

Volume 9, Issue 1
October 2009

ABOLITION NOW!

Kentucky Coalition to Abolish the Death Penalty

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(502) 636-1330 email: staff@kcadp.org website: www.kcadp.org

No Time to Sharpen the Executioner's Needle

Death row inmate Gregory Wilson has exhausted nearly every legal avenue available to keep him alive.

On death row at Eddyville since 1988 for the murder of Deborah Pooley, Wilson's final appeal was rejected by the U. S. Supreme Court in early October.

A week earlier the Associated Press reported that "A federal judge on Sept. 30 dismissed a lawsuit brought by Wilson challenging Kentucky's practice of giving a sedative to inmates on the day of execution. Wilson claimed the drug interfered with the three-drug cocktail used in lethal injections. A judge ruled Wilson raised the challenge too long after the protocol was adopted."

The Kenton County Commonwealth's Attorney told reporters that he has already started composing a letter to Attorney General Jack Conway urging his office to seek an execution date as soon as possible.

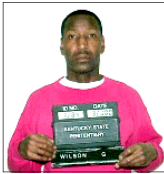
It is never the right time to start killing people. But starting now would be especially inappropriate for several reasons, including the fact that before the Kentucky Supreme Court is a challenge brought by three inmates to the way the state adopted its lethal injection protocol. Until the Court rules in this case, certainly Kentucky should not execute anyone using a protocol that may be declared illegal.

Even if the court decides Kentucky's protocol was properly adopted, consideration should be given to the following developments that suggest the need to re-examine whether or not the state's use of executions should continue.

The following timeline highlights the trend toward abolition and demonstrates the need for restraint in resuming killing in Kentucky.

In 1994, Supreme Court Justice Harry Blackmun (*Callins v. Callins*) wrote, "Twenty years have passed since this court declared that the death penalty must be imposed fairly and with reasonable consistency or not at all, and despite the effort of the states and courts to devise legal formulas and procedural rules to meet this...challenge, the death penalty remains fraught with arbitrariness, discrimination...and mistake."

Nine years later, 2003, Governor George Ryan declared a moratorium because prosecutorial misconduct resulted in the release of a number of innocent death row inmates. He com-



Gregory Wilson

mented the death sentences of 167 death row prisoners due to "the demon of error" in the death sentencing process.

The "demon of error" stole Cameron Todd Willingham's life in 2004 when Texas executed him for an arson-homicide that was actually an accidental fire and ensuing deaths.

Also in 2004 New York's Court of Appeals issued a ruling, upheld again in 2007, that its state law was unconstitutional. Since then, the legislature there has not seriously debated reinstating the death penalty.

Also in 2007 New Jersey abolished the death penalty, not by court order, but by legislation, citing moral reasons and the high costs associated with the practice.

Earlier this year, Gov. Bill Richardson, a death penalty supporter, signed legislation abolishing it in New Mexico. And during this 2-year period, Maryland, Montana, Colorado, Nebraska and New Hampshire have all debated its abolition.

Add to this trend the recent news about the Texas killing of an innocent man, Cameron Todd Willingham, and the account of the botched Ohio execution—some are calling it torture—of Romell Broom which has led Gov. Ted Strickland to put some executions on hold, and it is clear to reasonable citizens that Kentucky should not engage in this risky, costly, unneeded procedure.

Rep. Tom Burch has filed a bill to end its use and Kentucky lawmakers would do well to debate this and enact it during the next session, beginning January 5, 2010.

In the meantime now is the time to contact Gov. Steve Beshear and Attorney General Jack Conway and urge them to refrain from seeking death warrants for Gregory Wilson or any other Kentucky death row inmate. Here is contact information for both of them:

Governor Steve Beshear

700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601
(502) 564-2611, Fax: (502) 564-2517,
TDD: (502) 564-9551
<http://governor.ky.gov/contact/contact.htm>

The Honorable Jack Conway

700 Capitol Avenue, Suite 118
Frankfort, Kentucky 40601
(502) 696-5300
Attorney.General@ag.ky.gov

Save \$50: Register for NCADP Conference NOW: <http://www.ncadp.org/events.cfm?event=1003>

Next Big Step Campaign Off and Running

On this page a year ago, KCADP reported that its members had contributed and pledged nearly \$170,000 to take the abolition campaign in Kentucky to a new level. And it has. Your financial assistance is still needed to be sure we can continue to build on the activities described below.

