David Kaczynski's Death Penalty Abolition Advocacy

These are collected blog posts between 2009 & 2012, but lectures and other writing have stretched over a much longer period.

Contents

Summation

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/summation/717/>

November 17, 2012 at 7:47 pm by **David Kaczynski**

Comments(5)

110 blog postings in 35 months...some interesting conversations in the comments section...a couple of new friends...

Looking back, I realize I haven't been a very active blogger, in part because I never really got the hang of it. Many of my posts were more like op-eds than conventional blogs. It took me a couple of hours or more to write many of them. Some I lost between the writing and the publishing, causing me great frustration.

I've received a few hostile comments – but not as many as you might expect considering the controversial subject matter. It's been my policy to let them all through except for the spam and one or two that contained offensive sexual references.

But I'm no longer running NYADP (the very capable and effective Barbara Smith has taken over as interim director) and, to be honest, I've run out of things to say. So it's time to say goodbye.

In 1998, at the conclusion of my brother's capital trial, I told one of my brother's attorneys that I wanted to devote myself to working against the death penalty. "Don't waste your time, David," he responded. "We can save lives one at a time at the trial level, but there's too much public support for the death penalty to imagine it ending in our lifetimes."

However, since then five states have abolished the death penalty. Use of the death penalty elsewhere had dropped dramatically, even in Texas. One doesn't have to be a dreamer to imagine a land where the spilling of blood isn't followed by more spilling of blood; where our cultural response to violence is driven less by vengeance toward the perpetrator than by true and sustained compassion for the victim.

I plan to stay involved at NYADP and to continue participating in one of its signature post-abolition programs: Limits of Loyalty. NYADP's work after New York ended its death penalty was truly the joyous and hopeful part for me. Limits of Loyalty focuses on a vision shared by victims of violence, by former gang members who've come awake, by members of law enforcement who recognize that the old strategies aren't working – and, above all, by school children thirsting for hope, amazed to see a diverse group of adults willing to speak honestly about their mistakes, sorrows, challenges, and hopes for a better world. You can support that ongoing work by visiting **www.nyadp.org**.

BTW, Linda and I have left Schenectady and now live at Karma Triyana Dharmachakra Buddhist monastery near Woodstock, NY. You can reach me via email at **davidk@kagyu.org**.

Thanks to Michael Huber for inviting me to blog, and thanks to YOU for reading!

The Adobe Flash Player or an HTML5 supported browser is required for video playback.
Get the latest Flash Player
Learn more about upgrading to an HTML5 browser

November 4 event rescheduled

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/november-4-event-rescheduled/714/>

November 3, 2012 at 8:23 am by **David Kaczynski**

NOTE: NOV. 4 EVENT POSTPONED DUE TO HURRICANE. NEW EVENT DETAILS BELOW.

YOU'RE INVITED

to An Event Hosted by the Capital Punishment Committee of the NYC Bar

and

to honor and hear from

David Kaczynski

on his retirement as NYADP's executive director

Sunday, November 18, 2012 4:00 pm – 6:00 pm

Patterson Belknap Webb & Tyler LLP

1131 Avenue of the Americas (aka 6th Avenue)

Between 43rd and 44th Streets , Manhattan

Reception following David's remarks

Hors D'oeuvres and Drinks

*Please reply by Wednesday, November 14, 2012

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David Kaczynski is retiring after serving as NYADP's Executive Director since 2001. With immense courage, hard work, and determination, David played a vital role in abolishing the death penalty in New York and in states around the country. Since 2008, David has successfully re-directed NYADP's efforts to focus on restorative justice, reducing violence, and engaging youth in crime-ridden communities to consider alternatives to violence.

To celebrate David's retirement, please join us in honoring him, and/or contributing in his honor to NYADP so that we may build upon David's legacy of passion and advocacy. Your support will help NYADP continue to monitor and defeat efforts to reinstate the death penalty in New York, advocate for the needs of crime victims, and promote restorative justice.

Your contributions will also support Limits of Loyalty, our current signature violence intervention program.

P.S. Make an evening of it!

Following the reception we encourage you to head to The Culture Project, 45 Bleeker St., for a 7:00 pm performance of *The Exonerated*, a play that tells the true tales of six innocent death row survivors — in their own words. Purchase half-price tickets ($37.50) by clicking here, calling 866-811-4111, or visiting TCP's box office (once power is restored to that part of the city). Easily accessible by subway from the reception.

Marsha Mason and Leonard Robinson are scheduled to appear in the show.

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All sponsorships will be acknowledged at the reception, on the NYADP web site, and in our year-end mailing. And donations of any amount will be brought to David's attention. No one will be turned away for lack of funds. Please contact us if you would like to attend but lack the funds.

David, members of the NYADP board, and other supporters and friends of David's are very excited to have as many people as possible attend this event. A similar event will also be held in Albany in early 2013. We look forward to seeing you at one or both events!

Please contact NYADP if you have any questions:

- **nyadp@rcda.org**
- **518-453-6797**

Sponsorship gifts to NYADP, less the value of the food and drink per ticket, are charitable contributions and deductible for tax purposes, as permitted by law.

David's retirement

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/davids-retirement/712/>

October 15, 2012 at 3:30 pm by **David Kaczynski**

Comments(6)

My Dear Readers,

If you haven't already heard, I am retiring as executive director of NYADP and there will be a celebration of the organization's past and future (!) work in New York City on Sunday, November 4. The best part of my tenure has been the chance to collaborate with so many dedicated social justice advocates. If you're in the neighborhood, please consider stopping by. I'd like to thank you in person while saying goodbye. I'd also like to speak about the continuing arc of abolition and post-abolition work in New

York and nationally, and to introduce you to NYADP's remarkable interim executive director, Barbara Smith.

Best wishes,

David

See invitation from the NYADP Board of Directors below.

The Board of Directors of New Yorkers for Alternatives to the Death Penalty invites you to honor and hear from David Kaczynski on his retirement as NYADP's executive director

Sunday, November 4, 4:30 – 6:30 pm

New York University School of Law, Greenberg Lounge, Vanderbilt Hall, First Floor, 40 Washington Square South (at McDougal St.)*

Reception following David's remarks: Hors D'oeuvres and Drinks

RSVP Required.

Please reply by Wednesday, October 31.

David Kaczynski is retiring after serving as NYADP's executive director since 2001. With his immense courage, hard work, and determination, David played a vital role in ending the death penalty in New York and other states around the country. Since 2008, David has successfully re-directed NYADP's efforts to focus on restorative justice, reducing violence, and engaging youth in crime-ridden communities to seek alternatives to violence. To celebrate David's retirement, please join us in honoring him, and/or contribute in his honor to NYADP so that we may build upon David's legacy of passion and advocacy. Your support will help NYADP continue to monitor and defeat efforts to reinstate the death penalty in New York, advocate for the needs of crime victims, and promote restorative justice. Your contributions will also support Limits of Loyalty, our current signature violence intervention program.

To join us for the event and to contribute to NYADP in honor of David, visit **http://nyadp.eventbrite.com**/# or use the form below.

Following the reception, we encourage you to go nearby to see the The Exonerated at 7pm, at 45 Bleecker St. Get tickets for $37.50, half price, at **[[https://web.ovationtix.com/trs/cal/351,or][web.ovationtix.com**]] by phone at at 866-811-4111, or at 45 Bleecker St. The play is a production of The Culture Project.

Event Sponsorships

— Advocates $5,000 — 10 guests

— Justice Seekers $2,500 — 8 guests

— Humanitarians $1,000 — 6 guests

— Believers $500 — 4 guests

— Activists $250 — 2 guests

All sponsorships will be acknowledged at the reception, on the NYADP web site, and in our year-end mailing.

Individual Guests

-General Admission $50.

No one will be turned away for lack of funds. Please let us know on your reply form if you want to attend but are unable to pay $50.
To rsvp or to pay by credit card online, visit **http://nyadp.eventbrite.com/#**
To pay by check, please make checks payable to NYADP and send, with the following form, to: NYADP. 40 North Main Avenue, Albany, NY 12203
Name _____
Address _____
City _____State _____
Phone _____ Email _____
To pay by credit card without going online, please fill out the following form and send it to the address above:
Credit Card Information
Name_____
Address_____
City_____ State_____ Zip_____
Email_____
Phone_____
Account Number_____
Exp. Date_____ 3 Digit Security Code_____
Signature_____
I/we cannot attend the event, but wish to honor David and support NYADP with a contribution of $_____.
For sponsorships, please send an email to **nyadp@rcda.org** and write name(s) as you wish them to appear in printed materials.
David, members of the NYADP board, and other supporters and friends of David's are very excited to have as many people as possible attend this event. A similar event will also be held in Albany in early 2013. We look forward to seeing you at one or both events!
*Directions to the event will be posted at www.nyadp.org.
Sponsorship gifts to NYADP, less the value of the food and drink per guest, are charitable contributions and deductible for tax purposes, as permitted by law.

Unveiling Violence

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/unveiling-violence/708/>
October 9, 2012 at 5:35 pm by **David Kaczynski**
Comments(4)
Michael Hooper was put to death on August 14, and so became the 100th person executed by Oklahoma since it reinstated its death penalty law in 1977. He was also

the 1304th person executed in the US since the Supreme Court re-opened the door to the execution chamber in Gregg v. Georgia (1976).

Hooper was sentenced to death for the 1993 murders of his girlfriend Cynthia Lynn Johnson and her two children, five-year-old Tonya Kay, and three-year-old Timothy Glenn.

Somewhere on his journey through our nation's byzantine capital punishment system, Hooper's death sentence was overturned and subsequently reinstated. Near the end, Hooper declined to join a clemency petition filed by his court-appointed attorney, who argued that Hooper's mental health issues and history of child abuse constituted compelling reasons to spare his client from execution.

In many ways, Hooper's case sounds like a typical death row tale of woe: a horrific crime perpetrated by a deeply damaged individual. While on death row, Hooper found Jesus and expressed a belief that his sins had been forgiven and that he would go to heaven following his execution.

Religious faith often grows stronger in people faced with death, including many death row inmates. Religion offers a promise that atonement can be meaningful, that redemption is possible, and that death is not the final answer. I recall a Christian chaplain trying to comfort me at the start of my brother's death penalty trial by pointing out that many people throughout history have been "saved" on their way to the gallows. Knowing my brother's views on religion, however, I was not comforted – but perhaps that had more to do with my own lack of faith than with my brother's.

In 1999, Pope John Paul II, during his visit to the diocese of Saint Louis, Mo., appealed to the people of the United States (Catholics in particular) to seek an end to the death penalty. After citing many familiar arguments against the death penalty, including references to the system's flaws and underlying cruelty, the pontiff stressed an issue that advocates, both pro and con, seldom talk about. He argued that we should not oppose the death penalty primarily because of what it does to those who've been condemned, but rather because of what it does to us.

After reading an AP article recounting Hooper's last moments, I perused some readers' comments, of which there were a great number. Here are some typical examples: *That scumbag should have been stretched on a rack for three days and then thrown in a ditch…He's in for a big surprise. He's not going to heaven. Ha! Ha! He's going to burn in hell for ever and ever!… Animals like this don't even deserve a trial. They should be taken out in back of the courthouse and shot in the head…To take care of monsters like this, we should bring back stoning.*

The reference to stoning I found telling. Comments like these represent a kind of verbal stoning that has become all too familiar in 21st century America, a reminder of homo sapiens' time-worn propensity toward anonymous fury and mob vengeance. Often, we find ourselves only a hair's breadth removed from actual violence – that is, from the very line that provokes our rage and hatred when others cross it.

Gratuitous cruelty naturally arouses anger in victims, witnesses, and most normal human beings. I'm willing to have a discussion, at least, about whether certain people,

through their actions, have forfeited any claim to sympathy and consideration. I am willing to discuss the death penalty with serious proponents who believe that it is fundamentally justified as appropriate retribution for horrific crimes.

What lies beyond discussion for me, however, is palpable, corrosive hatred for which the death penalty serves as a convenient vehicle for many people. No human being should serve as a scapegoat for unloading our fears, guilt, and frustrations. Whether understood in spiritual or psychological terms, such a projection of hatred is unmistakably damaging and dangerous. It runs counter to the highest teachings of our religious and ethical traditions.

At the time of Hooper's execution, I had just finished reading a remarkable book, Violence Unveiled, by anthropologist Gil Bailie, which I highly recommend. Bailie's thesis, I have since learned, is an elaboration of the work of the French anthropologist Rene Girard, who investigated the connection between violence and what we call sacred.

