

Lifelines

NEWS FROM THE NATIONAL COALITION TO ABOLISH THE DEATH PENALTY • NUMBER 100 • SUMMER 2009

Changing the Death Penalty Paradigm through Rachel's Fund

BY DIANN RUST-TIERNEY, EXECUTIVE DIRECTOR, NCADP

Over the past several years we have seen an important and significant shift in the struggle to end the death penalty. Increasingly, families of murder victims and death row prisoners have joined the ranks of abolitionists in calling for an end to capital punishment. These voices have strengthened our movement.

My earliest recollection of how powerful the voices of victims' families can be is of reading a newspaper article about Bill Pelke, a steelworker from Indiana, who was traveling around the country and the world seeking to marshal public outrage about the state of Indiana's plans to execute a 16-year-old girl who killed his grandmother.



For several years, abolitionists have been on our own "journey of hope," and we've come to see that the quest to end the death penalty is inextricably linked to policies that better nurture and support victims of violent crime. Moreover, just as we must put our understanding of the way in which capital punishment offends our ideals of the value of individual human beings into concrete action, we must now put our deeper understanding of the experience of families of victims of violence into action as well.

In days past, we talked about putting "feet in the street" for abolition. We now need to put "feet in

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Pelke and other NCADP Board members such as The Honorable Renny Cushing, Jennifer Bishop-Jenkins and Bud Welch, represent organizations like The Journey of Hope, Murder Victims' Families for Human Rights and Murder Victims' Families for Reconciliation. They have been a powerful reminder that there are no easy answers to the terrible tragedy of murder. Their voices indicate there is no single form of punishment that is deemed universally appropriate.

In recent years, listening to their stories and the concerns of other survivors of homicide victims, we at NCADP have formed a deeper appreciation of what it will really take to end capital punishment. The death penalty is the wrong response to a terrible event, and that's what we've focused on. We've marshaled facts about the systemic flaws – the lack of deterrence, the high cost, the discriminatory results and the risk of executing the innocent – and in the process, we may have obscured our empathy for the murder victims and their family members. Similarly, the concerns and needs of family members of people on death row have been infrequently highlighted.

LIFELINES CELEBRATES ITS 100TH EDITION!

The Summer 2009 issue of *Lifelines* marks the 100th edition. Since that first issue in the Spring of 1981, the abolition movement – and the public generally – has learned so much more about the deeply flawed public policy of capital punishment, and why ending it is so crucial to significant and lasting criminal justice reform. For additional thoughts on how far we've come since that first *Lifelines* edition, and how far we have to go on this journey, see "A Message from Diann Rust-Tierney" on page two.





A Message from Diann Rust-Tierney

Dear Friends:

This edition of *Lifelines* is our 100th issue. As is often the case when I reach a milestone, I like to pause and briefly take stock of where I am and where I am going. Am I on track? Have I lost sight of my mission? Do I need a course correction? I've found these "pause and reflect sessions" to be quite beneficial. Often these sessions have given me the opportunity to make a change in attitude or practice that will get me closer to my personal goals. And just as often, these sessions affirm that I am right where I need to be.

As I pause and reflect on NCADP as we mark the 100th issue of *Lifelines*, I remember an NCADP meeting at the American Friends Service Committee offices in Philadelphia many years ago. Noted capital litigator David Bruck (who contributed to the book reviewed on page 5) addressed the gathering telling us that support for capital punishment was "a mile wide and an inch deep." His point being: if we just tell the truth about the death penalty—how it doesn't work, how it's unfair and arbitrary, and how the harm it causes to society reaches far beyond the death chambers—the public will come to support our cause.

As a newcomer to the movement, I often repeated that simple observation to myself. It gave me hope and a sense of direction. First use the ample evidence against the death penalty to indict the system and then mobilize growing public concerns into calls for change.

I remember another important meeting when then Executive Director Leigh Dingerson proposed that the organization change its name from "the National Coalition Against the Death Penalty" to "the National Coalition to Abolish the Death Penalty." That proposal, which was adopted unanimously and enthusiastically, marked a new focus and clarity in our organization's mission.

As I look at NCADP today, I would say that we are on track and on target. We are using new and old technology to keep the death penalty's flaws in full view of the public. We have stepped up and enhanced our efforts to help our network of Affiliates translate public concern into smart and effective campaigns for death penalty repeal. And we are meeting with success. New Mexico is the most recent addition to the list of states without the death penalty. Dozens of others are engaged in serious debates about continuing the practice—several states need only a few more votes or a governor's signature to win the day.