Last January, KCADP hired Donald Vish, a highly respected attorney who was retiring from his firm and anxious to do something he has wanted to do for a long time, work to end the use of the death penalty in Kentucky.

Since January, Don has engaged students as interns from three Kentucky law schools to research questionable death penalty practices in Kentucky. Over the summer, another college intern worked under his supervision with Kaye Gallagher and Kate Miller (who works to end the death penalty for ACLU-KY) to focus on helping KCADP have greater access to college campuses. He has made numerous presentations to faith communities, attended the annual statewide meeting of the Methodist church, and spent considerable time helping to develop our new strategic plan. This plan will guide the work of KCADP for the next two to three years.

This strategic plan focuses on building our capacity, finding new members who will take action and contact their State Senators and Representatives. KCADP is seeking funding that would help us pay for an updated poll to see if the majority of Kentuckians still prefer that those convicted of capital murder be sentenced to prison, rather than killed. In 2006, 67% preferred prison over execution.

KCADP will also need funds to carry out other features of the strategic plan: traveling throughout the state to appear at various large events like the Kentucky State Fair, the Black Gold Festival in Hazard, the Chicken Festival in London and others. KCADP hopes to raise enough money to bring at least five persons freed from death rows to speak on college campuses, with members of faith communities, and others.

Plans are developing to train a highly motivated group of

volunteers to reach out to others in communities and organize them for abolition work. One person is willing to contribute time to do the training valued at more than \$5,000 as an in-kind donation.

"You have a great 1997 website," quipped Zach Everson, a volunteer found by Don. But, no longer. Zach's efforts produced a new, exciting website. He created a KCADP fan page on Facebook, has people following KCADP on Twitter, and set up a YouTube channel for new videos.

Don Vish is the new Director of Outreach, Education and Advocacy

These videos present the recorded statements of Kentuckians who oppose the death penalty. The average

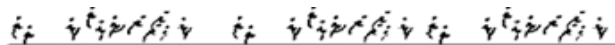
length is about three minutes and they feature family members of murder victims and death row inmates have made statements for the site.

In addition, you will find statements from a former volunteer chaplain who visited death row inmates, a former Commonwealth Attorney from Boyd County, college students, ordained ministers, several doctors and others.

These short statements are good discussion starters with groups of all kinds, even friends and families. KCADP invites you to use these whenever you can. KCADP hopes readers of this newsletter will also want to "testify" and record a statement. Contact us at staff@kcadp.org to arrange a time and place to do the recording.

We thank all who have contributed and honored their pledges to the Next Big Step Campaign. If you have not yet had an opportunity to help financially, please consider doing so now.

Your thoughtful financial gift helps us educate Kentucky's citizens about this risky, costly, unjust, broken system and invite them to join us in abolishing it.



JOURNEY OF HOPE

...From Violence to Healing

Paula Cooper bludgeoned Ruth Pelke to death and Bill Pelke supported executions. And then he changed.

Terri Steinberg's son, Justin Wolfe, ended up on Virginia's death row for hiring someone to kill a rival.

Shujaa Graham was framed in 1973 and convicted of killing a corrections officer. After a fourth trial, he was declared innocent and freed.

All three are bringing their stories of hope and transformation to Kentucky in November. Pelke — a founder of Journey Of Hope — underwent a spiritual transformation after visiting his grandmother's killer and fought to save her life. He succeeded. And now brings together others who have been directly touched by murder and its aftermath.

This Journey of Hope begins with an appearance on WFPL

radio's *State of Affairs* program, at 1 p.m. on Monday, Nov. 2. The trio will then travel to various college campuses: the University of Louisville's Elaine Chao Auditorium at 5:30pm on Mon., Nov. 2; Georgetown College (Georgetown KY) at 7pm on Tue., Nov. 3; Eastern Kentucky University (Richmond) at 3:30 to 5pm on Wed., Nov 4; Bellarmine University (Louisville) at 12 pm on Thu., Nov. 5; and Western Kentucky University (Bowling Green) at 7 pm EST/6pm CST, on Nov. 5.

We encourage you to come and bring a friend or two to hear these amazing stories. Not all family members want executions. Hear what it means to be innocent on death row. Learn about the effects of having a child on death row. Why not bring your State Senator and State Representative with you? And even your local prosecutors.