In his book, Bailie inquires into the meaning and practice of human sacrifice at the origins of most world religions, and he outlines its historical sublimation and incorporation – both as meaning and practice – within human cultures up to the present day. For Bailie, who is Christian, the teachings and crucifixion of Jesus represent a transformative shift that enables us to penetrate the veils of culturally sanctioned violence. Ultimately, in Bailie's view, it is Jesus' self-identification with the scapegoat, the marginalized, the despised and condemned, with all victims of violence that allows us to envision a world in which violence might be transcended.

As a Buddhist, I was a little surprised by Bailie's neglect in failing to analyze the Buddhist tradition as an alternative approach to overcoming what he calls "mimetic desire" (envy and greed), hatred, and violence. I would love to see a Girardian anthropologist undertake a comparative analysis. Buddhists attack mimetic desire at the root by practicing non-attachment and by contemplating the impermanent nature of all things, and they aspire to overcome negative emotions such as hatred through a variety of methods designed to generate compassion. How Buddhist beliefs and practices translate themselves into culture and social institutions would make an interesting study, I think.

What remains clear for me, however, is the essential futility of capital punishment. It produces no insight, no change, and hence no solution to the root problem of human suffering caused by violence. Ending it, conversely, entails a closer examination of the seeds of violence buried in our world, our culture, and in our hearts.

Reflection on Impermanence

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/reflection-on-impermanence/698/>

September 16, 2012 at 3:28 pm by **David Kaczynski**

Comments(1)

My mother, Wanda Kaczynski, passed away a year ago today. I still feel a great sense of loss. At the same time, it's not hard for me to remember her voice and face as vividly as when she was alive. Within myself, I feel some tension between my belief that everything is impermanent, and my intuition that nothing is – least of all the love that exists between individual human beings.

My Buddhist tradition teaches that all things are impermanent except for the capacity to become enlightened (called Buddha-nature) that exists within all sentient beings without exception, from the tiniest microbe to human beings. The Judeo-Christian tradition embraces the image of an afterlife in which all human beings are potentially redeemed, where all that was lost will be made whole. So on a personal level, I am still working out a tension between my Buddhist path and my Western affinity for the eternal.

Both Buddhists and Judeo-Christians, to my understanding, hold to a linear sense of time that spans the distant past to the distant future, moving forward in one direction only. It took a Western, atheist philosopher, Friedrich Nietszche, to posit a circular sense of time, which he named The Eternal Recurrence of the Same. Perhaps I could sum up Nietszche's theory by saying that what happened once *Is* forever.

This morning, I placed various pictures of my mother and me on my Buddhist altar: Mom holding a smiling baby that once was me, Mom and a scruffy-looking adolescent (me) sitting on a bench near the site of my college graduation, Mom and I seated side by side on a couch in her living room a couple of years ago. Does it make sense to say that "I" live on when I look so different from those images of me captured in the past? What seems far more real to me is the invisible bond linking two human beings over 62 years.

According to Buddhist doctrine, my mother has probably been reborn somewhere by now. Who knows, maybe I've already met her in the form of some little baby being trundled along in a papoose sack by a new mother or father that I chanced to pass on the sidewalk. That makes we want to pray even harder that all little children in the world have the nurturing love and protection that they need and deserve.

Here's a poem I wrote several years ago:

RETURN

Hard to believe
that the past is
completely gone, not
a closed room that
we might one day
re-enter accidentally,
without anticipation,
the same way we

came in before.
Then how can we
fail to experience
the room's emptiness,
the lack of walls,
the weather?

A sign of progress?

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/a-sign-of-progress-2/688/>
August 8, 2012 at 10:02 am by **David Kaczynski**
Comments(19)

We learned yesterday that the man responsible for killing six people and injuring many others, including a member of Congress, in a shooting rampage in Arizona in 2011 will not receive the death penalty. Jared Loughner, who is diagnosed with schizophrenia, yesterday entered a plea that will keep him imprisoned for the rest of his natural life.

In accepting the plea deal, prosecutors cited the wishes of victims and their families to avoid the re-traumatizing ordeal of a high-profile, long-running criminal trial. In contrast, in 1998 my brother Ted Kaczynski – diagnosed with schizophrenia in five separate psychiatric evaluations – faced a capital trial in which federal prosecutors pushed hard for the death penalty. A plea agreement for a life sentence was offered only after the trial started to unravel around Ted's mental illness, and after his family refused to keep quiet about the barbarity of trying to execute a mentally ill man who'd been turned in by his family members.

What few people realize is that the overwhelming majority of criminal defendants who have serious mental illness are ruled legally sane (just as Loughner was yesterday) and thus they are equally exposed to the death penalty as would be any defendant without mental illness.

What we see in our current legal system is a huge disconnect between the modern medical understanding of mental illness and a badly outdated legal definition of insanity. As a result, more than 100 people with the most serious types of mental illness have been executed in the US since 1976, according to a 2003 study published by Amnesty International. That disheartening number includes several psychotic defendants who acted (and often acted-out) as their own defense attorneys at trial.

Yesterday, however, sanity prevailed. Lawyers, victims and their families, and the Attorney General all quietly agreed that justice would not be served by seeking a death sentence for someone as sick as Jared Loughner.

Let us hope that, at last, we have turned a corner in appreciating that criminal defendants diagnosed with severe and persistent mental illness should be treated as a separate category; and that our commitment to protecting society and to holding

offenders accountable does not mean that we have to kill people whose judgment was compromised by severe illness.

On the Colorado shooting

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/on-the-colorado-shooting/675/
>

August 2, 2012 at 10:04 am by **David Kaczynski**
Comments(35)

According to a story on the NBC website, a psychiatrist who treated James Holmes warned a "threat assessment team" at the university of Colorado where Holmes was a student that her client might be dangerous. Dr. Lynne Fenton reportedly expressed her concerns to the university more than a month before Holmes carried out his murderous attack on movie patrons in Aurora, Colorado. Yet no action was taken. Holmes withdrew from the university shortly before carrying out his rampage.

Jared Loughner, accused of the 2011 shooting spree that left six dead in Tucson, AR, has thus far been found mentally incompetent to stand trial. Prior to the shooting, his bizarre behavior got him kicked out of Pima Community College. In their haste to protect students from a disturbed Loughner, officials at the college seemingly did nothing to protect society at large.

Seung-Hui Cho, the Virginia Tech shooter, had several encounters with the mental health system prior to his rampage that left 32 people dead. A later investigation by the state of Virginia faulted mental health professionals and university officials for not doing more to intervene when Cho's deteriorating mental condition became apparent.

In the late 1980☒s, my brother Ted Kaczynski, then living in an isolated cabin in Montana, sought mental health treatment. He didn't know that he had schizophrenia, but he knew that he couldn't sleep and that he felt incredibly anxious around people. He requested help in a letter to the county mental health service. He was informed by return letter that he had to appear in person at the clinic 60 miles away and that he had to find a way to pay for treatment. Since Ted had no money, and since his paranoia and deep shame made it overwhelmingly difficult for him to apply for welfare benefits, he never received any treatment.

Hindsight is always 20/20. It's easy to say, in the aftermath of a horrific tragedy, that *someone* should have done *something* to help these troubled men before they turned violent. But as I have expressed in earlier posts, there are no easy answers that jump out from these tragedies. Most people with mental illness are not at all dangerous. Most people who indulge violent fantasies or who make veiled threats at some point in their lives never act on them. So how do we distinguish between the merely troubled person and someone who is likely to carry out violence?

Unfortunately, in place of struggling with these serious and difficult questions, the default position often involves focusing on "strong" punishment. For example, conservative columnist Jonah Goldberg believes that James Holmes should get the death penalty, arguing that he is "probably not" mentally ill (hunh?). Perhaps Goldberg believes that the next potential mass murderer will be deterred from taking lives if we take Holmes' life – but I suspect Goldberg is much too smart to believe that. Rather, I suspect that Goldberg – who doesn't much like or trust big government – is willing to make an exception in the case of the death penalty in order to spare us from having to wrestle with more complicated issues, such as the difficulty of reconciling our commitment to constitutional rights/civil liberties with our desire to intervene before the next disaster happens.

But by ignoring the reality of mental illness – by assuming as a matter of ideology that just about everyone is a free, autonomous actor entirely responsible for their own actions – we effectively absolve ourselves from any responsibility to the next group of victims. And that is being irresponsible.

Cho is dead from a self-inflicted gunshot wound. Loughner, who has been declared incompetent to stand trial while prosecutors argue that he should be medicated to make him competent to stand trial, sits in a legal limbo. My brother will spend the rest of his life in a federal supermax prison. Holmes' fate is yet to be determined. Of one thing we can be assured: with or without the death penalty, none of these men present a future threat to society.

But with 54 people dead, the question of lessons learned from these tragedies remains unresolved. We need to embark on a conversation that doesn't immediately default to ideology, but rather one that takes serious measure of the human costs of untreated mental illness.

Yesterday, NPR's "All Things Considered" aired a story on the family members of killers. I was interviewed along with Lois Robison, mother of Larry Robison who was executed by the state of Texas in 1999 in punishment for a violent rampage that claimed the lives of five people.

Lois' story is incredibly compelling. Prior to the crime, as her son was being released from a state-run mental institution, Lois begged staff at the institution to keep him there. "He could be dangerous!" she argued.

But she wasn't listened to. She was told that the hospital needed to free up a bed. "If he does something violent," an official assured her, "we'll take him back." Unfortunately, a seriously paranoid Larry Robison went out and killed five people. He then bypassed the mental hospital and was sent to death row.

Listen to the NPR story on the following link:

When Your Family Member Does The Unthinkable

Now Larry Robison and his five victims are dead. But the question remains: is the mental health system in Texas (or anywhere else, for that matter) any better now than it was when it failed so miserably to protect Mr. Robison and his five victims? That's a question that we, as responsible people, must continue to ask.

NYADP Journal – summer edition

Source:
<archive.ph/o/vZKv/blog.timesunion.com/kaczynski/nyadp-journal-summer-edition/665/>

July 11, 2012 at 8:22 am by **David Kaczynski**

Comments(2)

The Summer 2012 edition of the NYADP Journal is now out!

Read it at **[[http://nyadpjournal.org/quarterly-nyadp-journal/][nyadpjournal.org**]]

You can click on the above link to read two previous issues of the Journal as well. Please consider subscribing to the electronic version by clicking on the +Follow tab located at the lower right-hand corner of the page.

The NYADP Journal is much more than a newsletter. In addition to thought-provoking articles on a range of topics (death penalty, violence, resilience and healing, restorative justice) it contains poetry and short stories that explore such topics more imaginatively.

The Journal represents a wide-ranging, collaborative effort to rethink the way human beings and human cultures respond to violence.

Send your responses, ideas, and contributions to the NYADP Journal to **info@nyadp.org**.

Here is one small sample from the Summer 2012 Journal – a poem by Jonathan E. Gradess:

PENALTY PHASE (March 19, 1993 revised May 1, 2005)
A child locked in a closet,
tied to a bedpost,
cuffed to a radiator,
held in the cellar;
A child beaten with a strap,
burned with a cigarette,
raped by a father,
ignored by a mother,
A child sold into sex,
left home alone,
sent to reform school,
cast into prison,
electrocuted,
doesn't grow well.

Racial justice in NC

Source:
<web.archive.org/web/20121007180845/http:/blog.timesunion.com/kaczynski/racial-justice-in-nc/659/>

June 25, 2012 at 9:38 am by **David Kaczynski**

The North Carolina State Legislature seems intent on turning the title of this post into an oxymoron. By moving to repeal the state's landmark Racial Justice Act (RJA), which was passed in 2009 to address documented patterns of bias in the application of the state's death penalty system, the Legislature is, in effect, saying that it doesn't care if the scales of justice are tipped by considerations of race during a capital trial.

Last year, the Legislature also voted to repeal the RJA but the bill was vetoed by Governor Bev Perdue. Now, however, the bill's sponsors have apparently assembled a veto-proof majority in support of their misguided effort.

Support for the bill is particularly disturbing given the recent finding of a state Superior Court Judge in the case of death row inmate Marcus Robinson. Among other things, the Court concluded that the defendant had "*introduced a wealth of evidence showing the persistent, pervasive, and distorting role of race in jury selection throughout North Carolina. The evidence, largely unrebutted by the state, requires relief in this case and should serve as a clear signal of the need for reform in capital jury selection proceedings in the future.*"

Use of peremptory challenges by prosecutors to unseat potential black jurors has long plagued our nation's death penalty system. Several years ago, the US Supreme Court overturned a death sentence in Texas where the Dallas district attorney's office had developed a training manual that advised prosecutors to keep African Americans, Jews, and disabled people off of capital juries. However, thanks to the Court's legal parsing in an earlier ruling (*McClesky v. Kemp,* which required a "smoking gun" to prove unconstitutional bias) this ruling was made possible *not by the evident practice of excluding blacks from capital juries* but only because the DA in Texas had openly acknowledged doing so in his training manual. If the DA had delivered the same advice behind closed doors with a wink and a nod, then neither the defendant nor the excluded jurors would have been able to claim that their rights had been violated.

