

# MCADP NEWS

## Massachusetts Citizens Against the Death Penalty Inc.

Fall 2002

Illustration: Detail of Bartolomeo Vanzetti and Nicola Sacco from the cartoon of a mural by Ben Shahn. © Estate of Ben Shahn, licensed by VAGA, NY, NY.

### From the Chairman and President

David M. Ehrmann



Welcome to this fall edition of the MCADP newsletter. My involvement with MCADP is a family inheritance. My grandmother, Sara R. Ehrmann, was

David M. Ehrmann

an early executive director as well as member of the board of the organization and later served as its chair. My grandfather, Herbert Ehrmann, early in his career as an attorney, served as a junior counsel for the defense during the last two years of the Sacco-Vanzetti case. He later authored two books on the case: The Untried Case: The Sacco-Vanzetti Case and the Morelli Gang (1933 and

See Ehrmann — Continued on Page 3

### Breaking News!

We are pleased to announce that **Senator Patrick Leahy**

of D-Vermont has been named as the winner of this year's Ehrmann Award.

Plans for the award ceremony are underway. Details will be posted on our website as soon as they are available.

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### Commemorating the 75th anniversary of the executions of Nicola Sacco and Bartolomeo Vanzetti

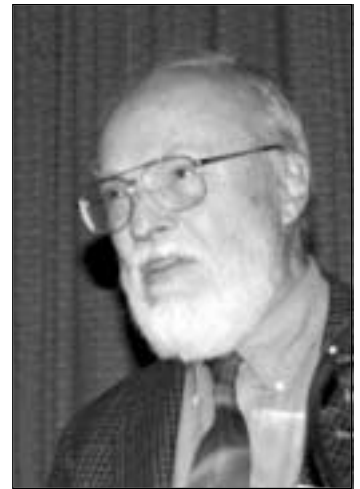
by the Commonwealth of Massachusetts in Boston on August 23, 1927.

Massachusetts Citizens Against the Death Penalty, Inc., founded in 1928 in response to their executions, is the oldest death penalty abolition organization in the country.

### Reforms Galore — Maybe!

Hugo Bedau

The risks of convicting the innocent in capital cases has suddenly caught the attention of the nation, and proposed reforms are sprouting like mushrooms after the rain. Largely unnoticed was a brief document, *Mandatory Justice: Eighteen Reforms to the Death Penalty*, released last year by The Constitution Project, part of Georgetown's University's Public Policy Institute. Among its recommendations were these four: adopt a better standard of incompetence of defense counsel than is provided by the Supreme Court's ruling in *Strickland v. Washington* (1984); enact LWOP as the alternative to the death sentence; conduct proportionality review of all capital convictions and sentences; treat the jury's "lingering doubt" over the defendant's guilt as a mitigating circumstance in the sentencing phase.



Hugo Bedau

Attorneys Barry Scheck and Peter Neufeld and journalist Jim Dwyer, in their book, *Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted*, offer a list of forty proposed reforms. Seven would restrict the admissibility of eyewitness testimony. Fourteen others are devoted to controlling the evidence tendered by jailhouse snitches. Another fourteen would constrain forensic laboratories and the use in court of their findings.

Law professor James Liebman and his associates at Columbia University, authors of *A Broken System* (released in part last year, and the rest this past February), limit

See Reforms — Continued on page 6

Massachusetts Citizens Against the Death Penalty Inc.

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# The Federal Death Penalty in Massachusetts

Margaret E. Ross

In March 2001, for the first time in many decades, members of a Massachusetts jury were faced with a death penalty decision. Kristen Gilbert, a nurse at the Veterans Affairs Medical Center in Northampton, was convicted of the murder of four patients and the attempted murder of three more. Her trial came about because of what could be called a legal quirk: Although Massachusetts has not allowed the death penalty since 1975, Gilbert was eligible for execution under federal law because her crimes were committed on federal property.

Although Professor James Acker of the State University of New York at Albany has described the Gilbert case as “a curiosity,” the Gilbert case may be a sign of things to come in Massachusetts. US Attorney Michael Sullivan, well-known for his pro-death penalty stance, is now seeking approval from Attorney General John Ashcroft to try Gary Lee Sampson for the death penalty for the murder of two Massachusetts men.

## Gary Sampson Case

In the current discourse about the federal death penalty in Massachusetts, Gary Sampson’s case is the most significant. Among other crimes, Sampson is accused of kidnapping and murdering three men, including two in Massachusetts. While prosecutors had a strong case for life without parole in state court, Sampson has now been indicted in federal court for carjacking, according to his attorneys “to expose him to the death penalty.” Part of what this means is that federal prosecutors will have to prove that Sampson’s intent was to get the victims’ automobiles. US Attorney Sullivan has stated that “The federal carjacking statute was created as a deterrent for just this type of violence.”

