

P.O. Box 2065
 Topeka, KS 66601
 (785) 23-KCADP
 www.kscadp.org



A 501(c)(3) organization | Fall 2009

Kansas Coalition Against the Death Penalty

Kansas Legislature Will See Death Penalty Abolition Bill in 2010

In the 2009 Legislative Session, a death penalty abolition bill was sent to the Senate floor for debate. During the vigorous debate, a number of Senators expressed their opinions on capital punishment. One Senator raised technical questions about the legal language in the bill. The Senate finally decided to send the bill back to Senate Judiciary, and to ask for a study to be done before next session.

At present, the Judicial Council Death Penalty Study Committee is currently engaged in a review of the legal language in the bill, as well as attempting to obtain additional information on the cost of the death penalty. They will be issuing a report to the 2010 Legislature with the results of the work. Legislative leaders have already indicated that death penalty abolition WILL be on the Legislature's agenda this coming year.

**You Can Help
 Make Abolition Happen!**

Time and again in the years past, some legislators have said they are reluctant to support abolition because "my constituents want the death penalty". They aren't hearing from district voters who support abolition.

States who have achieved abolition such as New Jersey and New Mexico have

shown the importance of people across the state learning about the issue and then making their voices heard in support of abolition. Public education events raised awareness and got new people to sign up for action alerts. When the critical times came, constituent phone calls, emails, letters, and visits were vital in helping legislators know that indeed there was solid support for repeal of capital punishment.

YOU can help make abolition happen in KANSAS in 2010!

* Invite KCADP speakers to your clubs and church groups. We need to raise the awareness of our fellow Kansans on the many ways the death penalty is not helpful. Contact KCADP Organizer Chris Cook at: (785) 23-KCADP or kcadp@att.net to arrange for a speaker.

* Sign up for KCADP Email alerts. These emails will give you timely info on the status of the legislation, when to make your voice heard so as to have as much impact as possible. To join the Network, send your email information to Chris at: kcadp@att.net

* Make sure we have your phone number. This is especially critical for those of you who aren't connected to us by email. There are times when we need to get word out on short notice and would like to be able to reach you by phone. So, send us your current phone number if you aren't connected to us by email.

Inside this issue:	
From the Coordinator	2
KCADP Welcomes New Staff	2
A Prosecutor's Perspective	3
KS Death Penalty-Nat'l Attn.	3
KS Death Penalty Problems	4
Innocent and Executed	5
Donations/E-Newsletter	6

"Time to Rethink the Death Penalty: A Prosecutor's Perspective"
 November 14th, 2009
 7:00 pm
 Topeka
 See Page 3

From the Coordinator...by Donna Schneweis

These indeed are exciting times for the Kansas Coalition Against the Death Penalty

What we need to do now is take it to the next level.

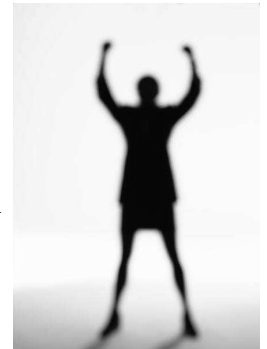
getting involved, hosting events, contacting legislators, and making their voices heard. We have gotten to this point in Kansas because many people have come together in years past to lend support for abolition. What we need to do now is take it to the next level.

There is an unprecedented effort underway to prepare for the 2010 Legislature. As you will read in the newsletter, many good things are happening with the abolition effort in Kansas. Successful abolition efforts elsewhere have shown that it takes people from throughout the state

So I lay out this invitation: read the rest of the newsletter, and then decide what YOU can do in your own community to help advance the end of the death penalty in Kansas.

Then drop us a note at either our postal address or our email

and let us know what you are committing to do to bring an end to capital punishment in our state.



Abolition in 2010?
Yes We Can!

KCADP Welcomes Chris Cook!

Hello Everyone! I am very pleased to be working for the Kansas Coalition Against the Death Penalty. I am a recent graduate of Washburn University where I earned my degree in Political Science.

So far I am extremely impressed with the passion and commitment of those who favor the abolition of the death penalty in Kansas.

My opposition to the death penalty comes from research I have done during my coursework which proves that the death penalty has many errors. Execution of the innocent, disparity of the penalty among racial minorities, ineffectiveness of capital punishment in the deterrence of violent crime, and the staggering financial and emotion toll are a few of the reasons that I am strongly in support of abolition in our state.

So far, the work I have been doing for the Coalition has been focused on setting up our new office in the Let's

Help building in downtown Topeka, Kansas. The staff at Let's Help has been extremely helpful in our quest to get up and running.

I am excited to be one of those who will be attending the Equal Justice USA Retreat in Litchfield, Connecticut early in November. Learning from and connecting with others from across the United States who share a dedication to ending the death penalty is an opportunity that I am really looking forward to.

