

When a young woman featured in a recent documentary is murdered, the film itself becomes central to whether her killer lives or dies.



NO TOMORROW

a production of PUBLIC POLICY PRODUCTIONS

VIEWER'S GUIDE

Credits and Acknowledgments

Author

Melanie Butler

Editor

Roger Weisberg
Producer/Director, *No Tomorrow*

Research

Melanie Butler
Alice Quinn

Expert Consultants

Richard Dieter
President, Death Penalty Information Center

Elaine DeLeon

Research and Information Specialist
Death Penalty Information Center

Graphics

Photos courtesy of Public Policy Productions
Illustrations courtesy of Sven Johnson Illustration
Front cover design by Bill Bergeron-Mirsky

How to Buy *No Tomorrow*

- **Universities, libraries, and other institutions**
Filmmakers Library
800.555.9815
info@filmmakers.com
www.filmmakers.com
- **Foreign television licensing**
Solid Entertainment
818.990.4300
info@solidpgms.com
www.solidentertainment.com
- **Home use and all other markets**
Public Policy Productions
pppinfo@pppdocs.com
845.398.2119
www.pppdocs.com

Funding for *No Tomorrow* provided by

Alan and Arlene Alda
Lucius and Eva Eastman Fund
Fledgling Fund
Foundation for a Just Community
Charles A. Frueauff Foundation
Gruber Family Foundation
Mertz Gilmore Foundation
Park Foundation
Silverweed Foundation
Spunk Fund

Table of Contents



- 4 Introduction**
- 5 Letter from Roger Weisberg
- 5 Letter from Vanessa Roth
- 6 Background**
- 6 Capital Punishment Laws of the World
- 7 Capital Punishment in the United States
- 8 States with Pending Legislation to Repeal or Reform the Death Penalty
- 10 History of Death Penalty Legislation
- 13 Public Opinion on the Death Penalty
- 15 Discussion**
- 15 Who's Who in *No Tomorrow*
- 18 General Discussion Questions
- 18 The Power of Film
- 20 Nature versus Nurture
- 21 Weighing the Issues
- 25 Summing up
- 27 Resources**
- 27 State Bar Associations
- 29 Organizations and Websites
- 34 Books and Related Media

Introduction

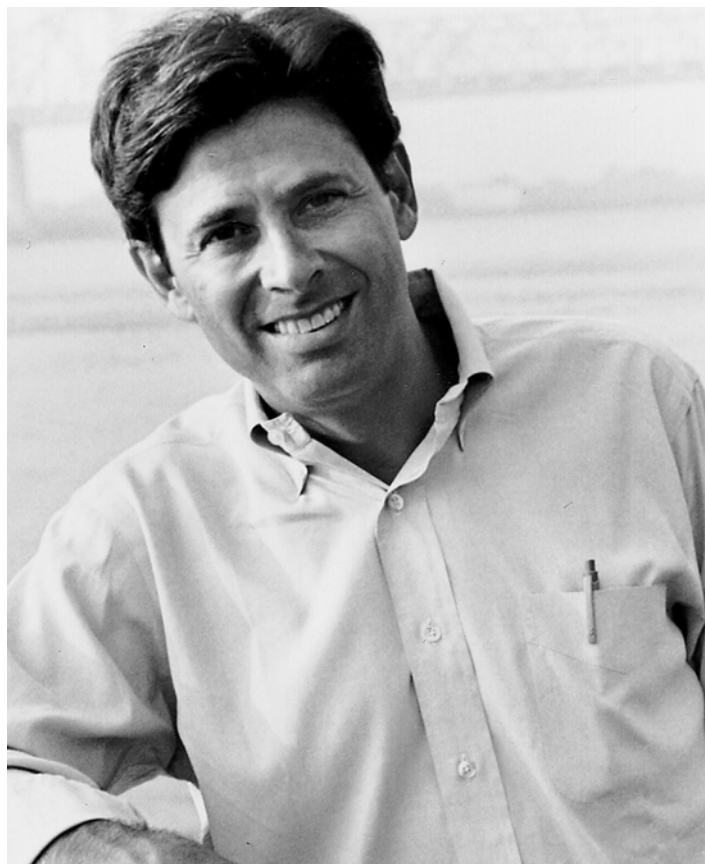
Letter from Roger Weisberg

On June 6, 2004, the world woke up to learn that former President Ronald Reagan had died. On that same day, an unidentified young woman was found shot in a Los Angeles alley, but few people noticed. Ultimately, the police were able to identify this Jane Doe as Risa Bejarano, who was known to millions of Americans as the subject of *AGING OUT*, a PBS documentary that Vanessa Roth and I made about teens leaving the foster care system.

We sent the homicide detective a copy of *AGING OUT* because he thought our film about Risa's last year of life might help him solve this brutal crime. After a suspect, Juan Chavez, was apprehended and charged with the murder, the district attorney also requested a DVD. At first we were happy that our film could speak for Risa and give her a voice in the trial. But when the prosecutor decided to seek the death penalty for Chavez, we became increasingly ambivalent, because we knew that he intended to use our film to persuade the jury to impose the death penalty by maximizing sympathy for the victim and hatred for the perpetrator.

Since the jury returned verdicts of life without parole for two other murders committed by Chavez and the death penalty only for Risa Bejarano's murder, we felt compelled to explore the role that our film might have played in the jury's verdict. Ironically, we created *AGING OUT* to give hope to teenagers struggling to overcome the scars of early childhood abuse and neglect. Risa participated in our film because she wanted others with similar backgrounds to get a second chance in life. Now we were confronted with the unsettling possibility that our film may have helped convince the jury to give the death sentence to a young man who had suffered the same traumatic childhood abuse and neglect as Risa. Our misgivings were heightened by the prosecutor's editing of our film in his closing argument. He recut *AGING OUT*, using audio clips of Chavez bragging in jail over images of Risa's happiest moments and achievements. He then ended his reedited version with a crime scene photograph of Risa's bloody body, leaving the jury with what they described as one of the most powerful and emotional moments of the trial.

As filmmakers who knew and loved Risa Bejarano, we wanted her murderer to be severely punished – but we have always been morally opposed to the death penalty. We certainly understand that some people may think Juan Chavez deserves to die for what he did, but we felt that the more viewers learned about the imperfect, costly, discriminatory, and arbitrary administration of the death penalty, the more they would question whether the state should be entitled to kill him.



Filmmaker Roger Weisberg

In addition to the film-within-a-film phenomena, what distinguishes *NO TOMORROW* from other death penalty films is that the defendant is not sympathetic and his guilt is not called into question. It's easy to be against the death penalty when there is doubt about culpability, but we believe that *NO TOMORROW* will make viewers question the death penalty even in cases like the Chavez case - and the majority of capital murder cases - where the defendant is neither sympathetic nor plausibly innocent.

NO TOMORROW allows proponents of capital punishment to make their case, acknowledging what the majority of Americans still believe: that the death penalty is a valid response to the most heinous crimes. Some viewers might feel that their support of capital punishment is validated, especially with such a sympathetic victim, but these same people would dismiss the film entirely if it were just a one-sided polemic. *NO TOMORROW* will force even those viewers who conclude that the death penalty is a legitimate human response to consider whether it's a legitimate public policy.

Introduction



Letter from Vanessa Roth



Filmmaker Vanessa Roth

My goal as a filmmaker has always been to empower vulnerable young people by giving them an avenue to tell their story. But, after the brutal murder of Risa Bejarano, I was unsure I ever wanted to make another documentary again.

During the production of Roger Weisberg's and my previous film, *Aging Out*, Risa and I became very close. I documented the moments Risa was most proud of in her life, and I witnessed the complex internal struggles she encountered as she made the transition from foster care to independent living. After *Aging Out* was completed and broadcast, Risa and I stayed in close contact. I was often a source of support to Risa as she faced numerous obstacles, but I also questioned the appropriate way to offer her guidance in my role as filmmaker-turned-friend.

Nonetheless, Risa's foster mother, and Risa's sister, and I stayed in touch, and we all did what we could to help Risa through her difficult struggles. Then Risa was murdered. It was devastating. A life with such strong potential, talent and gifts was cut far too short. In the days and months after

her murder, all of us who loved Risa were left to wonder whether we had done enough to help support this young fragile life.

Much of this questioning arose because Risa was a girl who did all she could to support others. In fact, she decided to participate in *Aging Out* as much to process her own experiences in the foster care system as to help empower other young people who had grown up in similar circumstances. Her greatest wish was that her story would make a difference in someone else's life.

When Roger and I learned that our film about Risa's last year of life would be used in the penalty phase of the trial of Juan Chavez in order to help convince the jury that he deserved the death penalty, we knew that this use of her story would not have been what she would have wanted. It was at that point that I felt compelled once again to join Roger in making a new film about another tragic young life and a broken system.

In the making of *No Tomorrow*, it was the persistence of conviction of Roger Weisberg and the sensitivity and talent of our editor, Tom Haneke, that gave me a new lens through which to see my role in Risa's life and in her death. Though I will always be haunted by her loss, I have come away with an understanding that it was only in my role as a filmmaker that I had the unique opportunity to give Risa a voice to share her very important life story. After her death, I began to ask difficult questions about the complexities of

"After the brutal murder of Risa Bejarano, I was unsure I ever wanted to make another documentary again."

our criminal justice system. I began to understand the jury's difficult process and the distinct points of view of the detectives, lawyers,

and judge involved in the trial. I was able to learn about the young man who took Risa's life and the family that lost him. I came to appreciate the complex policy questions raised by this death penalty trial. But most of all, I was able to provide an avenue for Risa's friends and family to have a part in telling the story of this young woman they all loved so dearly.

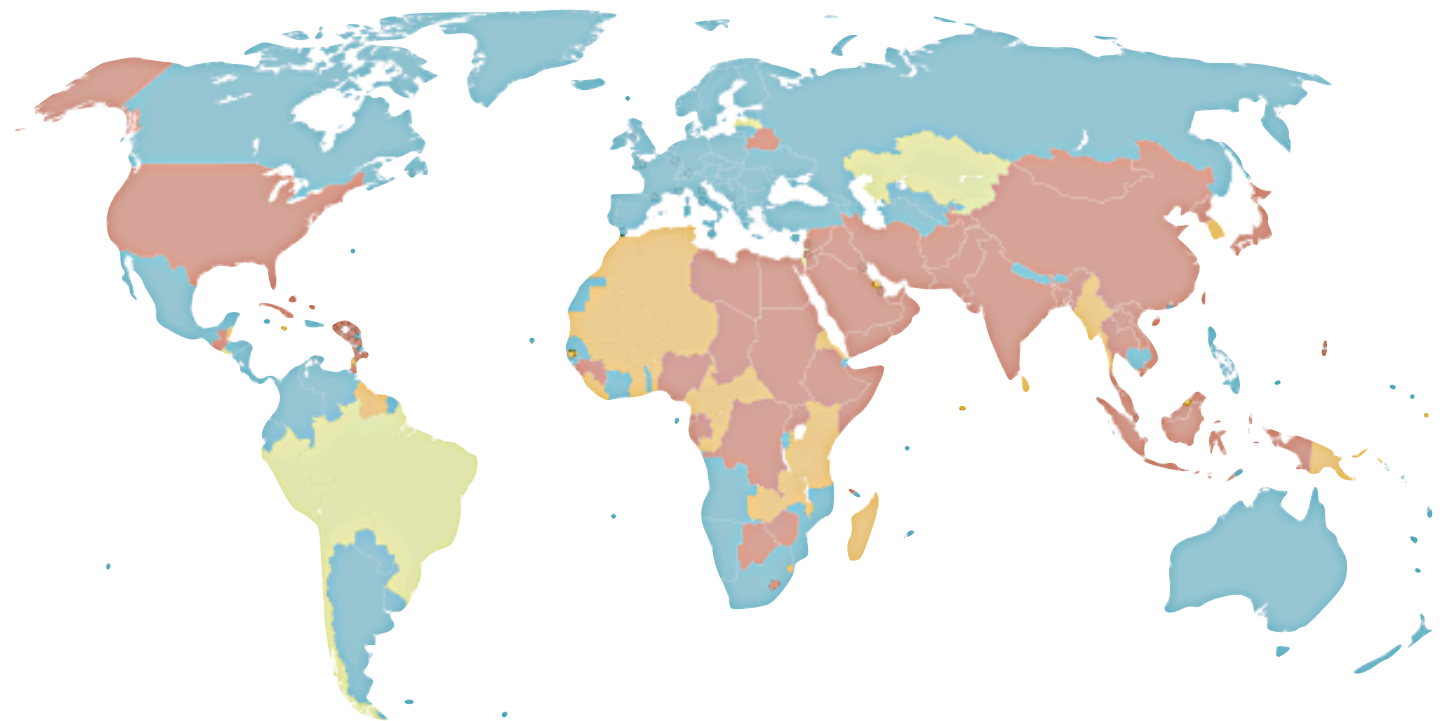
So, as *No Tomorrow* makes its way into the world and challenges people to think in new ways about the death penalty, our criminal justice system, and the vulnerable young people in all of our communities, I can only hope it's what Risa would have wanted.