November 2-5, 2009

Save \$50: Register for NCADP Conference NOW: <http://www.ncadp.org/events.cfm?event=1003>

Help us Honor Kentucky Award Winners

One of the wonderful features of the annual National Coalition to Abolish the Death Penalty meeting is the Saturday evening Awards Dinner.

This exciting event provides an opportunity to celebrate with and honor a few of the many deserving persons who labor hard year-in and year-out to put an end to the deadly practice of capital punishment.

NCADP has fought for over 30 years to bring about the end of capital punishment in America and across the world. NCADP and our more than 100 affiliates throughout the nation work every day to build public and political support that will lead to abolition.

On the insert accompanying this newsletter is a list of the names of all those NCADP is honoring this year.

Your Kentucky Coalition to Abolish the Death Penalty is especially pleased that NCADP is awarding its Outstanding Legal Service Award to the Kentucky Department of Public Advocacy. The lawyers, paralegals, investigators, mitigation specialists, and support staff of this agency give a voice to Kentuckians who could not afford life-saving counsel without their help. Underfunded and overworked the men and women in this department are a primary reason that Kentucky has had only one involuntary execution since 1962.

NCADP is giving Special Recognition to Carl Wedekind, a member of the board of KCADP. After the Harold McQueen

execution in 1997, Carl, who had opposed the death penalty for years, began research on a book that became *The Second Grave*, an accounting of violence in Kentucky since its beginning and a history of Kentucky's death penalty use. This led to his development and implementation of the Abolition NOW Campaign which raised the profile of KCADP in the halls of Frankfort and throughout the state. This led to greater financial commitment from supporters, an increase in membership and the employment of our first full-time staff person.

Key to the success of our Awards Dinner is the support and sponsorship of allies and friends.

To submit an ad, please fill out the Dinner Program Advertisement Form which is found online at this link: <http://www.ncadp.org/assets/2010Conference/AwardsDinnerAdForm.pdf>

Ad copy must be e-mailed to chris@ncadp.org by Monday,

December 7, 2009. Press-ready PDFs are preferable, but JPGs and EPSs (with supporting fonts included) are also acceptable. Word and Publisher documents cannot be accepted.

Annually 300 people attend the conference and previous sponsors have appreciated the publicity they received.

KCADP hopes all our partners and friends will honor the Department of Public Advocacy and Carl Wedekind by placing an ad in this special dinner program

DINNER PROGRAM ADVERTISEMENT FEES

- OUTSIDE BACK - COVER FULL COLOR - \$2,500
- INSIDE FRONT - COVER FULL COLOR - \$2,000
- INSIDE BACK - COVER FULL COLOR - \$2,000
- FULL PAGE - BLACK & WHITE - \$1,000
- HALF PAGE - BLACK & WHITE - \$500
- QUARTER PAGE - BLACK & WHITE - \$250
- EIGHTH PAGE - BLACK & WHITE - \$100

Executions are expensive!

So is stopping them!!!

Please keep membership dues current.

Membership

- Individual: \$15/year Family \$25/year
- Limited Income.....\$5/year

Name _____

Address _____

City _____ Zip _____

Phone _____ Email _____

Add me to the email alert list _____

Mail Check or Money Order to:

KCADP, PO Box 3092, Louisville KY 40201

Please Consider a Generous Gift to The Next Big Step Campaign

- \$50 \$100 \$250 \$500 \$1000
- Other _____

KCADP welcomes the opportunity to set up payment plans for those who choose to donate monthly, quarterly, or semi-annually.

Contact us at staff@kcadp.org if you prefer to make a gift of stock and we will help arrange that for you.



Visit www.kcadp.org TODAY.
You can pay dues and make tax-deductible donations — including *monthly pledges* — using your credit card and PayPal.

Save \$50: Register for NCADP Conference NOW: <http://www.ncadp.org/events.cfm?event=1003>



Capital Update

Mental Health Advocates Pursue End of Death Penalty for Severely Mentally Ill

State Rep. David Floyd has prefiled legislation to end the death penalty for severely mentally ill persons. The primary co-sponsor of the bill is State Rep. Darryl Owens.

The Kentucky Mental Health Coalition the National Alliance on Mental Illness (NAMI)-KY have met with the sponsors to develop a strategy to pass the legislation.

