

Highlights from the June 30, 2009 Day of Action to End the Death Penalty



- More than 7,000 comments have been submitted to the CDCR, including over 5,000 generated by CREDO mobile and hundreds more from the Catholic Organizing Network, Death Penalty Focus and ACLU action alerts.
- More than 100 speakers against the testimony filled the six hour hearing yesterday forcing them to extend the hearing hours. Only two spoke in favor of the death penalty.
- We have raised dozens of important issues that the CDCR will be forced to respond to and may become the grounds for additional legal challenges if the regulations are not changed, further delaying any effort to resume executions.
- We brought together almost 250 murder victims family members, family of the executed, exonerated, religious voices, former wardens and law enforcement, teachers and civil rights activists to demonstrate broad and diverse opposition to the regulations and the death penalty.
- We generated great media coverage, emphasizing our message of the immediate cost savings available if we end the death penalty now.
- We generated 5,000 signatures to our petition to convert all death sentences immediately, in just 30 days.
- We brought our message directly to every California Legislator and the Governor, on the very day they struggled to fix the budget.

Press Generated on the Day of Action and Lethal Injection Hearing:

Print news stories:

Los Angeles Times
Sacramento Bee
Stockton Record
Associated Press (multiple versions ran in the *San Francisco Chronicle*, *San Jose Mercury News*, *Contra Costa Times*, *Las Vegas Sun*, *The Southern Ledger* and other newspapers.)
Daily Journal

Column from:

Los Angeles Times – Tim Rutten: California death row's dicey math

Blog post:

Daily Kos - Minsker: Day of Action to End the Death Penalty
Care2 – Stefanie Faucher

Op-eds:

Ty Alper, San Jose Mercury News
Cathy Harrington, Napa Valley Register

TV and Radio:

ABC TV News 10
KPFA Radio
CBS KOVR 13 TV
KFBK Radio

Los Angeles Times

http://www.latimes.com/news/local/la-me-executions1-2009jul01_0,3929958.story

July 1, 2009



Opposition to death penalty in California voiced at hearing on lethal injection
Only two of more than 100 speakers support the resumption of executions once legal challenges are addressed.

By Carol J. Williams

Reporting from Sacramento — Corrections officials heard overwhelming condemnation of proposed new lethal injection procedures Tuesday at the first-ever public hearing on execution methods in the state.

Contrary to the solid majority of Californians who in opinion polls expressed support for the death penalty, only two out of more than 100 speakers supported a resumption of death sentences once legal hurdles are cleared.

But the opponents' sentiments are unlikely to be persuasive because the hearing was intended to review specific execution procedures, not the pros and cons of capital punishment, which remains a legal option in the state.

Executions have been on hold since a federal judge raised concerns 3 1/2 years ago that California's three-drug method could inflict cruel and unusual punishment. Their resumption isn't expected in the near future, not because of opposition but because of legal and financial obstacles the state has yet to overcome.

Tuesday's hearing by the California Department of Corrections and Rehabilitation concluded a two-month period for public comment that drew more than 5,000 written opinions, which will be considered before the protocols are adopted, said department spokesman Seth Unger.

Two court cases still stand in the way of executing any of the 682 prisoners on death row, both filed by Michael A. Morales, the convicted murderer whose challenge to the constitutionality of the process brought the de facto suspension in February 2006.

When and if the protocols are approved, in two months at the earliest, the legal reviews are expected to take a year -- and probably longer if opponents are successful in raising other constitutional issues. Condemned prisoners have a right to habeas corpus appeals in federal court, but a lack of funds for lawyers and jammed court calendars grossly delay the cases. It now takes an average of 25 years between conviction and execution.

Despite what was supposed to be a narrow discussion, religious leaders, doctors, lawyers, teachers and family members of murderers and their victims seized the opportunity to rail against "state-sponsored killing" and the \$125 million a year spent to maintain a dysfunctional death row.

Opponents rallied by the American Civil Liberties Union of Northern California capped the eight-hour marathon of three-minute speeches by delivering a symbolic, oversized check for \$1 billion to Gov. Arnold Schwarzenegger's office -- the amount needed over the next five years to bring executions up to constitutional standards.

Crucifixion, beheading, drawing and quartering, hanging, firing squads, the electric chair and the gas chamber all have had their day as acceptable means of punishing the worst offenders only to be recognized later as barbaric, said retired Oakland engineer Charles Feltman.

Paul J. Kaplan, a San Diego State professor of criminal justice, recalled waking up during surgery, fully conscious but unable to convey his ability to feel pain to the doctor because the paralytic agent in his anesthesia had immobilized him.

"I woke up on the operating table but couldn't breathe or move. I was totally paralyzed but alert and feeling," he said, providing a cautionary tale for the lethal injection procedures that use the same anesthetizing and paralyzing sequence.

"This is nothing more than a costly manicure on the bloody fingers of the state of California," Lyle Grosjean, a minister from Paso Robles, said of the revised execution procedures.

Johanna Westerson, a Swedish human rights lawyer living in San Francisco, urged state officials to "join the civilized nations of the world in abandoning this barbaric practice" and part company with the likes of China, Iran and Saudi Arabia.