In essence, the Racial Justice Act enables NC state courts to consider broad patterns of bias when ruling on individual cases. As the experience in North Carolina and many other states has shown, the modest and inadequate test for bias that emerged from *McClesky is* powerless to ensure fairness in the administration of capital punishment.

It's no secret that we at NYADP abhor capital punishment. But bias in determining who will live and who will die should be abhorrent even to those who support the death penalty.

To read more about the RJA and current efforts to repeal it, read: www.nytimes.com

To sign a petition opposing repeal of the RJA, visit: bit.ly

A responsible man

Source:
<web.archive.org/web/20121007180845/http:/blog.timesunion.com/kaczynski/a-responsible-man/656/>

June 13, 2012 at 6:40 pm by **David Kaczynski**

Comments(2)

More than two years have lapsed since my blog entry, "Time to Act on Wrongful Convictions," and unfortunately it's ***still*** time to act on wrongful convictions. Our state legislature has done nothing to implement reforms that have been shown to reduce the frequency of wrongful convictions. Well, it did one thing: it expanded the state's DNA database to include DNA samples from those convicted of misdemeanors as well as those convicted of felonies – a step that the Innocence Project opposed!

While I remain agnostic on the merits of database expansion, I am disturbed by the legislature's failure to pass other recommended reforms, which include best practices for handling eyewitness identifications, better oversight and accountability for the state's forensic labs, and mandatory videotaping of in custody interrogations of criminal suspects.

My friend Jeff Deskovic can – and has – testified to the miscarriages of justice that can occur as a result of coerced false confessions. He should know. At the age of 16, he confessed to the rape and murder of a 15-year-old girl after 7 $\frac{1}{2}$ hours in a small room with aggressive police interrogators who simply wore him down with a combination of threats and false promises.

Prior to trial, the FBI crime lab reported that Jeff's DNA did not match the sample taken from the victim. But police and prosecutors didn't want to admit that they had the wrong man. A trial jury subsequently convicted Jeff on the premise that no one would confess to a horrible crime if they were innocent.

It took 16 years in maximum security prisons labeled as a sex offender before Jeff was finally vindicated and released after a brand new DA used her discretion to run the DNA sample taken from the rape kit through the state's DNA database.

Talk about the human costs of a wrongful conviction! We all sympathize with Jeff. But we seldom consider the consequences of allowing the actual perpetrator to go free. In Jeff's case, the real murderer raped and killed another young woman 3 $\frac{1}{2}$ years after Jeff was sent to prison.

Addressing wrongful convictions in a serious way should be a no-brainer – not a controversial or a partisan issue. I suspect the reason we haven't is because state prosecutors would prefer to police themselves – and prosecutors have plenty of political clout.

While good prosecutors rise above the pressures and temptations of the adversarial political and legal systems, the reality is that justice cannot ultimately be entrusted to interested parties. The former Westchester DA, Jeanine Pirro, refused for many years

to run the DNA in Jeff's case through the database. If she had not voluntarily left office, Jeff in all probability would still be rotting away in a jail cell.

But now for "the rest of the story:"

Last year, Jeff received a healthy financial settlement from his lawsuit against multiple parties who were deemed responsible for his wrongful conviction. Going into prison at 17 and coming out at 33, you might think that Jeff had a lot of catching up to do. What would you do with a lot of money if you were in Jeff's shoes? Maybe buy a yacht and trade in all those bad memories of New York on an endless summer spent partying in the Caribbean?

Here's what Jeff did: he founded the Jeffrey Deskovic Foundation for Justice: **[[http://www.thejeffreydeskovicfoundationforjustice.org/index.php/bod][www.thejeffreydeskovicfo the purpose of which is to advocate for reforms to reduce the likelihood of wrongful convictions, to help inmates with their wrongful conviction claims, and to assist exonerees in reintegrating into society. I suggest that you visit his website and consider giving Jeff and his cause your support.

Jeff can't change what happened to him. However, he has dedicated himself to protecting others from experiencing a similar fate. It turns out that the best antidote to injustice is justice, and the best way to live with a tragedy is to make meaning out of it.

Police murders and the death penalty

Source:
<web.archive.org/web/20121007180845/http:/blog.timesunion.com/kaczynski/police-murders-and-the-death-penalty-2/652/>

May 3, 2012 at 5:53 pm by **David Kaczynski**

Comments(5)

2011 was a terrible year when it came to the number of police officers murdered in the line of duty.

A recent New York Times front page article reported that more than 70 law enforcement officers were murdered nationwide, a significant spike compared with past years. The article quoted a bevy of experts who were asked to speculate on the reasons for this increase in violence against law enforcement personnel. Among the reasons suggested were the effects of a poor economy on the crime rate, the use of more aggressive policing tactics in some cities, and fewer police, parole officers, and social programs forced to deal with bigger challenges as a result of widespread government funding cuts.

Interestingly, none of the experts cited the presence, absence, or frequency of use of the death penalty as a factor that might affect the safety of police officers.

Remedies suggested in the article included more police, implementation of community policing approaches, and better crisis training for on-line police officers.

For a three-year period between 2006 and 2009, New York State (without a death penalty) had *zero* officers murdered in the line of duty. But in 2011, New York saw four officers killed – three by gun violence. So the issue remains one of serious concern.

Supporters of the death penalty often argue that NY needs the death penalty to protect those who protect us. The reasoning is that criminals (or anyone else bent of violence) will hesitate to shoot or stab a police officer if they know that doing so could get them a death sentence.

But does the death penalty really prevent police murders?

I decided to do some research and crunch some numbers, and here is what I found (feel free to draw your own conclusions):

In 2011, the sixteen abolitionist states (CT joined this list in 2012) plus the District of Columbia accounted for more than 26% of the US population but only 18% of the police officers murdered.

By contrast, three states (TX, FL, and VA) which apply the death penalty frequently – carrying out more than half of all US executions since 1976 – accounted for about 16.5% of the US population but for nearly 20% of the police officers murdered in 2011.

Now, I have no formal training in the gathering or interpretation statistics. If you would like to double-check my sources, visit the **Officer Down Memorial** on the web, click on "the officers" tab and select the year 2011.

It shouldn't surprise us, however, if the death penalty is not found to protect police officers. The overwhelming majority (86%) of criminologists surveyed believe that the death penalty does not serve as a deterrent to violent crime, and a newly-released report by the National Research Council found no credible research to indicate that it does.

So what is the answer? In my opinion, we should look to an area that is not readily available to empirical, statistical research – namely, in our attitudes toward police.

Police officers are asked to confront stress and conflict on a daily basis. They are frequently exposed to dangerous or potentially dangerous situations. Spur of the moment decisions are endlessly second-guessed, and mistakes can be traumatizing or even fatal. By anyone's measure, being a police officer is a difficult job.

Smart police chiefs understand the crucial role of recruitment and training in molding good police officers. Increasingly, they understand that good community relations are an indispensable, two-way street. (Think community policing!)

The rest of us should be smart enough to understand that police officers are also molded by public perceptions. Good police officers deserve and need our cooperation, appreciation and respect. In the long run their safety , as well as ours, may depend upon it.

Connecticut repeal

Source:
<web.archive.org/web/20121007180845/http:/blog.timesunion.com/kaczynski/connecticut-repeal/633/>

April 14, 2012 at 7:38 pm by **David Kaczynski**

Comments(6)

New York, New Jersey, New Mexico, Illinois, and now Connecticut – all states that have abolished the death penalty over the last five years. If anyone thinks this is not a trend, then listen to the following message from my friend Kathryn Kase, executive director of the Texas Defender Service:

"Texas is a 'whole 'nother country,' as Texans are wont to say about themselves, but those of us laboring in its capital killing fields have a sense of hope. So far this year, we have only two new death sentences, and THREE capital cases that went to trial with death-qualified juries and ended with less-than-death verdicts. It is a rare year in Texas when the prosecution is at way less than 80 percent in getting death verdicts at trial."

In fact, Texas death sentences are way down since the early 2000☒s when the state legislature instituted a sentence of life without parole for juries to consider as an alternative to the death penalty.

Support for the death penalty is primarily emotional whereas opposition to the death penalty is both moral and rational. As voters and capital juries learn more about problems with the death penalty, their emotional adherence to it has weakened to a point that politicians are willing to touch what was once said to be "the third rail" of American politics, and juries are increasingly reluctant to impose it.

Knowledgeable, principled supporters of the death penalty no longer make the argument that it is a cost-effective, proven deterrent to violent crime. For instance, Texas for all its executions has a higher murder rate than most states that don't have the death penalty. What principled supporters insist on is that some murderers deserve to be put to death for their crimes. They see the death penalty as justice, pure and simple.

But many philosophical supporters of capital punishment have come around to the abolitionist side in recent years because they could not swallow the huge problems that beset the capital punishment system. To wit: too many innocent people (141) have been sentenced to death, and the punishment has been handed out in an arbitrary and often biased manner. In effect, it turns out that "ultimate justice" is often not justice at all. As a country, we have executed some people who are innocent, quite a few people who might have been innocent, and hundreds of mostly poor people who would be serving life sentences except for the fact that their lawyers (not their crimes) were among "the worst of the worst."

The clinching argument in recent years has been about something else: money. California, with the nation's largest death row, has executed only 13 people in the modern

era at a cost exceeding 4 billion dollars! If death penalty proponents in California (and most other states with the death penalty) truly cared about fighting crime, they would not support wasting scarce public resources on an inefficient, flawed death penalty system. They would be fighting to free up that money to spend it on the kind of violence prevention programs that NYADP has been promoting since the death penalty ended in New York.

Three weeks ago, I had the privilege of meeting with CT state senator Edith Prague, who played a key role in scuttling the state's repeal bill in 2011. I have never felt so intently listened to by anyone. When she finally spoke, Senator Prague told me that her vote on the death penalty ranked with the most difficult decisions of her life. Some crimes, she said, are so horrible that you want to blot out their very memory as well as the existence of those who committed them. She had in mind the rape and killing of a mother and two children in a home invasion perpetrated by two paroled felons. On the other hand, she asked herself, "Should our government be in the business of killing people?" and "What kind of a world do we envision for our children and grandchildren?"

In the end, Sen. Prague, at 86, opted for a world where violence doesn't have the last word. She changed her mind and her vote in 2012 – and I can guarantee you that her vote to repeal the death penalty was a vote of conscience that had nothing to do with politics.

Of course I wrote her a thank you note. Be she received a more meaningful thank you note from my friend Janice Grieshaber Geddes, whose daughter Jenna Grieshaber was murdered in a home invasion by a paroled felon in Albany, NY. Janice's message was the same as mine: Repealing the death penalty isn't the end, it's just a beginning. Now let's invest our money and energy and moral sense where they can really do some good: by addressing the root causes of crime; by organizing the communities where we live to reduce the violence that diminishes us all.

NYADP Journal – new edition

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/nyadp-journal-new-edition/627/>

March 19, 2012 at 8:12 am by David Kaczynski

[[http://nyadpjournaldotorg.files.wordpress.com/2012/03/nyadp-journal-winter-2012.pdf][nyadpjournaldotorg.files.wordpress.com]]

Click on the link above to read the latest edition of the NYADP Journal, which includes articles, stories and poems that cover the broad range of NYADP's post abolition mission and work.

Please disseminate widely.

We are hoping to stimulate thought and conversation about a long-overdue paradigm shift in how we, as a culture, think about and respond to violence.

Don't hesitate to send your thoughts and reactions to us at info@nyadp.org.

Below, read one Journal article – a report by Ryan Semerad on NYADP's "Limits of Loyalty" project which we are bringing to middle and high schools as a means to engage young people in a frank discussion about themes of violence, trauma, community, and responsibility:

The Rose that Grew from Schenectady
by Ryan Semerad

There are a million untold stories in Schenectady. A good portion of them are tragic. You hear whispers of Schenectady's troubles float around the capital region: rumors about shootings, domestic violence, suicide, and drug abuse.

