

UNITED STATES OF AMERICA

Speaking out: voices against death

Introduction

Amnesty International believes that executions are an affront to human dignity: the ultimate form of cruel, inhuman and degrading treatment. Furthermore, they are brutalizing to all those who take part in them and to the society in which they take place. In short, they are a symptom of violence, not a route to its prevention (the death penalty has never been shown to be a greater deterrent to violent crime than other punishments).

The impact of the death penalty is felt profoundly by the members of all societies that employ state sanctioned killings, whether they are for or against it. Many proponents of the death penalty in the USA cite the “rights” of the victims’ families to retribution in justifying the death penalty. Amnesty International has the utmost sympathy for the victims of violent crime and their families. However, their understandable anger at the perpetrators of such acts cannot be used to justify the violation of the human rights of those convicted of violent crimes. Nor do the families of victims of violence speak with one voice. A growing number of them argue that the death penalty does not help them come to terms with their personal tragedies, but that it in fact creates more victims, simply perpetuating the cycle of violence.

In recent years the organization Murder Victims Families for Reconciliation¹ (MVFR) has become prominent in organizing the family members of homicide victims to speak out against the death penalty. Marie Deans, a founder members of MVFR, states:

“After a murder, victims’ families face two things: a death and a crime. At these times, families need help to cope with their grief and loss, and support to heal their hearts and rebuild their lives. From experience, we know that revenge is not the

¹Mission statement: “MVFR is a national organization of family members of victims of both homicide and state killings who oppose the death penalty in all cases. Our mission is to abolish the death penalty. We advocate for programs and policies that reduce the rate of homicide and promote crime prevention and alternatives to violence. We support programs that address the needs of victims of violence, enabling them to rebuild their lives.”

answer. The answer lies in reducing violence, not causing more death. The answer lies in supporting those who grieve for their lost loved ones, not creating more grieving families. It is time we break the cycle of violence. To those who say society must take a life for a life, we say “not in our name.”

Those who justify executions citing the “rights” of the victims’ families as justification, rarely address the suffering caused to others by executions. The trauma to prison officials and guards involved in executions, the emotional pain suffered by the family and loved ones of the execution victim, the defense lawyers who may feel that they have somehow “let down” their executed client and the numerous other people brutalized by executions are simply ignored by political leaders espousing the “advantages” of executions to the electorate.

The personal testimonies below illustrate the impact the use of the death penalty has upon those affected by executions.

Witness to an Execution.

Rick Halperin.

Rick Halperin has been active against the death penalty in Texas since 1967. In 1998, death row inmate Frank McFarland requested Rick to witness his execution at the hands of the state. Below is Rick’s account.

Twenty-four year old Frank McFarland was sentenced to death for the 1988 murder of Terri Lynn Hokanson. From a large family in the Dallas area, he had written to me for 2 years - during all that time he steadfastly maintained his innocence. It began to look as though Frank's 29 April 1998 execution date would go ahead, so he requested a meeting with me and his sister Dawn. He was, at that time, waiting for news on whether or not he would be granted an evidentiary hearing which might cast serious doubts upon his conviction. He was not though, overly optimistic about getting the hearing. Instead, he focused upon getting his affairs in order and planning for his execution and the things he wanted done afterwards.

Frank said numerous times during that conversation that he was ready for death, that it would be a release from the psychological and physical torture he had endured for 10 years under the harsh regime of death row. He said that he would not ask for clemency on his own behalf or make an apology for a crime he did not commit. Then he asked me if I would be willing to witness his execution. I was initially startled by his request, but I eventually agreed to sit with his mother and his spiritual advisor.

On 28 April, Dawn telephoned to inform me that the courts had rejected

Frank's request for an evidentiary hearing, and that it now appeared certain that his execution would proceed the following day. I finalized my travel plans as the witnesses to the execution had to be in Huntsville for a meeting with the prison chaplain at 3pm. We met in a motel that was only a few blocks from where the execution would be carried out. I met Frank's mother, Diana and his spiritual advisor, Camille. The male chaplain discussed what was going to occur prior to, during and after Frank's execution. He asked Diana several times if she was emotionally ready to see her son die, and her answer was always "yes."