"Let's televise these events and show the world what we're doing, like the Taliban," Palo Alto resident Gerard McGuire proposed. "Shine the full light of public knowledge on this event, this state-sanctioned murder."

Former wardens and chaplains from the nation's busiest death houses sent accounts of witnessing executions that have haunted them.

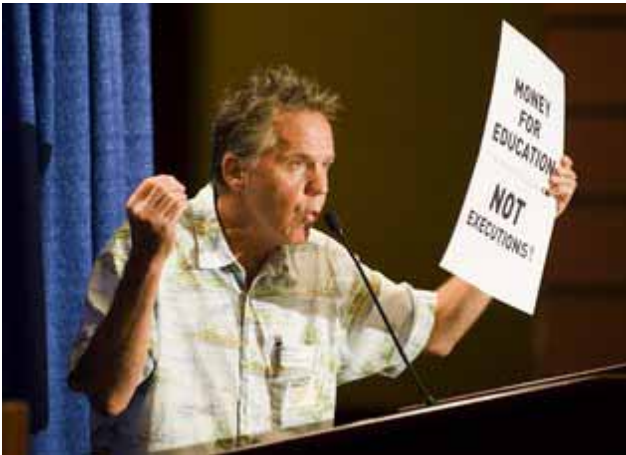
The only speakers in favor of resuming executions, John Mancino and Howard Garber of the Los Angeles chapter of the American Civil Liberties Union, blamed the cost of maintaining death row on excessive appeals allowed condemned inmates and vowed to defeat the efforts of activist judges to deprive murder victims' families of justice.

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Sacramento Bee

<http://www.sacbee.com/capitolandcalifornia/story/1991287.html>

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Public hearing turns into passionate debate on death penalty
By Sam Stanton | sstanton@sacbee.com

It was supposed to be a dry public hearing on a "notice of proposed regulations," a meeting to let citizens speak about technical aspects of how lethal injection is administered to condemned inmates.

But anti-death penalty groups galvanized hundreds of their supporters to file into a Sacramento auditorium Tuesday for an emotional, day-long debate on whether capital punishment is justified or should be abolished.

It was clearly a one-sided debate.

By the time the scheduled 3 p.m. close of the hearing arrived, nearly 100 people had spoken – only two in favor of the death penalty – and the hearing was extended two hours because so many more people wanted to talk.

"I have a commission from on high," Bill Babbitt, a 66-year-old Elk Grove man who travels the nation speaking out against the death penalty, said before he took the lectern. "God has told me what he wants me to do with my life."

Babbitt has believed that since he watched his brother, Manny, die in the San Quentin death chamber in 1999 on Manny Babbitt's 50th birthday.

He was executed for killing a 78-year-old Sacramento grandmother, Leah Schendel, in 1980, despite pleas that he be spared because his service in Vietnam had left him with mental disorders.

Many of the witnesses Tuesday had similar, personal connections to the death penalty: a mother whose daughter was stabbed to death but who opposed the death penalty for the killer; a former Death Row inmate from Oklahoma who was later exonerated and freed; a witness to the execution of Stanley Tookie Williams in 2005.

Ostensibly, the hearing was simply to allow comment on new lethal injections guidelines drafted by the California Department of Corrections and Rehabilitation, part of an effort to fend off legal challenges that have kept the death penalty on hold in California since 2006.

To allay legal challenges, corrections officials drafted 42 pages of procedures for administering three drugs to kill a condemned inmate, bolstered the amount of training execution teams receive and built a new death chamber at San Quentin.

Now, the department has until May 2010 to submit them to a federal judge in San Jose for approval, which likely will be followed by further legal challenges.

Supporters of the death penalty on Tuesday called the legal challenges "frivolous" and urged a resumption of executions.

John Mancino, a leader of the movement in 1986 that ousted state Supreme Court Justice Rose Bird from her post because of her opposition to the death penalty, told the hearing that 108,000 murders have been committed in California since 1963, while only 14 executions have.

He added that claims that inmates may suffer pain during the lethal injection process are a "smoke screen" aimed at ending capital punishment.

"If you have even been anesthetized for a tonsillectomy, you don't feel a thing," Mancino said.

But he clearly was in the minority at the hearing, where teachers, doctors, clergy and college professors gathered to speak out against capital punishment.

One woman drew loud applause when she noted the irony that a hearing on executions was being held in an auditorium at the state health department.

Some wore T-shirts or carried signs with slogans such as "Execute Justice, Not People," "The Death Penalty is Killing California's Budget," and "Money for Education, Not Executions."

With California teetering on the financial brink, many speakers said abolishing the death penalty could save the state millions of dollars, despite the corrections department's statement that the new lethal injection process would have no fiscal impact.

Proponents of abolishing the death penalty cite a state study that says housing 680 inmates on death row and trying to implement the death penalty costs \$137 million each year, while placing them all in prison for life would save \$125 million.

Mike Farrell, the former M*A*S*H star who now heads the anti-death penalty group Death Penalty Focus, said there are too many unknown costs associated with capital punishment, including psychological pressures on execution team members and wardens.