Background

Capital Punishment Laws of the World

The following map is based on information collected by Amnesty International.¹

As of 2010, **two-thirds of the world's countries had abolished capital punishment** in law or in practice. The United States carried out 52 executions in 2009, ranking behind China, Iran, Iraq, and Saudi Arabia in terms of the total number of executions.²



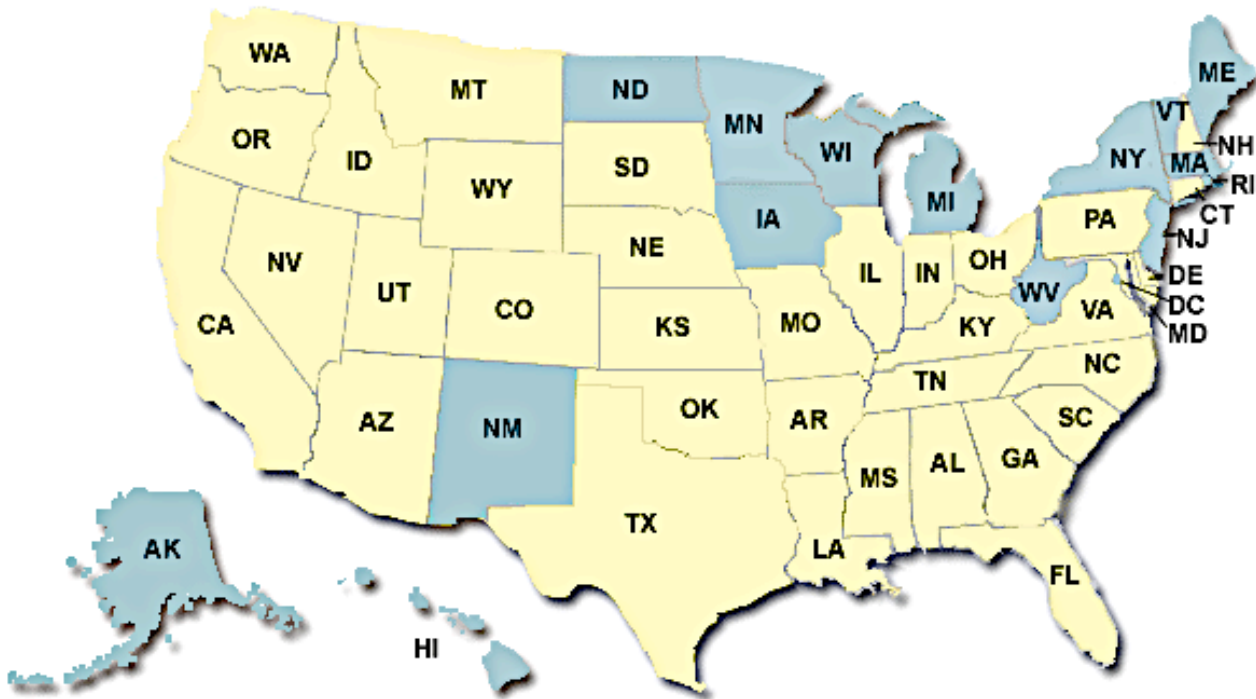
-  abolished for all crimes (95)
-  abolished for crimes not committed in exceptional circumstances, such as in war time (9)
-  abolished in practice (35)
-  legal form of punishment for certain offenses (58)

Background



Capital Punishment in the United States

This map of capital punishment laws in the United States was created by Amnesty International USA.³ An interactive version with detailed state-by-state information is available on their website at <http://www.amnestyusa.org/death-penalty/death-penalty-in-states/page.do?id=1101153>.



States that have a death penalty	States with no death penalty	Year Abolished
	Alaska	1957
	Hawaii	1957
	Iowa	1965
	Maine	1887
	Massachusetts	1984
	Michigan	1847
	Minnesota	1911
	New Jersey	2007
	New Mexico	2009
	New York	2007
	North Dakota	1973
	Rhode Island	1972
	Vermont	1987
	West Virginia	1965
	Wisconsin	1853
	District of Columbia	1972

Background

States with Pending Legislation to Repeal or Reform the Death Penalty

*=states with bills to abolish the death penalty

The following table of recent death penalty legislation was prepared by the Death Penalty Information Center. This information is current as of July 19, 2010. For updated information visit the Death Penalty Information Center's website at www.deathpenaltyinfo.org/recent-legislative-activity#2010.

State	Description	Status
Alabama	Proposed 3-year moratorium on executions introduced by Senator Hank Saunders	Defeated
Alaska	Bill to reinstate death penalty	Sponsor doubts bill will move this year
California	<ol style="list-style-type: none"> Change to a 1-drug protocol for lethal injections (SB 1018) Hire more appellate attorneys in capital cases to speed up executions Allow the State Supreme Court to transfer appeals to the Superior Court to expedite appeals. (Bills 1-3 introduced by Sen. Tom Harman) Racial Justice Act of California (SB 1331; sponsored by Sen. Gil Cedillo) - to allow challenges to a death sentence or capital prosecution based on race studies 	1. Passed unanimously Senate Public Safety Com. on April 20.
Connecticut	Bill to cut back on the appeals process	Bill defeated
Florida	SB704/HB259 - adds an aggravator for killing someone who petitioned for a protective injunction.	Passed unanimously in both the senate and house (April 28). Governor Crist is expected to sign the bill.
Georgia	HB323 would eliminate proportionality review of capital cases in GA Supreme Court	Passed Senate Judiciary Com. Defeated - measure pulled from bill for fear of allowing new appeals. Proportionality review is retained.
Illinois*	<ol style="list-style-type: none"> Abolition bill (SB 208) carried over from 2009; Abolition bill (SB 375) 	Hearings began Jan. 19; committee vote on SB 375 on Jan. 29; SB 208 tabled.
Indiana	Expand death penalty to include murder in the presence of a minor (SB 43)	Passage considered unlikely
Kansas*	<ol style="list-style-type: none"> Abolition bill (SB 208) carried over from 2009 Abolition bill (SB 375) 	Hearings began Jan. 19; committee vote on SB 375 on Jan. 29; SB 208 tabled 2. DEFEATED : SB 375 approved 7-4 on bipartisan vote in Senate Judiciary Com. (Jan. 29); full Senate vote expected Feb. 19. Bill defeated on a tie vote (20-20), with 12 Republican senators voting for repeal.
Kentucky*	<ol style="list-style-type: none"> Prefiling of abolition bill by Rep. Tom Burch Administrative review of new lethal injection protocol 	2. Public comment period
Louisiana	<ol style="list-style-type: none"> SB 774 would allow death row inmates to waive their direct appeal and proceed more quickly to execution. SB 554 would exempt the state's execution process from the review required by the Administrative Procedure Act. 	<ol style="list-style-type: none"> Passed Senate Judiciary Committee. Passed into law; effective July 1. Passed Senate and House Governmental Affairs Com.

Background



State	Description	Status
Maryland	<ol style="list-style-type: none"> SB 404 would expand the types of evidence necessary for a capital prosecution to include fingerprints and photos Bill to expand death penalty to murders during a sexual assault. 	<ol style="list-style-type: none"> Bill was amended to require jurors to use a standard of beyond a reasonable dobut when sentencing a defendant to death. Bill as amended was defeated in the Senate Judiciary Procedures Com. (9-2). <p>Defeated: All expansion bills were defeated.</p>
Massachusetts	Bill to reinstate the death penalty	Defeated: bill referred for further study by vote of 105-52.
Missouri	Bill to establish a study commission and moratorium on executions: HB 1683/SB 930	
Nebraska*	<ol style="list-style-type: none"> Abolition bill carried over from 2009 (LB 306) Substitute bill introduced calling for a cost study of death penalty 	<ol style="list-style-type: none"> Bill withdrawn by sponsor Cost study bill defeated (22-22)
New Hampshire	<ol style="list-style-type: none"> Study commission currently considering all aspects of the death penalty Bill to expand the death penalty defeated by House by a vote of 201-161. Similar bill introduced in Senate - would allow death penalty for murders during a home invasion 	<ol style="list-style-type: none"> Commission hearings through 2010 Defeated in House; introduced in Senate. Bill deferred for an interim study until next year (14-10).
Oklahoma	<ol style="list-style-type: none"> Bill to allow death penalty for repeat sex offenders convicted of the rape of a child, even though no death occurred-HB 2965 Bill (HB 2266) would strike language on the specific type of drugs to be used in lethal injections, giving more flexibility to the Dept. of Corrections in choosing more modern drugs 	<ol style="list-style-type: none"> Such laws were struck down by Kennedy v. Louisiana (2008) Passed House Judiciary Com. Passed House 91-2. Passed a Senate Appropriations Subcom. on Public safety (bill excludes cases in which victim and defendant are close relatives) Passed both houses by strong margins and sent to the governor (June 2010)
Pennsylvania*	Bill to repeal death penalty and replace with life sentence introduced by Senator Daylin Leach	
South Dakota*	Bill to abolish the death penalty- HB 1245	In House State Affairs Com. (Feb. 10); Defeated in House Health Com. (8-5) (Feb. 18)
Tennessee	Bill to add as an aggravator the murder of a pregnant woman	Passed into law; effective July 1
Utah	Bills to: <ol style="list-style-type: none"> Allow death penalty for accomplices to murder (SB 7) Allow death penalty for murder of firefighters, auxiliary police, and emergency personnel in line of duty (SB 54) Allow victims' family members to meet with death row defendant. 	<ol style="list-style-type: none"> Defeated: Passed House 74-24; Defeated in Senate Courts of Justice Com. 9-6 Passed House 75-23; Defeated in Senate Courts of Justice Com. 9-6, except for auxiliary police provision, which passed in Com. Passed: Senate passed bills to allow death penalty for murder of fire marshals (HB 166) and auxiliary police (HB 934). Bills sent to Gov. Defeated: a bill to allow death penalty for accomplices who murder law enforcement officials (HB 502). (Mar. 10) Passed: effective July 1
Washington*	Bill to abolish death penalty introduced by Sen. Ed Murray	

Background

The following summary of major developments affecting death penalty legislation in the United States is adapted from the websites of the Death Penalty Information Center⁴ and Focus on the Death Penalty,⁵ except where otherwise stated. For a more comprehensive history of death penalty legislation, refer to the list of sources at the end of this section.

Death Penalty Timeline

1846	Michigan becomes the first state to abolish the death penalty for all crimes except treason.
1907-1919	Nine states abolish or strictly limit the death penalty.
1948	UN General Assembly adopts the Universal Declaration of Human Rights proclaiming a "right to life."
1950-1980	De facto abolition becomes the norm in western Europe.
1966	Gallup polls show American support for capital punishment reaching all-time low of 42%.
1967	Pressure from anti-death penalty forces leads to an unofficial moratorium on executions.
1968	Witherspoon v. Illinois: declares it unconstitutional to dismiss potential jurors solely because they express opposition to the death penalty.
1972	Furman v. Georgia: Supreme Court voids 40 death penalty statutes, effectively suspending the death penalty.
1976	Gregg v. Georgia: death penalty reinstated.
1977	Ten-year moratorium on executions ends with the execution of Gary Gilmore by firing squad in Utah.
1977	Coker v. Georgia: holds death penalty is an unconstitutional punishment for rape of an adult woman when the victim is not killed.
1986	Ford v. Wainwright: bans the execution of insane persons.

1972 - Supreme Court Suspends Death Penalty

Following a number of legal challenges to the death penalty, the 5-4 U.S. Supreme Court decision *Furman v. Georgia* struck down most federal and state capital punishment laws.

- The Court ruled existing capital punishment laws violated the **Eighth Amendment's** provision against cruel and unusual punishment and the due process guarantees of the **Fourteenth Amendment**.
- The Court found capital punishment laws "arbitrary and capricious."
- More than 600 death sentences were lifted as a result of the decision.

1976 - Death Penalty Reinstated

By 1976, many states had revised their death penalty laws with the aim of satisfying the Supreme Court's objections to arbitrary sentencing.

The new laws were of two main types:

1. In *Gregg v. Georgia*, *Jurek v. Texas*, and *Proffitt v. Florida*, the Court upheld laws providing for **guided discretion**. These laws gave courts the discretion to impose death sentences for specified crimes and provided for two-stage, or "bifurcated," trials, in which the first stage determined guilt or innocence and the second, taking into consideration aggravating and mitigating circumstances, determined the sentence.
2. The second type of law provided a **mandatory death penalty** for specific crimes, allowing no judicial or jury discretion beyond the determination of guilt. These laws were **struck down** by the Court in *Woodson v. North Carolina* and *Roberts v. Louisiana*. The rulings invalidated mandatory death penalty statutes in 21 states, and resulted in the modification of hundreds of sentences from death to life imprisonment.

Background



1986 - 2002

- 1986 Batson v. Kentucky: a prosecutor who strikes a disproportionate number of citizens of one race in jury selection must rebut the inference of discrimination by showing neutral reasons for the strikes.
- 1987 McCleskey v. Kemp: racial disparities in the application of the death penalty not recognized as a constitutional violation of "equal protection of the law" unless intentional racial discrimination against the defendant can be shown.
- 1988 Thompson v. Oklahoma: declares it unconstitutional to execute offenders who were age fifteen and younger at the time of their crimes.
- 1989 Stanford v. Kentucky and Wilkins v. Missouri: Eighth Amendment does not prohibit the death penalty for crimes committed at age sixteen or seventeen.
- 1989 Penry v. Lynaugh: executing persons with "mental retardation" does not violate the Eighth Amendment.
- 1993 Herrera v. Collins: in the absence of other constitutional grounds, new evidence of innocence is no reason for federal court to order a new trial.
- 1994 President Clinton signs the Violent Crime Control and Law Enforcement Act, expanding the federal death penalty.
- 1999 U.N. Human Rights Commission Resolution supporting Worldwide Moratorium On Executions.
- 2000 Illinois Governor George Ryan declares a moratorium on executions and appoints a blue-ribbon Commission on Capital Punishment to study the issue.
- 2002 Atkins v. Virginia: execution of "mentally retarded" defendants violates the Eighth Amendment's ban on cruel and unusual punishment.