In the *Boston Globe* Sampson’s attorneys “attacked the federal indictments as a political maneuver to bring the death penalty in a state where there is no death sentence.”

His lawyers also contend that the Sampson case carries no particular federal interest, unlike the Gilbert case, where the murders took place at a federal facility. Furthermore Sampson’s attorneys argue that the death penalty is not

warranted since Sampson tried to turn himself in to the Boston FBI the day before killing his first victim. When Sullivan was asked by the *Globe* whether “the call could mitigate against the death penalty, Sullivan said; ‘It’s a 55-second call. Beyond being able to confirm a call was made, there’s no corroboration beyond that.’”

***“...to preserve the Attorney General’s right to determine whether the case should ... be charged as a capital case, the government has superseded the original indictment charging Gary Lee Sampson.”***

*Michael Sullivan, MA US Attorney*

Sampson’s defense team has told the *Globe* that in February 2002, and again at the beginning of August, Sampson offered to plead guilty to murder charges in exchange for life without parole. Sullivan has reportedly spurned these offers.

On August 8, 2002, Sullivan brought a superseding indictment against Sampson in order to address concerns raised by the US Supreme Court’s June ruling in *Ring v. Arizona*.<sup>7</sup> This decision ended the practice of having a judge, rather than a jury, decide the critical sentencing issues in a death penalty case. The Court also ruled that federal prosecutors must spell out in the indictment aggravating elements that merit capital punishment, rather than waiting until the penalty phase of the trial. The *Globe*

quotes Sullivan as saying, “In order to avoid any potential legal issues that might arise under the Supreme Court decision *Ring v. Arizona*, and to preserve the Attorney General’s right to determine whether the case should ... be charged as a capital case, the government has superseded the original indictment charging Gary Lee Sampson.”

## Developing a Death Penalty Review System

Janet Reno first established the protocol for handling federal death penalty cases in January 1995, when the new Federal Death Penalty Act of 1994 entered into effect. While there was already a death penalty law on the books with the Anti-Drug Abuse Act of 1988 (the so-called “Drug Kingpin Statute”), the Death Penalty Act expanded the capital punishment to some 60 offenses, and the number of potential cases grew considerably. Although the Attorney General makes the ultimate decision about whether to pursue a death penalty case, the Justice Department set up a multi-tier death penalty review process.

## The United States Attorneys’ Manual Guidelines: Basic Process

Once a US Attorney’s office charges a defendant with one of the 60 or so crimes that are “death eligible” under federal law, it is obligated to refer the matter to the main Department of Justice, along with materials from defense counsel and a recommendation as to whether or not to seek the death penalty.

Once the materials are received by the Criminal Division, a lawyer with the Capital Case Unit reviews the file and within a few weeks presents an analysis to the top officials in the Unit. The analysis, along with the Unit’s proposed recommendation, is then sent to the Review Committee. Under Reno’s leadership, the Review Committee would meet with the local assistant US attorney working on the case, defense lawyers, and the relevant staff from the Capital Case Unit. The Ashcroft guidelines, however, state while “[c]ounsel for the defendant shall be provided an opportunity to present to the Committee ... [i]f the Committee decides to permit oral

presentation, it will ordinarily occur via video conference.” The defense counsel make their argument first and are not permitted to hear what the US attorney says. The US attorney has a chance to rebut the defense, present the government’s viewpoint and then leaves the room. After considering all information submitted to it, the Committee makes a recommendation to the Attorney General. The Attorney General, however, makes the final decision about whether the Government should file a Notice of Intention to Seek the Death Penalty. Defense lawyers are not informed of any decision until the Attorney General’s formal announcement.

### **Role of Defense Counsel and Right to Counsel**

As described in a 1999 *Legal Times* article, the Review Committee process sometimes has a chilling effect on defense counsel making their best arguments against seeking the death penalty. Prosecutors have been known to use information against defendants in trial that defense counsel presented to the review committee, as happened in the case of Timothy Holloway in Tennessee. Holloway’s attorney Richard Kammen has said “When you present information to the review committee, you do it at your peril.” As a result, some lawyers choose not to offer any argument to the review committee.

Another concern raised by defense lawyers is that cases have gone before the Review Committee without defense lawyers present. Nonetheless, the *US Attorneys’ Manual* states that “No decision to seek the death penalty shall be made without affording defense counsel an opportunity to present evidence and argument in mitigation, but a decision not to seek the death penalty may be made without awaiting any such submissions.”