On my last formal day of my internship at New Yorkers for Alternatives to the Death Penalty, it was grey, rainy, and cold first thing in the morning. I was groggy and unsure of what the day would hold. I was heading to two Schenectady schools for a speaker panel presentation. As an English major, I tend to dismiss pathetic fallacy in literature – the weather shouldn't represent anything unless an author wants to be brash.

I attended the two presentations called The Limits of Loyalty at the Martin Luther King Magnet School and the Steinmetz Career Leadership Training Academy. At these presentations, students in grades seven through nine were told stories from a panel of individuals affected by violence, and working to curb it. Students also had the opportunity to share some their experiences, comments, and feelings.

A common theme rang clear through both presentations: Schenectady's youths are struggling. They are struggling with broken homes, with widespread domestic abuse, with the fear of violence in the street, and with the heavy emotional burden of daily trauma. This is not their untold story, however. Perhaps, it is underestimated, trivialized, or disregarded by those outside the city itself, but it does not do justice to the power of these young men and women.

The untold story of Schenectady is a tale of dreams, and immortal hope. These ravaged youths, who have seen and experienced in their short lives more than any people ought to, have maintained a mammoth reservoir of optimism in the face of incredible circumstances. The problem is they feel helpless – they feel vulnerable and disposable. As a result, their hope is left untapped, lingering in the fringes of their souls. At the presentations I attended, I saw how powerful these young people are when provided with real assistance, and support.

The panel consisted of former gang members and convicts, Schenectady's district attorney, the father of a girl killed in Schenectady, the brother of an infamous serial killer, a man partially paralyzed by a shooting and a young woman whose life has been pockmarked by domestic abuse and suicide. They told their own personal stories eliciting tears, and, more importantly, a powerful discussion about violence, vulnerability, and healing.

The air in the rooms at both locations was charged with respect, caring, and recognition. At first glance, the prospect of speaking to youths about violence seems like

a potential recipe for disaster; however, these audiences found nothing distracting or irrelevant in the speakers' stories – their histories of violence echoed the daily lives of these young men and women. Staff at MLK remarked how the speakers managed to get some of the most isolated, introspective students topipe up and express themselves. Clearly, the students could see themselves in each of the speakers' lives.

There is a powerful yin and yang to the story of this day in this troubled city. The yin: these kids are obviously intimate with violence, tragedy and death.

This is heartbreaking. The yang: these kids are obviously capable of talking about the problem, and leaning on each other if provided the proper support.

This is immeasurably uplifting. Yet, the yin-yang is not a dualistic relationship – it is a complementary force. As such it is important to recognize that while positive strides were made at this event, there are miles to go and a million more untold stories to uncover.

What I walked away from the day with was a gigantic helping of humility. I was humbled by the scope of the problems in the lives of these young kids in my own backyard. I was humbled by their optimism, hope, and shining spirit. I was humbled by the naked view of the situation: it is, all at once, simpler and more complicated than the rumors make it out to be – which is altogether more complicated.

As I left the final presentation, the day had taken a turn for the better. There were brilliant blue skies, the chill of the morning had dissipated, and I felt invigorated. However, there were still smears of ominous grey at the periphery of the sky...

"Into the Abyss"

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/into-the-abyss/624/>

March 12, 2012 at 12:41 pm by David Kaczynski

New Yorkers for Alternatives to the Death Penalty is still around five years after New York State ended its experiment with the death penalty. Did you ever wonder why?

Well, we are working to replace the death penalty with initiatives designed to prevent violence. Our current mission is focused not only on preventing the death penalty's return, but on changing laws, policies, and consciousness that determine how we respond to violence.

In short, we are promoting a new paradigm of criminal justice that transforms the old, reactive approach into a more community-based, holistic one. Our coalition of "unusual partners" is broad and growing as we work to empower people and communities that have been heavily impacted by violence.

This Friday, March 16, you can see a film on the human impacts of the death penalty ("Into the Abyss,") by a world-renowned director (Werner Herzog), followed by a discussion of the film and of the new paradigm.

The film starts at 6:30 pm at the Spectrum 7 Theatre, 290 Delaware Ave., Albany, NY. The film is 107 minutes long and will be followed by a conversation and talk-back with the panel, which includes: Alice Green, CEO of The Center for Law and Justice; David Kaczynski, ED of New Yorkers for Alternatives to the Death Penalty; Jonathan Gradess, ED of New York State Defenders Association; and Marie Verzulli, founder of Family and Friends of Homicide Victims.

If you want to attend, please call the Spectrum (518-449-8995) for ticket information. Purchase tickets early as the show may quickly sell out!

The film and the talk-back are sponsored by Spectrum7Theatres and the Center for Law and Justice.

Poetry and politics

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/poetry-and-politics/618/>

February 2, 2012 at 5:23 pm by David Kaczynski

Bad politics is like bad poetry – rife with cliches, stereotyping, predictably cheap emotions of outrage, patriotism, sentimentality; it tells us what to think instead of challenging us to think more deeply; it panders to a niche audience or to a mass audience, but it never touches us where we authentically live and breathe.

Barack Obama, who campaigned as a poet and a social visionary has governed like a technocrat with a decidedly unoriginal bottom line. His would-be Republican opponents struggle to balance the sentimentalism of Ronald Reagan with a paranoia worthy of Joe Mc Carthy. The outlier, Ron Paul, is a rigid ideologue who – like most ideologues – wouldn't know a poem if it bit him in the a**.

Poets, like politicians, must connect with their audience. Poets and politicians alike come bearing gifts. Whether for a few minutes' reading time or during a four year term in office, they demand from us what is familiarly called "a suspension of disbelief."

Tom T. Hall may have said it best about poetry: "There ain't no money in it and it'll lead you to an early grave." ("The Year That Clayton Delaney Died")

Herman Melville may have said it best about politicians: "I know you and want nothing to do with you." ("Bartleby the Scrivener")

It could be that mixing poetry and politics inevitably results in bad poetry and even worse politics. Nevertheless, the words of MLK (a politician of sorts) continue to resonate with me. A few of JFK's speeches struck me at my core (though I was younger then). In sixth grade, when I was tasked to memorize the Gettysburg Address, it mysteriously bloomed in my awareness as more than a dead president's famous words. The

Declaration of Independence reads like a poetic coda attached to the Enlightenment – the highest of human aspirations translated into a political act.

Have all our poets gone underground?

Has spirit been drained from our politics?

Who should I vote for for President? Undoubtedly, I will cast my lonely ballot for someone next November. But, as Melville's Bartleby was wont to say, "I would prefer not to."

Moms never forget

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/moms-dont-forget/611/>

January 12, 2012 at 11:00 am by David Kaczynski

Nor do we forget our moms.

There's a growing body of research in recent years about the long-term effects of childhood trauma. Now there's a book out, *Scared Sick,* co-authored by psychologist Robin Karr Morse and Meredith Wiley, director of *Fight Crime, Invest in Kids/NY* that traces the implications of this research for policy-makers, educators, clinicians, parents, and the general lay reader. While I haven't gotten my copy of the book yet, I'm quite interested in reading it — in part because it contains a section on my brother's early life from the perspective of our late mother, Wanda.

To view a taped interview with Wanda contained in the online trailer for the book, visit:

http://www.youtube.com/watch?v=uLF1jfWbj64

For related articles, visit the following sites:

[[http://www.salon.com/2012/01/02/how_stress_is_really_hurting_our_kids/][www.salon.com]]

http://www.nytimes.com/2012/01/08/opinion/sunday/kristof-a-poverty-solution-that-starts-with-a-hug.html?_r=1&ref=nicholasdkristof

Some older readers may remember the television series, *Father Knows Best.* While I don't dispute the wisdom of fathers, I imagine that there is a special, deeper kind of knowledge gained through the manificent processes of pregnancy, childbirth, and nurturing of a new-born. As a result, mothers know their children as no one else can.

If there's one life lesson I learned from my mom, it's this: It takes compassion to understand a fellow human being.

I believe it's time that we listened to our moms. They give voice to the vulnerable, struggling humanity in us all.

Blue

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/blue/603/>
January 7, 2012 at 1:11 pm by David Kaczynski
Reference

A flower I found
growing alone and
out of the way – blue
seeping through a crack
in the world between all
known blues as if planted
by careful hands or by itself
in an earth-filled pore of stone
as an animal might find a home
or an idea lives inside a word
as if meant to be listened to
not necessarily by me.

I'll pray for you

Source:
<web.archive.org/web/20120606031016/http:/blog.timesunion.com/kaczynski/ill-pray-for-you/600/>
December 21, 2011 at 10:02 am by David Kaczynski
The widely reported child sex abuse scandal at Penn State has once again raised concern about silent witnesses/indifferent bystanders who might have intervened to stop the abuse but instead chose to remain silent. The following poem was submitted by my friend Meredith Wiley. Sadly, it is based on a true story.
JOURNEY OF THE DAMNED
(All Facts Reported in the New York Times, February 2, 2001)

Clarence and Ernest recently went
On a trip with their mother.
Round trip from Brooklyn
To Los Angeles and back,
With the final destination being
The Presbyterian Hospital Emergency room,
Where medical veterans said
The slashed and gouged faces and heads

Of the two little boys were
Among the worst they had ever seen.
No one seems to have noticed the boys
On their six thousand mile odyssey.
From one end of the United States of America
To the other,
No reports were filed anywhere about
Two small boys riding four days on Amtrak
With their faces bloodied and their heads infected
From a series of assaults
Inflicted by their mother using:
A knife,
A metal pipe,
And a stiletto-heeled shoe.
The housekeeping staff at the California motel,
Where Clarence and Ernest stayed during their vacation,
Scrubbed the blood off the walls
After the family checked out.
They got the room tidy and clean,
But they didn't call the police.
Somewhere in the heartland of America
On the return trip to New York
One person did notice the boys.
Clarence told the doctor that a woman,
(Upon seeing him before her with
The lips partially torn off
Of his mangled and infected face)
Walked up to the seven-year-old and said,
"Son, I'll pray for you."
And then turned and walked away.

Meredith Wiley

Meredith Wiley is the state director of Fight Crime: Invest in Kids New York, a crime fighting organization of law enforcement leaders, chiefs of police, sheriffs, prosecutors, and victims of violence who work to educate policy makers and the public on what works to get kids off to a good start in life and keep them from ever becoming criminals. Meredith is a co-author of Ghosts from the Nursery: Tracing the Roots of Violence, a book that explores the impact of early child abuse and neglect on child development and crime. She is also co-author of a second book Scared Sick: The Role of Childhood Trauma in Adult Disease, to be released in January 2012 which explores the long-term impact of early trauma on physical and emotional health. She received

her law degree from the Willamette College of Law (Cum Laude) and her master's in public administration from Harvard University's Kennedy School of Government.

Limits to Loyalty

Source:
<web.archive.org/web/20120229084349/http:/blog.timesunion.com/kaczynski/limits-to-loyalty/595/>

December 7, 2011 at 3:57 pm by David Kaczynski

Linda and I were high school freshman when Kitty Genovese was murdered by a knife-wielding assailant in Queens, NY. The story of Kitty's murder made national news – not just because it was a brutal murder but because none of 29 identified witnesses to the 31-minute assault called police. When asked why not, some of the witnesses commented, "I didn't want to get involved." The seeming indifference of a large number of bystanders to a shocking crime provoked an episode of national soul-searching.

Are things so different today?

In many urban areas, it's not hard to find someone wearing a "Stop Snitching" T-shirt. By the way, the term snitching doesn't mean what it used to. Snitching used to mean testifying against your partner in crime to get a shorter sentence for yourself. Today, however, it is taken to mean cooperating with the police at any time for any reason.

The popular rapper Cameron once was asked, "You mean to say that if you knew a serial killer lived next door, you wouldn't tell the police?"

"Absolutely not! I might move, though," he said with a smirk.

To his credit, Cameron – who is admired by many youth — later retracted his comment and apologized.

Hitler was able to take control of Germany and implement a plan of mass murder against Jews, Gypsies and other "undesirables" because too few people spoke out against him.

I suppose every organization, community, and country has its code of loyalty. Taken too far, however, loyalty permits wrongdoing to occur. To stand by passively when someone is being hurt, bullied, or treated unfairly is to stand with the bully instead of with the victim. It is a cowardly way to avoid becoming a victim. Kids learn this kind of behavior from us. (I recall talk show host Bill O'Reilly expressing outrage not that abuse of suspected Iraqi terrorists at Abu Graib prison had occurred, but rather that photographs of the abuse had been circulated to the media.)