Landmark Decisions - Juveniles

- 1988, Thompson v. Oklahoma: Supreme Court rules that the death penalty constitutes "cruel and unusual punishment," for crimes committed under age sixteen. Overturns the death sentence of William Thompson, who was tried as an adult for committing murder at age fifteen. The ruling is restricted only to states without a specific minimum age limit in their death penalty statute.
- 1989, Stanford v. Kentucky and Wilkins v. Missouri: Supreme Court holds that the Eighth Amendment does not prohibit the death penalty for crimes committed at age sixteen or seventeen.
- 1992: United States ratifies the UN International Covenant on Civil and Political Rights, Article 6(5) of which requires that the death penalty shall not be imposed for crimes committed by persons under eighteen years of age. In doing so, the US reserves the right to execute juvenile offenders. Ten countries file formal objections to the US reservation.
- 2005, Roper v. Simmons: Supreme Court declares it unconstitutional to execute defendants for crimes committed under the age of eighteen.

Background

2003 - 2009

- 2003 Governor George Ryan grants clemency to the remaining 167 inmates on Illinois' death row because of the flawed process that led to their sentences.
- 2004 New York's death penalty law declared unconstitutional by the state's high court.
- 2005 *Roper v. Simmons*: death penalty for crimes committed under 18 years of age violates Eighth Amendment.
- 2006 *House v. Bell*: significant post-conviction evidence of innocence opens the door to consideration of constitutional challenges that would otherwise be barred.
- 2006 Executions suspended in California and Florida amid concerns that 3-drug lethal injection method may violate Eighth Amendment provisions against "cruel and unusual punishment."⁶
- 2007 New Jersey becomes the first state to legislatively abolish capital punishment since it was re-instated in 1976.
- Feb 2008 The Nebraska Supreme Court rules electrocution, the state's sole execution method, to be cruel and unusual punishment, effectively suspending all executions in the state.
- April 2008 *Baze v. Rees*: Kentucky's lethal injection method does not violate the Eighth Amendment.⁷
- June 2008 *Kennedy v. Louisiana*: US Supreme Court holds that capital punishment cannot apply to those convicted of the rape of a child where no death occurs.
- Nov 2008 November 2008 – *Kelly v. California*. Supreme Court declines to review the use of victim impact videos in capital cases.⁸

Landmark Decisions: Victim Impact Evidence

- Victim Impact Statements (VIS) are presented by, or on behalf of, crime victims at the sentencing phase of criminal trials. Their purpose is to help determine an appropriate sentence by gauging the impact of the crime on the victim and his or her family.
- VIS have been constitutionally challenged on the grounds that they violate the Eighth Amendment's "Proportionality Doctrine," which holds that punishment must be proportional to the crime. In *Booth v. Maryland* (1987), the Supreme Court struck down statutes allowing VIS, stating that "the admission of the family members' emotionally charged opinions and characterizations of the crimes could serve no other purpose than to inflame the jury and divert it from deciding the case on the relevant evidence concerning the crime and the defendant."⁹ This decision was upheld in *Gathers v. South Carolina* (1989) and reversed two years later in *Payne v. Tennessee* (1991).¹⁰
- In *Kelly v. California* (2008), three justices asked the court to consider limiting the extent to which victim impact evidence is used. Four justices are needed for a review to be granted.

Background



Public Opinion

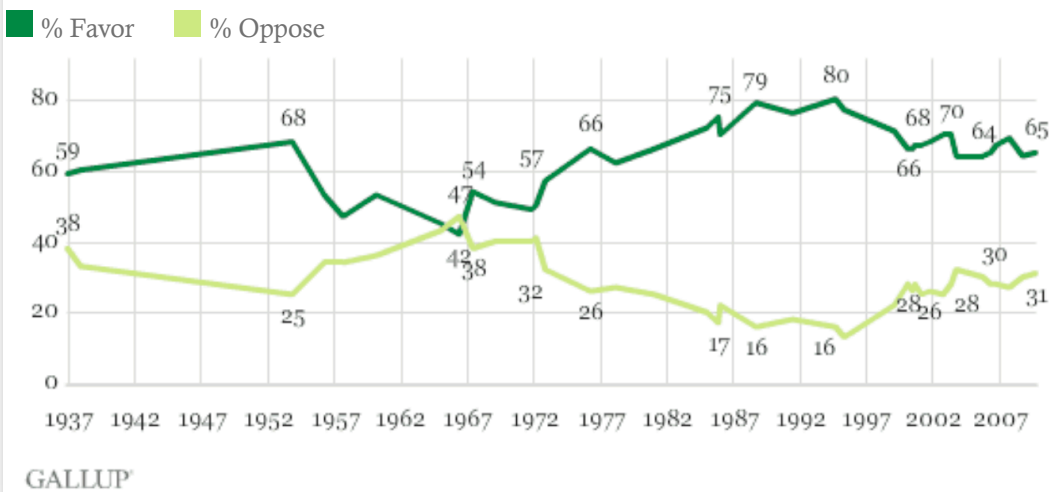
Most Americans support the death penalty

- Two-thirds (65%) of Americans support the death penalty as punishment for murder, according to a 2009 Gallup Poll.¹¹

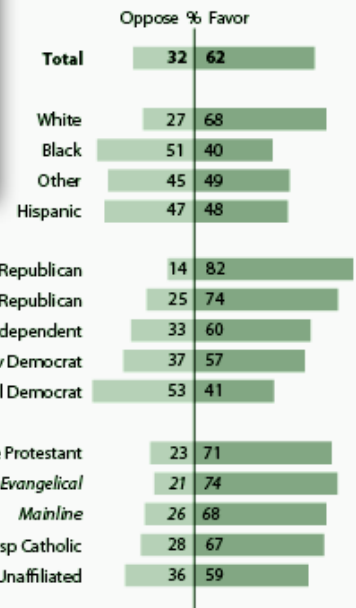
Death penalty fair but not always accurate; not a deterrent

- 57% of respondents in the same poll said the death penalty is applied fairly in America.
- 59% believed that at least one person has been executed under the death penalty in the last five years who was innocent of the crime for which he or she was convicted.
- 64% said they did not think the death penalty acts as a deterrent.

Are you in favor of the death penalty for a person convicted of murder?



Support for Death Penalty



Source: Pew Research Center 2007

Support decreases when alternative punishments offered

- When asked to choose between the death penalty and life imprisonment “with absolutely no possibility of parole,” only half of Gallup’s respondents chose capital punishment as the better penalty for murder.
- A 2009 survey of jury-eligible Californians showed that support for the death penalty plummeted to 26% when respondents were presented with a different alternative punishment: life in prison with the additional requirement of working to pay restitution to the victim’s family.¹²

Blacks, Liberal Democrats, only groups who oppose

- Of all the groups polled by Pew Research in 2007, only those identifying as black or as liberal democrats were more likely to oppose than favor the death penalty as punishment for murder.¹³
- Republicans and Evangelicals were the most likely to favor capital punishment.

Background

Sources

- ¹ Wikimedia Commons. "Death Penalty World Map." updated 22 July 2010 23:55 <http://commons.wikimedia.org/wiki/File:Death_Penalty_World_Map.svg>
- ² Amnesty International. "The Death Penalty in 2009." 23 July 2010 <<http://www.amnesty.org/en/death-penalty/death-sentences-and-executions-in-2009>>
- ³ Amnesty International USA. Map. "Death Penalty in States." 21 July 2010 <<http://www.amnestyusa.org/death-penalty/death-penalty-in-states/page.do?id=1101153>>
- ⁴ Death Penalty Information Center. "Part II: History of the Death Penalty." *Death Penalty Information Center* website 1 July 2010 <<http://www.deathpenaltyinfo.org/part-ii-history-death-penalty>>
- ⁵ Green, Melissa S. "History of the Death Penalty & Recent Developments." In Melissa S. Green, compiler (1998-2009) *Focus on the Death Penalty* website. Justice Center, University of Alaska Anchorage. Updated 02 June 2010. Accessed 23 July 2010 <<http://justice.uaa.alaska.edu/death/history.html>>
- ⁶ Dorell, Oren and Kevin Johnson. "Executions Drop as States Debate Lethal Injection." 17 December 2006 *USA Today* 1 July 2010 <http://www.usatoday.com/news/nation/2006-12-17-executions_x.htm>
- ⁷ Vicini, James. "Top Court Clears Way for Executions to Resume." 16 April 2008 *Reuters* [Washington] 1 July 2010 <<http://www.reuters.com/article/idUSWAT00935320080416>>
- ⁸ Death Penalty Information Center. "Legal Issues: States That Allow Victim Impact Statements." *Death Penalty Information Center* website 1 July 2010 <<http://www.deathpenaltyinfo.org/legal-issues-states-allow-victim-impact-statements>>
- ⁹ *Booth v. Maryland*, 482 U.S. 496 (1987): 508-509.
- ¹⁰ Stevens, Mark. "Victim Impact Statements Considered in Sentencing: Constitutional Concerns." *California Criminal Law Review* 2.3 (2000) 1 July 2010 <<http://www.boalt.org/CCLR/v2/v2stevensnf.htm>>
- ¹¹ Newport, Frank. "In U.S., Two-Thirds Continue to Support Death Penalty." 13 October 2009 Gallup, Inc. 21 July 2010 <<http://www.gallup.com/poll/123638/in-u.s.-two-thirds-continue-support-death-penalty.aspx>>
- ¹² McNulty, Jennifer. "New poll by UCSC professor reveals declining support for the death penalty." *University of California Santa Cruz E-Magazine* 1 September 2009. 21 July 2010 <http://www.ucsc.edu/news_events/press_releases/text.asp?pid=3168>
- ¹³ Ruby, Robert and Allison Pond. "An Enduring Majority: Americans Continue to Support the Death Penalty." *Pew Forum on Religion & Public Life* Legal Report 19 December 2007 Pew Research Center 21 July 2010 <<http://pewforum.org/Death-Penalty/An-Enduring-Majority-Americans-Continue-to-Support-the-Death-Penalty.aspx>>

Discussion



Who's Who in *No Tomorrow*



Bruce Bramlett
Prison Chaplain, San Quentin's Prison



Juan "John" Chavez
Defendant



John Hud
Defense Attorney



Risa Bejarano
Subject of *Aging Out*



Ronald M. George
Chief Justice
California Supreme Court



Judge Lance Ito
L.A. Superior Court Judge



Robert Blecker
NY Law School Professor



Aundre Herron
Lawyer, California Appellate Project



Juror #4

Discussion

Who's Who in *No Tomorrow*



Juror #6



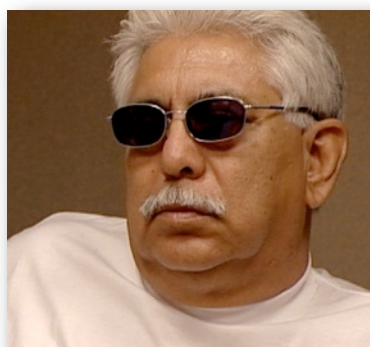
Juror #9



Ari Kalechstein, Ph.D
Clinical Psychologist



Juror #7



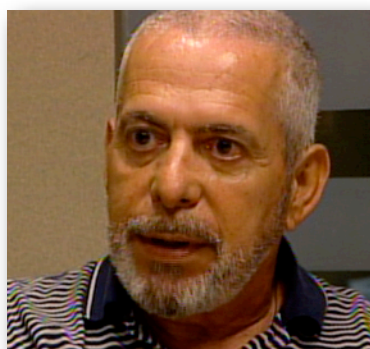
Juror #11



Mitch Loman
Homicide Detective
L.A. Sheriff's Department



Juror #8



Jury Foreman



Lawrence Marshall
Stanford University Law Professor
Co-founder, Center on Wrongful
Convictions, Northwestern University

Discussion



Who's Who



Yvonne Mena
Juan Chavez's cousin



Vanessa Roth
Filmmaker



Robert Sherwood
L.A. Deputy District
Chavez case



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



Dolores Ruiz
Risa Bejarano's foster mother



Bryan Stevenson
NYU Law Professor
Founder, Equal Justice Initiative



Michael Ramos
District Attorney
San Bernardino County



Barry Scheck
Co-founder/Co-director
The Innocence Project
Cardozo Law School Professor



Roger Weisberg
Filmmaker

Discussion

General Discussion Questions

1. Describe your views on capital punishment before seeing *No Tomorrow*.
2. Before seeing the film, what do you think formed the basis for your views on the American criminal justice system?
3. Did your views change as a result of seeing the film?
4. Can you say what it was in the film that changed or confirmed your view?
5. What did you learn from the film that most surprised you?
6. What part of the film did you find most interesting?

Key Discussion Points

- The Power of Film
- Nature versus Nurture in the trial of Juan Jose Chavez
- Weighing the Issues
 - i. Retribution
 - ii. Closure for Victims' Families
 - iii. Deterrence
 - iv. Public Will
 - v. World Precedent
 - vi. Discrimination
 - vii. Wrongful Convictions
 - viii. Cost and Delays
 - ix. Life Without Parole as Alternative
 - x. Religious Opposition
- Summing Up

The Power of Film

Prosecutors present *victim impact evidence* during the penalty phase of capital murder trials in order to demonstrate the impact of the crime on the victim and his or her family. For information on recent legal challenges to the use of film as victim impact evidence in courtrooms, see page 12.