Lance Lindsey, the group's executive director, called the death penalty procedures "heinously flawed," and said it was something "you will take with you for the rest of your lives."

But the very first speaker of the day provided one of the most poignant – and personal – arguments.

Donna Doolin-Larsen said her son Keith is on death row at San Quentin, and facing the prospect of his execution is "terribly painful and dehumanizing."

She described her son as "factually innocent," and said the death penalty "has impacted me and my family in many ways."

"I visualize in my nightmares the moment when I may have to witness Keith entering the death chamber, being strapped to the death gurney, seeing the death catheter inserted into his vein for the death poison to be administered, hearing Keith's last dying words, and thinking, 'Save my son,' " she said.

Keith Zon Doolin was convicted in 1996 and sent to California's death row for shooting six prostitutes in Fresno County, two fatally.

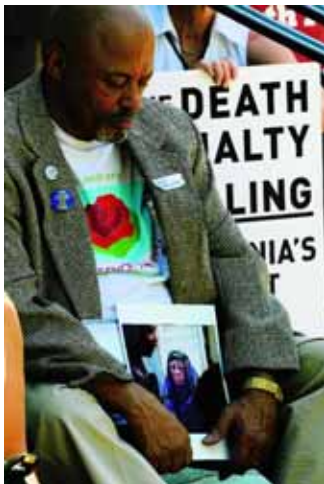
Call The Bee's Sam Stanton, (916) 321-1091.

Stockton Record

http://www.recordnet.com/apps/pbcs.dll/article?AID=/20090701/A_NEWS/907010328/1/NEWSMAP

July 01, 2009





Death debate rages
First-ever open hearing on executions draws scores

By Scott Smith | Record Staff Writer

SACRAMENTO - One by one, a line of capital punishment opponents stepped up to a podium Tuesday, making impassioned arguments against California's newly proposed lethal injection procedure.

Each speaker was limited to three minutes. A woman talked of watching Stanley "Tookie" Williams writhe in a botched 2005 execution. Another speaker said his father-in-law was recently executed in China, giving him painful insight into state killings.

Elizabeth Zitrin, representing Death Penalty Focus, said California's efforts to jump start capital punishment put it in league with countries such as China, Saudi Arabia, Pakistan, Iran and Iraq.

"We're in the company of the world's worst human rights abusers," she said. "Today the world is watching California."

More than 100 people used California's first-ever open hearing on the death penalty to deliver their criticism of the state's execution procedure. Some 250 people filled the auditorium a short walk from the Capitol.

Attorneys for Stockton's Michael Angelo Morales prompted the hearing, winning a ruling on appeal last year to make the state put its lethal injection procedure up for public comment before adopting it. Morales is the next California prisoner in line for execution.

Morales was convicted of the 1981 murder and rape of 17-year-old Terri Lynn Winchell of Stockton.

The hearing in a Sacramento auditorium began at 9 a.m. and was scheduled to end at 3 p.m.

So many people asked to speak that state officials extended the hearing a couple of hours.

While comments filled the hearing room, protesters outside in the heat marched on the Capitol to ask Gov. Arnold Schwarzenegger to take leadership and commute all death sentences to life in prison.

"Hey, hey, ho, ho, the death penalty has got to go," they chanted on the north steps. Many wore T-shirts and carried signs that read, "Money for education - not executions."

Actor and capital punishment foe Mike Farrell stood before protesters on the Capitol steps saying he wanted the governor to show some leadership. The death penalty costs Californians \$1 billion a year, something he said the state fails to publicize.

"What we need to do is lead," Farrell said. "Our so-called leaders have failed to do so."

California Department of Corrections and Rehabilitation spokesman Seth Unger said the hearing was narrowly focused on giving state officials input on a 42-page document changing regulations surrounding execution procedures. The agency was ordered to do so in 2006 by a federal court.

Prison officials have received more than 5,000 written comments on the plan in the past two months. Most of those speaking Tuesday raised philosophical issues.

Unger said he was confident California will resume executions, but it remains unclear when that will happen.

"At the end of this, we will have a new lethal injection procedure that will stand up against any constitutional challenges," he said. "The state is working to expedite the process."

The regulation scrutinized Tuesday details the last days, hours and minutes of a condemned inmate's life and the procedure officials follow to carry out the killing.

Critics cited the regulation's vague language about a curtain in the newly built execution chamber that could block the public and media from observing the entire process. Also, inmates aren't allowed a spiritual adviser in the last hours and minutes, critics charge.

The new procedure uses the same three-drug protocol as other states, which the U.S. Supreme Court recently upheld. It also puts an executioner inside the death chamber to make sure the inmate is unconscious before he's injected with the fatal drugs.

Much of Tuesday's hearing focused not on the procedure but on the emotional effect of capital punishment.

It drew comments from foreign governments and speakers from hundreds of miles away.

Bill Babbitt of Sacramento described watching the 1999 execution of his brother, who, having returned home from the Vietnam War with mental illness, murdered an elderly woman during a flashback.

As a relative of an executed inmate, Babbitt said he was treated like a second-class citizen. He wants to make sure others like him - including the relatives of murder victims - don't endure the same pain.