Frank's mother told me several times that she was very bitter. She was angry that the judicial process had led to this conclusion for her son and her family. She said she knew her son was innocent, and that their lack of financial resources had helped lead to his demise through the ineffectiveness of the lawyer appointed by the court to defend him at his original trial. Diana was also very bitter at her church. She said that "for ten years, we have been treated like lepers. What kind of Christians are these people?"

At approximately 4:15 PM, we drove from the motel to the prison, where we were escorted into a large waiting room where other members of Frank's family were already present. They were speaking about the morning's final visit with Frank, and were telling stories about him and the family as they remembered aspects of his life. Meanwhile Frank had requested, and been granted, the chance to listen to Scottish bagpipe music on a tape in his holding cell prior to his journey to the death chamber.

At about 5pm, three male and one female prison guards, came and escorted the three witnesses to separate rooms to be searched. At 5:15, we were led back into the large room, but were told we could have no contact, either physical or verbal, with any of the other family members. We went to one end of the room and a prison staff member came over to us and told us he would be escorting us to another part of the building prior to the execution. We then waited until almost 5:50 PM, sitting in silence by ourselves, when three guards came into the room and one of them said: "Will the three witnesses please come with us". Frank's mom hugged Theresa and Dawn, and we then left the room, and were escorted into a different wing of the building.

In another room there were six prison staff members, two guards, and a reporter from the Associated Press. No one looked at or spoke to any of us. Frank's mom was very quiet and pensive. A man came into the room and told us it was time and to follow him. We walked outside and around a corner. It was still sunny and warm. We walked past a tall fence with a triple row of razor wire on top, and two guards stood outside the room we were about to enter. We were led into the viewing

room. My first impression was that it was quite small for everyone: there were the three witnesses, five newspaper reporters, the male chaplain, and four prison staff.

The witnesses walked up to the window and looked into the death chamber. Frank was strapped to the gurney, with his head turned to his right, looking at us as we entered the viewing room. There were no victims' family members present. Frank had an individual restraint around each ankle and a large leather strap around his shins, another over his thighs, another over his waist and one last one over his chest. But he managed to give us a brief smile as we came in. He also had ace [elasticated] bandages across both his hands, but no one could explain why.

The death chamber itself was very small. Frank had a needle inserted into each forearm, and the connecting tubing was plainly visible. He had a towel folded under his head which acted as a pillow. The male chaplain stood at the foot of the gurney. He never once looked at Frank or anyone in the viewing room. The prison warden stood at the head of the gurney as a large microphone was lowered from the ceiling and came to rest only a few inches from Frank's mouth. Frank closed his eyes, and turned his head away from the viewing room so that he could speak directly into the microphone.

In his final statement Frank repeated his claim of innocence, stating that "I owe no apology for a crime I did not commit. Those who lied and fabricated evidence against me will have to answer for what they have done. I call upon the spirits of my ancestors, the land, the sea, the skies, to clear a path for me, and I swear to them and now, I am coming home." His mother began to cry. The medical technicians started the lethal injection and both rooms fell totally silent. I could see Frank's chest move up and down a few times. Within moments he appeared to be in a deep sleep, and then, suddenly, he let out a long exhalation, making a coughing/gurgling noise. His chest stopped moving and he lay perfectly still on the gurney.² The warden and the chaplain just stared at the floor. This scene remained frozen in time, as about four minutes passed. Still, no one in either room said a word.

Finally, Frank's mother said, still staring through the window at her now-dead son, "he looks so peaceful. He's in a better place." A medical technician entered the

²While Frank McFarland appeared to die peacefully, Amnesty International has documented numerous "botched" executions involving lethal injection. For example, Scott Carpenter was executed in Oklahoma on 18 May 1997. Two minutes after the injection was administered Carpenter started making noises; his stomach and chest had "palpitations", and his body suffered 26 convulsions, many of them violent. He was officially declared dead 11 minutes later. For further information see *Lethal Injection: the Medical Technology of Execution*, AI index AMR 51/01/98.

death chamber. He took out a little pocket penlight and opened both of Frank's eyes, shining it directly into each of them. Then he put his hand on Frank's carotid artery, feeling for a pulse. Finally, he put his stethoscope on Frank's heart, and bent over his body listening closely for a heartbeat. The technician then stood up straight, leaned toward the microphone, and announced "death is at 6:27." Then the warden looked into the viewing room and repeated the technician's words, "death is at 6:27 pm."