1. Juror #4: "Personally, the film made a huge impact for me. I mean it didn't change the facts as we knew them, but to hear her words and see her reactions and her emotions and her struggle so clearly, it made his crime so much more... sensational."
 - a. Do you think the footage of *Aging Out* presented during Juan Chavez's trial affected the jury's verdict?
 - b. Do you think Chavez would have received a death sentence if the film had not been shown?
2. Robert Sherwood: "One of the difficulties that arises during the penalty phase is trying to get the jury to understand who the victim was. In the case of Risa Bejarano we had the advantage of being able to show the jury in a brief amount of time who she was."

Jury Foreman: "I got very offended by the prosecution presenting [*Aging Out*]. I felt our duty as jurors, both in the guilt phase and in the penalty phase, was to try to arrive at decisions collectively with the least amount of emotion."

 - a. Should jurors be swayed by emotion, or is it more important for them to remain detached and objective?
 - b. Is it reasonable to require jurors to put aside their own emotions while weighing the emotional impact of a crime such as murder?
 - c. Do you think the footage from *Aging Out* helped or hindered the jury's ability to reach a just verdict?

Discussion



3. John Hud: “What if we had a video of a three-year-old John Chavez getting punched out by his mother, of John Chavez being told by his mother that she’d wished she would have aborted him, but she couldn’t because she didn’t have the money? What if we had a video of John Chavez sitting on the curb out in front of his apartment, when he got kicked out of the house, crying?”
 - a. Imagine what a professional documentary about Juan Chavez’s life might have looked like.
 - b. Do you think the trial would have had a different outcome if such a video existed?
4. While Robert Sherwood argued that his use of *Aging Out* helped humanize Risa, producer Vanessa Roth expressed concern that “the way the film was used in court was exploiting her.”
 - a. Do you think the prosecution’s use of *Aging Out* exploited Risa? If so, how?
5. Vanessa Roth: “Where the film [*Aging Out*] made the value of [Risa’s] life so important, the prosecution painted the person who killed her as only a murderer, and the jury did not look into Juan Chavez as a human being.”
 - a. Do you think the defense was able to humanize Juan Chavez as successfully as the prosecutor was able to humanize Risa Bejarano?
 - b. Were you left with questions about Juan Chavez that the film left unanswered? If so, what were they?



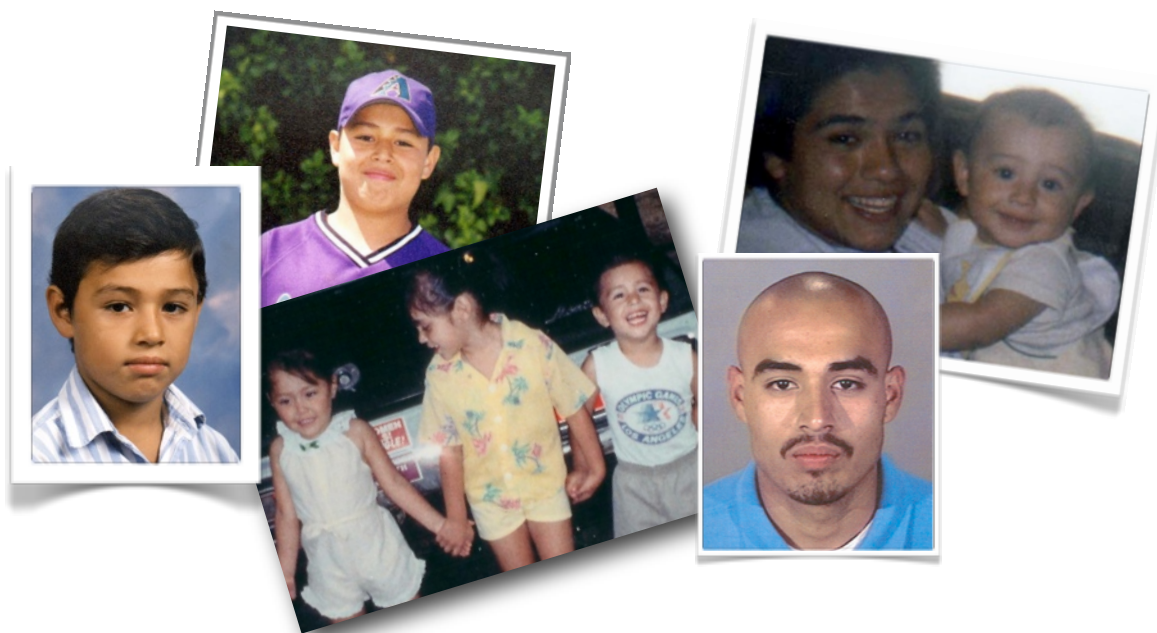
6. Judge Lance Ito: “I think the situation in this case is unusual and unique because there was no possibility that the persons producing the videotape would be in any way influenced by how they should produce it and what should be edited out and what should be edited in.”
 - a. Do you think Judge Ito should have allowed the prosecutor to show *Aging Out* during the trial?
 - b. What kind of rules should govern the use of film footage in court? Should they be the same as those surrounding the use of other images, such as photographs?

7. Robert Sherwood: “I took clips from the documentary and I overlaid them with [Chavez’s] statements...After I’d shown clips of the documentary, I wanted to leave them with the image of the crime scene carnage that he had committed.”
Roger Weisberg: “We didn’t feel comfortable about the idea that [Sherwood] was going to take the liberty of re-editing sections of *Aging Out* in order to heighten the impact.”
 - a. Do you think it was appropriate for the prosecutor to selectively edit sections of *Aging Out*?
 - b. Do you think the Prosecutor’s reediting of *Aging Out* should be or will be an issue when Chavez’s case is appealed?

Discussion

Nature versus Nurture in the trial of Juan Jose Chavez

A major point of contention among the people featured in *No Tomorrow* was the differing degrees of importance they placed on the character and life circumstances of both Juan Chavez and Risa Bejarano. While reading the next set of questions, consider which of the following interpretations comes closest to your own view.



1. Dolores Ruiz: "Even though this young boy went through the same lifestyle as Risa's when he was young, it's about choices. He had the same choices Risa had."
Bryan Stevenson: "He didn't choose not to be loved, he didn't choose not to be accepted by people who would take him in and shield him from violence and from gangs and from these destructive things. He didn't make a choice about growing up poor."
 - a. Do you think Juan Chavez had the same opportunities Risa Bejarano had?
 - b. How were Juan's and Risa's lives similar?
 - c. How were they different?
 - d. Thinking about your own community, do you know anyone who had a similar upbringing to Juan's?
 - e. What might be some barriers to understanding this person's life circumstances?
2. Aundre Herron: "Every single system has failed them. The family has failed them, the schools have failed them, the juvenile justice system has failed them, the mental health system has failed them, the religious systems have failed them."
 - a. Can you think of one service, institution, or individual who could have helped change the outcome of Juan Chavez's life?
 - b. What person or system might have altered the outcome of Risa Bejarano's life?
 - c. Thinking about your own community, do services for at-risk youth exist? Are they easy to access?
 - d. If not, what action could you take to raise awareness about the need for these services in your community?
3. Juror 7: "I think the biggest issue was whether or not Chavez acted in a way that was volitional or out of his life circumstances. I think that was what it really came down to: was this young man a monster, or a product of his own upbringing?"
Robert Sherwood: "There's no question that Mr. Chavez had a horrible upbringing, but how does that justify what he did in this case? There are lots of people out there unfortunately that have horrible upbringings. And they don't go out and and murder three innocent people."
 - a. How important was Juan Chavez's upbringing in determining what punishment he deserved?
 - b. If he had been raised in more ideal circumstances, would his crime have been less tolerable?

Discussion



4. Lawrence Marshall: “Does it matter, should it matter, who Risa was, as to whether her killer should get the death penalty? Are we really saying that if he had killed someone who was less noble, then the death penalty wouldn’t be required?”
 - a. How important were *Risa’s* background and accomplishments in determining Juan Chavez’s punishment?
 - b. If Juan had been convicted of killing a fellow gang member, would he have deserved the same punishment?
5. Among other factors, such as long-time drug use, clinical psychologist Ari Kalechstein says: “when people are 18 years old it’s more likely that they’re going to be impulsive and make poor judgments.”
 - a. Should 18 year olds be eligible for the death penalty?
 - b. Should Chavez’s drug-use be a factor in determining his sentence?
6. Robert Blecker: “In part, by condemning him, we reaffirm his dignity. We still say that we are taking him seriously as a human being, who is capable still of making choices, rather than just seeing him as this ... diseased, destructive violent thing.”
 - a. Can we determine whether Chavez’s choices were shaped more by his own free will or by his environment?
 - b. Can the jury give weight to Juan Chavez’s upbringing while still considering him to have free will?

Weighing the Issues

RETRIBUTION

1. Robert Blecker: “The greatest benefit for the death penalty is that it sometimes brings justice. Sometimes death and only death is the only just response. It puts the world back in balance.”
 - a. Do you agree with Blecker’s “eye-for-an-eye” philosophy?
2. Aundre Herron: “This desire for revenge is a legitimate response. It’s a legitimate feeling. It’s just not a basis for public policy.”
 - a. Is the philosophy of retribution a legitimate rationale for the policy of capital punishment?
3. Bryan Stevenson: “We’re not going to torture someone who’s been convicted of aggravated assault- that’s ugly, that’s beneath us. But we kill people who have killed. And it speaks to the way in which we’ve somehow been able to disconnect ourselves from the act of killing.”
 - a. Is the death penalty a more appropriate punishment for murder than comparable forms of retribution for other crimes? If so, why?

CLOSURE FOR VICTIMS’ FAMILIES

While Dolores Ruiz wants her foster daughter’s killer put to death, several of Risa’s friends in the film believe that Risa would have wanted Juan Chavez to be given a “second chance” in life, much as she was given.

1. Risa’s friend: “For her it’s not justice, it’s not what she would’ve wanted... I just want her to be at peace and I don’t know if this is going to bring her that peace.”
 - a. Should there be legal provisions that allow us to consider the murder victim’s beliefs, or their family’s requests?
 - b. Should the victim’s family’s desire for revenge be taken into consideration?
2. Robert Blecker: “That Risa wouldn’t have wanted her killer to die makes a difference—makes a *substantial* difference. I would want the jury to hear about it, and if I were a juror I would be influenced by it.”
 - a. If you were a juror in Juan Chavez’s trial, would you want to know what punishment Risa would have chosen for Juan?
 - b. Would you want to know what punishment Dolores wanted?
 - c. Would either view influence your verdict?

Discussion

3. Lawrence Marshall: "A prosecutor will go to the victim's family and say, you know, we need our pound of flesh and we can't have retribution through a lifetime of imprisonment. Instead, I am going to get that SOB executed, and that's going to help. Now, what does the victim's family know at that point about what's going to help? They've never experienced this before."
 - a. Have you or anyone you know lost a loved one to murder?
 - b. What punishment did you or would you seek?
 - c. What services might help you deal with your grief?
 - d. What aspects of a death penalty trial might relieve or increase a family's suffering?

4. Aundre Herron: "I didn't want to think to myself well we got those sons of bitches who killed [my brother], that was not the memory that I wanted to have. If we found the perpetrators, and we killed them a thousand times, by exacting the most violent revenge that I could imagine, There's no way the state could ever replace what I lost when I lost my brother."

- a. What can we learn from someone like Aundre Herron, who opposed the death penalty even after her brother was murdered?



DETERRENCE

One of the most powerful arguments in favor of the death penalty is that it acts as a deterrent for potential criminals. However, opponents of the death penalty point out that murder rates are actually lower in states that do not practice the death penalty.¹

1. Robert Blecker: "For most people life has even a greater value than liberty. And therefore the thought of prison will not deter in certain instances where the thought of being executed by the state may well deter."
 - a. As District Attorney Michael Ramos asks: "how do you measure whether somebody is not murdering somebody because they're thinking about the death penalty?"
2. Bryan Stevenson: "I meet young kids at 12 and 13 who tell me that they don't believe they're going to live past the age of 18. Do we really think that Juan Chavez was thinking about the death penalty? Did he really have an understanding of capital punishment in this country? And if he believes he's going to die by the time he's 25 or 30, if death is what he expects, how is this going to be a deterrent?"
 - a. Do you think Juan Chavez might have had seconds thoughts about committing murder if he had known he might face the death penalty?

Discussion



WILL OF THE PUBLIC

1. Take a guess as to what proportion of Americans support capital punishment and share your guess with the group. Then consult the public opinion statistics on page 13.
 - a. Do any of the statistics surprise you?
 - b. Consider the low in support for capital punishment in 1966 and the high in 1994. What events might have contributed to these changes in public opinion?
 - c. What role should public opinion play in the decision to maintain or abolish capital punishment?
2. Barry Scheck: "In Europe now, if you take public opinion polls, it still shows that 60% of people think that capital punishment is an appropriate sanction for the most heinous of crimes, but they don't support the death penalty. And they're very much against it. And the reason is, they don't trust the state to get it right."
 - a. What role should evidence of wrongful convictions play in deciding whether to maintain or abolish the death penalty?