Building on the dedicated work of the visionaries and volunteers that founded NCADP more than thirty years ago, we are working state-by-state to help build the broad-based grassroots constituency necessary to end capital punishment. Working with our network of Affiliates around the country we are striving for communities that hold individuals accountable for the harm that they cause while providing the healing and care that survivors of homicide victims require and deserve.

In short, NCADP is building a national grassroots movement for a better world—without the death penalty.

In the next 100 issues of *Lifelines*, we hope to continue to engage you in this journey with us. Not only will you learn about our work and the work of our Affiliates around the country, but we will be including cutting edge analysis of this issue in the broader context of criminal justice reform, civil rights and civil liberties, public health and the economy.

And we will include more ways in which you can get involved in the effort to end the death penalty—there is much to do—but with each day we are making progress.

Thank you for your loyalty and dedication to this cause and to NCADP.

Peace,

A handwritten signature in black ink that reads "Diann Rust-Tierney".

Diann

NCADP Lifelines

NCADP Lifelines is published quarterly by the National Coalition to Abolish the Death Penalty, the nation's oldest organization devoted exclusively to abolishing capital punishment. Founded in 1976, NCADP unifies a network of more than 100 Affiliate organizations, dedicated advocates and volunteers, and prominent national human and civil rights organizations in the fight to end the death penalty in the United States.

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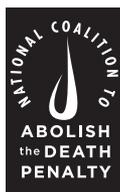
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Lisa Cisneros: The New Executive Director of Coloradans Against the Death Penalty



Lisa Cisneros

After five years as an active member of Coloradans Against the Death Penalty, Lisa Cisneros became its volunteer Executive Director. She has ten years experience working as a paralegal for a criminal defense attorney, and extensive knowledge of both the courts and the legislative process. Cisneros was instrumental in helping to organize groups in support of Colorado House Bill 1274 which sought to fund the Cold Case Unit of the Colorado Bureau of Investigations with savings gained by abolishing the state's death penalty.

"You just can't stop this work once you get started," she says. "You want something to happen, so you just keep going. When I walked in for my interview to work for my mentor, attorney Phil Turner, the first thing he asked me was, 'How do you feel about the death penalty?' I said, 'I don't believe that anyone has the right to kill somebody,' and he said 'Good, we can work together.' We took on the case of a death row inmate and have handled his appeals for the last 10 years."

Cisneros says that by becoming involved in the lives of people on death row, "you learn that, despite whatever was going on with them at the time, they are still human beings. It is not okay to just kill them."

Dial-In for Abolition

One of the ways that NCADP supports its Affiliates is by providing numerous opportunities to build skills and knowledge about the policy implications of retaining the death penalty.

On a recent conference call for NCADP Affiliates, participants gained a keener understanding of the needs and concerns of murder victims' families and the way in which they are re-traumatized by the death penalty process.

Participants heard a presentation from The Honorable Renny Cushing, a New Hampshire Representative, the son of a homicide victim and a member of NCADP's Board of Directors. Cushing discussed the history of the survivors' movement, and how it became institutionalized through the federal Victims of Crime Act, as well as through state and local programs around the nation which assist murder victims' family members. He told participants that many murder victims' family members feel an ongoing pain due to the loss of their loved ones, and that the death penalty does not bring "closure" for them.

"I plan to begin reaching out to victims groups to determine their needs and begin building those relationships," wrote a participant following the call.

Q&A With Claudia Whitman



Claudia Whitman brings an artist's background to the abolition movement. She received her Bachelors in Fine Arts from Goucher College in Towson, Maryland, her Bachelors in Fine Arts in painting from Portland School of Art in Portland, Maine, and her Masters degree in art education from New York University, where she studied with Vaclav Vytlacil, one of the forerunners of American modernism and an instructor of such famous artists as Robert Rauschenberg.

In addition to serving on the Board of Directors of the National Coalition to Abolish the Death Penalty, she is the Executive Director of the National Death Row Assistance Network of CURE (Citizens United for Rehabilitation of Errants), a national membership organization which believes that incarcerated individuals should have the resources they need to turn their lives around. She also serves as the coordinator of the GrassRoots Investigation Project of Equal Justice U.S.A., an effort to unite activists and lawyers in investigating death row cases.