"Killing is wrong," he said. "There's nothing healthy about watching a perpetrator die."

Babbitt was among speakers representing local, national and international organizations such as Amnesty International, Books Not Bars and Human Rights Watch. There were human rights attorneys, religious leaders, private individuals and law students on hand.

An administrative law judge oversaw the hearing, calling out each speaker's name and inviting each to the podium. One woman felt more comfortable speaking her objections in Japanese. The crowd applauded many of the brief speeches.

Many were in the middle of moving personal stories when a quiet buzzer on the podium sounded, signaling an end to their three minutes.

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Associated Press

Public speaks on Calif. lethal injection proposal

By PAUL ELIAS

Sacramento, CA (AP) -- More than 100 speakers lined up Tuesday for their chance to weigh in on California's new proposed rules for executing condemned inmates at a state hearing that quickly morphed into a debate over the morality and practicality of capital punishment.

George Husaruk and his wife drove two-and-half hours from their home near Willits to argue that California can no longer afford the death penalty.

"We need to use the money for education," the middle-school teacher said during a daylong meeting convened by the Department of Corrections and Rehabilitation to take public comment on its proposed lethal injection procedures. The agency received more than 5,000 written comments in the last two months on the 42-page draft by prison officials, who were ordered by a federal court in 2006 to revise their plan.

Though the audience was warned to keep its comments focused on the proposal itself, the hearing soon expanded into a wider death penalty discussion. Most speakers signed up to address the issue Tuesday morning opposed the death penalty.

Outside the hearing room, Father George Horan, a Catholic priest from Los Angeles, argued heatedly with death penalty advocate Howard Garber over whether life in prison without parole is a just sentence for heinous killers.

Many abolitionists have seized on the high cost of implementing the death penalty during California's dire fiscal crisis. A report released last year by a commission created by the state Senate concluded that it will cost the state at least an additional \$137 million a year to support the death penalty rather than make the maximum sentence life in prison without parole.

Garber and other death penalty supporters blame the lengthy appeal process for the condemned for the high costs. "Ninety percent of the appeals aren't contesting guilt," Garber said outside the hearing.

After Tuesday, the state will have up to a year to assess the comments and edit the proposed procedures before they become official regulations. Only then will they be presented to U.S. District Court Judge Jeremy Fogel, who has suspended executions in California until prison officials fix the deficiencies he identified in the lethal injection process.

In 2006, Fogel halted executions until officials expanded the death chamber at San Quentin prison and provided more executioner training and other upgrades to ensure the condemned do not suffer cruel and unusual punishment.

The state has since constructed a new death chamber and the proposed new regulations require execution team members to undergo monthly mock executions. The rules would require three syringes, each filled with different drugs, to be administered by staff licensed to give injections in California. A physician must be on hand to declare death.

At least 10 death row inmates complained in writing that they have not received copies of the new regulations.

Among the issues brought up at Tuesday's hearing, religious groups complained that a proposal requiring a chaplain to send a written report to prison officials discussing the mental state of a condemned inmate violates the confidentially promises implied by clergy.

The proposed regulations also don't discuss how women will be executed, said Gloria Killian, who was released from California prison in 2002 after serving 16 years for a murder she didn't commit. There are currently 15 female inmates on death row.

"Where will they be housed in an all-male prison?" Killian asked. "Women deal with emotion, trauma and other events differently than men do."

Even if the state's proposal passes legal muster, it would take at least a year to reinstate the death penalty.

Whatever is decided in California, which has the nation's largest death row at 680 condemned inmates, is expected to shape how other states carry out executions.

Since the U.S. Supreme Court signed off on Kentucky's lethal injection process last year and lifted a brief nationwide moratorium, the federal government and 36 states that employ the execution method have experienced varying degrees of success in restarting capital punishment.

Maryland has embarked on a public comment process like California's. A federal judge has ordered a halt to executions in Missouri. And other states such as Texas have carried out a combined 68 lethal injection executions since the Supreme Court's ruling in 2008.

Michael Rushford, president of the death penalty advocates Criminal Justice Legal Foundation in Sacramento, said he is confident that California also will resume executions, partly because the state's protocols are more detailed than the Kentucky procedures approved by the U.S. Supreme Court.

For the mother of a death row victim, the wait for his execution has been too long.

"There has been too much 'red tape,' paperwork, and time lost in this matter," Barbara Christian, the mother of the murdered teen Terri Winchell, wrote in an e-mail. "Other victims such as I are grieving and waiting for justice for their loved ones. We are the ones bearing the brunt of this fiasco. The lethal injection is humane with no pain. Let's get on with it."

Death Penalty Is Too Costly, Opponents Say
Activists Tell State Commission A Moratorium on Executions Would Save Nearly \$1 Billion
By Matthew Pordum
Daily Journal Staff Writer

SACRAMENTO - Suggesting that the death penalty is killing the California budget, opponents of capital punishment proposed a five-year moratorium on executions Tuesday, claiming they would save the state nearly \$1 billion.

The proposal came from religious leaders, students, victims' rights advocates and relatives of death row inmates at a hearing to discuss new procedures created by the California Department of Corrections and Rehabilitation to carry out lethal injections.