WORLD PRECEDENT

Opponents of the death penalty point out that just five countries – China, Iran, Iraq, Saudi Arabia, and the United States – carry out most of the world's executions, and that the number of countries that still allow the death penalty is dwindling.

1. Refer to the world map on page 6.
 - a. Should the United States follow the precedent set by other countries and abolish the death penalty?
 - b. Why do you think the United States is the only western democracy that practices the death penalty?

DISCRIMINATION

The disproportionate representation of racial minorities on death row has provoked increased research on discrimination in all levels of the criminal justice system. Advocates of jury reform point out that white jurors are more likely to find a non-white defendant guilty than are non-white jurors.² Studies looking at racial disparities in sentencing consistently show that those accused of killing white victims are more likely to receive the death penalty than those with non-white victims.³

1. Aundre Herron: "In the practice of capital appellate law, we often say those with capital don't get punished. The death penalty is a punishment that is reserved for the most disenfranchised, the most dispossessed, the most disadvantaged, the most damaged. You know, people are groomed for death row like the Kennedys are groomed for congress."
 - a. What role might socio-economic factors have played in Juan Chavez's trial?
 - b. Do you think Juan Chavez's trial might have had a different outcome if more of the jury members were of Hispanic or other minority descent?
 - c. How important is it for defendants to be tried by jury members of their own race?
 - d. Should we modify the use of preemptory challenges that allow the prosecution and defense to disqualify potential jurors?
 - e. Do you think the race or gender of either the perpetrator or victim impacted the jury's verdict in Juan Chavez's trial?

RELIGIOUS OPPOSITION

1. Juror 8: "It was very hard because I'm Catholic and of course Catholics don't believe in the death penalty."
 - a. If you are religious, what does your religion teach about the death penalty?
 - b. Do you think it is possible to reconcile religious faith with support for the death penalty?
2. Juror 7: None of us wanted to say you should be killed. You should be dead. But I think it was clear in all of our minds that if you devalue the sanctity of human life there is a severe consequence that must be paid.
 - a. Does capital punishment protect or threaten the sanctity of life?

Discussion

WRONGFUL CONVICTIONS

1. Bryan Stevenson: “Essentially for every eight people who have been executed, we have identified one innocent person on death row who has been exonerated. It’s a shocking rate of error, and I think in virtually any other area of public administration... we would do something radical to prevent that kind of error.”
 - a. Is the possibility of error reason enough to abolish the death penalty altogether?
 - b. How can we reduce the possibility of wrongful convictions?
 - c. Does news about death row exonerations affect your opinion of capital punishment?
2. Robert Sherwood: I have no doubt that Juan Chavez is guilty of these crimes. The fact that something may happen on some other case, how can I concern myself with with that?
Jury Foreman: “This was not a Perry Mason case, trust me... the evidence was so overwhelming, there was no reasonable doubt.”
 - a. If the case is clear-cut and the evidence of guilt is overwhelming, should the death penalty be applied?
3. Lawrence Marshall: “You talk to people about the death penalty and they say well what if we could limit the death penalty to cases where we were really sure? It’s like, well what were we doing before? Were we putting people on death row because we kind of sort of thought maybe they did it? We were completely sure, and yet we were completely wrong.”
 - a. Is it possible to be 100% certain of culpability?

COST AND DELAYS

Capital cases cost states and taxpayers more money at every phase – investigation, trial, appeals, and incarceration – than non-capital cases. This is partially because death penalty cases require costly legal procedures such as additional legal representation, a lengthy jury-vetting process, and a second trial phase, that are not required in non death-penalty cases.⁴ The average death row inmate spends over ten years awaiting execution.⁵ As Natasha Minsker explains in *No Tomorrow*, the waiting period is more than twice as long in the state of California—so long that Juan Chavez will probably die of natural causes before facing execution.

1. Aundre Herron: “The average death penalty case may cost from 2 to 5 million dollars, from charging through execution, while keeping someone incarcerated for life may cost only three-quarters of a million dollars over the course of their lives.”
2. Michael Ramos: “It’s somewhat offensive when they talk about numbers and money and they don’t talk about the victim. Was it worth 2 million, 30 million, 40 million? I don’t think you can put a price on peoples’ lives.”
 - a. A week ago, would you have said it was cheaper to execute someone or to keep a prisoner incarcerated for life?
 - b. Should the additional cost of administering the death penalty be a consideration in whether to maintain or abolish the death penalty?
3. Lawrence Marshall: “Imagine a system that took the hundreds of millions of dollars that we’re spending on the death penalty, and instead put that into juvenile justice. Instead, took a kid at the first sign of trouble—and God knows there were plenty with respect to Juan—took him and got him into a world of opportunity, a world of education, a world of rehabilitation, who transformed his life at that tender age.”
 - a. If you could invest the money spent on Juan Chavez’s trial and incarceration in the juvenile justice, foster care, and/or mental health system, how would you spend it?
 - b. Do you think early intervention and prevention work?
 - c. If your chief concern is public safety, how else could you invest the money spent on the death penalty? Is the money spent on capital punishment well spent?

Discussion



4. Chief Justice Ronald George: "I think justice is denied for the prosecution, for the defendant, and for the families of victims when these cases drag on as long as they do."
 - a. Does the decades-long waiting period constitute "cruel and unusual punishment," as District Attorney Michael Ramos says in the film?
 - b. Are the delays and costs associated with administering the death penalty a legitimate reason to pursue other methods of punishment?

LIFE WITHOUT PAROLE AS AN ALTERNATIVE TO THE DEATH PENALTY

1. Aundre Herron: "The idea of saying you're never going to be free, you're never going to have children, you're never going to sleep with a woman again, that's a much more frightening prospect to a lot of young men than the prospect of their own death, which they live with every day."



- a. Is life without parole a harsher punishment than the death penalty?
- b. Is life without parole as strong a deterrent as the death penalty?

2. Lawrence Marshall: "In the death penalty the option isn't of going and opening the key to the prison and saying 'sorry, we made a mistake, you're free to go.' The option is going to the graveyard and standing by the grave and saying, "congratulations, you've been exonerated."

- a. One advantage of life without parole over the death penalty is the possibility of exonerating someone who is wrongfully convicted. What are some other pros and cons of life without parole?

3. Robert Blecker: "If you're so committed to never forgetting this moment and to committing yourself to disregard the changes and the maturing of that person, then kill them. Otherwise if you're going to let them live then let them live with hope and then revisit it sometime in the future and see if he really has become a transformed human being."
 - a. Would you have sentenced Chavez to life without parole instead of the death penalty?
 - b. Do you think life without parole is an inhumane sentence?

Summing Up

1. What were the most contentious issues your group encountered during the discussion?
2. What issues did your group find it easiest to agree on?
3. What were the best suggestions for improving preventive services and strengthening public safety in your community?
4. How, if at all, did your views change as a result of the discussion?
5. Were there any questions that were left unanswered by the group?
6. If you could ask the filmmakers one question, what would it be?
7. If you could ask anyone else in *No Tomorrow* one question, what would it be?

Discussion

Sources

¹ Cooper, David. "Deterrence: States Without the Death Penalty Have Had Consistently Lower Murder Rates." Death Penalty Information Center 21 July 2010 <<http://www.deathpenaltyinfo.org/deterrence-states-without-death-penalty-have-had-consistently-lower-murder-rates>>

² Fukurai, Hiroshi. "The representative jury requirement: Jury representativeness and cross sectional participation from the beginning to the end of the jury selection process." *The Jury System: Contemporary Scholarship* ed. Valerie P. Hans (UK: Ashgate, 2006)

³ Baldus, David C. and George Woodworth. "Race Discrimination in the Administration of the Death Penalty: An Overview of the Empirical Evidence with Special Emphasis on the Post-1990 Research." 39 *Criminal Law Bulletin* 194 (2003): 194-227.

⁴ See for example: ACLU. "Why Does the Death Penalty Cost More?"; ACLU. "Frequently Asked Questions About the Costs of California's Death Penalty"; Washington State Bar Association. "The Final Report of the Death Penalty Subcommittee of the Committee on Public Defense".

⁵ Snell, Tracy L. "Capital Punishment, 2008 – Statistical Tables." U.S. Department of Justice, Bureau of Justice Statistics, December 2009.

Resources



State Bar Associations

Alabama State Bar Association

415 Dexter Ave
Montgomery, Alabama
36104
www.alabar.org
(334) 269-1515

Alaska Bar Association

550 West 7th Ave, Suite
1900
PO Box 100279
Anchorage, AK 99501
www.alaskabar.org
T: (907) 272-7469
F: (907) 272-2932

State Bar of Arizona

4201 North 24th St, Suite
200
Phoenix, Arizona
85016-6288
www.azbar.org
(602) 252-4804

State Bar of California

(Main Office) 180 Howard St
San Francisco, CA 94105
www.calbar.ca.gov/state/
calbar/calbar_home.jsp
(415) 538-2000

Colorado Bar Association

1900 Grant St, 9th Floor
Denver, CO 80203
www.cobar.org
(303) 824-5317

Connecticut Bar Association

30 Bank St, PO Box 350
New Britain, CT
06050-0350
www.ctbar.org
(860) 612-2001

Delaware State Bar Association

301 North Market St
Wilmington, DE 19801
www.dsba.org
T: (302) 658-5279
(800) 292-7869 (from Kent
and Sussex Counties)
F: (302) 658-212

The District of Columbia Bar

1101 K Street NW, Suite 200
Washington DC
20005-4210
www.dcbbar.org
(202) 737-4700

The Florida Bar

651 East Jefferson St
Tallahassee, FL 32399-2300
www.floridabar.org
(850) 561-5600

State Bar of Georgia

104 Marietta St NW, Suite
100
Atlanta, Georgia 30303
www.gabar.org
(404) 527-8700

Hawaii State Bar Association

1100 Alakea St, Suite 1000
Honolulu, HI 96813
www.hsba.org
T: (808) 537-1868
F: (808) 521-7936

Idaho State Bar

525 West Jefferson St
Boise, ID 83702
isb.idaho.gov
T: (208) 334-4500
F: (208) 334-4515

Illinois Bar Association

424 South Second St
Springfield, IL 62701-1779
www.illinoisbar.org
(217) 525-1760
(800) 252- 8908

Indiana State Bar Association

One Indiana Square, Suite
530
Indianapolis, IN 46204
www.inbar.org
(317) 639-5465

Iowa State Bar Association

625 East Court Ave
Des Moines, IA 50309
iabar.net
(515) 243-3179

Kansas State Bar Association

1200 SW Harrison
Topeka, KS 66612-1806
www.ksbar.org
(785) 234-5696

Kentucky Bar Association

514 West Main St
Frankfort, KY 40601-1812
www.kybar.org
(502) 564-3795

Louisiana State Bar Association

601 St. Charles Ave
New Orleans, LA
70130-3404
www.lsba.org
(504) 566-1600

Maine State Bar Association

124 State St
Augusta, ME 04330
PO Box 788
Augusta, ME 04332-0788
www.mainebar.org
T: (207) 622-7523
F: (207) 623-0083

Maryland State Bar Association

520 West Fayette St
Baltimore, MD 21201
www.msba.org
(410) 685-7878
(800) 492-1964

Massachusetts Bar Association

20 West St
Boston, MA 02111-1204
www.massbar.org
(617) 338-0500

State Bar of Michigan

Michael Franck Building
306 Townsend St
Lansing, MI 48933-2012
www.michbar.org
T: (517) 346-6300
(800) 968-1442
F: (517) 482-6248

Minnesota State Bar Association

600 Nicollet Mall, #380
Minneapolis, MN 55402
www.mnbar.org
(612) 333-1183
(800) 882-6722

The Mississippi Bar

PO Box 2168
Jackson, MS 39225-2168
www.msbar.org
T: (601) 948-4471
F: (601) 355-8635

The Missouri Bar Association

326 Monroe PO Box 119
Jefferson City, MO
65102-0119
www.mobar.org
(573) 635-4128

State Bar of Montana

7 West 6th Ave, Suite 2B
PO Box 577
Helena, MT 59624
www.montanabar.org
(406) 442-7660

Nebraska State Bar Association

635 South 14th St, Suite 200
Lincoln, Nebraska 68508
www.nebar.com
(402) 475-7091

Resources

State Bar Associations

State Bar of Nevada

600 East Charleston Blvd
Las Vegas, NV 89104
www.nvbar.org
(702) 382-2200
(775) 329-4100

New Hampshire Bar Association

2 Pillsbury Street, Suite 300
Concord, NH 03301
www.nhbar.org
T: (603) 224-6942
F: (603) 224-2910

New Jersey State Bar Association

New Jersey Law Center
One Constitution Square
New Brunswick NJ
08901-1520
www.njsba.com
(732) 249-5000

State Bar of New Mexico

5121 Masthead NE
Albuquerque, NM 87109
PO Box 92860
Albuquerque, NM
87199-2860
www.nmbar.org
T: (505) 797-6000
(800) 876-6227
F: (505) 828-3765

New York State Bar Association

1 Elk Street
Albany, NY 12207
www.nysba.org
(518) 463-3200

North Carolina Bar Association

8000 Weston Parkway
Cary, NC 27513
ncbar.org
(919) 677-0561
(800) 662-7407

State Bar Association of North Dakota

504 North Washington St
Bismarck, ND 58501
www.sband.org
(701) 255-1404

Ohio State Bar Association

1700 Lake Shore Drive
Columbus, OH 43204
www.ohiobar.org
(614) 487-2050

Oklahoma Bar Association

PO Box 53036
1901 North Lincoln Blvd
Oklahoma City, OK
73152-3036
www.okbar.org
(405) 416-7000

