have statistical evidence of the inefficacy of capital punishment as a deterrent; (yet, even the statistics are unnecessary: as early as 1960, novelist and philosopher Albert Camus recognized the bankruptcy of the deterrence argument for the death penalty, in his essay "Reflections on Capital Punishment"). Most importantly, we know that individuals have been sentenced to death and later exonerated. Currently, this evidence does not suffice to overcome political barriers. But faith in the death penalty is less vivid than before. The lesson of *Ring* and *Summerlin*, then, is that we must focus our efforts on educating citizens about Arizona's death penalty statutes and the failed, multi-decade effort to fix a poorly constructed mechanism of death.

In its most recent meeting, the CAADP Steering Committee pledged to focus its efforts toward educating Arizonans about the pitfalls of the death penalty. Readers, too, can carry out this educational aim. You can talk about the death penalty with your friends, family, and legislators. Discussions with the people closest to us are the cornerstone of a grassroots campaign to disrupt faith in the quasi-sacred institution of capital punishment. With your efforts to upset this faith, we, as a society, can begin to question the moral integrity of the death penalty. We can institute an important change that would make our society more humane: abolition of the death penalty.

Dennis Seavers is Editor of In Solidarity.

SPECIAL ANNOUNCEMENTS

(CAADP publishes announcements from member organizations. However, publication of an announcement does not constitute an endorsement.)

Middle Ground Prison Reform

Middle Ground Prison Reform will be conducting a series of training workshops in 2004 (in Tucson and Phoenix) for the families of prisoners. The topics will include issues such as:

- Preparation for commutation of sentence hearings
- Obtaining medical care
- Understanding release policies
- How the family can assist an inmate to successfully re-enter the community after prison

These educational workshops require advance registration. For specific information, call (480) 966-8116 or send e-mail to:

middlegroundprisonreform@msn.com.

EYE FOR AN EYE

By Andria Hollis

An eye for an eye, Eight hundred and eighty-one times

Today I scanned black figures on pallid paper.
Rows and columns structured by race, gender,
and age. Groups of types by state and date
in tidy design. Vile, appalling acts of hate
committed by the ill and disillusioned
hearts - tattered, torn, and tarnished
like lost shards in dark heaps
of teeming angst, screaming
for someone to keep
believing
881,
no longer
alive. Murdered
hope. Chances, life shed
with each essence executed
by those who can't see past coal
taintings, can't perceive aching souls
existing in opaque membranes, and reason
needles and shocks mend wrongs, seal lesions,
avenge agony. Transfixed on finality, oil-slickers
waiting to put down number 882 in permanent ink.

THE EXONERATED

We are proud to co-sponsor – along with several other anti-death penalty organizations – the play *The Exonerated* at Gammage Auditorium, ASU Campus, Tempe, Arizona on January 28 and January 31, 2004.

Your purchase of tickets from CAADP will support our efforts to abolish the Arizona death penalty. Your purchase will also include a special reception accompanying the performance.

A critically acclaimed off-Broadway play, *The Exonerated* has featured a rotating cast of actors (which in past performances have included Brian Dennehy, Richard Dreyfuss, Mia Farrow, Kristin Davis, Elliott Gould and Lynn Redgrave) telling the true stories of six wrongfully convicted people.

The Exonerated is a stunning journey into the lives of these six innocent survivors of death row – with stories in their own words, stories you can't forget and that will forever change your view of the justice system in America.

ORDER FORM FOR *THE EXONERATED*

Performance Dates

Wednesday, January 28, 7:30 P.M.

Saturday, January 31, 2:00 P.M.

Ticket Prices*

Balcony \$100 per seat

Main Floor, \$150 per seat

* \$67.32 of each \$100 ticket is tax deductible; \$113.50 of each \$150 ticket is tax deductible

Name _____ Address _____

City _____ State _____ Zip _____

Telephone _____ E-mail _____

JANUNARY 28, 7:00 P.M. Balcony (\$100) _____ Main Floor (\$150) _____

JANUARY 31, 2:00 P.M. Balcony (\$100) _____ Main Floor (\$150) _____

Total number of tickets _____ Amount enclosed _____

Please make checks payable to **CAADP**. Mail your order to CAADP, P.O. Box 42465, Tucson, AZ 85733. For more information, call (480) 966-8116 (in Tempe) or (520) 327-7773 (in Tucson).

NEW BOOKS ON CAPITAL PUNISHMENT

Life on Death Row is a new book written by Robert W. Murray, who has lived on Arizona's death row for over a decade. The book presents Murray's personal experiences and his perspective on the politics of the criminal justice system and capital punishment. It delivers a solid, shocking punch to readers unfamiliar with these political issues. You can order this new book in softcover from 1st Books Library for \$19.50, plus shipping and handling. To order, call 1-888-280-7715 or visit www.1stbooks.com/bookview/14083.

Murder Victim Families for Reconciliation (MVFR) has been an organization visible in the media and an important ally for death-penalty abolition. Below are some recent books that mention MVFR.