"We can't afford the death penalty right now," said Marcene Van Dierendonck, of the Dean Democratic Club of Silicon Valley. "How about a humane budget cut for a change?"



The California Commission on the Fair Administration of Justice said it has calculated that switching death row inmates to lifetime imprisonment could save \$125 million annually because of a decrease in the amount of specialized security and staff and the cost of carrying out executions.

But the biggest single savings would come from putting off a proposed \$400 million capital expense to construct a new housing facility for death row inmates.

"The government is wasting time and money by introducing so-called new methods to execute people while the state is in a financial crisis," said Natasha Minsker, death penalty director for the ACLU of Northern California. "Instead of laying off teachers, cops and closing crime labs, the state needs to look at the death penalty and make the right decision."

Minsker said the ACLU has approached Gov. Arnold Schwarzenegger with the projections, but that he has balked at any such plan. John Mancino, vice president of the American Civil Responsibilities Union, was one of the few who spoke at the morning hearing at the Department of Health Services to shift the financial blame elsewhere.

"We hear about the costs of executions, but the real cost comes due to the outrageous appeals that are not filed based on a question of guilt or innocence, but over procedural technicalities," Mancino said.

The hearing comes roughly three years after a moratorium was placed on lethal injections in California due to legal challenges raised over the constitutionality of the process.

In February 2006, U.S. District Judge Jeremy Fogel ordered the state to amend its lethal injection practices during the execution of Michael Morales, after determining that evidence existed which showed inmates executed in California may have endured extreme pain and suffering.

The new procedures created by the state include increased training, improved record-keeping practices and a new facility at San Quentin State Prison to carry out executions. But they call for the same three-drug system.

Inmates are first sedated with an anesthetic and then injected with a drug that paralyzes their

muscles, causing them to stop breathing. A final drug, potassium chloride, causes a deadly heart attack. The inmate is ultimately killed by a combination of anesthetic overdose and respiratory and cardiac arrest while unconscious.

A full hearing in federal court revealed that executions prior to 2006 in California had not been properly conducted and that the first drug had not rendered the individual unconscious. The state has admitted that if the first drug does not work, the person being executed will suffer excruciating pain.

In 2007, Gov. Schwarzenegger's office drafted what it called a "new protocol," aimed at addressing the problems. But a Marin County judge said the regulations must be open for public comment before being adopted.

An appeals court agreed. Corrections officials released the new regulations for public comment on May 1.

Members of the department of corrections were present at the hearing Tuesday and by statute are required to review all comments made at the hearing and those that have been sent to them via mail and email before issuing its final changes to how it administers the death penalty.

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Los Angeles Times

<http://www.latimes.com/news/opinion/la-oe-rutten1-2009jul01,1,7082568.column>

July 1, 2009

California death row's dicey math

It'll cost the state about \$1 billion to keep capital punishment on the books for the next five years. Is it worth it?

By Tim Rutten

When Tuesday's hearings in Sacramento on proposed changes in California's method of executing convicted murderers veered into a discussion of why solutions to the state's budget crisis ought to include the abolition of capital punishment, it was another example of how divided our attitude on this issue remains.

In fact, if you look back through this vexed issue's history here, what emerges clearly is a deep ambivalence -- a popular unwillingness to renounce the death penalty as a symbol of the state's ultimate sanction against criminality, and a persistent current of reluctance to see it imposed too frequently. It's that division that sets California apart from most other capital punishment states.

The death penalty was first incorporated into California's penal code early in 1872, and, from the language of the statute, it's clear that one of the lawmakers' primary concerns was to keep their state's executions from turning into the kinds of public spectacles that still were common across the country.

"A judgment of death must be executed within the walls or yard of a jail, or some convenient private place in the county. The sheriff of the county must be present at the execution, and must invite the presence of a physician, the district attorney of the county, and at least 12 reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such ministers

of the gospel, not exceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same."

There are no reliable statistics on how many such county executions were carried out, but in 1891, the law was amended to require that all hangings be done at either San Quentin or Folsom prisons. Over the next 46 years, 307 people were hanged at one or another of the prisons, or just slightly more than six prisoners per year, a stunningly low total for what was a fairly bloodthirsty period in the history of American criminal justice.

In 1937, the state adopted the gas chamber as its preferred method of execution, and administration of the death penalty became the exclusive province of San Quentin, where California's death row for men remains to this day; condemned women are housed at Chowchilla. From that point until judicial rulings halted capital punishment in 1967, the state executed 194 men and women -- again about six per year, still a strikingly low number, particularly given the rapid rise in population over that period.

Since Robert Alton Harris' execution in 1992 -- the first after a 25-year hiatus -- California's actual imposition of the death penalty has slowed even more. Just 13 people have been executed since then, which is less than one per year. These days, an inmate is more likely to die of natural causes than to be executed. But the number of people sent to death row has continued to climb, and San Quentin now houses 682 condemned men.

In other words, if we continue to execute condemned men at the current rate, it will take something approaching 1,000 years to clear San Quentin of all prisoners currently under sentence of death. If you feel like you've just crossed over into the Twilight Zone, you're not alone.

