

US: first New England execution in 45 years

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The state of Connecticut carried out the first execution in a New England state in 45 years early Friday morning. Michael Ross, 45, died by lethal injection at 2:25 a.m. following last-minute attempts by public defenders, death penalty opponents and members of his own family to spare his life. About 300 protesters gathered outside the Osborn Correctional Institution in Somers, Connecticut, as the lethal combination of drugs was administered.

Ross had confessed to multiple murders and rapes in Connecticut and New York in the early 1980s and was sentenced to death. Beginning last fall, he had expressed his desire to be executed, abandoning all remaining appeals. On Thursday, a New York federal appeals court and the US Supreme Court rejected a lawsuit brought on behalf of Ross's father that claimed the execution could result in "suicide contagion" among Connecticut inmates. Thirty-eight prisoners in the state have committed suicide since 1997.

Also on Thursday, the Connecticut Supreme Court rejected an appeal by Ross's sister, Donna Dunham, who claimed her brother was mentally incompetent to drop his appeals due to the harsh conditions on death row. Ross came within hours of death in January, but the execution was halted at the last moment when his lawyer, T.R. Paulding, asked for a new hearing to examine his client's mental competency. The motion was the result of pressure from a federal judge, who criticized Paulding for working to hasten his client's execution.

Connecticut legally authorizes capital punishment, although the last execution took place there in 1960. There are currently eight inmates on the state's death row. Anti-death penalty advocates fear that Ross's execution will open the way for the resumption of capital punishment in other New England states.

In Massachusetts, Mitt Romney, the Republican governor, filed a bill April 28 aimed at reinstating the death penalty. The last execution in the state took place in 1947, and the topic has been the subject of fierce debate since the state Supreme Judicial Court abolished it more than two decades ago in 1984.

Governor Romney has touted the bill as "a model for the nation" and the "gold standard" for capital punishment legislation. If approved, it would re-impose the death penalty for acts of terrorism resulting in death, killing sprees, killings of police and murders involving torture. The proposed legislation relies on the findings of a special commission on the death penalty, which issued recommendations last year for tougher legal "safeguards" on death sentences.

Romney is pushing for the death penalty in Massachusetts in conjunction with his drive to win the 2008 Republican presidential nomination. Although he has repeatedly denied any presidential

aspirations, he has appeared at numerous national events in recent months aimed precisely at positioning him for the job. Within top Republican circles, active advocacy of capital punishment is seen as a requirement for anyone looking to head up the party's ticket.

His proposed legislation is being promoted as a sort of "kinder, gentler" death penalty. It sets out a series of hurdles for sentencing a defendant to death, in an effort to weed out wrongful convictions. The bill calls for verifiable scientific evidence, such as DNA testing, before a death sentence can be handed down.

As a requirement for a jury deciding to sentence someone to death, the legal standard of guilt "beyond a reasonable doubt" would be replaced with "no doubt" of guilt. A pool of certified capital case lawyers would also be required to ensure proper representation for the defendant. In addition, jurors who may not support capital punishment would be allowed to serve in the guilt phase of the trial. Those on trial for crimes committed when they were younger than 18 years of age, as well as the mentally impaired, would be exempt.

This proposed design of a so-called "foolproof" approach to the death penalty, however, is not motivated by a desire to prevent innocent men and women from being executed. Rather, it is aimed at clearing the path to revving up the killing machine once again by quelling objections to inequities.

According to the Innocence Project, a non-profit legal resource center that works to exonerate the wrongfully convicted through DNA testing, as of May 11, 2005, 159 death row inmates have been exonerated nationwide. And in 2000, Illinois placed a moratorium on executions following the exposure of a series of wrongful capital convictions in that state.

The Massachusetts case of Laurence Adams has gained particular notoriety. He was convicted in 1974 and sentenced to die in the electric chair for the 1972 beating death of a transit worker. His sentence was commuted to life imprisonment when the Supreme Court invalidated the capital statute. Prosecutors dropped the murder charge 30 years after he was sentenced to die when it was discovered that Boston police had withheld evidence and a trial witness recanted her testimony. Adams was released in 2004, but almost certainly would have been executed if Massachusetts had a death penalty statute.

On the whole, Democratic legislators in Massachusetts opposing Governor Romney's bill do so not by rejecting the barbaric practice outright, but by questioning its infallibility, concerned that the "wrong" inmates could be executed. Typical were the comments of State Representative David Linsky, a former prosecutor in the Middlesex County district attorney's office, who said that "a lot of people could conceivably be put to death under

this bill who are innocent.”