Issues of loyalty in the real world are not always cut and dried. One reason we need community policing is to repair the loss of trust between many urban communities and the police departments that serve them. Am I likely to step forward as a witness in a criminal case if I believe that the criminal justice system is unfair to people like

me? Police, frustrated at their inability to investigate cases without the community's cooperation, too often succumb to the temptation to coerce reluctant witnesses. Maybe the case gets closed. Maybe not. Maybe a witness lies to protect himself, thereby putting some innocent person in prison. Meanwhile, respecting "the blue wall of silence," some good police officers keep quiet to protect their tainted colleagues. In this way, alienation and distrust continue to grow in a vicious cycle.

We need to start somewhere. Maybe we need to start everywhere. In Schenectady, and many other communities, we are trying to break the cycle by engaging young people in a frank dialogue on bystander behavior. On December 8, the Schenectady school district is hosting a panel on the topic of "The Limits to Loyalty" at Martin Luther King Magnet School in the morning, and at Steinmetz Career Leadership Training Academy at noon.

Panelists include members of law enforcement (DA Bob Carney and Sgt. Adriel Linyear of the SPD); crime victims (Steven Mollette, whose daughter was a SCCC student shot to death in front of numerous witnesses who "didn't see anything;" and Hashim Garrett of the group *Breaking the Cycle,*who is partially paralyzed from bullet wounds suffered when he was 15 years old); role models for redemption (Shariem Merrit and William Fininen, who once were involved in negative lifestyles but now go to great lengths to teach community youth to avoid making the same mistakes); and a trailblazer (Lechae Rowe, who lived through trauma and tragedy in her own family and stayed loyal to her own aspirations and dreams).

Facilitator for the panel is Marie Verzulli, director of the group Family and Friends of Homicide Victims.

I'll let you know what kind of reception we get. I really hope to get a feel for where the kids are at.

New NYADP Journal

Source:
<web.archive.org/web/20120229084349/http:/blog.timesunion.com/kaczynski/new-nyadp-journal/590/>

November 22, 2011 at 2:30 pm by David Kaczynski

New Yorkers for Alternatives to the Death Penalty (NYADP) is in the process of converting its semi-annual newsletter into an online quarterly journal. You can read the current issue of the NYADP Journal by clicking on: **[[http://nyadpjournaldotorg.files.wordpress.com/2011/10/nyadpjournal2.pdf][nyadpjournaldotorg.files.wordpress.com**]]

Aside from budget constraints that obviate printing and mailing a paper newsletter, we are eager to explore the wider spaces afforded by the online format. Thus, the NYADP Journal contains more articles than the old NYADP News.

We also formed a mostly volunteer editorial team to encourage discussion on a wide array of issues related to NYADP's post-abolition mission to promote stronger, less

violent communities. Going forward, we will be soliciting and encouraging submissions from crime victim advocates, mental health advocates, members of law enforcement, prisoner advocates, community activists and restorative justice practitioners – with a particular focus on projects and ideas that promote justice, nonviolence, and a spirit of collaboration.

We are also, for the first time, including poetry. We will consider relevant short fiction for future editions of the Journal. In honor of my late mother Wanda (who was a card-carrying member of the ACLU) I have decided to relax normal restraints on language by publishing poetry and fiction containing words that I would normally not use except while driving my car. We apologize in advance if we have offended anyone.

In short, we hope to engage a broad and intellectually curious audience as we work on developing a new paradigm for criminal justice. Send your responses or submissions to the Journal to **info@nyadp.org**. We intend to publish a letters section (with the author's permission) in our next edition of the NYADP Journal.

Forgive our imperfections. The Journal, like everything else in life, like each of us, is a work in progress. We look forward to hearing from you. Thanks!

Two Cities, Revisited

Source:
<web.archive.org/web/20120229084349/http:/blog.timesunion.com/kaczynski/two-cities-revisited/584/>

November 20, 2011 at 4:50 pm by David Kaczynski

Congratulations to the City of Albany, which has received a pledge of $150,000 from the State Department of Criminal Justice Services (DCJS) in renewed funding for Project SNUG, which closed last month as a result of funding cuts despite its documented record of success in preventing street violence, especially of the retaliatory kind.

Apparently, the Albany Common Council is set to amend the City's budget to add another $150,000 in support of SNUG. If Mayor Jennings agrees, as he should, then Albany SNUG should have ample resources to carry it to the state's next budget cycle which begins April 1. Between now and then, efforts will be made – just as they were in 2009, 2010, and 2011 – to persuade the Governor and legislative leaders that spending a few million dollars to prevent violence is not less important than spending hundreds of millions, if not billions of dollars for police, prosecutors, hospitals, and prisons to deal with violence after it has occurred.

Haven't we been told since kindergarden that an ounce of prevention is worth a pound of cure?

Last weekend provided an unfortunate graphic illustration of why the neighboring city of Schenectady desperately needs a SNUG program. At approximately 5 am on November 12, 23-year-old Rashad Robinson was shot and killed outside Joe's Bar

and Grill. 36 hours later, Mr. Robinson's brother was in custody, accused of shooting another man non-fatally. Although police have yet to confirm publicly that the second shooting was an attempt at retaliation, both common sense and word on the street say that it was.

According to Pastor Clarence Johnson who presided over Mr. Robinson's funeral, "Retribution, revenge – that is not what should happen now because that only stirs up more anger."

But several mourners at Mr. Robinson's funeral where quoted in the newspaper as saying they doubted that Mr. Robinson's murderer would ever be caught and prosecuted.

For three years NYADP, in tandem with many concerned community members, has been beating a drum for community policing, for SNUG, and for similar programs designed to prevent retaliatory violence and overcome distrust between police and disaffected community members. We have presented panels at local schools on the theme of "The Limits to Loyalty" (i.e. "snitching"/bystander behavior) to encourage young people to think long and hard about their values when it comes to taking a stand against destructive behavior in their schools and communities. It never makes me feel good to say, "We told you so." But, you know, we did.

According to a source close to the murder investigation, "David, you are right about the arrest of Mr. (William) Robinson. He and his friends are bent on retaliation and refuse to cooperate with law enforcement in any way. There are people putting up posters castigating the police for not yet solving the murder who know what happened that night and won't tell us about it. Police asked William Robinson following his arrest to point them in the right direction on the homicide and he said he didn't know anything."

I can't imagine how Rashad Robinson's mother must have felt on Friday at Refreshing Springs Church to see one of her sons lying in a casket while the other attended his brother's funeral in shackles.

There has to be a better way for the Robinson family, for the grieving mothers, for the children of our city.

A Tale of Two Programs

Source:
<web.archive.org/web/20120229084349/http:/blog.timesunion.com/kaczynski/a-tale-of-two-programs-4/572/>

November 2, 2011 at 3:37 pm by David Kaczynski

SNUG and the Hamilton Hill Family Resource Center (FRC) in Schenectady were both born out of tragedy. Homicide and suicide are among the leading causes of death for African American youth. SNUG – a violence prevention project funded by the state in 10 sites across New York in 2009 – was developed to address the crisis of street

violence, while the FRC was funded by the state Office of Mental Health the same year to stop a more localized epidemic of teen suicides in Schenectady. Both programs were successful, at least in their local incarnations.

According to statistics gathered by the Albany Police Department and analyzed by researchers at SUNY's School of Public Welfare, shootings dropped 21% and personal injury shootings fell 29% in Albany during the year that SNUG's team of trained violence interrupters were working the streets. A few miles up the NYS Thruway, teen suicides of high school age females came to an abrupt halt, largely thanks to a collaborative crisis response overseen by Schenectady County that included the FRC's creative outreach to difficult-to-engage teens and their families.

Both SNUG and the FRC were de-funded in the 2011 New York State budget. The painful budget decisions that come with a fiscal crisis reflect society's priorities. Does anyone think that saving lives of urban teens should not be a priority? Obviously, none of our government leaders are willing to say so. And yet, both SNUG and the FRC were cut.

Local leaders in Schenectady rose to the challenge of keeping the FRC alive, with special thanks owed to the First Reformed Church (which adopted the FRC as a special mission), and to the Schenectady County Legislature which appropriated the rest of the funds needed to make up for the loss of state funding. County Legislators Philip Fields and Gary Hughes where instrumental in advocating for the FRC.

Meanwhile, Albany's SNUG program is left twisting in the wind. Staff have been laid off. Police Chief Steve Krokoff insists that the program has saved lives and should continue. But to date, no resources have been found. Are local political leaders trying? The people of Albany deserve an answer to that question.

In Memoriam

Source:
<web.archive.org/web/20111231032303/http:/blog.timesunion.com/kaczynski/in-memoriam/554/>

October 25, 2011 at 3:02 pm by **David Kaczynski**

In Memoriam
Wanda Kaczynski 1917–2011

Blinded by regret
we hardly see this day
which soon we will
likewise regret.
Black and white re-runs,
shadows of undying vitality.
"Memories, memories, memories"
she intoned while dying.

Something in me must
change: I don't know what.
Yet her vision of memories
fading now is mine.
Three years since her last fall:
she lived without mistake,
a tiny figure hunched above
her walker, unconquerable
in her delight of company,
ideas, empathy, friendship —
longing to be a gracious host
until it nearly hurt you.
"Beautiful, golden light," she told me.
To her, it was like a room opening.
To me, like a flock of stars
rising from her bosom.
David

Forgiveness and Compassion

Source:
<web.archive.org/web/20111231032303/http:/blog.timesunion.com/kaczynski/forgiveness-and-compassion/550/>

October 17, 2011 at 6:17 pm by **David Kaczynski**

Here is the ninth in our series, "Reflections on Forgiveness and Mercy" – an essay by Edward Gilbert. Send your submission (maximum 750 words) to **info@nyadp.org**.

Forgiveness and Compassion
by Edward Gilbert

I think forgiveness is an acceptance of what has transpired. This can be introspective, accepting what has happened and moving on. It can also be interactive, actually coming to an understanding with the one who has injured you and accepting their contrition and letting them know you hold no animosity towards them. I think the interactive form of forgiveness is a much harder task to accomplish in that it requires two naturally opposing forces (victim and perpetrator) to come to an understanding of each others' motivations, and then typically the victim needs to accept the others' offering that they are truly remorseful. This is not to say that the introspective form of forgiveness is easy, just that it relies on the person that was injured and therefore requires a change in perspective from one person instead of two. The emotional toll that is exerted in coming to the point of forgiveness in this instance can be extraordinary but so is the relief and peace of mind in the aftermath.

Compassion is a little harder to come to grips with. I think compassion is an equal mixture of grace and love. Without compassion there can be no forgiveness. Compassion is empathic in that it requires us to consider and empathize with another's plight.

Just my thoughts, thanks for making me think I hope this helps on your journey. If not I hope you will forgive me. :)

Edward Gilbert is a resident of East Greenbush, where he is currently running for a seat on the Town Council. He is married and the parent of twin daughters in their first year of college. He has worked for the New York State Higher Education Services Corporation for the last 19 years.

Rally for SNUG

Source:
<web.archive.org/web/20111231032303/http:/blog.timesunion.com/kaczynski/rally-for-snug/546/>

October 10, 2011 at 4:59 pm by **David Kaczynski**

We worked very hard to end the death penalty in NY and had a tremendous victory. Since 2008, NYADP has been working to replace the death penalty with programs and policies that reduce violence and help those affected by it. The successful lobbying NYADP did to get state funding for the anti-violence program known as SNUG has been our biggest tangible success. SNUG is a proven model that significantly reduced shootings in Albany over the past year, according to statistics compiled by researchers at SUNY's School of Public Welfare. Albany Police Chief Steve Krokoff strongly supports SNUG, as do an impressive array of community and religious leaders.

Please join us in Albany on Tuesday, October 11. We need a large and diverse gathering to demonstrate to Governor Cuomo that we care about saving lives!! If SNUG goes away, New Yorkers will experience a significant setback to their hopes of achieving stronger, less violent communities. I hope to see you there.

There are two things you can do to support SNUG:

1. Sign the online petition: **http://www.ipetitions.com/petition/albanysnug/?utm_medi**

2. Attend the rally:

138 Eagle Street–Near the Governor's Mansion
Tuesday October 11, 2011 — 11:30 a.m.

The Challenging Practice of Forgiveness

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/the-challenging-practice-of-forgiveness/541/>

October 5, 2011 at 1:29 pm by **David Kaczynski**

This is the eighth in our series "Reflections on Forgiveness and Mercy" – an essay by a contributor who wishes to remain anonymous. Send submissions (max. 750 words) to **info@nyadp.org**.