Whitman has worked as an investigator on capital and life sentence cases in Alabama, South Carolina, Georgia and Louisiana. She was instrumental in the 2006 exoneration of Jeffrey Deskovic in New York, a man who spent 16 years in prison – despite DNA evidence proving his innocence — for a rape and murder he did not commit. She is the creator of the “Capital Defense Handbook for Defendants and their Families” and the trainer in its companion workshop. The handbook and workshop are designed to empower defendants’ family members and educate them on how they can better understand the system and be proactive in their loved one’s case in conjunction with the legal team. She has worked with the University of Houston and the Cardozo innocence projects.

Whitman’s writings have been featured in numerous publications, including “Frontiers of Justice Volume I (The Death Penalty)”, “Volume II (Coddling or Common Sense)”, and “Volume III (The Crime Zone)”, *Z Magazine*, *The New South*, and *Peace Review*.

Q: Has NCADP's role changed much over the last decade?

A: Yes. Today, we are more involved in training Affiliates in fundraising, membership development and communications, and in working with family members of murder victims and death row inmates. Furthermore, NCADP is constantly reaching out to new partners through the Executive Director's speaking engagements. We are focused,

well organized, and in constant communication with each other and with the people we are trying to educate.

Q: Do you think that it is important to be a tightly-focused organization?

A: In our case, we have a very specific goal and there are not a lot of us doing this work. Therefore, we need to be very focused, well organized, and in constant communication with

each other and with the people we are trying to educate.

Q: Are there any particular questions or issues that you would like to raise?

A: As a member of the Innocence Network (an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove their innocence), I am very concerned by the number of people found on

death rows, and serving long sentences, who are actually innocent. Nevertheless, I believe that even if a person is not claiming innocence, we still have to make certain that everyone accused of a capital crime has the best representation possible. This includes having enough resources to carefully investigate the facts and present any mitigating evidence. Every time a person is convicted without a real defense, it diminishes us all.

Yes We Can!

I want to help NCADP in its fight to end the death penalty! *All contributions are 100% tax deductible.*

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Capital Quotes

“The death penalty system is flawed and untrustworthy because human institutions always are. But even when guilt is certain, there are many downsides to the death penalty system. I’ve heard enough about the pain and suffering of families of victims caused by the long, drawn-out, and even intrusive legal process. Perhaps, then, it’s time for America to re-examine the death penalty system, whether it works, and whom it hurts.”

RICHARD A. VIGUERIE, FOUNDER OF CONSERVATIVE DIGEST AND ARCHITECT OF MODERN CONSERVATISM, SOJOURNERS MAGAZINE, JULY 2009

“Within industrial nations, the moral cachet America has garnered over the years is increasingly diminished by the continuation of the death penalty.

“Fact is, the death penalty is state-sponsored murder.

“If murder is a crime punishable by the government, why is not the capital punishment imposed by the state a crime against civility?”

GARY L. FLOWERS, EXECUTIVE DIRECTOR, BLACK LEADERSHIP FORUM, FROM HIS ARTICLE “FENCED IN FATHERS,” JUNE 23, 2009

“There is only one purpose of the death penalty — for society to wreak vengeance on the perpetrator. There’s never going to be closure. It doesn’t deter. Professional hit men are never caught. Most are crimes of passion with alcohol or drugs or mental disease involved. It’s a very, very expensive procedure. And the finality of the punishment is really final — if you find out you’ve made a mistake, you can’t rectify the mistake.

“There is no question in my mind at all that the death penalty has no place in a civilized society. We cannot, as human beings who are imperfect and in a system that is imperfect, try to come out with a perfect solution.”

RETIRED FLORIDA CHIEF JUSTICE GERALD KOGAN, THE FLORIDA CATHOLIC, JUNE 17, 2009

Books From the Death Penalty Library



Death Penalty Stories

*John H. Blume and Jordan M. Steiker, Editors
Foundation Press, 2009, New York, NY*

“Death Penalty Stories” is part of publisher Thompson Reuters’ series that aims to “tell the stories behind the leading cases in important areas of the law.” It features several of the most important death penalty cases tried in the United States since World War II. Included are the landmark *Furman v. Georgia*, which temporarily ended executions, and the notorious *Gilmore v. Utah*, which re-animated the machinery of death.

