

Death penalty opponents speak in Detroit

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23 March 1999

On March 18 speakers from the anti-death penalty organization "The Journey of Hope ... from Violence to Healing" addressed law students and others at Detroit's Wayne State University. The organization presented a unique perspective of those who have experienced the murder of a family member, but who strongly oppose the death penalty.

Among the speakers at the meeting was Sam Reese Sheppard, the son of Dr. Sam Sheppard who was falsely accused of the 1954 Cleveland, Ohio murder of his wife. The case, later described by the Supreme Court as a "mockery of justice," became the focus of the television show and movie *The Fugitive*.

The Journey of Hope, which advocates the abolition of state killings in the US, is preparing to tour the state of Tennessee. The April 11-25 event will begin with a Nashville concert featuring Steve Earle, Emmylou Harris, Jackson Browne and the Indigo Girls.

One of the reasons the organization came to Detroit was that death penalty legislation is currently under debate in the Michigan Senate. The state, a speaker pointed out, was one of the first English-speaking governments to abolish the death penalty and has not practiced it for 153 years.

The presentations at the meeting undermined the oft-repeated claims by politicians, prosecutors, judges and the news media that the death penalty eases the pain and suffering of murder victims' families. Significantly, the Detroit news media chose not to report the meeting.

Joanne Warwick, from the Michigan Coalition Against the Death Penalty, explained that right-wing State Senator David Jaye was seeking to put the death penalty on the ballot for the 2000 elections. Warwick said Jaye has sloughed off criticisms that the death penalty has killed innocent people by saying, "There are all sorts of casualties in a war."

Carol Duncanson's mother, a Detroit-area teacher, was murdered during a robbery in 1979. She explained that she was enraged by her death and "was so angry that I wanted to kill somebody. But the state of Michigan saved my life and my children's lives." She continued, "The death penalty does not bring closure to victims' family members. Quite the contrary, it keeps the wound open, so that it cannot heal. Your pain, anger and rage are validated and you feel you are doing the right thing. But you can't live your life like that. The death penalty destroys lives surely as murder does."

Duncanson explained that in her home state of California there were 510 inmates on death row. Although fourth graders in the state were reading near the bottom in recent comparisons with other states, she said politicians in the last election paid more attention to the death penalty issue than to how many encyclopedias there are in the public schools. "Instead of doing something about our homeless population, instead of helping to educate the youth, like my mother did, we are spending our resources on the death penalty."

Underscoring how those on California's death row were also the victims of society, Duncanson related the case of Manuel Babbitt, a mentally disabled Vietnam veteran, who is scheduled to die on May 4. Babbitt, she explained, grew up impoverished and with severe learning disabilities. In

Vietnam Babbitt was seriously wounded during the 77-day siege of Khe Sanh and was shipped out with the wounded and the dead. "The dead had tags tied on their feet," she said. "Years later when he killed a 79-year-old woman, he tied a tag on her foot."

The next speaker was Bill Pelke, a retired Bethlehem steelworker from Portage, Indiana, who is the president and co-founder of the Journey of Hope. Pelke explained his transformation from a supporter of the death penalty after his grandmother's murder in May 1985 to a vocal opponent of state killing.

Pelke's grandmother was murdered during an attempted robbery by four high school students, who were high on alcohol and marijuana. They stole \$10 to play at the video arcade and then stabbed the woman to death. The state of Indiana sentenced 15-year-old Paula Cooper to death for the crime.

Paula Cooper became the youngest female on death row in the US. "When she was sentenced with death that was fine with me," Pelke said. "I felt that if they didn't get a death penalty, in this case, then they were saying to me and my family, well your grandmother is not quite an important enough person to merit the death penalty."

Three and a half months later, Pelke said, he reflected upon his grandmother, her death and the trial. "When Paula Cooper was sentenced to death there was an old man out in the gallery who began to wail 'they are going to kill my baby, they are going to kill my baby.'" The judge ordered the bailiff to escort the man, who turned out to be Paula Cooper's grandfather, out of the courtroom. Pelke also recalled seeing the 15-year-old girl crying as she was sent off to death row.

That night, Pelke said, he concluded that his grandmother would not have wanted the girl's family to go through what his family had. "She wouldn't have wanted that grandfather to have suffered as his granddaughter was strapped into an electric chair.... I became convinced that my grandmother wanted me to have the same compassion as she did. I knew from then on that I did not want Paula Cooper to die."

Pelke related how the case had caused a furor in Europe, particularly in Italy. The state of Indiana became so embarrassed over the international publicity, he said, that legislators raised the age limit for executions. Previously, those as young as 10 years old who committed a crime could be sentenced to death. Legislators raised the age to 16, with the stipulation that Paula Cooper would still be held under the old law.

As part of his crusade against Cooper's execution Pelke traveled to Italy where he encouraged people to sign petitions to the governor of Indiana. "When I first went I heard 40,000 people had signed petitions," he said. "I was totally amazed because I felt like I was the only one in northwest Indiana that wanted this girl to live." By 1989 over 2 million people had signed petitions, and even the Pope sent the governor a message.