A prison staff member behind us asked if we'd follow him. We then retraced our steps and no one said a word. The waiting room was very quiet but as soon as we entered, some folks began to cry. Dawn was off to one side of the room by herself. She broke down sobbing and Frank's mother went to her, but said to everyone in a strong voice, that "Frank did not suffer. He went in peace. Give thanks for that". A prison staff officer appeared and informed the group that reporters wanted to know if the family had a statement. Diana had stated before the execution that she would only be willing to speak with the reporter from the Associated Press.

The reporter entered the room and gave his condolences to Mrs. McFarland. She read him a prepared statement, part of which said that Frank "paid a high price for a debt he did not owe. Frank is at peace, and the family will become stronger." She spoke with him for about 10 minutes then rejoined her family in their grieving. We walked outside where it was still warm and sunny. We all hugged and got into our respective vehicles to head to our own destinations. For me, it was a sombre drive back to Dallas. I saw the entire process over and over again in my mind.

Later that evening I saw a news report in which the US Supreme Court berated the 9th Circuit Court of Appeals for delaying executions, reading a quote that said: "The 9th Circuit Court of Appeals had cheated the victims of crime by delaying executions." Justice Anthony Kennedy was quoted as saying: "At some point, the state must be allowed to exercise its sovereign power to punish offenders. Only with real finality can the victims of crime move forward knowing the moral judgment will be carried out." Having just witnessed this moral judgement I felt more determined than ever to continue to fight it.

Waiting for my Son to Die.

Lois Robison.

Lois and Ken Robison have campaigned tirelessly for the life of their son Larry, and against the death penalty, since he was sentenced to death in 1985. Below Lois tells of the events that led to Larry's crime, and of their fight to save their son's life.

We're just an average family except that we have a son on death row. Larry was the kind of little boy that every mother would want to have, a good student, he was a boy scout and was a really good little boy until he became ill. In his teens he began to have problems and we took him to the Family and Children Service to see if they could help but they didn't diagnose what was wrong with Larry. Later, as things got worse, we took him to Kansas University Medical Center Psychiatric Department. There he saw a psychiatrist for a over year.

Later, Larry joined the air force and was in Europe when suddenly they sent him home with an honorable discharge a year after he enrolled. We knew Larry was having problems, but we didn't know how severe they were until he was 21. He called and begged us for help, he was imagining all kinds of things, he thought he was flying out of his body over the boulevard. He thought he was exploding things with his mind, that people had been killed because he had exploded the gas tank in their car with the power that came out of his head.

We went and picked him up and took him to the local hospital emergency room and the doctor came out and told us that Larry was a paranoid schizophrenic. The next day our family doctor called in a psychiatrist and he examined Larry and told us that Larry was a classic paranoid schizophrenic and that he needed long-term treatment and then they asked who our medical insurance was with. Unfortunately, my insurance didn't cover Larry because he had just turned 21 and he didn't have his own. When they discovered no one could pay them they became quite anxious to get him out of the hospital and they started trying to figure out where to send him. They finally decided that we should take him to the county hospital, so we did.

We were asked by all the doctors, has Larry ever been violent? And our answer was no he's never been violent. So they told us they couldn't commit him unless he was violent, the longest they could keep him was 30 days. We were repeatedly told not to take him home but they were going to discharge him. He had no money, no job, he had no place to live, no car. He had no one but us. I said to them "You can't just put him out on the street", and I was told "You'd be surprised, we do it every day."

I begged and pleaded and finally they arranged to take him to another hospital. We had to get him to voluntarily sign himself in which is no small feat - as a schizophrenic he believed everything was a conspiracy against him. They kept him less than 30 days: "We can't keep him more than 30 days because he's not violent, if he gets violent we'll commit him". They said take him to the local mental health and retardation center and he would get outpatient treatment there. That process took about six weeks and by that time Larry had disappeared, left home and had been picked up and was in jail in the next town. We left him in jail for six months because he was safer in jail than he was on the streets.

I finally found somebody who would listen and help us and he got Larry out of jail and into a halfway house [a supervised center between prison and the free world]. Unfortunately he didn't understand about Larry's mental illness either, so he was there for

awhile and we thought he was doing better until quite suddenly we heard on the radio that a Larry Keith Robinson had been extradited from Kansas for murder.