One of the things I want to mention is that you now have new ways to communicate with us. Our new phone number is: (785) 23-KCADP. This is (785) 235-2237. Our new email is: kcadp@att.net. Feel free to call or drop us an email if you have questions, would like to volunteer, want to make a donation, or want to contribute in any way to our fight to end the death penalty in Kansas in 2010. *Thanks!*

Kansas Death Penalty Facts:

(1994-September 2009)

- 12 death sentences given (Sedgwick 6, Crawford 1, Johnson 1, Shawnee 1, Barton 1, Greenwood 1, Cowley 1)
- 1 death sentence removed during appeals process with consent of District Attorney (Sedgwick)
- 3 death sentences vacated by Kansas State Supreme Court (Sedgwick 2, Crawford 1)
- 1 resentencing trial which led to a new sentence of death (Crawford)
- 1 resentencing which led to a plea agreement on charges of felony murder and aggravated arson (Sedgwick)

Time to Rethink the Death Penalty: A Prosecutor's Perspective

We invite you to join us for our annual meeting on Saturday Nov. 14th at 7:00 p.m.

The speaker will be Sam Millsap who served as Bexar County Prosecuting Attorney in Texas. Among the death penalty cases he prosecuted was the case of Ruben Cantu.

Cantu was convicted and executed in 1992. In 2005,

the Houston Chronicle re-investigated the Cantu case. In the light of their investigation, serious questions have been raised about Cantu's guilt.

Mr. Millsap has now taken personal responsibility for his error in judgment in seeking the death penalty in this case. He is the only elected metropolitan dis-

trict attorney who has done capital murder prosecutions who now actively opposes the death penalty. The meeting will be held at:

Unitarian Universalist
Fellowship
4775 SW 21st Street
Topeka, KS

Come and bring a friend!

This is a speaker you don't want to miss!

Kansas Death Penalty Garners National Attention

During the 2009 Legislative session, it was not uncommon to see stories about the Kansas death penalty in national and international publications. People indeed were noticing that momentum for abolition was building in our state.

National attention continues. This summer, the National Coalition to Abolish the Death Penalty contacted the Kansas Coalition with an offer to help in preparations for the 2010 session. The KCADP board accepted their offer. Lori Baux, a fellow Midwesterner and NCADP consultant, is helping Kansas activists plan and implement a comprehensive strategy to advance the cause of abolition in 2010.

KCADP was also strongly encouraged to apply for a grant from the TIDES Foundation to assist in funding these additional activities. KCADP did apply and recently received word that we were awarded a grant.

We appreciate the out of state attention and the new resources and will use them wisely. What will really make the difference in Kansas is the time, effort and donations of our strong Kansas supporters.

As they say in church, we need your "time, talent and treasure"...

* *Host an event:* Invite KCADP to send a speaker to your church, organization or school. We can provide a variety of presentations

* *Volunteer:* Now is a critical time for our supporters to volunteer their time and skills. If you have professional services you are willing to contribute or time to come into our Topeka office to help with the various projects underway every day, please call us at: (785) 23-KCADP or email us at: kcadp@att.net.

* *Make your voice heard!* In the weeks ahead, we need our supporters to help us show our state legislators and community that people from all walks of life, all ages, and all corners of our state oppose the death penalty. Please put your thoughts to paper and submit a letter to the editor to your local newspaper. If you need help with the process, please contact our office.

KCADP Members Attend Training Sessions

In early August, Treasurer Jamie Schwartz and Coordinator Donna Schneweis travelled to Washington D.C. to attend the National Coalition Against the Death Penalty Abolitionist Leadership Training Institute.

The Institute's focus was on vital components needed for a successful abolition campaign: grassroots membership development and mobilization, communications, and fundraising.

The Institute also provided a wonderful opportunity to

meet other abolition leaders throughout the country.

Equal Justice USA has invited KCADP to participate in a special annual training program Nov. 5 to 8 in Connecticut. The training will focus on effective outreach and organizing with murder victim family members, law enforcement, and conservatives. These three sectors are sometimes not thought of as being open to abolition.

In fact, these three groups do have members who are advocates for abolition and their voices are important in the public debate.

KCADP was invited to send a three person team to the training. Attending will be James Crawford, Associate Coordinator, Kristi Smith, Board Member, and Chris Cook, KCADP Organizer.

Problems With The Death Penalty in Kansas

Kansas courts and state agencies have documented significant problems with the Kansas death penalty process.

***Jury Misconduct** – In 1999, Judge Kennedy threw out a jury recommendation of death in Sedgwick County due to juror misconduct in the penalty phase of Gavin Scott's trial.

***Prosecutorial Misconduct** – In 2001, the Kansas Supreme Court found that there were "numerous" instances of prosecutorial misconduct in the case of Gary Kleypas in Crawford County.

***Cost** – Legislative Post Audit reported to the 2004 Legislature that the death penalty can cost up to 70% more than a non-death-penalty case, even with incarceration costs included.

***Judicial Error** – In 2004, the Kansas Supreme Court ruled that the capital murder conviction of Michael Marsh had to be vacated due to error by the Judge in this Sedgwick County case. The judge had refused to allow critical evidence to be heard in court.