- Mike Gray, *The Death Game: Capital Punishment and the Luck of the Draw*. April 2003, Common Courage Press, 192 pp., hardcover. This book explores the corruption within the death penalty system and quotes

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PLEASE SUPPORT CAADP

CAADP is always looking for support – in the form of financial contributions and volunteerism – for its efforts to abolish the death penalty in Arizona. You can play an important role in our anti-death penalty activism. Please consider filling out and submitting the form below as way of indicating how you'd like to become further involved with CAADP. Also, you can go online to our Web site at www.azabolitionist.org and click on "Join Us." Even if you're already a member, you can become involved in educational efforts, special events, graphic and Web design, additional donations, fundraising, and other activities.

We are asking everyone who reads this newsletter – whether a member or not – to complete the form below to indicate what areas of CAADP's activism they'd like to join. If you have any questions, please contact Suzanne Rabe at (520) 795-7673 or rabe@azabolitionist.org or Dennis Seavers at (602) 400-4025 or dennis@azabolitionist.org.

JOIN US IN OUR EFFORTS TO ABOLISH THE DEATH PENALTY

Please complete the form below, indicating what CAADP activities you'd like to become involved with. Also, we rely on your financial generosity for public education and activist work. Your financial contributions are welcome and will be put to good use. CAADP is a 501(c)3 nonprofit organization, and financial contributions are tax-deductible.

Name _____

Address _____

City _____ State _____ ZIP _____

Telephone (day) _____ Telephone (evening) _____

E-mail _____

Please indicate any activities of interest.

- | | |
|---------------------------------------|--|
| Tucson Education Committee _____ | Phoenix Education Committee _____ |
| Abolition Legislative Committee _____ | Juvenile Abolition Legislative Committee _____ |
| Fundraising _____ | Mailings _____ |
| Graphic or Web design _____ | Speaking events _____ |
| CAADP tables at public events _____ | Public relations (e.g., press conferences) _____ |

Other _____

Please indicate any ideas you have for anti-death penalty activism.

Please indicate whether you'd like to become a CAADP member (make checks out to CAADP and send to P.O. Box 42465, Tucson, AZ 85733). Membership dues are \$10, although the dues will be waived if you are unable to afford that amount.

Yes _____ No _____ Maybe later _____

Please indicate a level of tax-deductible donation (make checks out to CAADP and send to P.O. Box 42465, Tucson, AZ 85733).

Would you like to be on our e-mail list, which offers death penalty-related news and updates on anti-death penalty activism? (If you check "Yes," please make sure you listed your e-mail address above.)

Yes _____ No _____

Continued from page 1

with us to educate others about the death penalty. Our members are conservative and liberal, Democrat and Republican, Green and Independent. We are many races, many ages, and many religions. We join together across these differences, finding common ground in our opposition to capital punishment.

If you would like to get involved, give me a call or send me an e-mail. I'd like to hear from you. If you have friends who might be interested, please pass this newsletter on to them. As always, checks – large and small – are welcome, and we do put your money to good use.

We must organize together – harnessing the strength of our different backgrounds and outlooks – to effect change. Please join me in this struggle.

Suzanne Rabe, CAADP President
(520) 795-7673
rabe@azabolitionist.org

Continued from page 11

MVFR members.

- Robert Meeropol, *An Execution in the Family: One Son's Journey*. June 2003, St. Martin's Press, 288 pp., hardcover. A memoir about Mr. Meeropol's parents, Ethel and Julius Rosenberg, who were executed in 1953 for conspiracy to commit espionage for the Soviet Union.
- Rachel King, *Don't Kill in Our Names: Families of Murder Victims Speak Out Against the Death Penalty*. February 2003, Rutgers University Press, 284 pp., hardcover. A book based on interviews with families of murder victims by ACLU lawyer Rachel King. King also will be publishing another book that explores the impact of death sentences on the families of condemned convicts, including a chapter about an Arizona death penalty case. Rutgers University Press will release the book in 2004.
- Rev. Carroll Pickett with Carlton Stowers, *Within These Walls: Memoirs of a Death House Chaplain*. May 2002, St. Martin's Press, 272 pp., hardcover.
- George Kayer, *From the Hell of Death Row: A Book Fit for Paradise*, available from www.WeUnfoldTogether.com. Written by an Arizona death row inmate.

CAADP Mission Statement

The Coalition of Arizonans to Abolish the Death Penalty is a group of organizations and individuals pledged to end the death penalty in Arizona. Among us are those who oppose the death penalty for spiritual, ethical, and practical reasons; and who may choose variously to work for its abolition through prayer, self- and public education, dialogue, constitutional recourse, and public and legislative action.

We affirm the dignity and rights of victims, and the right of communities to live in safety and harmony. We believe that the death penalty, because it implicitly condones killing, subverts these rights and contributes to a pervasive climate of violence.

The taking of human life is abhorrent and unacceptable to us; it assails each of us individually and it diminishes us as a people. When the state takes a life, we are profoundly affected. We become participants in what we abhor. Moreover, we know that, being human, we are not above error. We would not commit irrevocable error. Our sense of shared humanity, our commitment to the creative and transforming spirit that links us, and our knowledge of our own fallibility call out for us to discover and utilize alternatives to capital punishment.

In pursuit of our common goal we commit ourselves to nonviolence, to civility of discourse, to respect for those who hold opposite opinions, and to faithful and persistent witness.

In Solidarity

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Dennis Seavers

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Claudia Ellquist
Donna Hamm
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