The first time Larry was violent was when he killed five people. We were absolutely horrified, but we thought he would be sent to a mental hospital for the rest of his life. We were badly mistaken. They put Larry in the county jail; they didn't give him any treatment - he attempted suicide twice and they took him to the hospital and saved his life both times, and a year later they tried him. Even though the doctor who had treated him in the county hospital testified that Larry was a classic example of a paranoid schizophrenic. The DA [District Attorney] said that he wasn't.

The verdict came down and Larry was found guilty and was sentenced to death. Larry had begged us for help and we had begged everybody in Texas that we knew to talk to and nobody would help us. The people in this country don't know what's really happening, and they need to know, because if Larry had got treatment that we begged for years, five people would be alive today and Larry wouldn't be on death row.

Larry's done very well while on death row. He was very ill when he first went there and he said he was still hearing the voices. After awhile he still heard them but he knew they weren't real and now he says he doesn't hear the voices anymore. He seems to have gone into remission which is very common with about a third of schizophrenics who spontaneously recover over time and Larry seems to have done that; he seems to be very lucid now, he's writing a book about his life and he is also writing one about prison systems that really work. He helped to start an organisation called the Endeavour Project which the death row inmates organised themselves. Later he helped start a group called Lamp of Hope³.

A couple of years ago we took his little girl to see him. It was the first time. He hadn't seen her since she was a year old. That's the happiest I saw Larry in his life. Her mother had told her that all these years daddy was in an institution and that he was ill. She had shown her Larry's picture and so she knew who he was. When she was 14 she decided it was time that she knew what institution Larry was in. She went to see him and it was a really marvelous reunion. It's very difficult for his wife because she still loves him and it's been a lot of years but she told me no one has ever been as good to her as Larry.

UPDATE: Larry Robinson's scheduled execution on 17 August 1999 was stayed by the Texas Court of Criminal Appeals a few hours before he was to die.

Flawed Justice; Surviving Death Row.

Sunny Jacobs.

Sunny Jacobs was convicted and sentenced, along with her husband Jesse Tafero, to death in Florida in 1976. After 17 years' she was released. Jesse Tafero was not as fortunate. Although he was convicted on almost identical evidence, he was executed in 1990.

³ The Lamp of Hope Project aims to educate citizens about alternatives to the death penalty, and offers support to murder victims' families "by promoting healing and reconciliation", and to families of prisoners.

I was in a car driven by Walter Rhodes with my children and my husband Jesse on the way to Fort Lauderdale. I knew Walter had recently been released from prison for committing armed robbery, but I was desperate and it was the only way we could afford to leave Miami. It was 20 February 1976 and I had finally convinced Jesse to try and escape the life of drugs and petty crime he had become accustomed to.

We parked for a while so Walter could rest. A state trooper appeared out of nowhere, he opened the driver's door and picked a gun from between Walter's feet. I was surprised because I had no idea there was a gun in the car. The officer ordered Walter and Jesse to get out, then a second trooper spread Jesse across the hood. I saw Walter walk around to the back. Suddenly I heard shots and immediately threw myself on top of the children to protect them. When the shooting stopped I looked up and saw that Jesse was unhurt and definitely unarmed. I saw Walter with a second gun in his hand. He shouted to Jesse for them to go, to take the police car. Jesse told me that we had to. He was really afraid that if we didn't Walter would kill us because we were witnesses. A chase followed which ended with Walter being shot in the leg and all three of us being arrested and charged with the murders.

The case attracted a lot of media attention as this was the first time in Broward County that two police officers had been killed in the same incident. We were all tried separately but Jesse's trial was about four months before mine. When I heard he had been sentenced to death I couldn't believe it. I found out that Walter had been offered a plea bargain if he would testify against Jesse and I. Prior to that moment, I hadn't taken it seriously because I was sure that when the case went to trial the truth would come out.

When you are on trial for murder, it is so overwhelming that it is hard to follow the legal language and the procedures are impossible to understand. Two police officers who questioned me following my arrest testified that I had confessed to playing a part in the killings but this was untrue. Tapes were produced from that day's interview, showing that I strongly denied playing any part in the killings. There was also eye witness testimony that Walter was the only person in a position to shoot the officers but this was ruled inadmissible as another eye witness, whose view was obstructed, contradicted that evidence.