The challenging practice of FORGIVENESS

by anonymous

Has it ever become more important for me to learn to actively and easily let go of intense hurts? We all have them. Hurts, that is. In years past I think I thought that I was forgiving yet I now realize that I was pushing back the hurt by telling myself that it wasn't important to me or by denying the feelings. In fact, I think that I habitually pushed back intense negative feelings and learned to think about something more pleasant or, worse yet, to get something tangible that would please me. I guess I thought it better to forget it than to face it and forgive. You are right, I was in denial. Did I even know HOW I was feeling at any one time?

After a great deal of prayer and thought about it, I have also realized that I oftentimes wasn't living in the moment but rather living in the hoped-for future time.

It's called survival. I didn't need to hide from intense hurts, yet, as I said before, we all naturally collide with them.

All was going along in this precarious way when..... my family became victims of a tragedyy. Over the next months I very gradually showed signs of recovery. Today I continue to see improvement. Because of my injuries I have been unable to cry and surprisingly (to me) I have had to learn how to "read" my feelings- how to live in each minute- how to live with thankfulness and hope. I realize that I was using hope and thankfulness right from the first moment. I am NOW "growing up" emotionally for the first time in my life I would admit. I had lived through intense heart breaks when I was younger, and maybe it was then that I perpetuated this burial of my unpleasant feelings.

So, how do I foresee myself taking on the challenge to forgive? The first thing is I believe to live in the moment and to be interested and aware of my feelings. (This may sound strange but I haven't made this a habitual practice...) Talking about them and writing about them increase my awareness and overall accomplishment. Then I need to be HONEST about how I am reacting and it is also necessary to interject humor as often as is needed. (often...) By doing this I am able to not only see myself from the inside but to borrow an eye from the outside. (listeners...communicators...) OK here comes the forgiveness... Although I look for the best in myself and in others I allow myself to recognize a hurt for what it is to me and to look at it squarely and to let it go.. let it go...I have learned to visualize myself letting it pour out of me.

Now, here is the test. Here is an example... My daughter, who is a busy professional and is too busy for her own family sometimes, hasn't called in almost two weeks. I have left messages on her cell and written her an email hoping that she will be in touch with me. In the past I might have consumed myself with other things and kept myself busy so that I wouldn't be likely to think about it. And when she did call I would have been very cheerful and never mentioned the time that had passed with no communication. Now, what will I do? I have been digesting all of the possible reasons that she hasn't phoned. I have been feeling the pains that go along with each. I am talking to others about my concerns. I have been doing some relaxation – breathing, exercise when I am feeling the heavy weight on my heart. I am trying to let go of my angst. I am going to phone her boyfriend to see if he knows where she is. When she does call I will share with her the truth of how I have been feeling (using "I" messages). I will forgive her and let the brewing feelings dissipate. I will let them go...

On Forgiveness

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/on-forgiveness/536/>

September 27, 2011 at 5:51 pm by **David Kaczynski**

Here is the seventh in our series, "Reflections on Mercy and Forgiveness" – an essay by Bunkong Tuon. Send submissions (maximum 750 words) to **info@nyadp.org**.

On Forgiveness
by Bunkong Tuon

The act of forgiveness is a difficult task. To forgive requires a different kind of understanding. In the poem "Call Me By My True Names," Thich Nhat Hanh writes about the Boat People, Vietnamese refugees who, after the fall of Saigon, fled Viet Nam in tattered make-shift boats, risking the terrible storms of the sea and the plundering of pirates. In response to hearing news that a girl had been raped by pirates, Hanh, a Vietnamese Buddhist monk, poet, and peace activist who came to prominence during the Viet Nam/American War, wrote the following:

I am the twelve-year-old girl,
refugee on a small boat,
who throws herself into the ocean
after being raped by a sea pirate.
And I am a pirate,
my heart not yet capable
of seeing and loving.

The speaker of the poem is both the twelve-year-old girl who throws herself into the sea and the pirate who raped her. Hanh is asking the reader to break through the barrier that divides the self from the other and to find empathy and understanding

for both the girl and the pirate. In the poem, the young girl is aware of the violence committed to her body and mind; and with that awareness comes the knowledge of the brutality of the world. The experience and knowledge of the rape are so devastating that she "throws herself into the ocean." There is, indeed, tragedy here—a young girl, so full of potential, with her life cut short by violence. Strangely enough, Hanh doesn't demonize the pirate. There is no judgment or criticism in the poem. Hanh gives the pirate a "heart [that is] not yet capable/ of seeing and loving." There is an innocence about the pirate; he is still a child, his abilities to love and have compassion for other living things (i.e. his "heart") not yet fully developed. With "not yet," Hahn suggests that the pirate has potentials to be good, to be able to see life, to love and cherish it.

Throughout "Please Call Me By My True Names," Hanh comingles images of prey and predator in nature, as if to suggest that we are all in it together—that in the circle of life, there are life and death, "departing" and "arriving" of beings, of cries and laughter, of comedies and tragedies, and that is the "rhythm of my heart."

I am a mayfly metamorphosing
on the surface of the river.
And I am the bird
that swoops down to swallow the mayfly.
I am a frog swimming happily
in the clear water of a pond.
And I am the grass-snake
that silently feeds itself on the frog.

The speaker of the poem is able to find joy in this kind of order—and order that is the law of nature and the cosmos and not one that is created by men. He reveals, "My joy is like Spring, so warm/ it makes flowers bloom all over the Earth." And forgiveness is possible, if we are able to transcend the self/other barrier and understand that we are of One and All things, that we are of many names:

Please call me by my true names,
so I can wake up
and the door of my heart
could be left open,
the door of compassion.

With this understanding, this ability to see ourselves in others and see others in ourselves, we are able to have compassion and forgive those who hurt us.

Forgiveness is not about forgetting, since Hanh wrote and shared the poem with the rest of the world. To forgive, then, is to remember what happened, to try to understand the horrific event from the perspectives of both the victimizer and victim. It is about finding understanding, empathy, and compassion for everyone involved—a very tall order, I admit.

As the poem suggests, forgiving is waking up to our true selves and the true nature of reality. It is an understanding that life is change and that people are full of potential. And that there is goodness in all of us—in our friends and our enemies alike.

A refugee from Cambodia, Bunkong Tuon was raised in the Boston area by his grandmother. He earned a PhD in Comparative Literature from the University of Massachusetts. He now teaches courses in Asian American studies, ethnic American literature, and the Vietnam War at Union College in Schenectady, NY.

Jubilee

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/jubilee/532/>

September 20, 2011 at 2:04 pm by **David Kaczynski**

Here is the sixth in our series, "Reflections on Mercy and Forgiveness" – a poem by Capital Region poet Lynette Noonan. Send submissions (750 words maximum) to **info@nyadp.org**.

Jubilee
by Lynette Noonan

Who will call the Jubilee
Who will blast the horn
How long the grace
How soon the setting free
Must I give over olive trees
holly hedge where partridge mate and nest
My brothers died in skirmish on this yielding field
My boots heel in their well-remembered blood
It is hard this law of Jubilee
Emancipate two herdsmen I have deemed my own
Fit them out with water and a pregnant goat
Bid each *Be gone Reclaim your lost estate.*
Memory pulls me to my dying father's bed
hoarse accounts of orchards gone and slaves restored
He pauses then and bores sharp-eyed as old men do
Child, may you live a year of Jubilee

Lynnette Noonan writes poetry at her kitchen table in Schodack, Rensselaer County. On the wall hangs a TV set which is within throwing range of her slippers.

She thanks friend Bill Peltz of Albany her introducing her to the Biblical practice of the Jubilee Year.

Save Troy Davis

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/save-troy-davis/513/>

September 13, 2011 at 8:57 am by **David Kaczynski**

The plight of Troy Davis illustrates why the death penalty is a bad mistake. Davis' Georgia death penalty case has bounced around the legal system for twenty years. Victims shouldn't have to wait twenty years for justice. We want and expect expedient results from our criminal justice system. On the other hand, we also want and expect outcomes to be based on truth. If we're going to have a death penalty, the margin for error in a capital case should shrink to almost zero. As options for punishment increase, our tolerance for error ought to diminish. It's one thing to shrug off a traffic ticket that you didn't deserve, but quite another to be put to death for a crime that you didn't commit.

Now the state of Georgia says it's done with all the complicated legal wrangling over Davis' fate. Davis was convicted of the 1989 murder of Savannah police officer Mark MacPhail. Even then, the evidence implicating Davis appeared shaky: No murder weapon was ever found; and there was no circumstantial evidence linking Davis to the crime. But prosecutors, weaving together testimony from nine eyewitnesses, were able to convince a jury that Davis was a murderer who deserved death.

The jury bought the prosecutors' picture of events. With the benefit of hindsight, however, the jury might have ruled differently given that seven of the nine eyewitness have since recanted their testimony, claiming they were coerced by police eager to build a case against Davis. Time and again we have seen wrongful convictions emerge from investigations skewed by the overhasty identification of a prime suspect. As if wearing blinders, investigators hone in on their suspect and ignore evidence that might lead them in another direction.

Ironically, if the trial were held today, another person might be on trial for his life. Nine witnesses have signed affidavits providing evidence against another man who may be the actual murderer. Unfortunately, none of those nine witnesses were allowed to testify at Davis' Supreme Court-ordered hearing last year. Yet even the judge who, for some arcane legal reason, barred the witnesses from testifying and who subsequently denied Davis' final appeal, admitted that the case against him was "not ironclad."

So how do we send a man to his death without an "ironclad" proof of guilt? According to Justice Antonin Scalia of the US Supreme Court, nothing in the US Constitution forbids the state from executing an innocent person as long as he got "a fair trial." When legalism trumps common sense, justice is no longer a search for the truth but a bureaucratic exercise.

With his appeals exhausted, a warrant has been issued for Troy Davis' execution. He is scheduled to be executed on September 21, eight days from now.

Is Troy Davis innocent? I don't know. Only he – and perhaps one other person – knows for sure. Even for supporters of the death penalty, that's got to be a huge problem. For this is one of those cases that give the death penalty (and the criminal justice system as a whole) a bad name. If Davis is executed, the doubts surrounding his execution will translate into lingering moral disquiet over the integrity of our nation's justice system.

To learn more about Troy Davis' case, and to ask the state of Georgia to spare his life, visit **http://www.ncadp.org/#Troy_Front_Page** .

The Argument Against Forgiveness and Mercy

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/the-argument-against-forgiveness-and-mercy/510/>

September 9, 2011 at 1:34 pm by **David Kaczynski**

Here is the fifth in our series, "Reflections on Mercy and Forgiveness" – an essay by Chris Honeycutt. Send your submission (750 words maximum) to info@nyadp.org.

The Argument *against* Forgiveness and Mercy

by Chris Honeycutt

It's easy to see that forgiveness and mercy are essential for good mental health.

To forgive is to give up the right to retribution or punishment for a wrong, either real or perceived. Mercy is the urge to prevent or mitigate harm; in its extreme mercy is kindness and gentleness.

So, without forgiveness, we would forever chase nefarious phantoms, both real and imagined. We would waste our lives trying to punish those who wronged us. Without mercy, we would be unable to build loving, stable relationships with family and friends.

But for many people, forgiveness and mercy are difficult. For instance, many of us know bitter, isolated individuals who are unable to forgive enough to reach out and form healthy, loving relationships. Many also know people who continually rehash interactions at work or home, trying to find evidence of further wrongs and slights.

Every day we see people who would never physically harm someone, but, sadly, due to their inability to forgive and be merciful in their daily lives, they multiply the misery of themselves and those around them.

The Internal Argument

So what's going on? Why is it so hard for so many to practice mercy and forgiveness?

My opinion is that it results from three dominant factors:

— The absence of immediate rewards for mercy and forgiveness

— The presence of rewards for vengefulness and cruelty

— The fear of losing

First, there is an absence of immediate rewards for mercy and forgiveness. Particularly in our society, people are not adequately celebrated for these gifts. In fact, they are often punished.

For example, mercy and forgiveness are often mistaken for excusing or accepting a behavior. You can act mercifully and even forgive and still be angry or hurt. In fact, many believe that you must forgive first and then wait for the anger to cool.

It is frustrating when you forgive someone who hurt you and he acts as though the pain didn't matter or never happened. Of course this isn't true: you were really hurt, and forgiving doesn't mean that the hurt is gone. Forgiving past wrongs is necessary for healing, but it should never be taken as a green light for continuing the in the same wrong. When forgiveness is misinterpreted, it punishes pardoner by trivializing his pain.

Second, there are many rewards for being vengeful and cruel. One common reward for cruelty is attention. Unlike forgiveness or mercy, it's easy to get attention with cruelty. Particularly in our words, cruelty and vengefulness play a huge role in our strategy to force others to pay attention to us. People often use brutal language to degrade an opponent, which angers the opponent and keeps their attention. People mock or even demonize people who are outside their group, which often wins the attention and acceptance of people within the group.