Massachusetts Attorney General Thomas F. Reilly, considered one of Romney’s likely Democratic challengers in 2006, is himself a death penalty supporter. He has said he cannot back the proposed legislation, however, because the state’s crime labs, medical examiner’s office and police departments are underfunded and cannot provide the airtight conditions envisioned in the bill.

Romney’s crusade on the death penalty issue is of a piece with his nationwide campaign, in preparation for the 2008 presidential race, to publicize his right-wing credentials. Last February he addressed 350 Republicans at a Spartanburg County Presidents’ Day fundraiser in South Carolina, a key state for the Republican presidential primary.

In his remarks in Spartanburg, Romney condemned Massachusetts Democrats’ efforts to legalize cloning for stem cell research as well as the state’s Supreme Judicial Court ruling legalizing gay marriage. He also praised George W. Bush and former president Ronald Reagan for their battle against “worldwide tyranny” and higher taxes.

He also emphasized his religious convictions: “Americans are religious,” he stated, “from our Declaration of Independence to our currency itself, we recognize our creator.” At an earlier speech in Missouri, Romney singled out the issue of the cloning of human embryos as an affront to morality, declaring, “Science must respect the sanctity of human life.... The creation of life for destruction is simply wrong.”

In Romney’s opinion, apparently, this “sanctity of human life” does not extend to those who would be condemned to death if his bill is implemented. While supporters of the legislation are undoubtedly hopeful that Friday’s execution in Connecticut will give it a boost, its passage is by no means assured and is expected to face significant opposition in the state legislature.

Former Republican governors William Weld (1991-1997) and Paul Cellucci (1997-2001) both worked unsuccessfully to reimpose capital punishment in Massachusetts. The closest vote on the issue came in 1997, when a bill to reinstate the practice deadlocked on a tie vote in the state House.

Historically, there has been significant popular opposition to the death penalty in Massachusetts, and in the New England states overall. In the early to mid-nineteenth century, the death penalty abolitionist movement gained momentum in the Northeast region of the US.

The small state of Rhode Island was one of the first to abolish the death penalty, in 1852. Although it was reinstated in 1872 for murder committed by a life prisoner, this was eventually invalidated with the 1972 US Supreme Court ruling that effectively abolished capital punishment (until the high court reinstated it four years later). The last execution in Rhode Island was in 1845.

In Maine, the death penalty was abolished in 1887, in part in reaction to a public hanging, when the condemned man suffered in a poorly tied hangman’s noose. The most recent attempt to reintroduce the death penalty was rejected by wide margins in both the state House and Senate in May 1999.

New Hampshire is the only other New England state, aside from Connecticut, where capital punishment laws are currently on the

books. The death penalty was reinstated there in 1991, although there are no inmates currently on death row; the last execution took place in 1939. The most recent attempt to abolish the death penalty here was in 2000, passing both houses of the legislature, but vetoed by the former governor, Democrat Jeanne Shaheen.

There is currently no death penalty in Vermont, and the last execution took place in 1954, but the state is about to see its first capital trial in more than 40 years. The case is being brought by federal prosecutors against Donald Fell, 24, who is charged with a 2000 carjacking that ended in a gruesome beating death in New York State. Because the crime extended across state lines, the federal government has jurisdiction in the case.

The Federal Death Penalty Act of 1994, which was signed into law by Bill Clinton, added a number of circumstances for which the death penalty could be applied, including killing in the course of another serious offense, and non-homicide offenses, such as treason and espionage. Former Attorney General John Ashcroft pursued an aggressive policy on federal capital cases, and there are currently 37 federal death row inmates. In Fell’s case, Ashcroft rejected a plea bargain that would have spared his life.

The Justice Department prosecuted a federal death penalty case in 2003 in Massachusetts as well. Gary Sampson, who was charged in a two-state carjacking spree in 2001 that left three dead, was sentenced to death on December 23, 2003, and is currently on death row.

Recent polls in the US have shown both declining support for the death penalty and support for alternative legislation favoring life sentences without parole. The federal government’s intervention in these two cases—in states where the legislature and the public have repeatedly opposed attempts to revive capital punishment—represent an effort by the pro-death-penalty forces within the Bush administration and the Republican Party to beat back growing public disaffection with the practice.

These efforts have met little opposition from the Democratic Party, which has sought to ingratiate itself with the Republican right’s campaign for morality and a “culture of life.” In 1996, Massachusetts Democratic Senator John Kerry was on record opposing the death penalty in all cases. By 2002, as he was preparing his bid for the party’s presidential nomination, he changed his stand, supporting the death penalty for terrorists. “I support killing people who declare war on our country, just as I was prepared to kill people personally and collectively in Vietnam,” he declared.



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