### **Decision To Prosecute Under Federal Law Rather Than State Law**

Under Ashcroft’s leadership, the death penalty review system has been further modified. Shortly after taking office in 2001 Ashcroft quietly revised the guidelines to make it easier to bring death penalty cases in states that do not have capital punishment. Although the guidelines require a “substantial federal

interest” more than the fact that the crime took place in a state where the death penalty is not authorized, U.S. attorneys are also encouraged to consider whether “appropriate punishment upon conviction” is available at the state level. In recent months, Ashcroft’s Justice Department has aggressively pursued the federal death penalty against defendants in Puerto Rico, Massachusetts and other anti-capital-punishment strongholds.

Even in cases where the US Attorney does not intend to request the death penalty, the Death Penalty Evaluation Form must nonetheless be submitted to the Assistant Attorney General for Criminal Division. This document must contain a statement of the reason the United States decided not to seek the death penalty or charge a capital offense. Ashcroft is so aggressive about the death penalty that he is frequently overruling his own prosecutors to demand capital charges. In fact, Ashcroft has overruled U.S. attorneys 12 times and he has approved death-penalty prosecutions in nearly half of the federal cases where capital charges might apply.

### **The Questionable Future of the Federal Death Penalty**

Ashcroft’s aggressive policy seems destined for a major showdown with the courts over the question of capital punishment. A dramatic example is a recent court decision in New York State. In *United States v. Quinones*, federal district court judge Rakoff struck down all death penalty aspects of the case, ruling that the Federal Death Penalty Act violated due process and was unconstitutional by cutting off defendant’s ability to establish actual innocence. Judge Rakoff lays out a case against federal capital punishment in terms so clear that even the pro-death-penalty *Washington Times* editorial page called it “a disturbingly powerful legal opinion” that casts light on a “new factual reality.” Despite what seem to be setbacks here in Massachusetts, perhaps we can look forward to living in a country that is free of capital punishment.

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*Margaret Ross is an attorney starting a practice in criminal defense.*

*[This article has been shortened to fit the allotted space. The complete text, including source references, is available on the MCADP website: [www.MCADP.org](http://www.MCADP.org)]*

*Ehrmann — Continued from Page 1.*

1960, *The Vanguard Press*) and *The Case that Will Not Die: The Commonwealth vs. Sacco and Vanzetti* (1969 Little Brown).

75 years after the executions of Sacco and Vanzetti the death penalty is still in the news—a moratorium in Maryland, case by case clemency



*Herbert B. Ehrmann*

hearings in Illinois, a Supreme Court ruling forbidding the execution of the retarded, the mounting number of those convicted being exonerated after new proof of innocence, including many on death rows. One might believe that the national tide has shifted away from the Death Penalty and that the United States is in synch with every other country in the industrialized world—but such is not the case. We must never sit content simply because of our present legislative success in Massachusetts.

We know from past experience the passion for revenge lies just below the surface of our present civil legislation. We know that we are always just one horrendous crime away from public outrage and the cry to “kill the killer!”

MCADP’s mission to keep the death penalty out of Massachusetts, is constantly in need of our efforts. Governmental interest in federalizing the death penalty can be seen on a regular basis. The Gilbert case and, perhaps, the Sampson case demonstrate that even in Massachusetts we are perilously close to imposing the ultimate sentence once again.

As concerned citizens, we need to stay together, stay informed and remain vigilant in educating others concerning legislation, stances of candidates for public office, national trends and most fundamentally the negative impact that the death penalty has on society.

We thank you for your membership and continuing support. Local chapters of MCADP offer an excellent opportunity for our members to become more actively involved. We encourage you to join (or form!) a chapter of MCADP in your area. See pages 4-7 for more info.

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# Local MCADP Chapters—A Breath of Life

Martina Jackson,  
MCADP Executive Director

Having organized three anti-death penalty efforts in the legislature, I can speak from experience—victorious experience—on the incalculable difference chapters make in persuading legislators to vote our way. Equally crucial is the effectiveness of chapters in electing abolition candidates. Sol Finestone and his band of warriors from Western Massachusetts, Ron Madnick from the Worcester area, Reverend Susan Lee and our southern troops and Horace Seldon the northern contingent can all bear witness to the success of a determined, organized chapter.

In the first instance, nothing convinces politicians to vote a particular way, as does a deluge of phone calls, letters, and visits. In 1999 Susan Lees's forces "persuaded" a newly elected state representative to change his stated position from pro-death penalty to anti-. The Worcester County Chapter has helped to turn around several of their legislators, who now vote with us.