Last October, the NAMI-KY Board adopted a motion to approve the organization's support for passage of legislation to end the use of the death penalty in cases where the defendant can show he or she was severely mentally ill *at the time the crime was committed*. A bill was introduced in the last session of the General Assembly, but because the session lasted only 30 days there was not time to gain passage.

The proposed bill would set up a pretrial procedure in Kentucky similar to what currently exists for a person diagnosed with mental retardation. There would be a hearing prior to trial to determine whether or not a defendant was severely mentally ill at the time of the charged offense. After a presentation of the facts by both the prosecution and the defense, a judge will issue a ruling.

If the court concludes that the evidence establishes that the defendant was severely mentally ill at the time of the charged offense as defined in Kentucky statute, then the defendant cannot be executed, but could be sentenced to spend the rest of his or her life in prison without parole.

The policy of executing severely mentally ill persons is a topic addressed nationally by several organizations. NAMI National, The American Bar Association, The American Psychiatric Association, and The American Psychological Association have all called for putting an end to the practice of executing defendants who are severely mentally ill at the time of the offense.

In October 2008, Murder Victims' Families for Human Rights (MVFHR), a national victims' rights group, and NAMI launched a national project opposing the death penalty for persons with severe mental illnesses at a press conference in San Antonio, Texas.

The initiative builds on recent U.S. Supreme Court decisions that raise questions about the capacity of individuals diagnosed with severe mental illnesses sentenced to death to understand why they are being executed or even that they will die.

Speakers at the press conference included both survivors who had family members murdered and persons who are family

members of severely mentally ill persons who committed a murder. In addition officials with the sponsoring organizations spoke.

Since then the two organizations have published an excellent booklet titled *Double Tragedies: Victims Speak Out Against the Death Penalty for People with Severe Mental Illness*.

The complete text of the booklet is available on the MVFHR website: <http://www.willsworld.com/%7Emvfhr/DoubleTragedies.pdf>.

In the introduction the author writes,

This report now gives public voice to this shared commitment [of addressing mental illness] by asserting that the death penalty is not only inappropriate and unwarranted for persons with severe mental illness but that it also serves as a distraction from problems within the mental health system that contributed or even led directly to tragic violence. Families of murder victims and families of people with mental illness who have committed murder have a cascade of questions and needs. It is to these questions, rather than to the death penalty, that as a society we must turn our attention and our collective energies if we are truly to address the problem of untreated mental illness and the lethal violence that can result.

KCADP applauds this effort and will support passage of this legislation in 2010.

Kentucky Coalition
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Website: www.kcadp.org

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If there is no date on your address label or a date prior to 09/30/2009, please take the time to renew your membership. See page 3 for membership form.

**REGISTER FOR ANNUAL CONFERENCE BEFORE NOVEMBER 23
SAVE \$50—SEE INSERT IN THIS NEWSLETTER FOR DETAILS**

Kentucky Coalition to Abolish the Death Penalty

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(502) 636-1330

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website: www.kcadp.org

TRAINING
FOR THE



LONG RUN
NCADP2010

January 14—17, 2010

Building Bridges to Wider Audiences

Get ready Kentucky. The National Coalition to Abolish the Death Penalty is coming to Louisville for its annual conference, Jan. 14–17, 2010.

Get ready to hear and meet Sr. Helen Prejean, author of *Dead Man Walking* and keynote speaker for the opening session on Friday, Jan 15.

Get ready to honor Tony Amsterdam, who convinced the U.S. Supreme Court to strike down the death penalty in the 1972 *Furman* decision.

Get ready to honor New Mexico abolitionists and Gov. Bill Richardson for ending the death penalty in New Mexico.

NCADP is honoring Carl Wedekind, author of two books on Kentucky's death penalty. He directed KCADP's

Abolition 2000 Campaign, and is a KCADP Board Member.

For its dedication to representing indigent defendants and for its vigorous defense of those facing death, NCADP is presenting Kentucky's Department of Public Advocacy its Outstanding Legal Service Award.

It all takes place at the newly renovated Seelbach Hilton Louisville Hotel, Kentucky's premier luxury hotel since its grand opening in 1905.

Today, this four-diamond hotel offers the atmosphere of a bygone era coupled with modern amenities and state-of-the-art technology.

Register online or use the form on the back. Do it before Nov. 23rd and save money.