A third reason why people aren't more forgiving and merciful is that many people fear losing. To be merciful and forgiving often requires walking away, and accepting we can't change another person's views or behavior. For example, to be merciful and forgiving sometimes requires abandoning an argument when it turns hurtful and purposeless. But when someone abandons an argument, it's sometimes perceived that he lost the argument, not that he was being more mature, forgiving and merciful.

Forgiving also sometimes means that when a person really hurts you, you can't prove that you have the power to hurt them back. This can be perceived as demonstration of powerlessness or helplessness, another type of losing. When dealing with cruel or vengeful people, this can lead to subsequent mockery or abuse. To remain forgiving and merciful, the only solutions are to bear the abuse or to walk away.

Final Reward

Forgiveness and mercy take a lot of work. And it's frustrating, because vengefulness and cruelty are often rewarded, while forgiveness and mercy are often punished. But the work and suffering are worth it, because forgiveness and mercy have best reward of all: real love.

Chris Honeycutt, Ph.D. – a teacher and researcher in applied mathematics – is a regular contributor to the NYADP blog.

When Mercy Comes

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/when-mercy-comes/508/>

September 5, 2011 at 1:56 pm by **David Kaczynski**

Here is the forth in our series, "Reflections of Mercy/Forgiveness" – a poem by Susan Taylor. Send your submission (maximum 750 words) to info@nyadp.org.

When Mercy Comes

By Susan Taylor

when mercy comes she splits the mountain's ice
she sends the tonnage to the sea to
tumble hardly noticed by the eons
she comes not due to reasons call for trunks of evidence
nor due to victim's pain or loved one's loss
nor guilt reflected on the innocents
nor counsels closing words
nor due to _an_y words
for words especially are without purchase upon
mercy's plane
as so are courts or jails
or sudden chairs gone empty
in a startled home washed weeping
she simply comes to rest the wracking of
of the naked human truth
the terrible which each of us
is capable
cannot be kept undone
in some
the burden she takes back is not a word to her
to us revenge
before she leaves she dusts the cobwebs from the welcome mat

Susan Taylor grew up on Staten Island, New York in the 1940's and 50's. She learned very early to appreciate and benefit from the diverse economic, social and religious societies that contributed to her early life's learning. The sixth of seven children, Susan very much enjoys community, treasures privacy, and worships recognition of individual talents, believing that everyone possesses them.

Whether demonstrating with others for a cause, a candidate, a law, establishing programs to recognize and boost the potential of children, or, to strengthen communities, Susan has participated in social and political action since the 1960's.

Susan retired from the New York State Department of Health in 2003, where she served as Director of Telecommunications Management, she moved to the San Francisco

area to enjoy seven years of being a very active "Nana" to four granddaughters and learn again to see the world through new minds.

She is currently holed up in the hills of Willet, in upstate New York. The property is shared with a lovely herd of belted Galloway cattle and rolling hills in every direction.

Her first writings were poetry. Her first real poem was at age eleven. Moved by the Korean War, from which an older brother sent home packets of letters held together in worn rubber bands, she wrote " I awoke one night to find the heavens weeping."

Since that time she her writings have taken many forms including personal essays, children's stories, drama and novels. Susan believes that all the rejections she has received, to date, are nothing more than progress.

Thoughts on Forgiveness

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/thoughts-on-forgiveness/503/>

August 31, 2011 at 9:58 am by **David Kaczynski**

Here is the third in our series, "Reflections on Mercy/Forgiveness" – an essay by Frances Sandiford. Send your submission of up to 750 words to **info@nyadp.org**.

Thoughts on Forgiveness

by Frances Sandiford

In my last year of high school, my best friend and I had a quarrel. She said some things that hurt me very much. I was seventeen and easily overwhelmed by life. I waited for her to come to me to say that she was sorry.

I would have forgiven her, we would have made up and gone on with our friendship, but she never came. We graduated "apart" and went our separate ways. If I had wanted to, I guess I could have tried to do something mean to her, to get back at her, but I didn't go that way. All of which is to say that forgiveness is a two way street. One cannot forgive if forgiveness is not sought, yet one need not seek revenge as a substitute.

As human beings, we must be open to accept apologies if they are offered. Someone knocks you over in a crowd. He says he is sorry, picks you up and dusts you off. You forgive him and go on your way. Someone cheats you out of some money. This one is harder. You call him on it, tell him he must make it right, and when he does, you forgive him, telling him that he must make amends in the future. Of what benefit would a stronger response have been in either case? You, as a conscientious human being, kept your cool and achieved your objective without a need for revenge.

When it comes to the strongest offense against a human being, the offense of murder, the question gets really hard. Could I forgive someone who killed a member of my family?

Under some circumstances perhaps I could, but in most cases, I would say "No" – even if he asked me for forgiveness. But I hope, once again,as a conscientious human

being, I would not opt for out and out revenge. I hope that I would pull back, as I did with my school friend, as I did with the man who knocked me over, or the person who cheated me out of some money, and keep my cool. Forgiving? Perhaps not. Revengeful? By no means. Merciful? If you like the term, use it. Conscientious? Right on the mark.

Frances Sandiford is a graduate of Bard College and Western Reserve University School of Library Science. She worked for about 30 years as a librarian — the last 20 at Green Haven Correctional Facility. Over the years, she and her late husband were involved in various activist causes (Ban the Bomb, civil rights, etc.) She is a lifelong resident of Duchess County and is now a Board member of NYAPD, a book reviewer for Library Journal, and a free lance writer.

Forgiveness and Freedom

Source:
<web.archive.org/web/20111007103835/http:/blog.timesunion.com/kaczynski/forgiveness-and-freedom/501/>

August 27, 2011 at 2:28 pm by **David Kaczynski**

Here is the 2nd in our series, "Reflections on Mercy and Forgiveness" – an essay by Mark Leonard. Send your submission, 750 words of less, to info@nyadp.org.

Forgiveness and Freedom

by Mark Leonard

An act of mercy or forgiveness....there for the asking? Some people say, "What does "God" tell us? Others ask, "What does God have to do with this?" If we question or are unsure of what God says, can we be "better" than God on the topic? Should we perhaps pull what we want to do from our religious histories and "choose" what we want from "Gods word," telling others what "God" says?

Others say forget God – it is our decision and human reason tells us punish! and the stats back us up!!!!

Others say forget God – human reason clearly says forgive, show mercy, and the stats back us up too!!!!! It is obvious all of the above reasonings and more are available to us and are "used."

Must we first ask for mercy in order to be forgiven? Or must we tell others they must forgive whether the offender has asked to have mercy or not? After all, it is the "religious way", it is the "reasonable way" (for some) to forgive if asked and for others to forgive whether asked or not – all the while telling others this is what God wants or, leaving God out. This is what is clearly and humanly reasonable.

Another touchy topic.... Is forgiveness tied, bound, flesh attached to flesh to "punishment"?

Or is forgiveness most freely given without being connected to the power cord of punishment? Can you forgive if you have any kind of "punishing power" over the individual? Or can you only forgive if you have "power in the matter" over the individual?

Can you forgive and yet still want, sanction or even demand and be happy about punishment....."this hurts me more than you"?

So often it seems "forgiving individuals" and society demand and want to see punishment, be it through a "correction" placed upon the offender at sentencing time, or physical or psychological payback.

For me, the only rational, reasonable and yes religious answer begins with the language of mercy and the language of freedom.

Religious language is a much more human and useful language when it comes to speaking about truly human things: A mercy freely given by a relevant, to the matter, individual or group of individuals; a mercy that goes beyond the traditions or Law, Religion, and Culture, yet underpins them all; a Mercy found in the heart of an individual and individuals and is a mercy that is freely given and not demanded.

I believe it would not be mercy given if it was demanded or coerced. It is a mercy that can be granted freely by the offended to the one who has offended, whether asked for or not, but it must at least be freely acknowledged and freely accepted by the offender in order to become an act of mercy and forgiveness.

Mark Leonard is a retired Dept. of Correctional Services employee. His last position with DOCS was as the Director of Ministerial, Family and Volunteer Services. He is a Deacon for the Albany Roman Catholic Diocese serving St. Madeleine Sophie in Guilderland, NY. Mr. Leonard is a graduate of the American College Seminary in Louvain, Belgium and the University of Louvain, and Siena College. He has served on a number of non-profit agency boards in the Capital Region.

Let It End

Source:
<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/let-it-end/499/>

August 23, 2011 at 9:44 am by David Kaczynski

Dear readers: Here is the first in our ongoing series, *Reflections on Mercy/Forgiveness* - a poem by Capital Region poet Maryanne Hannan. Please send your submissions, maximum 750 words, to **info@nyadp.org**.

LET IT END
by Maryanne Hannan
I do not forgive you
out of any regard for you
because you have done me great harm
and deserve my unremitting enmity.
I do not forgive you for my own sake,
because I would gladly pay the price
and lose my peace of mind

to revel in the righteousness
of harboring this grudge.
I do forgive you, though.
I forgive you for us all
because fury tended gathers strength
for yet another round
of human woe.
I forgive you for us all.
Let it end with me.

In 1998, this prayer poem was published in a now defunct Catholic journal, *Sisters Today*. It gained complexity by its surprising (to me) editorial placement—at the end of a plea to end the death penalty by a condemned man on Connecticut's death row. Ever since then, this statement of the social aspect of forgiveness has become entwined with the death penalty issue for me. – MH

Opinions Wanted

Source:
<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/opinions-wanted/494/>

August 21, 2011 at 9:25 am by David Kaczynski

For years, I have been debating the death penalty on pragmatic grounds: that it doesn't achieve what it promises in terms of deterring violence or helping murder victim family members heal; also, that it comes at a terrible cost in terms of wrongful convictions, wasted resources, and general unfairness. I have also made the ethical point that we cheapen human life by taking it – except in cases where violence is used as a last resort to defend life.

Then, a few years ago, I had a most interesting phone conversation with Robert Blecker, a law professor from New York who adamantly supports the death penalty. We were to appear on a panel the next day after the showing of a film about Professor Blecker's interactions with a death row inmate in Tennessee. Robert called me because he wanted to propose having a public dialogue that didn't devolve along predictably familiar lines, but one that instead delved more deeply into philosophical and religious views of responsibility and punishment.

When I suggested that we ought to touch on the theme of mercy, Robert was excited. "Yes," he said, "I'd love to talk about that!"

Unfortunately, that conversation about mercy never happened. When we started the public talkback after the film, it was apparent that members of the audience (both supporters and opponents of the death penalty) were fascinated with Professor Blecker – hardly surprising since the film focused on him. But unfortunately, we never got to have that exploratory conversation about the meaning and limits of mercy.

I'm currently reading a fascinating book, *Forgiveness is a Choice*, by Robert Enright, a psychology professor at the University of Wisconsin. The focus of Enright's book is less philosophical than psychological. For many years, he has been doing empirical research on forgiveness – its meaning, uses, and effectiveness as a tool of healing from resentment and dealing with injustice. Nearly a year ago, I asked in a post, "What is forgiveness?" Now here I am, still exploring and asking the same question.

Mercy and forgiveness: Along with a few other words ("justice" comes to mind) they have a religious and cultural resonance that makes their meaning difficult to pin down. Their meanings are so expansive as to seem richly pervasive and at the same time virtually empty.

Now ask yourself: What do YOU think about forgiveness and/or mercy? I mean, generally apart from the question of the death penalty.

Send your thoughts and reflections on mercy/forgiveness to **info@nyadp.org** – maximum 750 words. Don't feel that you need to be exhaustive. Your contribution could be an aphorism, a poem, a brief anecdote, or an essay. We will consider any sincere submission for posting. No deadline, but please don't postpone. I'm hoping many of you take the plunge and send in your thoughts. If so, it could be very interesting – like the conversation Professor Blecker and I never had.

Salutes

Source:
<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/salutes/488/>

August 10, 2011 at 8:21 am by David Kaczynski

A reverent salute to former New York Governor Hugh Carey who passed away last weekend at the age of 91. On six occasions, Carey vetoed legislation to reinstate New York's death penalty at a time when many state legislators regarded support for the death penalty as a political requirement. This was before scores of DNA exonerations persuaded New Yorkers that our criminal justice system is hardly infallible; or before hard numbers convinced us ($300 million on the death penalty over 9 years) that there are better uses for the state's scarce public safety resources. Carey even stated that if the state legislature overrode his veto to make the death penalty law, he would commute every death sentence to a life sentence, one by one. Carey was that rare bird – a politician who knew his own principles and stood by them. Governor Carey was a member of NYADP's advisory board, and he will be missed.