In the grassroots effort to elect anti-death penalty candidates, chapters have made endless rounds of persuasion and tracking telephone calls; stood in public paces with signs; staffed Election Day operations...in some cases producing stunning results. Ask Sol and the Springfield chapter what they did for Stephen Buoniconti, a newcomer who toppled a longtime house fixture. Or have Ron Madnick explain how it is that the Worcester County delegation, that once voted almost entirely in the affirmative on the death penalty, now votes "no" in the House and the Senate. Horace Seldon, who regards grassroots organizing as the work of angels, could write the primer on starting with a determined core and building a political power base.

Although we have a thirty-eight vote lead in the current House and a two vote lead in the Senate, redistricting looms large in our immediate future. Now, more than ever, we need our chapters to offer concrete help to those who are with us and to recruit anti-death penalty candidates in districts that are open. As

we learned in 1997, the abolition movement can never take last year's landslide for granted. Regrettably, we are always just one child murder away from a gargantuan effort to reinstated capital punishment.

### **Anti-death Penalty Candidates Need Your Support!**

*See a list of important  
state races on Page 8.*

What are the ingredients for successful chapter building. Above all, chapters MUST be focused on preventing the death penalty in Massachusetts. Obvious, you think. Occasionally, however, chapters take on other causes, which they determine to be related to the abolition movement. In fact, broadening the agenda diffuses our productivity. Anti-death penalty supporters may embrace a variety of other, possibly divisive views, but they agree on this one precept: The death penalty is wrong for Massachusetts, and therefore, we risk weakening our coalition when we accrue other causes.

When Episcopal Bishop Barbara Harris led more than one hundred religious leaders from many faiths up Park street to stand in opposition to Governor Cellucci and his death penalty bill, that one issue united them. We reach across political and religious spectra strengthening our credibility thereby.

Diversity is another irreplaceable ingredient in successful chapter building. Reverend Susan Lee presides over a group which includes the faith community, members of the alliance for the mentally ill, union representatives, housing advocates and the like. Apart from the critical mass that can be called to participate in abolition activities, politicians shrink from antagonizing so broad a base.

Involvement of local legislators is helpful in nurturing and advancing chapters. Abolition legislators often have

the backing of zealous abolition supporters who are potential chapter members. Moreover, abolition legislators often have the backing of zealous abolition supporters who are potential chapter members. And, abolition legislators are willing speakers at chapter building meetings. Finally, legislators will alert chapters to upcoming death penalty bills and hearings.

For lack of a better word "tasks" keep chapters thriving and growing. In between hearing and election time, there are ongoing activities for chapters. MCADP chapters should always be represented at large political programs and rallies. For example, chapters should set up display tables at local fairs or partisan gatherings.

Chapters should have an information component, such as speakers bureaus, which explain the work of the organization and solicits membership. Chapters may also choose to publish a newsletter to inform members of relevant upcoming legislative initiatives. In addition, chapters may choose to write letters to the editors of local papers, or call local radio shows to press our point of view. Among the invaluable chapter activities are those dealing directly with death penalty cases. In Springfield, our local chapter undertook regular demonstrations at the federal trial of Veterans hospital nurse, Kristen Gilbert. Recognizing the importance of political pressure, the chapter mounted a comprehensive campaign of anti-death penalty letters and calls. As we all know, Kristen Gilbert's life was spared.

Apart from their visible, tangible accomplishment, chapters have another more important function: in tense times, chapters allow us to remind ourselves that there are others who stand together with us against a considerable evil. In rosy times, chapters offer companions who share our pride and pleasure at having preserved the Commonwealth in the ranks of the fabulous thirteen (including Illinois) who affirm the value of each human life.

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# Organizing New Chapters

Last November, the Worcester Chapter of MCADP hosted a day-long statewide conference entitled *Chapter Development: The Death Penalty in Massachusetts and in the United States: How Can You Be Involved?*

Held at the College of the Holy Cross, Worcester, forty people from around the state attended.

Representatives from the four existing chapters described the various ways their chapters were organized and answered questions from the audience.

Following a networking luncheon, a number of powerful speakers addressed the gathering.

## **The Anti-death Penalty Legislators' View**

State Representatives Harold Naughton, James Leary, and Robert "Bob" Spellane attended and commented on their support of anti-death penalty efforts. They talked about importance of constituents and the power of their influence on legislators.

In introducing Representative Bob Spellane, Ron Madnick noted the good news that there were five candidates in Bob's race, both republicans and democrats, ALL of whom were against the death penalty.