Oregon State Bar

PO Box 231935
Tigard, OR 97281-1935
www.osbar.org
(503) 620-0222

Pennsylvania Bar Association

100 South Street
Harrisburg, PA 17101
www.pabar.org
(800) 932-0311

Rhode Island Bar Association

115 Cedar Street
Providence, RI 02903
www.ribar.com
(401) 421-5740

South Carolina Bar

950 Taylor Street
Columbia, SC 29201
www.scbar.org
(803) 799-6653

State Bar of South Dakota

222 East Capitol Ave
Pierre, SD 57501-2596
www.sdbar.org
(888) 952-2333

Tennessee Bar Association

221 Fourth Ave North, Ste
400
Nashville, TN 37219-2198
www.tba.org
(615) 277-3200

State Bar of Texas

1414 Colorado St
Austin, TX 78701
www.texasbar.com
(512) 427-1463

Utah State Bar Association

645 South 200 East
Salt Lake City, UT 84111
T: (801) 531-9077
F: (801) 531-0660

Vermont Bar Association

PO Box 100
Montpelier, VT 05601-0100
www.vtbar.org
T: (802) 223-2020
F: (802) 223-1573

Virginia Bar Association

701 East Franklin St, Suite
1120
Richmond, VA 23219
www.vba.org
(804) 644-0041

Washington State Bar Association

1325 Fourth Ave, Suite 600
Seattle, WA 98101-2539
www.wsba.org
(206) 443-9722

The West Virginia State Bar

2006 Kanawha Blvd East
Charleston, WV 25311-2204
www.wvbar.org
T: (866) 989-8227
F: (304) 558-2467

State Bar of Wisconsin

PO Box 7158
Madison, WI 53707-7158
www.wisbar.org
(800) 728-7788

Wyoming State Bar

4124 Laramie St
PO Box 109
Cheyenne, WY 82003
www.wyomingbar.org
T: (307) 632-9061
F: (307) 632-3737

Resources



Organizations and Websites

ADVOCACY

1000+ Death Penalty Links

www.clarkprosecutor.org/html/links/dplinks.htm

Compiled by the Clark County Indiana Prosecuting Attorney's office, this is an exhaustive list of websites, articles, and other resources from both sides of the death penalty debate, organized by subject and audience.

Campaign to End the Death Penalty

www.nodeathpenalty.org

A membership-driven, chapter-based organization dedicated to putting death row prisoners and their family members at the forefront of the abolitionist movement. Their website features photos, videos, current cases, instructions on how to join or start a chapter, and information on their national speaking tour "Lynching Then, Lynching Now: The Roots of Racism and the Death Penalty in America."

Death Penalty Discourse

www.dpdiscourse.org

Founded by Sister Helen Prejean, whose books *Dead Man Walking* and *The Death of Innocents: An Eyewitness Account of Wrongful Executions*, were inspired by her relationships with inmates on death row. The website offers information about the organization, Sister Prejean's books and talks, and related projects such as The Dead Man Walking School Theatre Project ("The Play Project") and The Catholic Mobilizing Network to End the Use of the Death Penalty.

Death Penalty Focus

www.deathpenalty.org

A non-profit organization dedicated to abolishing capital punishment through grassroots organizing, research, and the dissemination of information about the death penalty and its alternatives. The President of Death

Penalty Focus is actor and activist Mike Farrell, best known for starring in the television series *M*A*S*H*. DPF sponsors research projects and opinion polls, organizes year-round public education and professional media campaigns, and develops conferences, seminars and workshops. Their website has educational materials in both English and Spanish, including an educational curriculum for high school teachers interested in discussing the death penalty with their students.

Death Penalty Information Center

www.deathpenaltyinfo.org

Probably the most comprehensive collection of death penalty resources on the internet, the Death Penalty Information Center provides frequent news updates and hundreds of articles, books, history and fact sheets on the death penalty. The site has a searchable "execution database" and allows users to look up information by state, by inmate, or by issue areas ranging from Arbitrariness to Women.

Equal Justice U.S.A. www.ejusa.org

EJU seeks to mobilize and educate ordinary citizens by bringing into public focus the racial, economic, and political biases that permeate the US legal system. Formerly a program of the Quixote Center, EJU is now an independent organization. Their website provides access to the bi-weekly newsletter *Equal Justice Edition* and a free downloadable "Capital Case Handbook for families and allies of those charged with a capital crime."

Moratorium Campaign

www.moratoriumcampaign.org

A campaign by Sister Helen Prejean, author of *Dead Man Walking*, to end doctors' participation in the death penalty process.

National Coalition to Abolish the Death Penalty

www.ncadp.org

A broad-based national organization headquartered in DC with more than 100 state and national affiliate organizations. and thousands of advocates and volunteers. Their website features blogs, news, and an interactive state-by-state guide to local groups working to abolish the death penalty.

Pro-Death Penalty.com

www.prodeathpenalty.com

A large collection of resources, including a database of the victims of death row inmates, state-by-state information on past and scheduled executions, a guide to legislation, articles, news stories and polls.

Students Against the Death Penalty

www.studentabolition.org

A coalition of highschool students working to end the death penalty through campaigns of public education and the promotion of youth activism. Their website features guide to chapters across the country and instructions on how to start your own.

The Death Penalty: Pro and Con (PBS Frontline)

www.pbs.org/wgbh/pages/frontline/angel/procon Essays expressing opposing opinions on the death penalty from Supreme Court Justices, lawyers and legal scholars, U.S. Catholic Bishops, and Pope John Paul II.

World Coalition Against the Death Penalty

www.worldcoalition.org A France-based organization made up of NGOs, bar associations, local authorities and trade unions. Their website features resources, publications, and links to anti-death penalty campaigns around the world.

Resources

Organizations and Websites

FAITH-BASED

American Friends Service Committee

<http://afsc.org>

A Quaker organization devoted to service, development, and peace programs throughout the world. Part of their mission is to promote community-based alternatives to current criminal justice practices.

Catholics Against Capital Punishment

www.cacp.org

An organization aimed at promoting greater awareness of Catholic Church teachings that characterize capital punishment as unnecessary, inappropriate and unacceptable in today's world. Their website features the organization's newsletter, CACP News Notes, the text of the revised Latin edition of the Catechism regarding the death penalty, and an updated bibliography of statements by U.S. Catholic Bishops on capital punishment.

Religious Organizing Against the Death Penalty

www.deathpenaltyreligious.org

Coordinated by the American Friends Service Committee's criminal justice program, this project aims to provide people of faith with the tools and resources they need to become effective advocates for abolition.

The Catholic Mobilizing Network to End the Use of the Death Penalty

www.catholicmobilizing.org Works in close collaboration with the U.S. Conference of Catholic Bishops to promote the Church's unconditional pro-life teaching and its application to capital punishment and restorative justice. Their website features articles and publications, legal briefs, and Church documents and teachings.

Unitarian Universalists for Alternatives to the Penalty

www.uuadp.org

An independent group of Unitarian Universalists from 43 states dedicated to promoting the six Unitarian Universalist Association resolutions calling for an end to capital punishment. Their website provides an overview of the religion's position and a guide to upcoming events.

LEGAL ORGANIZATIONS

American Bar Association

www.abanet.org

The ABA is a voluntary association of lawyers and law students, which is involved primarily with setting academic standards for law schools and formulating ethical codes related to the legal profession. The Association has been advocating for legal reform surrounding capital cases since 1979, and in 2001 launched The Death Penalty Moratorium Implementation Project with the goal of obtaining a nationwide moratorium on executions. Their series of studies, "Evaluating Fairness and Accuracy in State Death Penalty Systems" is available at: <http://www.abavideo.org/ABA340/> and includes links to organizations, news, and blogs, and resources for lawyers including reports, guidelines, upcoming events, and training sessions. See also: The Death Penalty Moratorium Project of the ABA Section of Individual Rights and Responsibilities, www.abanet.org/moratorium/home.html ABA Juvenile Justice Center, www.abanet.org/crimjust/juvjus/

American Trial Lawyers Association

(ATLA) www.theatla.com

The ATLA's mission is to promote excellence in the legal profession through practical educational programs, networking opportunities, and legal publications that deal with

current issues facing The American Trial Lawyer. The ATLA is a national organization composed of the top 100 Trial Lawyers from each state.

Center on Wrongful Convictions

www.law.northwestern.edu/wrongfulconvictions

A legal aid center based at Northwestern University School of Law in Chicago, devoted to exonerating innocent inmates from death row. The Center was influential in the moratorium on executions declared by former Governor George Ryan in January 2000 and his decision to commute all Illinois death sentences in January 2003. Accepts both DNA and non-DNA cases.

Criminal Justice Legal Foundation

www.cjlf.org

A California-based nonprofit, public interest law organization that supports capital punishment as a means of restoring balance between the rights of crime victims and the criminally accused. The Foundation's purpose is to assure that people who are guilty of committing crimes receive swift and certain punishment in an orderly and constitutional manner. Reports on pending cases and a listing of CJLF publications are posted on the foundation's website at http://www.cjlf.org/publctns/pub_list.htm

Equal Justice Initiative

www.eji.org

Alabama-based nonprofit organization providing legal representation to condemned prisoners, juvenile offenders, people wrongly convicted or charged with violent crimes, poor people denied effective representation, and others whose trials are marked by racial bias or prosecutorial misconduct. Their website features resources for advocates and policymakers working on criminal justice reform.

Resources



Organizations and Websites

Innocence Project

<http://www.innocenceproject.org/>
A public policy and national litigation organization dedicated to exonerating wrongfully convicted inmates through DNA testing and criminal justice reform. The Innocence Project is an independent nonprofit organization closely affiliated with Cardozo School of Law at Yeshiva University. To date, The Innocence Project's full-time staff attorneys and Cardozo clinic students have provided direct representation or critical assistance in most of the 251 cases of exoneration by DNA testing in the United States. There are now a number of Innocence Project non-profit legal clinics throughout the world. The Innocence Project website provides links to these other organizations, as well as legal information, reports and publications, and a video and audio archive.

National Association of Criminal Defense Lawyers (NACDL)

<http://www.criminaljustice.org>
A DC-based organization with a total of about 40,000 members from 90 state, local, and international affiliate criminal defense lawyer organizations. NACDL supports the abolition of the death penalty and is actively involved in abolition and moratorium efforts around the country and the world. The NACDL Death Penalty Committee holds an annual death penalty defense seminar focusing on voir dire and mitigation investigation. Their "Death Watch" and "Capital Cases" articles are published in the NACDL's official journal, *The Champion*. The NACDL's Death Penalty Resource Counsel website, www.criminaljustice.org/public.nsf/freeform/DeathPenalty?OpenDocument includes links to organizations, news, and blogs, and resources for lawyers including reports, guidelines, upcoming events, and training sessions.

National Center for Juvenile Justice

<http://www.ncjservehttp.org/NCJJWebsite/main.html>
A non-profit center devoted to providing justice for children and families through research and technical assistance. Their publications include an annual report and a monthly "NCJJ Snapshot", which summarizes current legal issues relating to how children and families are handled in juvenile and family court systems across the nation.

National Center for Victims of Crime

<http://www.ncvc.org>
A resource and advocacy organization for crime victims and those who serve them. Their website features a toll-free victim help line in 150 languages and an extensive resource library with free full-text reports and studies, current statistics with references, and a list of recommended reading.

National Conference of State Legislatures

www.ncsl.org
A bipartisan organization whose mission is to improve the quality and effectiveness of state legislatures. Their website offers links to policy-related articles, reports, briefs, and bill summaries.

National Criminal Justice Reference Service

<http://www.ncjrs.gov>
A federally funded resource offering justice information to support research, policy, and program development worldwide. Their website hosts one of the largest criminal and juvenile justice libraries and databases in the world, the NCJRS Abstracts Database, as well as providing complete access to hundreds of publications. Other services available through the website include a "Questions and Answers" search tool, customizable email alerts, and a bi-weekly electronic newsletter

that includes links to full text publications, notices of upcoming trainings and conferences, funding announcements, and other resources.

National District Attorneys Association

<http://www.ndaa.org>
A national organization of criminal prosecutors headquartered in Alexandria, Virginia, with an office at the National Advocacy Center in Columbia, South Carolina. NDAA representatives meet regularly with the Department of Justice, members of Congress and other national associations to influence federal and national policies and programs that affect law enforcement and prosecution. Their website includes a list of upcoming conferences, links to publications, and daily news clips.

National Governors Association

www.nga.org
A bipartisan public policy organization representing the nation's governors. Their website features a newsroom, resource centers on recent bills, and access to the publications of the NGA's Center For Best Practices.

National Juvenile Defender Center

<http://www.njdc.info>
An independent organization dedicated to improving access to counsel and quality of representation for children in the justice system. NJDC's nine regional centers provide support to public defenders, appointed counsel, law school clinical programs and non-profit law centers to ensure quality representation in urban, suburban, rural and tribal areas. Their website features publications and information on services to juvenile defenders, including training, technical assistance, advocacy, networking, and capacity building.