ANNUAL AWARDS DINNER HONOREES

ABOLITIONIST OF THE YEAR AWARD

BILL RICHARDSON, NEW MEXICO GOVERNOR
GAIL CHASEY, NEW MEXICO REPRESENTATIVE

LIGHTING THE TORCH OF CONSCIENCE AWARD

NEW MEXICO COALITION
TO REPEAL THE DEATH PENALTY

NCADP'S LIFETIME ACHIEVEMENT AWARD

ANTHONY AMSTERDAM, NY UNIVERSITY PROF. OF LAW

OUTSTANDING LEGAL SERVICE AWARD

THE KENTUCKY DEPARTMENT OF PUBLIC ADVOCACY

SPECIAL RECOGNITION AWARD

CARL WEDEKIND
DIRECTOR OF KY'S ABOLITION NOW CAMPAIGN
BOARD MEMBER, KCADP

SHINING STAR OF ABOLITION AWARD

STEVE EARLE, SINGER-SONGWRITER

Conference Highlights

This year's theme, Training for the Long Run – Building Bridges to Wider Audiences, focuses on broadening our base of support for ending capital punishment. Renowned speakers will offer their insights to help us achieve success:

- Conference Keynote by Sister Helen Prejean, celebrated author and spiritual advisor;
- Building Bridges with Conservatives and Religious Communities plenary with Barry W. Lynn, Executive Director of Americans United for Separation of Church and State, and other esteemed guests;
- Race and the Death Penalty plenary with Dr. Charles J. Ogletree, Jr. (invited) and the staff of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School;
- Restorative Justice plenary with Professor Howard Zehr, Center for Justice & Peacebuilding, Eastern Mennonite University; and
- Dr. Allen Ault, Dean of the College of Justice and Safety at Eastern Kentucky University.

On Sunday morning the conference will close with a Praise and Healing Ceremony / Interfaith Prayer Service prepared by Louisville's Interfaith Paths to Peace Center.

Workshops will focus on three important areas: Membership and Development, Strategic Communication, and Fundraising and Development. Participants will have the opportunity to learn about new ways of organizing in the law enforcement community and with murder victim family members. Sessions will help participants build their state membership base, use new technology and the internet to tell our story effectively with video and YouTube postings. Successful fundraisers will share their secrets to success and help you reach your fundraising goals.

So, visit the NCADP website or use the form on the back to register early and save now. See you in January.

Register for NCADP Conference: <http://www.ncadp.org/events.cfm?event=1003>



Annual Conference Registration Form

The Seelbach Hilton Louisville ~ January 14 - 17, 2010

Name _____

Organization _____ Title _____

Address _____

City _____ State _____ Zip _____

Phone () _____ Fax () _____ E-mail _____

Vegetarian Meals Yes No Years Active on the Issue _____ Is this your 1st NCADP AC? Yes No

FEES

Full Registration *Full Registration allows entrance to all sessions, functions and meals, including the Awards Dinner.*

- Standard Attendance - \$175.00 \$225.00 after November 23, 2009
- Student or Senior Attendance - \$100.00 \$150.00 after November 23, 2009

One-day Registration *One-day registration allows entrance to all sessions and functions on Friday or on Saturday. Tickets to the Awards Dinner tickets must be purchased separately.*

- Standard Attendance - \$100.00 \$150.00 after November 23, 2009
- Student Registration - \$75.00 \$100.00 after November 23, 2009

January 16th Awards Dinner *Awards Dinner tickets are included as part of the full conference registration fee. Additional tickets are available for those who have one-day registration, allies and for guests of attendees.*

- Kentucky Allies Special Award Dinner Ticket - \$75.00 Quantity: _____
- Kentucky Allies Special Award Dinner and VIP Reception Ticket - \$100.00 Quantity: _____

PAYMENT METHOD

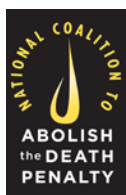
Total Due: \$ _____

- Our check payable to National Coalition to Abolish the Death Penalty is enclosed. Charge our credit card

Credit Card Number _____ Expiration Date _____

Name on Card _____ Signature _____

Registration and payment are due no later than January 5, 2010 to the address below. Registration cancellations and refund requests must be received at the NCADP office in writing no later than Monday, December 28, 2009. Cancellations and refunds are subject to a \$50 administrative charge. After December 28, 2009, there will be no refunds.



NATIONAL COALITION TO ABOLISH THE DEATH PENALTY 1705 DeSales Street, NW, Fifth Floor, Washington, DC 20036
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