In the second week of my trial a "jail house" witness was produced. I was confused because although I recognised her face from the jail, I had never actually spoken to her. Then she told the court that I had told her that I took part in the murder, that I enjoyed it and that I would do it again. This also was untrue. At the end

of the prosecution's submissions my attorney advised me that there was no need to put up a defence because they had no case. The confession evidence was unreliable and Walter was the only one with evidence on his hands of having fired a gun, so I agreed. Then the jury found me guilty.

During the sentencing stage of the trial, my lawyer made no submissions. When the death sentence was announced, I looked up at the judge as he told the courtroom exactly how I would be killed. He said that they would send 2000 volts of electricity through my body until I was pronounced dead. Then he asked me if I had anything to say. I said "no", I just wanted to leave. The press later asked why I had not pleaded for my life. I replied that I was not asking for mercy, I didn't feel I needed mercy, I just needed justice.

I was on death row for five years, until my sentence was reduced to life imprisonment. As I was the only woman on death row I was placed in a small cell on my own and I just paced the floor for the first few months. Then I realised that unless I focussed my attention on proving my innocence I would burn out. Throughout those five years Walter Rhodes confessed to the murder at least five times and he even swore an affidavit. However on each occasion he recanted the truth and returned to his original trial testimony. Each retraction followed a visit by the original prosecutor or one of his staff.

It took 11 years to find the 'jail house' witness. When she heard that I was still in prison she immediately rewrote her statement in which she stated that the prosecutor had visited her in jail and had coerced her, by telling her things could go very badly for her if she didn't give false testimony against me. A federal hearing was organized but in the end the court said that it was just her word against the prosecutor and as she had a criminal record it was no contest. Even though they believed that she had lied, we couldn't prove that he actually knew she was lying. Therefore it was regarded as a harmless error and my conviction was unaffected. There was also hidden evidence which was not discovered until long after our convictions, including a polygraph test in which Walter admitted acting alone and an affidavit by a prison guard who overheard Walter confess. I think to hide evidence like this in a capital case is murder.

Jesse's execution was scheduled for 4 May 1990 at 7.00 am. I remember our last phone call. It was about 4 hours before the execution and lasted 10 minutes. All we could do was say that we loved each other over and over. I went to the prison chapel and waited for 7.00 am. The time came and went and I felt nothing. Although I hadn't seen Jesse for the last 15 years, we had written to each other every day and I felt we had become even closer on some levels. I asked the Chaplain if I could just stand and pray quietly. Finally, after endless moments seemed to go by, I felt a wave

of emotion go through me and I began to cry. I knew Jesse was dead.

I later discovered that the execution had been terribly botched. A fellow inmate told me so that I didn't have to hear about it on the television. Jesse didn't die at the time they said, it actually took seven minutes. For seven minutes jolt after jolt of electricity went through him, his head finally catching fire. I avoided all news reports after that.

When the killings took place in 1976 my daughter was 10 months old and my son was 9 years old. The incident and what followed destroyed their childhood and they are still damaged. I think this is more evident in my son as he was older. He was there and knows the truth but he still can't understand how this could have been allowed to happen.

October 9 1992, the day I was released, I walked out of the courthouse and didn't know what to do. I began to run, faster and faster, I was so happy to be free. This day will always be my second birthday, it was the day I was reborn, but most importantly I got to see my children and grandchildren. I'm often asked if I'm bitter, I admit I was angry at first but I had 17 years to deal with that. Now I can answer "no", that would be a waste of my time, I've lost too much time. I'm too busy being a happy free individual.

Waiting for Death.

From the Diary of Sean Sellers.

Sean Sellers was executed by the state of Oklahoma on 4 February 1999 after spending over 12 years on death row. He was convicted and sentenced for a murder committed when he was aged 16 years. Sean Sellers was the first person executed in the USA since 1959, for a crime committed as a 16-year-old. Only six countries are known to have executed juvenile offenders in the 1990s: Iran, Nigeria, Pakistan, Saudi Arabia, Yemen and the USA.⁴ Below are extracts from the diary kept by Sean in the months and days leading up to his execution.

Sunday, December 13 1998.

You must believe strongly in what you do. You must hold on to the belief that what you are doing is immensely important and that you matter greatly in the world. You must cling to that and fiercely defend it in your heart through failure, and darkness, storm and opposition, against apathy and doubt. You must believe that your days are spent doing something well WORTH the doing, and do it with all your might. Let that slip, let it falter from your grasp for even a moment and the reason for enduring the daily pains of breathing slips away with it.