Bob Spellane related a conversation with then candidate and now State Representative Leary regarding the death penalty. "One day he was caught at the door with a constituent for about half an hour. The death penalty issue came up and they went back and forth, the constituent obviously for the death penalty. At the end of the conversation, I asked Jimmy (Rep. Leary) what he thought and he said, 'I think I got the guy's vote, believe it or not,' because he told him what he believed in and why he thought it was important, he spoke from his heart.

"Perhaps Representative James Leary said it best when he said '...grass roots organizing, getting out there and telling people what it's all about! Get out there and teach your friends, your relatives, your neighbors, your cousins,

whomever and tell them why you are against the death penalty and why it is important that they should be as well.'

"Letting people know the ramifications of this issue is important so, if another horrible killing takes place and public sentiment flares, we will have at least done our part by educating people and informing them why they should oppose the death penalty.

"When I went door to door, people would ask 'Are you for or against the death penalty?' I would say I was against it and I would pose the question 'why do you support it?' and almost 90% responded with not wanting to pay \$40,000 a year of tax dollars to house criminals.

We then began to inform them of how much it cost to kill a prisoner."

## **The International Perspective**

Robert Meeropol, one of the sons of Ethel and Julius Rosenberg, who were executed in the 1950's for spying for the Soviet Union, is an active opponent of the death penalty. He spoke to the group about his involvement on the international level and specifically about his attendance, June 20-23, 2001, at the first global conference against the death penalty, held at the headquarters at the European Parliament in Strasbourg, France. Over 500 activists from six continents attended with the 25 heads of legislative bodies from their respective countries. There are one hundred and ninety five members in the United Nations of those member countries, one hundred and five have now abolished capital punishment. Many countries around the globe view the United States as a great and civilized nation. Consequently, the use of capital punishment in the US has the potential of undermining this trend by reinforcing the belief in other countries that the death penalty is not cruel but rather a civilized form of punishment.

There is a possibility that the conference could be held in Massachusetts in 2004. If the Commonwealth has an anti-death penalty Governor at the helm the likelihood of Massachusetts as the site would be much greater.

## **Murder Victims' Families for Reconciliation**

Tom Lowenstein, who was involved with the development of chapters in his former position as Outreach Director of MCADP and is currently an involved member of Murder Victim's Families for Reconciliation was the final speaker of the day.

"I am here because I'm against the death penalty. My dad was murdered when I was little kid and I got involved against the death penalty through MCADP. In 1997 when Jeffrey Curley was murdered there was a huge outcry and Jeff Jacoby wrote in the newspaper that 'if you do not support the death penalty you do not care about victims or justice' and that angered me. I did not believe that I was the only one who had suffered a loss and still opposed the death penalty.

"The first day I got involved with the death penalty, I was on Beacon Hill and I remember Mr. Curley walking around with a police escort along to visit all the state reps asking them "can you deny me justice for my son?" Then there were 5 or 6 of us who were against the death penalty (we did not have a police escort, somehow they thought we would be safe) and we just walked around that building trying to go in and tell legislators that there are people who are opposed.

"One can't overstate the impact of local MCADP Chapters. Rev. Susan Lee started the Bristol County Chapter around 1999. This was a time, as you will recall, that we were perilously close to having the death penalty return to the Commonwealth. The folks from the southern part of the State called to ask if they were a chapter. In my great wisdom, I said 'Yes, congratulations, you are the Bristol County Chapter MCADP.' Shortly thereafter, they told us that their membership was a core group of three. It is at this grass roots level that we really have an impact.

"One of the new representatives who said he was against the death penalty and won by only eight votes received thirty phone calls telling him to vote against the

*Organizing — Continued on page 6*

death penalty. We know that twenty phone calls in some districts is seen as a ground swell. Some elections have a small turnout and every vote matters. This is so true, it boggles my mind how much impact one or two people can have on the local level. When you have an MCADP chapter in your geographic area it makes an enormous difference.

"I agree with other anti-death penalty proponents that our challenge is to find out anything we can about a person to get them to change their mind.

"People are mistaken in thinking that all victims' families are for the death penalty. MVFR is a wonderful resource. I would be happy to come anytime to speak on this topic and I am not the only one at MVFR who feels that way. So the offer I want to make today is, just ask and I or another member of Murder Victims Families will come anywhere and anytime to talk to people.

"MVFR's book, **NOT IN OUR NAMES**, contains pictures of people who are in my spot, having lost a loved one and opposing the death penalty. There are a lot of us in Massachusetts.

"Renny Cushing's father was murdered in his home. Renny is now the executive director of Murder Victims Families. George White is from Alabama. He and his wife were shot, she died in his arms. George was arrested, tried, convicted and sent to death row for her murder only to be released a few years later when it turned out to be a wrongful conviction.