Though 60% of Californians continue to support capital punishment, few people are calling for eliminating procedural safeguards and speeding the rate of execution. As they have historically, the people of this state appear to support the idea of the death penalty, but to be dubious about its application.

No doubt the work of attorneys Barry Scheck and Peter Neufeld and their New York-based Innocence Project, which has relied on DNA testing to exonerate wrongly convicted men and women across the country, has had an impact on peoples' attitudes toward the death penalty. Americans will quarrel to the death over points of principle, but science is science. And what the application of genetic science to the criminal justice system has made clear is that what we hopefully call "due process" is too often a crap shoot.

Given California's deep ambivalence about capital punishment, the arguments being made by former Los Angeles District Atty. and state Atty. Gen. John Van de Kamp -- a longtime capital punishment supporter -- and others that death row simply has become too expensive to maintain have a new resonance. Van de Kamp and Gov. Arnold Schwarzenegger's former state corrections chief, Jeanne Woodford, argue that cash-strapped California will spend as much as \$1 billion to keep the death penalty on the books over the next five years.

Assuming the state eventually comes up with an execution protocol that passes judicial muster, that's a lot to spend for the deaths of fewer than five convicts, who just as easily could be sentenced to life without parole.

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Daily Kos

<http://www.dailykos.com/storyonly/2009/6/30/748465/-Day-of-Action-to-End-the-Death-Penalty>

Tue Jun 30, 2009 at 12:29:31 PM PDT

Day of Action to End the Death Penalty

By Natasha Minsker, Death Penalty Policy Director, ACLU of Northern California

Today, for the first time ever, Californians will have the chance to weigh in on the state's broken death penalty system. Victims, clergy, legal experts, wrongfully convicted individuals and concerned taxpayers from around the state will converge on Sacramento for a public hearing of the Department of Corrections and Rehabilitation, to give their comments on new regulations for lethal injections.

The hearing comes after three years of legal challenges and three years without executions in California. If the rules are adopted and more pending legal challenges are resolved quickly, executions could resume as soon as 2010. But only four people have exhausted all of their appeals and would even be eligible for execution. Meanwhile in the last three years, 16 people on death row have died of natural causes or suicide. California has only managed to carry out 13 executions since the death penalty was reinstated in 1977.

Yet despite having no official method of execution for the last three years, California has wasted hundreds of millions of dollars on the death penalty system, and stands poised to waste another \$1 billion over the next five years. So after voicing their opinion on executions today, concerned taxpayers will also have their chance to voice their opinion on wasteful spending, calling on the Governor to end the death penalty altogether and save the state millions.

Coincidentally, it was exactly one year ago that Californians got the first comprehensive report on exactly how dysfunctional and expensive the death penalty system already is. On June 30, 2008 the bipartisan California Commission on the Fair Administration of Justice released their report on the death penalty, finding that it costs taxpayers \$137 million each year, yet remains riddled with serious flaws, including a real risk of wrongful execution and an appeals process that causes suffering to murder victim survivors. On the other hand, the Commission found that the alternative of permanent imprisonment for all those currently on death row would save \$125 million each year, while still protecting the public. Now, one year later, the system is just as dysfunctional and even more expensive.

Rather than continuing the status quo, the Governor could suspend the death penalty and save the state \$1 billion in five years. The potential savings break down as:

\$125 million per year in the extra expenses of the death penalty. By converting all death sentences to permanent imprisonment, Gov. Schwarzenegger would save the state over \$600 million in five years.

\$400 million for the construction of a new death row. The State Auditor estimates building a new death row facility at San Quentin will cost at least \$400 million. Building anywhere else will be even more expensive. If all death sentences were converted and any new death sentences suspended for five years, we would avoid this cost.

Some hear these figures and think the best solution would be to "speed up" the death penalty appeals process. But the Commission tried to find ways to do that, and discovered they would cost even more money — nearly \$100 million more.

Today, hundreds of diverse California residents will seize their first opportunity to speak out publicly against the death penalty and will say loud and clear to the Governor and the Legislature stop wasting our money on this failed system.

Care 2 Blog

<http://www.care2.com/causes/human-rights/blog/california-to-hold-a-hearing-on-lethal-injection/>

California to Hold a Hearing on Lethal Injection



Posted by Stefanie Faucher, Death Penalty Focus. June 23, 2009

Executions have been on hold in California for more than three years since [U.S. District Court Judge Jeremy Fogel declared that unless significant changes were made to the execution process](#), he would be forced to find the process unconstitutional. Judge Fogel held several days of public hearings that exposed all sorts of shocking details about the incompetence of the personnel charged with carrying out the executions, including the possibility that members of the execution team were stealing small quantities of the barbiturates used for execution for personal use and that some members of the team had no idea what all three drugs used in lethal injection were or what they did.

In response, the State of California drafted a new set of regulations for carrying out executions which they claim addresses many of the deficiencies identified by Judge Fogel. On June 30th the California Department of Corrections and Rehabilitation will be holding a public hearing on their newly [proposed regulations for carrying out executions](#) by lethal injection. They are also soliciting written comments from the public on the procedures.