⁴For more information please see *On the Wrong Side of History: Children and the Death Penalty in the USA* (AI index AMR 51/58/98) and *Killing Hope: the imminent execution of Sean Sellers* (AI index AMR 51/108/98).

Monday, December 28

I don't know how to feel tonight because my heart feels like it's been put in a vice. I never intended people to argue and fight over my being alive. I'm caught in a tug of war that's tearing me apart inside. On the one side are the people I hurt. Some of the things Steve [his lawyer] read me today made me think my death could be the best thing that could happen. People are waiting and even praying for it. Maybe the only way to stop their hatred and heal their hurt is to die. Maybe it is a mistake for me to want to live, to try to make up for my crimes. But on the other side are the people fighting for me. I got a letter from a friend of mine last week who said I'm the only person in her life who has ever taken the time to make her search deep enough to uncover her emotional wounds so they can be healed. She's not there yet. I'm not finished. How can I give up now?

Tuesday, December 29

I didn't want to get out of bed this morning. I didn't know how to get up and face this day after yesterday. All that stuff about the website, and people eager for my death was hard to take. When a District Attorney says you should die, that's no big deal. That's his job. He's going to say that no matter what, even if he doesn't personally believe it, or really know who you are. But when someone you've hurt says, "I can't wait to see you die," it's different. They're not speaking out of duty, they have a personal, vested reason for their desire. They want revenge. They speak from the fire of their pain and anger, and I CAUSED that. I have a responsibility to them and to that pain.

Sorry does NOT restore what is lost and broken. My dad used to say, "Sorry doesn't fix anything." That's a big part of why I have tried to do *more* than say I'm sorry. How do you make up for murder? When I began asking myself that question, over and over again, the answer came thundering back at me: YOU DON'T! YOU CAN'T! My next question became, "Then do I not even *try*?" I couldn't do that. I had to do something. That's what I've been doing for years now. Trying. Doing *something*. I've dedicated my life to doing *more* than just saying I'm sorry.

Thursday, December 31

But coming out of the Infirmary I looked at the sky, it made me catch my breath. Driving back I had a perfect view of the first sunset I have seen in 13 years. The baby blue sky blended into pink and purple toward the horizon, and the only clouds were a patched striation over the sinking sun. The walls and the towers crossed in front of it as we drove and became dark silhouettes. It made even the prison look beautiful. Then as the car was parked, I got out and turned around and there was the moon across the opposite horizon! It was nearly full, just materializing through the darkening sky. I thought I was going to die without ever seeing another sunset.

Thursday, January 7 1999

Think of your stereotype of a death row inmate. Picture it in your mind. Focus it. Add in all the images from every movie you've ever seen. Let it form until it's hard and

cold. Then read on and see if this fits into that image.

I talked to Robert and Steve today. Robert was a witness to John Castro's execution. John's last statement, the last words he spoke teetering on the edge of the Great Abyss, after he apologized to the family of his victims, were these. He had wanted to have his son at the execution, but the Warden could not allow a 16 year old boy to witness such a thing. Why then, John asked the media gathered to watch him die, do they find it all right to execute someone who committed a crime as a juvenile at 16? As he lay dying, John Castro reached out and spoke for *me*. His last words were spoken on *my* behalf. Had I never known humility, had I never been stopped dead in my tracks and stunned to silence before, I could not say so now.

Sunday, January 17

I just finished watching "Dead Man Walking." Whoa. Well. . . it was very different from what I thought it would be. I thought Sister Helen Prejean knew Matthew for years. I thought she had sort of redeemed and changed him, but I watched it and was honestly surprised that it had created such a stir over the death penalty. I felt no sympathy for this man who repents half heartedly 20 minutes before his execution, more out of fear than sorrow.

Thursday January 28

Yesterday the one thing I feared the most for the Clemency Hearing, happened. I went in there, showed them part of my soul, begged for my life, and they spit on me. With the whole world watching, I humiliated myself and they just spit on me. When I tried to speak to the people I've hurt, to explain my heart, one of them said to quit begging and die.

Sunday January 31

The guards have suddenly turned *nice* on me. As my execution date nears they don't just count me, they've begun to stop and ask me if I need anything. They're even *quick* to get me the phone. That means something, ya know? Stuff like that doesn't go unnoticed. It may seem small, but it's an expression of sympathy. The sentiment behind it is not lost. I remember at my trial. A guard who had been escorting me and was present all week was standing behind me when the sentence was read. When the jury said "Death" this man turned his back on me and looked out the window. As he turned, I saw a tear in his eye. That meant enough to me that I not only noticed it in the midst of my own surprise, but I also remember it now, 13 years later.