"We can't be complacent. We had a thirty-two vote majority last time and before that it was seven, and before that it was a tie. Who knows how September 11 will change things.

"When Governor Cellucci took Representative Naughton on in 1999, I thought it was the most extraordinary performance I had ever seen. I remember seeing him after that and I walked over to him and said, "Hello, I'm the Political Director of the MCADP," and he said, "Hold on don't hug me yet, I don't know where I stand. And I replied, " I'll hug you now and if I can I'll hug you in two years." Surprisingly enough, even with the threat of my hug, Representative Naughton remained against the death penalty.

"The question is can we make a

moral argument against the death penalty? If someone comes up to me and asks, 'Do you really not want to execute Bin Laden?' ...I don't think it's black and white. I don't think you're for the death penalty or against it. I know in my life MVFR has me thinking a lot about reconciliation. Many members of the group have been able to forgive the killer of their loved one but I have not. That is not part of who I am. I envy those people because I wish I could. I try to, but I may never be able to. But that is not what it's about. It's not about feeling sorry for people on death row. The bigger issue is 'What does it do to us?' That is the question we need to ask people.

"Rep. Naughton asked the governor how much money are we going to pour into the judicial process when the death penalty is not a deterrent and can potentially kill innocent people?

"I meet lots of people they tell me that I would be for the death penalty if the system were perfect. My answer is, 'No, I would not.' I morally oppose it and do not want to be like the man who killed my father — a murderer. That is another message that we need to get across in every town we can.

"The U.S. Government is federalizing it and every time they execute someone in this country they're doing it because they think we want them to. You either stand up and say 'I'm against what the government is doing' or you accept and, as a result, you're apart of it. We need to challenge people to ask what the death penalty does to us — as people.

"I am so tired of talking about the man who killed my father because I don't give him a name, I don't care about him, I don't know him, and that is not why I'm here. I'm here because of us and what we do as a society. I want to get this message across to people. I have found common ground with people who seemed very different from me. It is so important to just get people to peek through the door, to consider a different outlook and then maybe next time they will be a little bit more sensitive with other issues.

"I will close with a story. In 1997 when Jeffrey Curley was killed and his father was up on Beacon Hill in 1999 and the death penalty bill came up again, Bud Welsh, a member of MVFR, whose daughter Julie was killed in the Oklahoma City bombing did a TV show with

Bob Curley while he was in Boston. Bud came up to me afterwards saying that Bob Curley would change his mind and would be against the death penalty — *he was right.*"

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Reforms — Continued from page 1

themselves to ten recommended reforms to death penalty jurisprudence, including these three: Requiring proof of guilt "beyond any doubt" in a capital case, insulating sentencing and appellate judges who deal with capital cases from "political pressure," and increasing compensation for capital defense counsel to provide incentives for "well-qualified lawyers" to do the work.

By far the most comprehensive set of reforms—totaling no fewer than 85 in number—have issued from the massive report of the Illinois Commission on Capital Punishment, submitted to Governor George Ryan this past spring. Nineteen proposed reforms are addressed to police and pretrial practices; the Commission also joins Scheck et al. in endorsing videotaping of interrogations. Seven of their recommendations address the role of forensic evidence; of course they urge wider use of DNA testing. Prosecutorial selection of homicide cases to be tried as capital cases is the subject of three proposed reforms. Ten of the recommendations are aimed at overhauling pretrial proceedings, including use by the prosecution of testimony from informants in custody. They would not bar such testimony, but they would insist that uncorroborated testimony of this sort would not by itself be a sufficient basis for imposing a death sentence. The Commission also agreed with Liebman et al. in favoring adequate compensation for defense counsel in post-conviction litigation.

What are we to make of these 150 recommendations? How likely is it that most—or any—of them will be enacted into law? Will the courts or the legislatures take a leading role in embracing these reforms? Will they prove to be so expensive and complex that legislatures will conclude society would be better off without the death penalty? It is too early to tell. Watch our website for further developments.

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*Hugo Bedau is Tufts Emeritus Fletcher Professor of Philosophy and member of the MCADP Board*

### Boston North Chapter Emerges

The MCADP Boston North Chapter will hold its first public event on Thursday evening, November 7, 2002.

Lou Jones, internationally known photographer, will talk about some of his photographs of Death Row inmates in the Public Library, Reading, MA.