In the fall of 1989 a reporter contacted Pelke and told him that the Indiana Supreme Court had taken Paula Cooper off of death row and commuted her sentence to 60 years in prison. "I was very happy about that. I had already made a commitment that if Paula Cooper was to be executed, I would walk with her hand in hand to the death chamber." Pelke said he had regularly corresponded with the young girl but had been prevented from meeting her by a state law prohibiting contact between the

perpetrator of a violent crime and the victim's family members.

Pelke concluded by saying that the US was one of the few countries in the world that continues use of the death penalty. "Not only are we executing a person who may have committed a terrible crime but we are also punishing the family. That is barbaric. Everybody wants justice and I want justice, but you cannot have justice if you have no mercy. The death penalty allows for no mercy."

The next speaker, Marietta Jaeger, lost her seven-year-old daughter in a kidnapping-murder case. She began by noting that even the FBI admits that there is no deterrent value to the death penalty. In states executing people there is a higher rate of violent crime than in states that don't have the death penalty, she said. "It doesn't prevent people from committing crimes because the people who commit these kind of crimes are usually in a state of passion and not thinking rationally. Or they are under the influence of drugs or alcohol, or they are mentally challenged or mentally ill. The consequences of their actions do not impact on their decision to act."

Jaeger explained that Illinois has been forced to release many innocent people from death row. One man, Anthony Porter, was within hours of being executed. "Of course the prosecutor jumped up and said, 'See, this proves the system works.' But it wasn't the system that saved them. It was students like you whose professors assigned them these cases that made the difference in determining people's innocence. And to have one innocent person killed should be offensive to us in a moral, civilized society."

Jaeger explained that executions were disproportionately carried out against minorities, particularly if the victim was white. "The defendants are always poor," she said. "Sister Helen Prejean [author of *Dead Man Walking*] said 'capital punishment' means that those who don't have the capital get the punishment." Often court-appointed attorneys are inexperienced, underfunded and overworked. She related a death penalty case where an indifferent defense attorney slept through the court proceedings, but the judge ruled that the law only required that the lawyer be present, not awake.

Sam Reese Sheppard, the final speaker, explained the famous case involving his neurosurgeon father who was accused of the brutal murder of his pregnant wife in 1954. Sheppard explained how, as a seven-year-old child, he was awakened by a panicked adult. "I was led out of my bedroom in my pajamas. My vision was blocked by policemen as we passed the next bedroom and I was led down the stairs and out the back door. That's where the flashbulbs went off. At that point I knew my universe had just been turned upside down."

Sheppard explained that a coroner, who did not like the Sheppard family or the west side Cleveland hospital they founded, signed his mother's death certificate "death by domestic homicide." With this signature, Sheppard said, the coroner asserted that his father had killed his mother. For the rest of his life the coroner set out to protect that signature. "That happens today," Sheppard said. "These murders get a high profile and local officials are put under enormous pressure from the media and others to make snap decisions. From there on there is no turning back."

Sheppard added that the coroner had a close relationship with the editor of one of the city's daily newspapers, which was on the verge of bankruptcy. "That's where free enterprise comes in," he said. "Part of the equation about the death penalty is that it makes money for the media. It also makes political hay for those who can make the American public afraid, and when people are afraid, they don't think, and they go for the death penalty."

Sheppard explained that he was traumatized as a child when the state of Ohio sought the death penalty for his father. Sheppard asked the audience, "How many children are being crippled today who are related to the 3,500 people on death row? On the other side, how many family members of murder victims are being fed a steady diet of hatred and revenge, and are

being told that killing is the way to solve their problems? I submit that the death penalty is manufacturing dysfunctional people, the future people in the streets, alcoholics and drug addicts."

The death penalty, Sheppard said, is a hate issue that symbolizes everything that is wrong in American society today. His father, however, was "just not hate-able enough," Sheppard said. The prosecutors and the media "just couldn't get the jury juiced up enough to get the death penalty." Instead he was falsely convicted of second degree murder and sent to prison, where he spent the next 10 years.

A stronger legal defense and the release of the "The Fugitive" led to Sheppard's case being taken to the Supreme Court, which ruled that the case was a "mockery of justice" and ordered that the doctor be retried or released. "If you get behind bars in the US and you are innocent, if you don't have any money, it's over. If you have notoriety you have a shot," Sheppard said.

In the end Sheppard's father was exonerated. But soon thereafter in 1970, his life in ruin, the elder Sheppard died. "I went into seclusion for many years until this death penalty stuff began happening again in 1989. It made me physically ill, so I decided to take a chance about speaking out against the death penalty issue. At the same time I knew because of my past, because of the unsolved nature of the Sheppard case, the moment I set foot on a public platform that I would be a public figure again. Being a public figure in my family had killed people, my dad and my grandparents who committed suicide. That's another issue in the death penalty, the destruction of the family."

Urging the law students to oppose such state killings, Sheppard concluded by quoting the remarks of Bartolomeo Vanzetti made on behalf of Nicola Sacco and himself before being sentenced to death in 1927 in Massachusetts for a crime they did not commit. "If it had not been for this, I might have lived out my life talking at street corners to scolding men. I might have died unmarked, unknown, a failure.... This is our career and our triumph. Never in our full life can we do such work for tolerance, for justice, for men's understanding of man, as now we do by an accident. Our words, our lives, our pain--nothing! The taking of our lives--lives of a good shoemaker and a good fish peddler--all! The last moment belongs to us. That agony is our triumph."



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