This book presents a lawyer’s-eye-view into a world where defendants’ lives and small victories against death sentences are often determined by the details in procedural fights. For example, the essay about *Simmons v. South Carolina* by David Bruck, illustrates how the balance between life and death can be tipped by deliberate and sometimes cynical tactics by certain prosecutors. Bruck describes, for instance, how some prosecutors take advantage of the fact that juries might impose death sentences because they believe the myth that “life sentences” result in parole after a few years, and that individuals convicted of murder would be back in their communities endangering their safety. In South Carolina, judges were not allowed to truthfully clarify this issue for juries. Ultimately, the U.S. Supreme Court ruled that judges must disclose what life without parole really means. “Where a defendant’s future dangerousness is at issue, and state law prohibits his release on parole, due process requires that the sentencing jury be informed that the defendant is parole ineligible,” read the ruling in part. “To the extent that this misunderstanding pervaded its deliberations, it had the effect of creating a false choice between sentencing him to death and sentencing [the defendant] to a limited period of incarceration.”

Readers will find this book highly informative and easy to follow and understand in its description of the inner workings of the capital punishment machine.

*When the Devil is
in the details.*

From “Seed” to “Fruit”: Sister Helen Prejean’s Role in Our Movement’s Embrace of Murder Victims’ Families’ Issues

On Saturday, March 31st, 1984 in Baton Rouge, Louisiana, a seed was planted that has grown as the movement to abolish the death penalty has evolved. It took place between two people on “opposite” sides of a death penalty case who encountered each other at the Louisiana Pardon Board. One person was Lloyd LeBlanc, the father of David LeBlanc. The other was Sister Helen Prejean, who had come to plead for the life of Elmo Patrick Sonnier who, along with his brother Eddie, had brutally killed David and his girlfriend Loretta Bourque.



Sister Helen Prejean

In her book “Dead Man Walking”, Sister Helen wrote, “As I step through the door I meet Lloyd LeBlanc and his wife, Eula. ...My heart is pounding. I fumble for words. ‘I’m so sorry about your son.’ I say. Leblanc says, ‘Sister, I’m a Catholic. How can you present Elmo Patrick Sonnier’s side like this without ever having come to visit with me or the Bourques to hear our side? How can you spend all your time worrying about Sonnier and not think that maybe we needed you too?’”

The idea that the families of the murder victims needed her surprised Sister Helen. She saw herself as standing between the government and an individual about to be killed. But the LeBlancs convinced her that the families of murder victims also needed her help, prayers and comfort. Similar sentiments were expressed to Sister Helen during her interactions with Vernon and Elizabeth Harvey, whose daughter was killed by another death row prisoner Sister Helen was trying to save.

Sister Helen learned that her mission to abolish capital punishment also had to involve reaching out to both the families of individuals on death row and to the families of murder victims. In a speech delivered a decade after she wrote “Dead Man Walking”, and some years after seeing Sonnier being executed, Sister Helen said, “I realized that very few people were ever going to be allowed to witness what I had witnessed, and from that moment, my mission was born. I had been a witness so I must tell the story; I must be the one to take people on the spiritual journey I had taken so they could be brought face to face with government killing. In taking people on this journey from vengeance to compassion, I am careful to bring them over to both sides of the issue: The suffering



The Hon. Renny Cushing, Bud Welch, and other members of Murder Victims’ Families for Human Rights in Connecticut in 2005



Bud Welch, a member of the NCADP Board of Directors who lost his daughter in the 1995 Oklahoma City federal building bombing.

of the victims’ families and their search for healing on one side and the suffering of the condemned and his or her family on the other.”

Over time, Sister Helen’s encounters with families of murder victims developed into lasting relationships. Vernon Harvey invited Sister Helen to attend a meeting of the organization Parents of Murdered Children where she heard heartbreaking stories that haunted her for years. She learned that many of the murder

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Vicki Schieber (seated at microphone), Chair of Murder Victims’ Families for Human Rights testifying before the New Jersey Assembly’s Law and Public Safety Committee in 2007 in support of the death penalty repeal measure which was signed into law that year. Standing behind Schieber are other murder victims’ family members, and Lorry Post (third from right) Executive Director of Murder Victims’ Families for Reconciliation.

Cover Story From Page 1

the street” in support of measures that truly support homicide victims’ families, and help them achieve what some are calling “a new normalcy.”

What does this mean in practical terms? It means that NCADP Affiliates around the country are called to take a broader approach to their work. It means that a campaign aimed at ending the death penalty must include a deeper understanding of the needs of victims’ families locally. It means reaching out to organizations that assist victims’ families and lending what support we can offer to help them achieve their goals. As was the case in New Jersey and New Mexico, our job is not finished until measures that support healing for victims are enacted into law. We will be building new alliances, covering tough ground and sometimes disagreeing – but with respect, and a greater understanding of the way in which our destinies on this issue are inextricably bound.