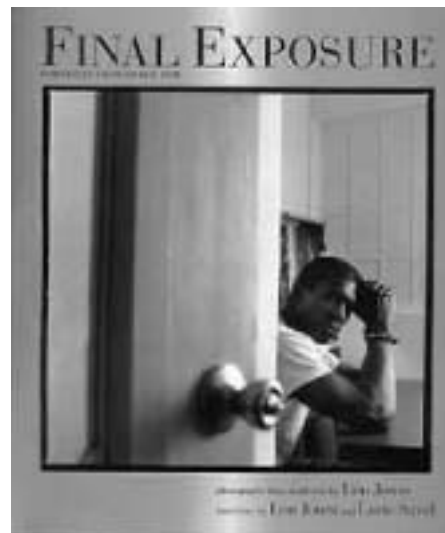
Members of the new Chapter met this summer with David Ehrmann and Martina Jackson, representing the MCADP Board, and the Boston North Chapter was born!

Concerned citizens from several communities north of Boston had been meeting for over a year, organizing with

an intent of aligning with MCADP. Presently, active members come from Reading, Wakefield, Melrose, and Beverly, with people from several other towns expressing new interest in joining the expanding chapter.

The Boston North Chapter will be planning several programs during the coming year, designed to educate public opinion against the death penalty.

Anyone living in towns north of Boston is invited to participate. Those interested in knowing more about the Boston North Chapter can email [mcadp@channel1.com](mailto:mcadp@channel1.com) or call Horace Seldon at 781-245-5789.



Lou Jones's book of death row images, *Final Exposure*, was published in 1996 by Northeastern University press.

### Hampden County Chapter

This August 23 marked the 75<sup>th</sup> anniversary of the executions of Nicola Sacco and Bartolomeo Vanzetti in the Commonwealth and the 10th annual Sacco Vanzetti memorial event sponsored by the Hampton County Chapter of MCADP. The event in Springfield was attended by more than 100 people.

The afternoon program featured folksinger-activists Charlie King and Karen Brandow, who conducted a Sacco & Vanzetti workshop at Western New England College School of Law. The presentation documented Sacco & Vanzetti's ordeal by sharing the tragic American experience of these two immigrants through song, photographs, poetry, and letters.

Later King & Brandow presented an extended version of the program at Bishop Marshall Center, entitled *Remembering Nicola Sacco and Bartolomeo Vanzetti*. Their strong performance was rewarded with a standing ovation.

Our greatest honor this year was hosting Robert Curley. The violent death of his young son in 1997 nearly brought the death penalty back to Massachusetts. Curley, an unassuming man, spoke briefly and simply. After the trial of his son's murderers, he met an unthinkable challenge when he returned to his opposition to the death penalty. He is the

picture of human grace.

Media attention was heavy this year. Emails, calls and releases garnered much of the necessary coverage, but some media went the extra mile with one local TV station staying on for much of the evening, broadcasting live interviews with organizers on the half hour.

The case of Sacco & Vanzetti, as members of a despised minority of their day, stands as a classic example of the injustice inherent in the application of the death penalty. Their arrest and trial nearly spanned the 1920s, America's Red Scare period. In 1920, US Attorney General A. Mitchell Palmer ordered all foreign radicals rounded up for deportation. Reactionary, isolationist conditions in America that led to Sacco & Vanzetti's executions resonate strongly since the September 11th attacks. Hampden County members, as well as King & Brandow, discussed the current erosion of civil liberties, expanded profiling, and new definitions of what constitutes a threat to national security.

MCADP's Hampden County Chapter is active year-round and meets the first Thursday of every month in Springfield; for information call Saul Finestone at (413) 567-3451 or email him at [CAJOWL66@aol.com](mailto:CAJOWL66@aol.com).

### JOIN A CHAPTER! (or start one!)

You are the power that makes us effective. Members help us in electing anti-death penalty candidates as well as persuading elected officials to vote with us.

We must keep Massachusetts among the handful of states opposing the death penalty!

**If you'd like to join a chapter contact:**

#### **Boston North**

Horace Seldon  
781-245-5789

#### **Bristol County**

Rev. Susan Lee  
508-678-5118

#### **Hampton County**

Saul Finestone  
413-567-3451  
[CAJOWL66@aol.com](mailto:CAJOWL66@aol.com)

#### **Worcester**

Ron Madnick  
508-752-5363  
[wcaalum@earthlink.com](mailto:wcaalum@earthlink.com)

**or, if you would like to start a chapter in your area we would be pleased to help – please contact us at**

**617-523-3951 or  
email [mcadp@channel1.com](mailto:mcadp@channel1.com).**

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## Help Candidates NOW and Vote on Nov 5

The November 5, 2002 election will have a significant impact on the death penalty in Massachusetts. A number of our legislative allies, Democrats and Republicans, have pro-death penalty challengers. At the same time, there are several anti-death penalty legislators who are leaving the legislature. Redistricting has created some new legislative districts, as well. Below are anti-death penalty candidates with more than token challenges, beginning with Shannon O'Brien, the only major party gubernatorial candidate who is opposed to capital punishment.