Resources

Organizations and Websites

Penal Reform International

www.penalreform.org

An international non-governmental organization working on penal and criminal justice reform worldwide. Their goals include abolishing the death penalty, reducing imprisonment, eliminating discrimination in all penal measures, and implementing international human rights instruments in relation to law enforcement and prison conditions. Their website includes offers an overview of their mission and links to international legal standards established by the United Nations and the International Criminal Court.

Southern Center for Human Rights

www.schr.org

An Atlanta-based litigation and advocacy organization, SCHR represents defendants in capital cases and works to end the death penalty. Their website provides lists of print, film, and other resources, including access to their own publications on issues such as judicial independence, inadequate legal representation for poor people, and unconstitutional conditions and practices in prisons and jails.

Southern Poverty Law Center

www.splcenter.org

A nonprofit civil rights organization dedicated to fighting hate and bigotry through litigation, education and other forms of advocacy. The Center's Teaching Tolerance program produces and distributes free documentary films, books, lesson plans and other materials that promote tolerance and respect to school children. You can order these materials and access the Center's publications, including *Teaching Tolerance* magazine, on their website.

HUMAN RIGHTS

ACLU Capital Punishment Project

<http://www.aclu.org/capital-punishment>

A project of the American Civil Liberties Union (ACLU), which is a national civil rights organization focused largely on litigation and legislative lobbying. The Capital Punishment Project engages in public education and advocacy, systemic reform and strategic litigation, including direct representation of capital defendants. Their webpage offers news updates and comprehensive resources on activism against the death penalty in the United States, including ACLU's frequent press releases and publications.

Amnesty International

www.amnesty.org

Amnesty International USA

www.amnestyusa.org/death-penalty
Amnesty International is a worldwide campaigning movement working to promote human rights. Amnesty International's Death Penalty page provides information in support of Amnesty International's opposition to the death penalty. Their USA site has information about the death penalty in the USA and internationally, as well as updates, petitions regarding current cases, and a video about the wrongful conviction of Cameron Todd Willingham.

Human Rights First

www.humanrightsfirst.org

Human Rights First is a non-profit, nonpartisan international human rights organization based in New York and Washington D.C. They use creative coalition-building, insider advocacy, litigation, research and reporting, and public advocacy. Publications include an annual report on human rights practices around the world, which is meant to provide a

counterpart to the US Department of State reports on human rights.

National Association for the Advancement of Colored People

(NAACP) www.naacp.org

One of the oldest and most influential civil rights organizations in the United States. Its stated mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. NAACP partners with the ACLU and the Northwestern Center for Wrongful Convictions in advocating for a moratorium on the death penalty. Their Fact Sheet on African American Sentencing and Death Penalty Disparities is available on the NAACP website at: <http://www.naacp.org/advocacy/justice/index.htm>. Access the NAACP Criminal Justice Center at http://org2.democracyinaction.org/o/2446/t/9129/blog/index.jsp?blog_KEY=171

National Organization for Victim Assistance

www.trynova.org

A non-profit organization of victim and witness assistance programs and practitioners, criminal justice agencies and professionals, mental health professionals, researchers, former victims and survivors, and others committed to the recognition and implementation of victim rights and services. NOVA's senior staff helped co-found the National Victims Constitutional Amendment Network (NVCAN), which has been influential in pushing states and the federal government to enact a bill of rights for crime victims. Their four-part mission is organized around national advocacy, direct services to victims, assistance to professional colleagues, and membership activities and services.

Resources



Organizations and Websites

FAMILY MEMBERS' ORGANIZATIONS

Journey of Hope

www.journeyofhope.org

Led by murder victim family members joined by death row family members, family members of the executed, the exonerated, and others, Journey of Hope... From Violence to Healing addresses alternatives to the death penalty through an emphasis on storytelling. Members' stories and photos are featured on their website, along with books and videos available for purchase and information on their public education speaking tour.

Murder Victims' Families for Human Rights

www.mvfhf.org

Murder Victims' Families for Human Rights is an international, non-governmental organization of family members of victims of criminal murder, terrorist killings, state executions, extrajudicial assassinations, and "disappearances" working to oppose the death penalty from a human rights perspective. Their site features an extensive gallery of victims' and family members' stories and access to their 2006 report, "Creating More Victims: How Executions Hurt the Families Left Behind." The "No Silence, No Shame" project helps family members of the executed join together to end their sense of shame and break their silence to become a powerful voice against the death penalty.

Murder Victims' Families for Reconciliation

www.mvfr.org/

An organization that brings together family members of victims of both homicide and executions who oppose the death penalty in all cases. Their activities include training victims to get involved in jurisdictional

campaigns, testifying before legislatures and empowering other family members to testify, and increasing awareness of the needs and voices of victims' family members. Their website features family stories and recent articles about the death penalty.

Witness to Innocence

www.witnesstoinnocence.org

An organization composed of, by, and for exonerated death row survivors and their loved ones. Witness to Innocence aims to empower death row survivors and their loved ones to be effective leaders in the death penalty movement, and to provide a network of peer support for former inmates. Their website features members' stories, photos, and information – including audience testimonials – about Witness to Innocence speaking events.

BLOGS

Capital Defense Weekly

www.capitaldefenseweekly.com/blog/

Meet Vernon

<http://meetvernon.blogspot.com/>

The Lonely Abolitionist

www.lonelyabolitionist.com/

Death of Innocents – Sister Helen Prejean

www.deathofinnocents.net/

Friends of Justice

<http://friendsofjustice.wordpress.com/curtis-flowers/>

Innocence Project – Innocence Blog

www.innocenceproject.org/news/Blog.php

Abolish the Death Penalty

www.deathpenaltyusa.blogspot.com/

For Victims, Against the Death Penalty

www.mvfhf.blogspot.com/

Journey of Hope...From Violence to Healing

www.thejourneyofhope.blogspot.com/

Stand Down Texas Blog

<http://standdown.typepad.com>

Resources

Books

Baldwin, Robert. ***Life and Death Matters: Seeking the Truth About Capital Punishment***. NewSouth, 2008. Discusses in a conversational manner the author's personal journey to confront entrenched racism within himself and the criminal justice system. Written from a faith-based perspective, the book focuses on misconceptions surrounding the death penalty in America's Deep South.

Banner, Stuart. ***The Death Penalty: An American History***. Harvard University Press, 2003. Chronicles changes in capital punishment, and differences as well as similarities in Americans' attitudes towards the death penalty since the 1700s.

Bedau, Hugo Adam, and Paul G. Cassell, eds. ***Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Case***. Oxford University Press, 2005. An in-depth exploration of arguments for and against the death penalty from judges, lawyers, and philosophers.

Bedau, Hugo Adam, ed. ***The Death Penalty in America***. Oxford University Press, 1997. A selection of essays discussing the pros and cons of the death penalty, including issues of law, deterrence and incapacitation, race and class.

Bessler, John D. ***Legacy of Violence: Lynch Mobs and Executions in Minnesota***. University of Minnesota Press, 2006. A comprehensive history of the death penalty in Minnesota, told through personal accounts from the people involved. Describes the role of media and of anti-death penalty and anti-lynching movements in the state's abolition of capital punishment.

Burkhead, Michael Dow. ***A Life for a Life: The American Debate Over the Death Penalty***. McFarland, 2009. This new book explores how public opinion shapes the death penalty debate, focusing on eight issues: cruel and unusual punishment, discrimination, deterrence, due process, culpability, scripture, innocence, and justice. The appendix includes recent state commission reports on the death penalty from Maryland, California, New Jersey, and Tennessee.

Cahill, Thomas. ***A Saint on Death Row: The Story of Dominique Green***. Knopf Doubleday, 2009. The story of a juvenile sentenced to death row, and the racism, poverty, and abuse that affected his life in Texas. By the bestselling author of "How the Irish Saved Civilization."

Carter, Dan. ***Scottsboro: A Tragedy of the American South***. Longleaf, revised edition, 2007. The "Scottsboro Boys" case of 1931, in which nine African American youths were charged with raping two white women, became one of the most famous and controversial death penalty trials in American history. When originally published in 1970, Carter's book reignited the debate, inspiring scholarly attention and several film adaptations. The latest edition features a new chapter discussing the last surviving Scottsboro defendant and Victoria Price's libel suit against the network that televised the trial.

Dow, David R. and Mark Dow, eds. ***Machinery of Death: The Reality of America's Death Penalty Regime***. Routledge, 2002. A collection of essays and interviews from lawyers, wardens, victims' families, executioners and inmates, presented with the belief that the more people know about how capital punishment is administered, the more they will

oppose it. With a foreword by Christopher Hitchens.

Dow, David R. ***The Autobiography of an Execution***. Grand Central Publishing, 2010. The memoir of a defense attorney who has represented over 100 death row inmates. A former death penalty supporter, Dow is a law professor at the University of Houston and the founder and director of the Texas Innocence Network.

Earley, Pete. ***Circumstantial Evidence: Death, Life and Justice in a Southern Town***. Bantam Books, 1995. The story of Walter McMillan and racial politics in Monroeville, Alabama. McMillan spent six years on death row and was freed after lawyer Bryan Stevenson reopened his case.

Friedman, Lawrence M. ***Crime and Punishment in American History***. Basic Books, 1993. A comprehensive history of the American criminal justice system dating back to the Colonial era.

Frisbie, Thomas and Randy Garrett. ***Victims of Justice Revisited***. Northwestern University Press, 2004. The story of the investigation and ensuing trials surrounding the murder of ten-year-old Jeanine Nicarico, who was kidnapped from her suburban home in Naperville, Illinois, in 1983. The book discusses the background of the man who claimed to have killed Nicarico after Rolando Cruz was already sentenced to death for the crime, and how the case eventually led to a moratorium on the death penalty in Illinois.

Resources



Books

Gilmore, Mikal. ***Shot in the Heart***. Doubleday, 1995. The story of the author's brother, Gary Gilmore, who was executed by firing squad in Utah in 1977 after famously campaigning for his own death. Gilmore's story became the subject of Norman Mailer's book "The Executioner's Song"; here, his brother recounts their family's violent history to tell the story "from inside the house where murder is born."

Grisham, John. ***The Innocent Man: Murder and Injustice in a Small Town***. Random House, 2007. The first non-fiction book by well-known lawyer-turned-crime novelist John Grisham tells the story of Ron Williamson of Ada, Oklahoma, who was sent to death row for a crime he did not commit.

Jackson, Jesse, Bruce Shapiro, and Jesse L. Jackson, Jr. ***Legal Lynching: The Death Penalty and America's Future***. Knopf Doubleday, 2003. A reader-friendly introduction to the debate surrounding the death penalty in America. The authors attempt to debunk preconceptions on issues of deterrence, discrimination, and the criminal justice system.

Kaufman-Osborn, Timothy Vance. ***From Noose to Needle: Capital Punishment and the Late Liberal State (Law, Meaning, and Violence)***. University of Michigan Press. Employs philosophy, law, political theory, and sociology to explore the contradiction between contemporary liberal values and the practice of state executions. Questions why certain capital punishment practices and trends have become acceptable while others are considered immoral.

Lanier, Charles S., William J. Bowers, and James R. Acker, eds. ***The Future of America's Death Penalty***. Carolina Academic Press, 2009. The nation's

leading scholars identify the most pressing issues affecting capital punishment policy in America, and design a research agenda to help inform the future of criminal justice.

Lezin, Katya. ***Finding Life on Death Row***. Northeastern University Press, 1999. Puts a "human face" on the cases of six death row inmates represented by the Southern Center for Human Rights, with a foreword by the Center's director Stephen B. Bright.

Lyon, Andrea D. ***Angel of Death Row: My Life as a Death Penalty Defense Lawyer***. Kaplan, 2010. Chronicles the author's thirty years representing clients in capital cases, and her ability to prevent all nineteen who were found guilty of capital murder from receiving a death sentence. Lyon was featured in the PBS documentary *Race to Execution* and is the founder of the Center for Justice in Capital Cases based in Illinois.

MacQuarrie, Brian. ***The Ride: A Shocking Murder and a Bereaved Father's Journey from Rage to Redemption***. Da Capo, 2009. The story of how Robert Curley went from demanding the execution of his ten-year-old son's murderer to being an outspoken opponent of the death penalty.

Malcolm Braly, ***False Starts: A Memoir of San Quentin and Other Prisons***. Penguin, 1976. Braly recounts the over eighteen years he spent in prison, the circumstances that led him there, and his ultimate success in being released at age forty.

Marquart, James. ***The Rope, the Chair, and the Needle: Capital Punishment in Texas, 1923-1990***. University of Texas Press, 1998. Drawing on execution data from 1819 to 1990, the authors demonstrate how slavery

and lynching laid the groundwork for institutional discrimination in Texas' death penalty system. Traces personal stories of those sentenced to death and changes in public opinion in the state over time.

McFeely, William S. ***Proximity to Death***. Norton, 1999. A personal account of capital punishment and the work of the Southern Center for Human Rights, by Pulitzer-Prize winning historian William S. McFeely.

Megivern, James J. ***The Death Penalty: An Historical and Theological Survey***. Paulist Press, 1997. A history of the relationship between Western religion and capital punishment, from the divine origins of the death penalty to its condemnation by American Catholic bishops.

O'Shea, Kathleen. ***Women and the Death Penalty in the United States, 1900-1998***. Westport, Connecticut: Praeger Publishers, 1999. Gives a state-by-state historical overview of women and the death penalty, as well as individual stories of female prisoners who have been executed or are currently on death row.