[Death Penalty Focus](#), the organization for which I work, is encouraging members of the public to submit written comments on the proposed regulations and attend the public hearing in Sacramento, CA. Aside from the fact, that we object to the death penalty as an ineffective and [costly policy](#), we are horrified by the regulations themselves.

In drafting the regulations, the Department of Corrections has estimated that carrying out executions will not cost them a dime and have estimated the fiscal impact of the regulations at zero; an estimation which is clearly ridiculous if you consider even a few factors such a staff time for training and carrying out executions. What's more, the regulations are offensive to the family

of the prisoner and infringe on basic religious freedoms of the prisoner and his/her chosen spiritual advisor or prison chaplain and the first amendment rights of the media and the public ([click here to read the full critique](#)).

Death Penalty Focus and our partner organizations have declared June 30th a [Day of Action to End the Death Penalty](#) and we will be hiring buses to take our supporters from the San Francisco Bay Area to the public hearing in Sacramento. After the hearing, we will be rallying on the steps of the Capitol and sharing information with members of the State Legislature.

For more information on the hearing, instructions for submitting comments, a sample letter, and information on the Day of Action, visit: www.deathpenalty.org/dayofaction

San Jose Mercury News

http://www.mercurynews.com/opinion/cj_12700611?nclick_check=1

Opinion: California's lethal-injection plan is proven to be inhumane

By Ty Alper

Special to the Mercury News

Posted: 06/27/2009 08:00:00 PM PDT

On Tuesday, California prison officials will hear public comment on their proposed procedures for conducting lethal-injection executions. Although officials claim their goal is to achieve humane executions, the Department of Corrections and Rehabilitation plans to stick with a three-drug protocol that risks just the opposite.

The protocol is so fraught with danger that it would be illegal to use to euthanize a dog or cat in this state.

It involves the administration of three drugs: first, an anesthetic; second, a drug that paralyzes the inmate; and third, potassium chloride to stop the heart.

Activists have denounced the practice of paralyzing inmates before executing them, and for good reason. Executioners are typically not qualified to administer anesthesia, let alone monitor the inmate's reaction to the drug throughout the execution. If the inmate is paralyzed and the anesthesia fails, he will feel the excruciating burn of the potassium chloride as it scorches through his veins, but will be unable to indicate he is in pain. His death will appear peaceful, and the public will never know that yet another execution has been botched.

Such a procedure would be illegal if used on animals in California. Even when accompanied by anesthesia, paralytic drugs are generally banned in euthanasia because of the risk that failed anesthesia can go undetected in a paralyzed animal. For that reason, a shelter worker who administers a paralytic during animal euthanasia is guilty of a misdemeanor and subject to a \$2,000 fine and a year in jail. That's been the law in this state since 1978.

For the past three decades, the primary method of animal euthanasia in California has been a simple, one-drug procedure: the overdose of a barbiturate called sodium pentobarbital. This method causes a painless death, usually within a few minutes. When it revised the law in 1998 to outlaw another dangerous euthanasia method — carbon monoxide — the California Senate Judiciary Committee wrote that "there is a general consensus that a lethal injection of sodium pentobarbital is the most humane way to euthanize unwanted dogs and cats."

California is not alone. Euthanasia by use of a single drug — sodium pentobarbital — is the preferred method of the American Veterinary Medical Association, the Humane Society of the United States, and every major animal welfare organization in the country. The vast majority of states — 42 out of 50 — prohibit the use of paralytics in animal euthanasia.

If this method of killing is unconscionable for animals, why does California insist on using it to execute people? Prison officials cannot claim ignorance. There are decades, even centuries, of evidence that these drugs have the potential to inflict a painful and horrifying death.

In 1868, a Swedish physiologist described paralytic drugs as "the most cruel of all poisons." In the 1970s, military officers in the Philippines, Brazil and Uruguay used paralytics to torture political prisoners. The Humane Society's current training manual states that its members have a "moral and ethical duty" to end the practice of injecting animals with paralytic drugs.

Some Californians believe that inmates should suffer the same painful death that they inflicted on their victims. We cannot deny the grief and rage that accounts for these emotions, but the Constitution requires humane executions. It is time to abandon a drug that has been used to torture both people and animals, and has been rejected by veterinary and animal welfare communities for decades.

TY ALPER is the associate director of the Death Penalty Clinic at the University of California-Berkeley School of Law, and is the author of "Anesthetizing the Public Conscience: Lethal Injection and Animal Euthanasia." He wrote this article for the Mercury News.

Napa Valley Register

<http://www.napavalleyregister.com/articles/2009/06/30/opinion/commentary/doc4a4990b52233a072351871.txt>

The real cost of the death penalty
By CATHY HARRINGTON

As the mother of a murdered child, and a member of Murder Victims Families for Reconciliation, I am speaking out against the death penalty. The death penalty needs to be abolished but it is important to recognize that the death penalty is the manifestation of a deeply flawed system that needs to be radically changed. When a loved one is murdered, family members are forced to survive unspeakable grief and trauma and unbridled media exploitation, while enduring a judicial system that serves to compound the tragedy and perpetuate the endless cycle of violence. Sadly, the normal grief process and healing must be set aside while family members brace themselves against the long and painful process of bringing the offender to "justice."