Wednesday February 3

7:34 am Just as predicted, the day began at 6:00 with a trip for x-rays. I got to see the moon. I said goodbye to her. Now I'm sitting in cell LL, which is NOT connected to the execution chamber after all. Someone told me it was. I had a pretty good shower this morning. For 13

years I've showered in a pair of flip-flops. Today I didn't have them, and ya know, it felt pretty good to rub my feet on the tile and feel the pattern there. As strange as it sounds, I'd forgotten how that felt. They had a TV and radio already over here for me, and guards are camped outside my door with a little table and a telephone.

8:45 am Just got off the phone with Mike Warnke, and Clifford Richards had JUST called him to tell him the Tulsa World ran an article this morning saying I had a new Clemency Hearing! Mike said, "Congratulations!" I told him, "No, no, no Mike. I'm in a holding cell waiting to die." It's just a mistake, I'm sure. I haven't even thought about any hope. Mike was pretty apologetic, but no. I'm okay. The prison would have told me. I'm not upset or even concerned about it. It's almost time for my first visit. Today is going to be a good day.

9:46 pm Returned from my visit, and made my last calls. I've said all but one last goodbye. Time to finish my meal and be quiet before God.

9:57 My fortune cookie said, 'If at first you do succeed, try to hide your astonishment.' I loved the food; I've waited 13 years for a Chinese dinner. But in the face of death food just doesn't fill the hole.

11:27 pm. They have come for me. Time at last to say Goodbye. I lay this body down and die. My race is done. I am finished. God must do the rest. Shalom Sean Sellers 1969 - 1986 - 1999.

Insulting Their Memory; Execution is no Memorial. Jeanie Bishop.

Jeanie Bishop's life was shattered by the horrific murder of her pregnant sister and brother-in-law. Since the trauma of that experience Jeanie has joined the growing number of relatives of murder victims who have turned against the use of violence by the criminal justice system.

I was a member of Amnesty when I was in college and I worked on a lot of Amnesty issues including the death penalty. I'd get into these discussions with people who were pro-death penalty and once I'd bested them they would always resort to: "You'd feel differently if it were your mother or dad or sister. You would want their murderer dead". But when my sister Nancy, her husband Rich and their unborn baby were killed it drove it home to me how much I was really opposed to the death penalty.

We were a very close family and Nancy was the youngest. She married Rich and
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after trying for a long time she finally became pregnant and they were about to move into their first home. It was the night before Palm Sunday during April 1990. We got together on that Saturday night and we all met in a restaurant in down-town Chicago. We had this great dinner then we hugged goodbye and they drove home to their place in Wyenetka. When my sister and her husband walked into their place the killer was already there waiting for them. He had actually positioned a chair so that he could see the front door and the back door simultaneously.

We know from the way the chair was positioned that they hadn't walked in on him in the middle of a robbery. He had gone there to kill them because nothing was really missing, in fact my sister had \$500 in cash on her which was strewn about on the floor. It was as if she had offered it to him to just go but he had refused. He handcuffed them and made them lie on the ground and we know what happened from there on because he bragged about it to a friend afterwards. Also the next door neighbor later testified at the trial that she heard my sister screaming, "no not again".

The killer didn't know there was a dog in the house, because when the dog came running in it scared him so much he pulled the trigger and the gun went off and shot a bullet into the wall. So then my sister said "Look somebody's going to hear that, you better get out of here". He took them down to the basement and put the gun to the back of my brother-in-law's head and shot once. He literally blew his brains out. And I always think how that must have hurt Nancy, to see her dream being shattered at that moment. Then he turned the gun on her and she covered up her stomach but he fired into it anyway and shot her twice into the side of her abdomen, through her elbow. Again I just think how her dream must have been even more shattered because the baby that she had wanted so badly was now probably dead even if she had survived.