### Governor

- **Shannon O'Brien (D)**  
850 Summer Street,,  
South Boston 02114  
(617) 268-2500

### Senate

- **Robert A. O'Leary (D)**  
P.O. Box 61,  
Pemaquid 02637  
(508) 775-0162

### House — Open Seats

- **6th Berkshire**  
**William Pignatelli (D)**  
71 Cliffwood Street, Lenox 02140  
(413) 637-0631
- **6th Berkshire**  
**Thomas H. Stokes (Ind)**  
51 Interlaken Road,  
Stockbridge 01262  
(413) 637-2486
- **6th Essex**  
**Mary E. Grant (D)**  
868 Hale Street, Beverly 01915  
(978) 927-1504
- **6th Plymouth**  
**Bridget Simmons (D)**  
126 Washington Street,  
Pembroke 02359  
(781) 826-2159
- **18th Essex (new)**  
**Barbara A. L'Italien (D)**  
5 Harper Circle, Andover 01810  
(978) 681-8332
- **4th Hampden**  
**Bo Sullivan (D)**  
54 Barrister Circle,  
Westfield 01085  
(413) 562-8172
- **37th Middlesex**  
**James B. Eldridge (D)**  
128 Main Street, Acton 01720  
(978) 263-1647
- **14th Norfolk**  
**Alice Hanlon Peisch (D)**  
37 Pine Street, Wellesley 02482  
(781) 239-0119

- **18th Worcester**  
**Jennifer M. Callahan (D)**  
112 Uxbridge Road, Sutton 01590  
(508) 865-4688

### House — Anti-Death Penalty Incumbents

- **3rd Barnstable**  
**Matthew C. Patrick (D)**  
24 Collins Road, Falmouth 02540  
(508) 540-0981
- **5th Barnstable**  
**Ruth W. Provost (D)**  
16 Grove Street, Sandwich 02221  
(508) 888-0858
- **2nd Berkshire**  
**Shaun P. Kelly (R)**  
30 Florence Street, Dalton 01226  
(413) 684-0434
- **5th Essex**  
**Anthony J. Verga (D)**  
66 Perkins Street,  
Gloucester 01930  
(978) 283-2675
- **13th Essex**  
**Theodore Speliotis (D)**  
4 Ardmore Drive, Danvers 01930  
(978) 777-3138
- **12th Hampden**  
**Gale D. Candaras (D)**  
643 Tinkham Road,  
Wilbraham 01095  
(413) 599-1773
- **5th Middlesex**  
**David Linsky (D)**  
P.O. Box 2133, Natick 01760  
(508) 395-8097
- **14th Middlesex**  
**Cory Atkins (D)**  
1540 Monument Street,  
Concord 01742  
(978) 369-5299
- **15th Middlesex**  
**Jay R. Kaufman (D)**  
1 Childs Road, Lexington 02420  
(781) 862-4883

- **32nd Middlesex**  
**Michael E. Festa (D)**  
126 Boston Road, Melrose 02133  
(781) 665-1682
- **36th Middlesex**  
**Colleen M. Garry (D)**  
55 Chapman Street, Dracut 01826  
(978) 453-1356
- **3rd Plymouth**  
**Garrett J. Bradley (D)**  
774 Main Street, Hingham 02043  
(617) 722-2120
- **7th Plymouth**  
**Kathleen M. Teahan (D)**  
78 Harvard Street, Whitman 02382  
(781) 447-7600
- **1st Worcester**  
**David C. Bunker, Jr. (D)**  
41 Central Tree Road,  
Rutland 01543  
(508) 886-6863
- **6th Worcester**  
**Mark J. Carron (D)**  
143 Chapin Street,  
Southbridge 01550  
(617) 722-2060
- **12th Worcester**  
**Harold P. Naughton, Jr. (D)**  
12 Haskell Avenue, Clinton 01510  
(617) 722-2396

### House Challengers to Pro-Death Penalty Representatives

- **2nd Hampshire**  
**Kathleen E. Grady (D)**  
35 Roseland Terrace,  
Longmeadow 01106  
(413) 567-0467
- **1st Middlesex**  
**Fay Morrison (D)**  
22 Cambridge Street, Ayer 01432  
(978) 772-8215
- **1st Plymouth**  
**Loring Tripp III (D)**  
116 Beaver Dam Road,  
Plymouth 02360  
(508) 224-6517