Ogletree, Charles J. Jr., and Austin Sarat, ed. ***From Lynch Mobs to the Killing State: Race and the Death Penalty in America***. New York University Press, 2006. A collection of original essays examining the disproportionate representation of African Americans and Hispanics in the American prison system. The authors employ legal, historical, cultural, and social science methodologies to show the deep connection between capital punishment and race in America.

Resources

Books

Oshinsky, David. ***Capital Punishment on Trial: Furman v. Georgia and the Death Penalty in Modern America.*** University Press of Kansas, 2010. The author, a Pulitzer-prize winning historian, at the groundbreaking Supreme Court case that temporarily halted the death penalty in 1972. Discusses the discriminatory and arbitrary nature of capital punishment, international public opinion, and recent Supreme Court rulings on capital punishment.

Peppers, Tom and Laura Trevvett Anderson. ***Anatomy of An Execution: The Life and Death of Douglas Christopher Thomas.*** Northeastern University Press, 2009. The story of a juvenile offender who was executed in Virginia in 2000. Explores the quality of Thomas' court-appointed counsel, conditions on death row, and why Roper v. Simmons ended the use of the death penalty for those under age eighteen in five years after Thomas' execution.

Prejean, Helen. ***Dead Man Walking: An Eyewitness Account of the Death Penalty in the United States.*** Knopf Doubleday, 1994. Recounts the relationship between the author, a Roman Catholic nun, and an inmate on death row. The book was nominated for a Pulitzer prize and made into a film starring Susan Sarandon.

Randa, Laura E, ed. ***Society's Final Solution: A History and Discussion of the Death Penalty.*** Lanham, MD: University Press of America, 1997. A collection of educational essays written from a range of perspectives including lawyers, death row inmates, and murder victims' family members. Explores arguments for and against the death penalty.

Rideau, Wilbert. ***In the Place of Justice: A Story of Punishment and Deliverance.*** Knopf Doubleday, 2010. Rideau was sentenced to death at the age of nineteen for killing a woman during an attempted robbery. After more than ten years on death row his sentence was commuted to life imprisonment and he became the editor of *The Angolite*, an award-winning prison magazine that exposed abuses at Louisiana's infamous Angola Prison.

Scheck, Barry, Peter Neufeld and Jim Dwyer. ***Actual Innocence: Five Days to Execution, and Other Dispatches From the Wrongly Convicted.*** Doubleday, 2000. Written by the co-directors of the Innocence Project and Pulitzer Prize-winning New York Times reporter Jim Dwyer. The stories of ten wrongly convicted men who were freed by the authors' efforts.

Stevens, Dennis J. ***Media and Criminal Justice: The CSI Effect.*** Jones and Bartlett, 2009. Argues that television programs and media coverage create misconceptions about the accuracy and efficacy of America's criminal justice system, and that the money spent on capital punishment would be put to better use fighting crime. This book is designed for educational use.

Temple, John. ***The Last Lawyer: The Fight to Save Death Row Inmates.*** University Press of Mississippi, 2009. Tells the story of Ken Rose, an attorney at the Center for Death Penalty Litigation in North Carolina, and his defense of Bo Jones, a mentally handicapped farmhand sentenced to death for murder. The story centers around issues of mental illness and inadequate defense in capital cases, and Rose's courage and ultimate triumph in defending Jones.

Von Drehle, David. ***Among the Lowest of the Dead: The Culture of Capital Punishment.*** Random House, 1995. A journalistic investigation of the capital punishment system, hailed by Robert Blecker as "most relevant to today's death penalty debate as we moderate advocates and abolitionists search for common ground."

Warden, Rob and Steven A. Drizin, ed. ***True Stories of False Confessions.*** Northwestern University Press, 2009. This collection of articles from more than forty authors, including Alex Kotlowitz and John Grisham, sheds light on one of the most incomprehensible aspects of criminal justice. Focusing on issues such as brainwashing, fabrication, and mental fragility, the book shows that false confessions are a systemic problem, rather than isolated anomalies.

Welsh-Huggins, Andrew. ***No Winners Here Tonight: Race, Politics, and Geography in One of the Country's Busiest Death Penalty States.*** Ohio University Press, 2009. A journalist's account of the history of the death penalty in Ohio. The book explores how the state's moderate midwestern values and its intended purpose for capital punishment conflict with its record of implementing executions.

Resources



Articles and Reports

ARTICLES

Baldus, David C. and George Woodworth. "Race Discrimination in the Administration of the Death Penalty: An Overview of the Empirical Evidence with Special Emphasis on the Post-1990 Research." *Criminal Law Bulletin* 39 (2003): 194-227.

Blecker, Robert. "Who Deserves to Die? A Time to Reconsider." *New York Law Journal* 22 July 2004: 2.

Bowers, William J. and Wanda D. Foglia. "Still Singularly Agonizing: Law's Failure to Purge Arbitrariness from Capital Sentencing." *Criminal Law Bulletin* 39 (2003): 51-86.

Bright, Stephen B. "Will The Death Penalty Remain Alive In The Twenty-First Century?: International Norms, Discrimination, Arbitrariness And The Risk Of Executing The Innocent." *Wisconsin Law Review* 1 (2001).

Freedman, James. "Criminal Justice: One Of The Enormous Non-Issues Of Presidential Politics." *The Huffington Post* 23 July 2008.

Garcia, Kathleen. "Death penalty hurts - not helps - families of murder victims." *Nashua Telegraph* 28 Mar. 2010: op-ed.

Montross, William. "Go, Witness and Speak." *Journal of the Society of Christian Ethics* 28.2 (2008): 3-21.

STUDIES AND REPORTS

Amnesty International. *Death Sentences and Executions 2009*. Amnesty International Publishing, 2010. An annual report summarizing Amnesty International's global research on the use of the death penalty, organized by country.

California Commission on the Fair Administration of Justice. *Report and Recommendations on the Administration of the Death Penalty in California*. California Commission, 2008. The outcome of California State Senate Resolution No. 44, which demands a review of California's failing criminal justice system.

Dieter, Richard C. *Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis*. Death Penalty Information Center, 2009. The Death Penalty Information Center's latest report features a newly released national poll of police chiefs who put capital punishment at the bottom of their law enforcement priorities.

Raeda, Myrna. *The State of Criminal Justice 2010*. American Bar Association, 2010. The annual publication of the American Bar Association reports on all the significant issues, changes, and trends in criminal justice from 2009-2010. A valuable resource for students, academics, legal professionals, and policy-makers.

Roman, John, et al. *The Cost of the Death Penalty in Maryland*. Urban Institute: 2008. A study by Urban Institute, a nonpartisan organization devoted to economic and social policy research, which assesses the cost of the death penalty to Maryland taxpayers.

Snell, Tracy L. *Capital Punishment, 2008 - Statistical Tables*. Office of Justice Programs, U.S. Department of Justice, 2009. Annual publication of the Bureau of Justice Statistics, presenting characteristics of inmates on death row and those who were executed in 2008.

Film and Television

PBS 'Frontline' Series:

The Plea (2004)

Burden of Innocence (2003)

Requiem for Frank Lee Smith (2002)

The Execution (1999)

The Case for Innocence (1999)

What Jennifer Saw (1997)

Angel on Death Row (1996)

Innocence Lost (1991)

Innocence Lost The Verdict Parts 1 & 11 (1993)

Cover topics such as wrongful convictions, DNA technology, and life on death row.

- to view online: pbs.org/frontline

- to purchase: shoppbs.org

70 x 7: The Forgiveness Equation.

2008. Directed by Jacqui Lofaro and Victor Teich. This documentary profiles the family members of murder victims whose accused killers could face the death penalty. In one case, two sisters are divided over whether to pursue the death penalty after their parents are murdered. In the other, a man who lost his daughter in the Oklahoma City bombings comes to oppose Timothy McVeigh's execution.

- purchasing and other information: www.justiceproductions.org

At The Death House Door. 2008.

Directed by Peter Gilbert and Steve James. A documentary about Pastor Carroll Pickett, who presided over 95 executions –including the world's first lethal injection – as chaplain to the infamous "Walls" prison unit in Huntsville, Texas. The film pays special attention to the case of Carlos De Luna, who Pickett strongly believes is innocent.

- purchasing and other information: www.ifc.com/atthedeathhousedoor

Resources

Film and Television

Deadline. 2004. Directed by Katy Chevigny and Kirsten Johnson. A documentary about Governor George Ryan, and his decision to commute the sentences of everyone on Illinois' death row just days before leaving office. The governor's journey from being a tough-on-crime, pro-death penalty, Republican, begins when a group of undergraduate students at Northwestern University prove a man on death row was wrongly convicted.

- purchasing and other information: www.deadlinethemovie.com

The Farm: Angola, USA. 1998. Directed by Liz Garbus, Wilbert Rideau, and Jonathan Stack. This documentary follows six inmates in the infamous Angola Prison, the nation's largest maximum-security prison. Nominated for an Academy Award for best documentary feature.

- view online at: channel.nationalgeographic.com/episode/a-decade-behind-bars-return-to-the-farm-4329/Overview42#tab-Videos/06700_00

Fighting for Life in the Death-Belt.

2006. Directed by Jeff Marks and Adam Elend. Narrated by Ani DiFranco, the film follows Stephen Bright and his colleagues at the Southern Center for Human Rights in their efforts to save two men from being sentenced to death.

- purchasing and other information: www.nationalfilmnetwork.com/Store/ProductDetails.aspx?ProductID=297

Juan Meléndez – 6446. 2009.

Directed by Luis Rosario Albert. The story of Juan Meléndez, a Puerto Rican migrant farmer raised in New York City, who spent seventeen years on death row for a crime he did not commit.

- to purchase contact Judi Caruso at judi@hotspare.com

Lethal Solution. 2008. Produced and directed by Steven Grandison. Part of the BBC investigative documentary series "This World." Reporter Vivian White travels across the United States, asking if lethal injection constitutes 'cruel and unusual punishment.' Interviews with doctors, prison wardens, death row inmates, and inmates' family members present a variety of perspectives on the administration of capital punishment by lethal injection.

- view online at: news.bbc.co.uk/player/nol/newsid_7650000/newsid_7651600/7651651.stm?bw=nb&mp=wm&news=1&ms3=6&ms_javascript=true&bbcws=2#

Love Lived on Death Row. 2007.

Directed by Linda Booker. The story of four siblings whose father was sentenced to die for the murder of their mother in 1990 and Meg Eggleston, their father's spiritual advisor. When the children visit their estranged father on death row they go through a transformation from anger to forgiveness, deciding to appeal his sentence.

- purchasing and other information: www.lovelivedondeathrow.com

The McVeigh Tapes: Confessions of an American Terrorist. 2010. MSNBC.

Host Rachel Maddow investigates the motives behind the Oklahoma City bombings – the deadliest terror attack in the United States prior to the World Trade Center attack on September 11.

- view online at: www.msnbc.msn.com/id/26315908

Mumia Abu-jamal: A Case for Reasonable Doubt? 1996. Directed by John Edginton. This documentary looks at the case of Abu Jamal, an African American man who was convicted in the 1981 murder of a white Philadelphia police officer. While on death row, Abu Jamal has become an author and NPR journalist; always maintaining his innocence, he has inspired celebrities and activists to campaign for his release. This film presents the evidence for both his guilt and innocence.

While on death row, Abu Jamal has become an author and NPR journalist; always maintaining his innocence, he has inspired celebrities and activists to campaign for his release. This film presents the evidence for both his guilt and innocence.

- purchasing and other information: www.docurama.com/docurama/mumia-abu-jamal-a-case-for-reasonable-doubt

Race to Execution. 2007. Directed by Rachel Lyon. Explores how the race of murder victims and their accused killers influences every stage of the legal process, from investigation to sentencing. The film follows two death row inmates: Robert Tarver in Russell County, Alabama and Madison Hobley in Chicago, Illinois.

- purchasing and other information: www.pbs.org/independentlens/racetoeexecution/film.html

Robert Blecker Wants me Dead.

2007. Directed by Ted Schillinger. A documentary about death penalty advocate Robert Blecker and his relationship with Daryl Holton, who was executed by electrocution in 2007 after being convicted of murdering his four children. The film explores Holton's motives – including possible mental illness – and the ethics surrounding his execution.

- purchasing and other information: www.robertbleckerwantsmedead.com

Resources



Radio

"Doing Time, and Doing Good, in La.'s Angola Prison." Aired April 26, 2010 on Fresh Air, WHYY. Interview with Wilbert Rideau. Fresh Air's former prison correspondent discusses his time in Louisiana's notorious Angola prison. Rideau was sentenced to death at age nineteen for killing a woman during an attempted robbery, and later became the editor of Angola's journal *The Angolite*. After spending 44 years in prison, he was released on January 15, 2005.

- Listen to this story, and others by Wilbert Rideau, at: www.npr.org/templates/story/story.php?storyId=126217412

"Willie McGee and the Traveling Electric Chair." Aired May 7, 2010. Narrated by Bridgette McGee-Robinson. Produced for All Things Considered by Joe Richman and Samara Freemark of Radio Diaries, with help from Anayansi Diaz-Cortes, Deborah George and Ben Shapiro. A half-hour documentary about the trial of Willie McGee, who was sentenced to death in 1951 after being convicted of raping a white woman in Mississippi. Narrated by McGee's granddaughter, it includes excerpts of the live coverage from McGee's execution, broadcast from outside the courthouse where the execution took place.

- Listen to the story at: www.npr.org/templates/story/story.php?storyId=126539134