John Van de Kamp recently addressed the financial problem that accompanies the death penalty, but there is another cost that is not so obvious; an insidious cost to families of murder victims. The price the grieving, traumatized families pay for this kind of justice cannot be measured. The promise of "closure" when the murderer is executed is often delayed for decades, while the offender files appeal after appeal, and is turned into a victim and even a martyr. The murder victim's family members expend precious limited and fragile energy defending themselves and their lost loved one while coping with Post-Traumatic Stress Disorder and postponing their grief process. The real tragedy of the death penalty is that it becomes a hellish "life" sentence for the families of murder victims and let us not forget the terrible pain and loss for the families of murderers.

The billion dollars necessary to keep the death penalty alive over the next five years in the state of California can surely be put to better use. I am confident that in time we will abolish the death

penalty in our country, as the remaining death penalty states are forced to acknowledge this economic reality. But by focusing on the economics alone without addressing the brokenness of the entire system, we run the risk of missing the opportunity to provide murder victims' families the help they need to be able to navigate the difficult and painful journey they are forced to endure. By focusing on the financial implications alone, we overlook the fact that we diminish our own humanity when we participate in the murder of another human being, even murderers.

Don't get me wrong, I'm not suggesting leniency for murderers. Strict laws need to be enacted that keep convicted murderers behind bars for life to protect society and to keep them from profiting in any way from the heinous crimes they committed.

In 1957, Albert Camus wrote a powerful essay against the death penalty in which he stated, "There will be no lasting peace either in the hearts of individuals or in social customs until death is outlawed." Let's abolish the death penalty now, but not without changing the flawed system that created it. Commit the money saved toward empowering families of murder victims, and let us all commit to working in solidarity to ensure that all of our nation's children have the opportunity to grow into whole and healthy adults. Let us become a more compassionate nation that spends its money on nurturing, helping, and healing instead of wasting our money and our lives following a hopeless path of vengeance and retribution.

(Harrington is the mother of Leslie Mazzara, who along with her roommate Adriane Insogna was murdered in Napa in 2004. Harrington lives in Michigan, and is scheduled to testify against the death penalty today in Sacramento.)

ABC TV News



[State to Take Public Comment on Lethal Injection](#)

Written for the web by: [Anne Makovec](#), Multimedia Journalist

SACRAMENTO, CA -- The California Department of Corrections is holding a public hearing Tuesday on changes to the procedure of lethal injection for death row inmates.

The hearing is going on at the Department of Health Services Building at 1500 Capitol Ave, Sacramento, CA, from 9 a.m. to 3 p.m.

Death row executions have been on hold in California since 2006, when a U.S. District Court Judge ordered a stay in executions because of questions over whether or not the way lethal injections were being done in California was inhumane, causing "undue pain" to the inmate as he or she died.

Specifically in question was whether or not the first drug administered would leave the inmate completely unconscious. If it didn't, the second injection would leave the inmate unable to express the pain caused by the last one, which stops the heart.

The Department of Corrections has been working to fix the problems and has come up with some proposals that are being discussed Tuesday.

People on both sides of the issue are ready to weigh in.

"I think the process has gone on too long," said death penalty proponent Kent Scheidegger, of the Criminal Justice Legal Foundation, "I think the dangers have been exaggerated. I think there has been an excessive amount of concern as far as the inmate feeling some pain. I don't think it's a constitutional right to have a completely painless death."

On the other side, the ACLU and other death penalty opponents say that now is the time to stop executions for good.

"Why are we doing this?" asked Ellen Eggers, of Death Penalty Focus, "It gains us nothing. It's the worst public policy. It's grossly expensive. It doesn't serve society. It is not a good law enforcement tool."

The Department of Corrections warns, though, that Tuesday's public hearing is only about the lethal injection procedure and not about the death penalty in general. A spokesman says that extraneous comments won't be accepted on the record.

"Attempts to filibuster the hearing with statements about the death penalty generally is a misuse of the process and I think the people who are going to engage in that are misusing the process and are engaging in a kind of obstruction that we see all the time from the anti-death penalty crowd," said Scheidegger.

But death penalty opponents say that with the state in a budget crisis, they are planning on bringing up how much money could be saved if this were to stop. The ACLU is planning a march and rally after the public hearing ends at 3 p.m.

"It's sort of like the elephant in the living room," said Eggers, "We can argue endlessly about the details... but the overall big picture is: Why are we doing this?"

To find out more about California's death penalty, click [here](#).

To find out more about the proposed changes in the procedure, click [here](#).

KOVR 13

June 30, 2009

<http://cbs13.com/video/?id=56243@kovr.dayport.com>

KFBK Radio:

Public Hearing Held On Death Penalty Rules

Tuesday, June 30, 2009

<http://www.kfbk.com/pages/newsarchive.html?feed=172730&article=5679572>

KPFA Evening News

June 30, 2009

<http://www.kpfa.org/archive/id/52073>