

# California governor denies clemency—76-year-old dies by lethal injection

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California death row inmate Clarence Ray Allen was put to death just after midnight Tuesday at San Quentin State Prison. His execution by lethal injection went ahead after Republican Governor Arnold Schwarzenegger denied his clemency bid. He was the 14th person put to death in California since the death penalty was reinstated in 1977, and the second person to be executed in little more than a month.

On December 12, Schwarzenegger also denied clemency to death row inmate Stanley Tookie Williams, 51, a former gang member who had renounced his past and written several children's books warning against the perils of gang life. Williams' execution the following day provoked international protest and revulsion.

Clarence Allen's execution was a particularly gruesome act of state vengeance. The 76-year-old man who was brought to the San Quentin execution chamber and put to death by a lethal mix of three chemicals was legally blind, suffered from diabetes and used a wheelchair. He suffered a heart attack last September 2, and was revived by prison authorities. He was in such poor health that prison officials considered a scenario in which he might have to be medically resuscitated before his lethal injection.

Clarence Allen stood convicted of heinous crimes. He was found guilty of arranging the 1974 slaying of his son's girlfriend, Mary Sue Kitts. While incarcerated at Folsom State Prison for the murder, authorities say he organized the 1980 killings of three people who had testified against him in the Kitts trial. Allen had maintained his innocence.

California's state killing of Clarence Allen, however, was not motivated by efforts to protect society from the danger of any future criminal acts on his part. Daniel Vasquez, a former warden at San Quentin, visited Allen

two weeks ago and described him as "a pathetic sight: aged, downcast, dejected, isolated, oblivious to his surroundings, cuffed to his wheelchair, and utterly defeated."

Rather, as with Stanley Tookie Williams, California authorities were determined to proceed with the execution to demonstrate their commitment to the barbaric practice of capital punishment. State Attorney General Bill Lockyer commented, "The fact that [Clarence Ray Allen] now faces execution as a senior citizen is his responsibility."

Governor Schwarzenegger denied clemency in Allen's case last Friday, the fourth time in his tenure he has rejected a death row clemency appeal. He refused to hold a clemency hearing to listen to opposing arguments in his case, but chose instead to review the legal record and written arguments by the two sides. Allen's attorney Michael Satris commented, "Not to be personally heard adds to our concern about the fairness of their whole process. Where a person's life is at stake, there ought to be some minimum elements of due process."

As with the rejection of clemency for Williams, Schwarzenegger's decision was driven in large measure by crude political calculations. Still smarting from the overwhelming rejection by California voters for the right-wing ballot initiatives he put forward in last November's Special Election, he seized the opportunity to again put his stamp of approval on California's death penalty machine.

He was further moved to ingratiate himself with far-right elements in the California Republican Party who were infuriated by his decision—in the wake of the Special Election debacle—to appoint right-wing Democrat Susan Kennedy as his chief of staff in an effort to foster a new spirit of bipartisanship.

In the event, Schwarzenegger rejected Allen's clemency appeal. He dismissed the contention of Allen's attorneys that it would be "uncivilized" to execute someone so old and in such poor health. "My respect for the rule of law and review of the facts in this case lead to my decision to deny clemency," the governor said. "The depravity of Allen's crimes has not diminished with the years."

Schwarzenegger also set aside Allen's attorneys' arguments in his clemency petition that his ailments had been "compounded by, or in some instances precipitated by, the shockingly substandard medical care system at San Quentin" and that "San Quentin's indifferent treatment" of his medical problems "have accelerated his debilitation."

San Francisco attorney Annette P. Carnegie, one of Allen's appellate lawyers, commented that her client "has pointed to specific incidents, such as the arbitrary discontinuance of necessary heart medicine right before he suffered a massive heart attack this past September."

"The governor has chosen," Ms. Carnegie added, "not to give any consideration to the devastating impact that these unacceptable conditions have had on Mr. Allen, or to the reality of wheeling this elderly and infirm man who cannot walk or see into the death chamber to die by lethal injection."

Schwarzenegger's decision came on the heels of several failed legal efforts to stall or bar Allen's execution. In the past few weeks, the California Supreme Court and two federal district court judges rejected requests for stays. Late Sunday, a federal appeals court ruled that the death penalty in Allen's case would not constitute cruel and unusual punishment. Judge Kim Wardlaw of the Ninth Circuit said that Allen's lawyers had not proven a "societal aversion to executing the elderly."

Clarence Ray Allen was the oldest person to be executed in California since the reinstatement of the death penalty in 1977. He was also one of the oldest in the history of the nation. Mississippi sent 77-year-old John Nixon to his death on December 14, 2005, making him the oldest person executed in the US since 1941.

Legislation was recently introduced in the California State Legislature to consider a two-year moratorium on capital punishment in the state beginning next January. The bill would suspend capital punishment while a special commission examines whether the state's

criminal justice system wrongly convicts defendants in death penalty cases.

The bill is supported by Democrats and Republicans, and is being pushed by a group of 40 death penalty opponents and supporters, including police officers, current and former prosecutors and judges at the state and local level. It is not aimed at abolishing capital punishment in California, but at assuring "that the administration of criminal justice in this state is just, fair, and accurate."

At close to 650 inmates, California's death row population is the largest in the country. As of July 1, 2005, there were 3,415 prisoners on death row nationwide. Since the US Supreme Court reinstated the death penalty in 1976, 1005 condemned prisoners have been sent to their deaths.



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