***Disparity of Application** – The Judicial Council released a study on January 12, 2005, which noted that geographic disparity exists. The Council found that persons who go to trial on capital murder charges in Sedgwick County are more likely to get a death sentence than those in Wyandotte County.

***Withheld Evidence** – In 2006, the first trial of Bob Fox ended in a mistrial in Seward County. The ruling came when it was learned that a key piece of evidence favorable to the defendant had been withheld from the defense. **These are the findings of state courts and agencies, and not merely claims of those concerned about the death penalty. It is a serious matter when a state with so few death sentences has this many confirmed problems.**

**It is a serious matter
when a state
with so few
death sentences
has this many
confirmed problems.**

Death Penalty: An Exercise in Russian Roulette

As death penalty cases in the news recently show, there is an element of Russian roulette to the process when it comes to persons with claims of innocence. In early September, the *New Yorker* carried an extensive report on the case of Cameron Todd Willingham. He was executed in Texas in the deaths of his children in a fire at the family residence. Willingham continually insisted that he was innocent. A forensic fire expert raised real doubts about whether the fire truly was arson just before the execution date, but Texas officials ignored that information. Since then, other fire science experts also have concluded that the fire indeed had not been intentionally set. A Commission had been reviewing the case and was slated to issue a final report this fall. Just days before that report was to come out, Governor Perry fired several commission officials, thus blocking the release of the report.

Oklahoma recently had two persons who were exonerated after having spent time on death row.

Yancy Douglas and Paris Powell became the 137th and 138th death sentenced persons released due to innocence.

The DA involved in the case decided to drop charges because the evidence of a state witness was unreliable.

An AP story on the exoneration quotes Powell's attorney, Jack Fisher, as saying "It's unfortunate that he had to spend 16 years of his life in jail. What it boils down to is they had no evidence he was guilty. The testimony that they used to convict him was false."

Over the past few years, there has been much media coverage on the Troy Davis case in Georgia. Davis has come perilously close to execution despite critical evidence in his case not having been reviewed. The attorneys and others have diligently pursued every angle as the state of Georgia worked very hard to get Davis killed. The US Supreme Court in August issued a very rare order during summer recess in which they ordered a new hearing on the claims of innocence. Where will this all end? Stay tuned!

Shouting from the Rooftops!: Innocent AND Executed

(written by the National Coalition to Abolish the Death Penalty)

In 2006, United States Supreme Court Justice Antonin Scalia asserted that there has never been a single case in which an individual was wrongfully convicted and executed. If there was, he said, "the innocent's name would be shouted from the rooftops."

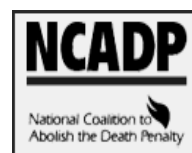
Thanks to the September 7 *New Yorker* article "Trial by Fire," we can shout with authority the name of **Cameron Todd Willingham**. This compelling and heart-wrenching piece, reported by David Grann, details Willingham's conviction and execution

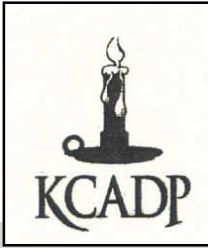
in 2004 for setting the fire which destroyed his home and killed his three children, a conviction which relied on supposed scientific evidence.

But Willingham insisted he was innocent, even up to the day he was put to death. And a report by a forensic expert around the time of his execution backed Willingham's contention that the evidence used to convict Willingham was scientifically worthless, but it was ignored by the Texas Board of Pardons and Paroles and the Governor days before Willingham's execution.

Now, a scathing new review of

the evidence by acclaimed fire expert Craig Beyler proves beyond doubt that Willingham was innocent, and that the fire was accidental. Beyler condemns the so-called scientific evidence used to convict Willingham as denying "rational reasoning" and more "characteristic of mystics or psychics." Beyler says the investigation violated, as he put it to Grann, not only the standards of today but even of the time period." To learn more about this NCADP campaign, go to: www.ncadp.org





PRSR STD
US POSTAGE PAID
TOPEKA KS
PERMIT NO 268

P.O. Box 2065
Topeka, KS 66601
(785) 23-KCADP
ADDRESS SERVICE REQUESTED

www.kscadp.org
kcadp@att.net

—————
*Why do we kill people
who kill people
to show that
killing people is wrong?*

—————
Check us out on the web:

www.kscadp.org
—————

If you want to receive your newsletter via email, please use the form below to send us your name, email address, and postal address so we can take you off the postal mailing list and add you to the email list.

If you enjoy the newsletter and want to support the anti-death penalty effort financially, please use the form below to send a donation. If you want a receipt for tax purposes please check the appropriate box. Make checks out to: **KCADP**. *We thank you for your support!*

<p><u>Please send my newsletter by email:</u></p> <p>NAME: _____</p> <p>EMAIL: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____</p> <p>ZIPCODE: _____</p>	<p><u>I would like to donate to KCADP:</u></p> <p>ENCLOSED FIND \$ _____</p> <p>NAME: _____</p> <p>STREET ADDRESS _____</p> <p>CITY: _____</p> <p>ZIPCODE: _____</p> <p>PLEASE SEND ME A TAX RECEIPT _____</p>
---	---