This is the new work model, the new paradigm. Focusing on the common but real problem of how to develop an adequate response to the tragedy of murder gives us the opportunity to engage victims’ families and law enforcement in a new way. Our common goal is the creation of a more effective criminal justice system which truly protects public safety, protects the innocent, is not discriminatory, is affordable, and gives solace to victims’ families.

This is a tall order for relatively small organizations around the country, making the case for systemic change, struggling to organize to oppose executions tainted with error and racial and economic bias. Undaunted, NCADP Affiliates around the country are taking up the challenge. The first step is recognizing the broader context in which we struggle to end the death penalty by

educating ourselves about the needs of all of the communities affected.

NCADP’s new Rachel’s Fund program is designed as a catalyst in this work. The program is named after Rachel King, a former Board chair of NCADP who died in 2008. Rachel’s work and scholarship is reflected in this new paradigm, as her life was devoted to working with and supporting murder victims’ family members, as well as the families of people on death row.

Rachel’s Fund encourages NCADP Affiliates to take the first small steps to expand the vision of their work by creating Rachel’s Fund Committees. These committees will work to build partnerships with local organizations which are meeting the needs of victims’ families, including those which have worked on abolition or criminal justice reform.

One of the concrete ways in which Rachel’s Fund helps Affiliates seeking to work in the new paradigm is through an online fundraising mechanism. The funds raised online will financially support Affiliates’ outreach efforts to family members of homicide victims. At no cost to Affiliates, NCADP is providing access to the FirstGiving online fundraising platform, promotional materials and other assistance in implementing the program.

There is an old saying, “The journey of a thousand miles begins with a single step.” This is true of our work through Rachel’s Fund. Together, all of us – abolitionists, murder victims’ family members, families of people on death row, and law enforcement – will travel toward a more fair, just and healthy system that ensures public safety and encourages communities to heal.

New Lifelines Editor Paul Ruffins

Beginning with this 100th edition of *Lifelines*, Paul Ruffins of Washington, D.C. is its new editor.

Ruffins, who has a long held interest in criminal justice and public safety issues and opposes the death penalty, has 15 years of District of Columbia and Madison Avenue advertising, journalism and publications management experience. He has helped labor, political and civil rights organizations produce creative publications and develop effective marketing and public relations strategies. His editing work has included the NAACP national magazine *Crisis*, the monthly newspaper of the International Union of Bricklayers and Allied Craftsmen, and the Congressional Black Caucus Foundation’s magazine *Point of View*. He was also the co-founder of an African American, Washington, D.C.-based newspaper, *Black Networking*

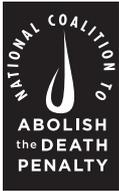
News. As a freelance writer, Ruffins has contributed to the *Washington City Paper*, the *Washington Post Book World*, and *Diverse Issues in Higher Education*.



Paul Ruffins

“Editing *Lifelines* is not a job but a vocation,” says Ruffins. “In addition to continuing *Lifelines*’ legacy as a source of information on developments in our movement, I plan to make the newsletter a vehicle for in-depth analysis of the many issues surrounding crime, violence and abolition.”

NCADP thanks Paul O’Shea, a member of its Board of Directors, for the skill and creativity he brought to *Lifelines* as its editor and writer for many years, and wishes him well as he follows his passion: Editing and writing articles for sports publications.



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BREAKING NEWS:

Supreme Court orders federal hearing on Troy Anthony Davis' innocence claim –
See www.ncadp.org for details

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Families *From Page 6*

victims' families felt that the criminal justice system treated them badly and seldom informed them of their rights.

Sister Helen's experiences led her to start a victims' assistance group called Survive, and to champion reforms that would provide victim restitution and create programs to help reduce violent crime. While developing the organization, she introduced its director to the Harveys, who gave the director assistance and advice.

Murder victims' family members have long been a part of the effort to repeal the death penalty through such organizations as Murder Victims' Families for Reconciliation, and Murder Victims' Families for Human Rights. What is newer is the wider abolition community's recognition that in our broader objective, we have to support policies that better serve and support everyone in their healing process, including those who may not share our moral opposition to the death penalty. The seed planted by Sister Helen has deepened this recognition.

Lifelines

Keeping Up Between the Lifelines

NCADP provides several ways to keep up with breaking news and action opportunities. Visit NCADP's web page for links to breaking news, commentary by Executive Director Diann Rust-Tierney and others on our blog and in the Huffington Post, and ways to weigh in with your own involvement.

Sign up with the NCADP cause on Facebook at <http://www.causes.com/ncadp>. Follow us on Twitter at <http://twitter.com/ncadp>.