He left her to bleed to death which the autopsy said she did within about 10 or 15 minutes of him leaving. I think at some point she must have realized that no one was going to come to help her because she dragged herself over to where my brother-in-law was lying in the corner. And in her own blood she drew a heart and the letter U which means "I love you", the same way she would sign love letters to him. I was just amazed by that. I thought what courage, what insight she must have had at that moment; knowing that her husband was dead and her baby was dead and she was going to die, to have those be her last words. She had the last word that day not the killer, she was stronger than him, her love was stronger.

Nancy and Rich were these simple ordinary people from a very well-to-do safe suburb and it was the top news story for six months with everybody speculating about "who" and "why" and finally this teenager from a local high school came to the police and said he knew who did this and turned him in. It was a 16 year old kid who lived a few blocks away. He had a long history of doing bad things but everybody had ignored the warning signs.

He had tried to poison his own family by tainting their milk, he had set people on fire, he had shot at people with BB [pellet] guns, the list is endless and he'd even been in this psychiatric hospital for a while. He bragged about the killings to this friend who finally turned him in after he threatened to break into a bank and kill the guard leaving a note saying

“I didn’t really need to kill the guard I just wanted to”. He wanted to be a serial killer, he was obsessed with movies about serial killers. After his arrest he told the police that he had picked Nancy and Rich because they represented the “Hypocrisy of Goodness”, that he saw them in town buying ice cream and they looked happy. And we found out he’d even gone to their funeral.

So they arrested him but he wasn’t eligible for the death penalty because Illinois, unlike other states, doesn’t allow juveniles to be executed. Finally after he was convicted and sentenced to life without parole the first question I was asked was “aren’t you disappointed that he didn’t get the death penalty?” And that was the first time I spoke out against the death penalty publically and I said “no”. Nancy loved life and, if anything, this has taught me its value through losing her. She would never want her memorial to be the death of another human being. Beyond that I really feel that I wouldn’t inflict upon my worst enemy the grief that was inflicted upon us by him. So I’m glad that his family can visit him in prison and can hug him and hold his hand and hear his voice.

I miss Nancy terribly but I can’t imagine taking another life as my revenge. I don’t see the point in widening the circle of grief. I also don’t want anything in common with the killer. The idea of saying that on such and such a time, on such and such a day we’re going to end your life by injecting your veins with poison troubles me deeply. I am also troubled by that being done in my name. When I speak on panels with people from the state attorney’s office who defend the death penalty by saying “well we don’t like doing this but we really have to do it for the victim’s family”. I say, “You can’t speak for all of us because we are a very diverse group, don’t dare use us as an excuse”.

When I saw Nancy’s body at the murder scene I was struck by the thought of how humbled we ought to be, how awed we ought to be before the issue of life and death and how if we really faced it, really confronted it, we wouldn’t go about casually saying well if you make a mistake you make a mistake. Which is what the leading proponent of the death penalty around here, a guy named Bill Krimble who prosecuted John Wayne Gacy [a famous serial murderer], advocates. “I appreciate that innocent people get killed but that’s just the price you have to pay”, he said. I think he’s able to say that because none of us upper middle class white people will ever think that one of us will be wrongfully convicted and end up on death row. So of course we can shrug and say it’s all right.

I think a lot about the families with people on death row. I can’t imagine their pain because I didn’t know when I hugged Nancy goodbye that night that I was never going to see her again. I don’t think I could have said goodbye to her for the last time if I had known. I feel so terrible for those families who are told you have to say goodbye because on August 11th at midnight your son will be dead. That’s why I feel so strongly that the death penalty is wrong. I need to say that and I need to work against it to try and do some good out of this incredible evil that was done to my sister and her husband.

A federal judge in California wrote this piece in the New Yorker Magazine about how he didn’t like voting for death but he always did it because he hears the tortured voices of the victims crying out for vindication and because their families turn to him for justice and closure. I wrote back this scornful letter saying that my sister doesn’t need the death of another human being to vindicate her life.

I have always been an attorney but I started out as a corporate lawyer. I was spending all these hours doing deals for corporations but I wasn't very happy with that work, I didn't find it very meaningful. After Nancy died I became a public defender and it was partly because I thought that when she died she was doing exactly what she wanted to do and was very happy. But if a truck had run me down right then all I would be saying was "damn, I wasted my life, I wasn't put on this earth to do deals".

So now I'm a public defender and I'm starting a murder trial on Monday, a double murder and it's a death case. Her memorial is in me trying to save the lives of others and trying to prevent grief and bloodshed instead of inflicting it. I love being able to keep her memory alive in that way.