A grateful salute to the Albany Police Department for its leadership in the area of forensic mental health. Partnered with the Albany Forensic Task Force – a coalition of consumers of mental health services, family members, service providers, and members of law enforcement – the APD applied for and received a federal Bureau of Justice Assistance grant to better integrate law enforcement services with the mental

health system. The focus of the grant is to learn to deal more effectively and compassionately with crisis situations involving disturbed persons. It involves training a core group of police officers in Crisis Intervention Training (CIT) – a best practices model developed in collaboration between the Memphis Police Department and researchers at the University of Memphis.

If you want to know why CIT is necessary, read up on the case of Kelly Thomas – a 37-year-old homeless man with schizophrenia who was apparently beaten to death by members of the Fullerton, CA police department. The Capital Region has never, so far as I know, seen a case quite this egregious. However, a number of lives have been lost that could have been spared if police were better trained to recognize and respond to people in the throes of a psychiatric crisis. Kudos again to the APD and Chief Steve Krokoff for responding to the needs of the community and working with his community to creatively address a problem.

Norway Horror

Source:
<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/norway-horror/476/>

July 24, 2011 at 7:24 pm by David Kaczynski

My father, Ted Sr., was a wonderful man. When I was a kid, Walt Disney Presents had a TV show about Johnny Appleseed, whose life Dad interpreted for me as a kind of parable. "Dave, wherever you go, whatever you do in life, do good! Even the smallest good deed can have a far-reaching impact. Just as Johnny never saw most of the seeds he planted turn into trees that flowered and bore fruit, you too may never see the good things that come from your good deeds. But, over time, good things always come from good actions."

How ironic, then, that this good man and good father should have another son who hurt many people and, in doing do, planted bad seeds that fed another man's evil fantasies. In reading about the bomb and shootings that claimed the lives of 93 perfectly innocent people in the ordinarily peaceful country of Norway, I was stunned to read the following in the online Telegram:

"Anders Behring Breivik, the suspect in Norway's twin attacks that killed at least 93 people, appeared to plagiarize large chunks of his manifesto from the writings of Theodore Kaczynski, the 'Unabomber,' it has emerged."

Breivak, a fundamentalist Christian right-winger, appears to have missed what my brother was about. Ted, a self-professed anarchist, had no use for religion or for politics. His animus was focused on technology. While Breivak hated muslims, my brother (though willing to sacrifice anyone for his misguided cause) was not a bigot.

Thus, Anders Breivik appeared to admire Ted Kaczynski for all the wrong reasons. But Mr. Breivik and my brother had one thing in common: they held their strange

ideas in higher esteem than other people's lives. My brother has paranoid schizophrenia, a condition wherein delusional beliefs can overwhelm reality. Little is known thus far about Mr. Breivik's mental health. Is he clinically mentally ill? This we don't know. But we do know that history will surely classify him as a madman.

Let us hope that Mr. Breivik, if he is guilty of these atrocious crimes, never again walks the earth as a free man.

And let us pray that the people of Norway – on behalf of the many victims and their families, and on behalf of all good people who stand with them in their grief – will find a way to plant good seeds on the scorched earth this madman left behind.

Ouija Board Justice

Source:
<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/ouija-board-justice/469/>

July 22, 2011 at 7:52 am by David Kaczynski

Random Injustice

by Chris Honeycutt, Ph.D.

"These death sentences are cruel and unusual in the same way being struck by lightning is cruel and unusual."

— Justice Potter Stewart, 1972

As we mark the 35th anniversary of the reinstatement of the death penalty in the United States, it is worthwhile to note that during the four years between June 1972 and July 1976 the United States did not have a death penalty at any level – state or federal.

The primary argument that led the Supreme Court to decide that the death penalty was barred under the 8th Amendment was not on the grounds usually assumed.

Most people assume that the Court meant the means of death – usually the gas chamber or the electric chair – were cruel and unusual.

But that was not, in fact, the case.

Principles of a Just Society

One of the principles of a just society is that punishments are meted out fairly and predictably, regardless of race, sex and social status.

When the court looked at the series of cases leading to their 1972 decision to end the death penalty, they noted the arbitrary way in which a death sentence was handed down. For example, in 1958, a man named Jimmy Wilson was sentenced to death for robbing a woman of $1.95.

Recognizing that the situation was egregious, the Court stated that under the 8th Amendment, punishments could be neither incommensurate nor random.

Scalia's Argument

To correct this, many states enacted procedures to identify likely death penalty cases. They named mitigating factors as well as factors that would make a crime eligible for the death penalty.

However, many have noted that the problem has not been fixed. Similar crimes lead to dissimilar sentences and the race disparity still exists.

It was Justice Scalia who argued that all justice systems are imperfect and juries are imperfect and prone to bias. "The unconscious operation of irrational sympathies and antipathies, including racial, upon jury decisions and prosecutorial decisions is real, acknowledged in the decisions of this court, and ineradicable," he wrote.

Because the system could not be perfected, the injustice must be tolerated.

Towards a Just Nation

But anyone with sense can see this argument is hollow.

Of course, juries will always consist of human beings. And human beings have biases, preconceived notions and unvoiced hates. Sometimes it's hard to tell why a person inspires special pity or rage.

But a just system should not be moved by interpretation of character or the motive of pity. In my view, a just system should be motivated by facts and evidence. Was a crime committed? Who committed the crime?

Both the sets of circumstances that lead to a capital case and the circumstances that lead to leniency are open to wide interpretation. This, in my view, leads to Ouija Board justice: no one is saying, at any moment, what way the planchette should turn, but it seems to gradually glide along our race and economic biases.

We may not be able to eradicate it – Justice Scalia is right in this – but our notion of justice demands that we reduce it to the best of our ability, and the best place to start is by ending a system that thrives on it.

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Two Sides of the Coin

Source:

<web.archive.org/web/20110901123116/http:/blog.timesunion.com/kaczynski/two-sides-of-the-coin/460/>

July 6, 2011 at 9:53 am by David Kaczynski

I've been working with Marie Verzulli for over five years now. Marie's sister, Cathy Marsh, was murdered by a serial killer in Poughkeepsie, NY sometime between her disappearance in 1996 and late 1998 when police discovered the bodies of eight women in the home of a one-time youth worker. The case was dubbed by the media "House of Horrors" and was one of the first cases charged capitally under New York's now defunct

death penalty statute. In the end, the murderer was sentenced to life imprisonment without the possibility of parole which Marie – who never supported the death penalty – now describes as a blessing.

One day last fall, Marie said to me: "David, has it ever occurred to you how many similarities there are between your family's experience and mine?"

No, I'd never really stopped to consider that.

Marie counted off the commonalities:

Both cases involved serial killers who escaped detection for years.

Both cases were indicted capitally but resulted in plea agreements for a sentence of life without parole.

Marie and I both struggled for years to understand and help our troubled siblings. Marie's sister Cathy – despite many trips to drug rehabs – could never kick her addiction to crack cocaine. My brother Ted has schizophrenia.

My mother Wanda had been a school teacher. Marie's father Jim had been a school principal. Nothing in our families could seemingly explain our siblings' self-destructive behavior.

Both cases generated a media frenzy that overwhelmed our families at a time when we most needed privacy in order to grieve.

Marie and I did our best to shield and comfort our elderly widowed mothers who were living through a mother's worst nightmare (take your pick).

Last month, Marie and I presented a workshop entitled "Two Sides of the Coin" at the Melanie Ilene Rieger Conference Against Violence in New Britain, CT – a victim-led conference that is arguably the best of its kind in the country. Marie and I told our parallel stories in alternating voices.

In the end, Marie and I must live out our lives with many unanswered (and perhaps unanswerable) questions. Today, we work side-by-side in a common mission to prevent and reduce violence. Looking backward, we experience regret and sorrow; looking forward, we experience hope – which for both of us is the more important focus.

Marie lost her sister to the hand of a murderer. I lost my brother to an intractable mental illness. My letters to the federal Supermax prison where he lives go unanswered.

Yet there is some saving grace. In Marie, I've found the little sister I never had.

In May, my mother turned 94. Among the few dear friends at her birthday party was Marguerite Marsh, mother of Marie and Cathy. Wanda and Marguerite are close friends.

Marie and I know: our mothers are our best teachers.

An Extravagant Waste

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/an-extravagant-waste/455/>

June 27, 2011 at 4:57 pm by **David Kaczynski**

The United States Justice Department spent $10 million on a death penalty trial for mobster Vincent "Vinny Gorgeous" Basciano, who is about as despicable a thug and murderer as one can imagine.

Whether one supports or opposes the death penalty, two aspects of this capital prosecution ought to command our attention: 1. Earlier this month, it took a New York-based federal jury only 2 1/2 hours to reject the urgings of federal prosecutors and decide on a sentence of life imprisonment without parole instead of death; and 2. Basciano was *already serving* a sentence of life without parole before federal prosecutors decided to put him on trial for his life.

Talk about futility and waste!

We tend to think about crime and punishment in the abstract. In reality, however, how we respond to crime and violence has real-life consequences. Does Vincent Basciano deserve death? That's an interesting philosophical question that has nothing to do with the aim of securing public safety.

Maybe we should start with a different question: If given $10 million to keep New Yorkers safer, how should we spend it?

Particularly in times of fiscal crisis, $10 million for a death penalty trial seems outrageous – especially in New York where juries have been historically reluctant to impose death. (New York federal juries have imposed only one death sentence since 1955 – and even that one was overturned on appeal.) Why roll the dice at $10 million a pop?

Maybe it's easy to gamble when the possible gains are political/institutional and when the possible losses will be covered by someone else (already overburdened taxpayers).

But to really assess the magnitude of the loss in this case, we need to take a look at items in the budget that have been cut recently: layoffs of police, cutbacks in drug treatment, mental health, youth violence prevention, domestic violence and crime victims' assistance programs that are proven to save lives and to heal the wounded.

The Boys and Girls Clubs of the Capital region may lose up to three community centers as a result of funding shortfalls. The highly successful SNUG anti-violence program has been defunded in the state budget. Schenectady's critical teen anti-suicide project is scheduled to lose its funding at the end of the year.

The $10 million federal showcase trial didn't cost Vinny Gorgeous his life. But how many unknown lives did it sacrifice through the squandering of scarce resources?

Yet Another Tragedy

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/yet-another-tragedy/448/>

June 13, 2011 at 3:17 pm by **David Kaczynski**

Eddie Stanley, a 15-year-old boy, was shot and killed in Schenectady over the weekend. The latest homicide in the Capital Region comes in the wake of the stabbing death of Albany High School student Tyler Rhodes just over a month ago. A 19-year old and a 16-year-old have been arrested and indicted in that murder.

Of the last 7 serious injury shootings in Schenectady (five of them homicides) six of the victims have been teenagers or younger. In a "sweep" of gang-involved youth in Schenectady last month, 34 young men were arrested – many of them teenagers – as a result of a 2-year investigation led by the FBI following an epidemic of suicides by high school girls who'd been bullied and pressured to join gangs. Many thought the arrests would leave our streets safer – yet here we are mourning yet another youth senselessly lost to a culture of street violence.

During my daily check-in phone call with my 94 year-old mother, she told me that Eddie Stanley was a close friend of her favorite aide's son, Freddy, who was distraught over his friend's sudden, violent death. My mom's aide was equally distraught to imagine that her son could be next. My mom was distraught by her caregiver's sorrow and worry. What was it the English poet John Donne said?: "Every man's death diminishes me..." or something like that.

Last Monday, I visited in Syracuse with Tim Jennings Bey (AKA "Noble") and Helen Hudson of Mothers Against Gun Violence, who are part of that city's Trauma Response Team for victims of violence. Tim, Helen, and Syracuse Police Chief Frank Fowler gave a brilliant presentation last November at Schenectady County Community College outlining their community-based approach to assisting victims of violent trauma. Since then, trauma response initiatives have continued to develop in Albany and Schenectady. Albany's trauma response initiative is co-chaired by Assistant police chief Brendan Cox and dean Katharine Briar-Lawson of SUNY's School of Social Welfare. In Schenectady, a similar initiative is being coordinated by Harold Miller of New York Communities for Change.

Tim Jennings Bey told me about an experience that surprised him during his recent visit to an elementary school. While explaining his prevention work in the community, he asked a fourth grade class if anyone had ever witnessed an act of violence. Hands went up all around the classroom. Nearly all of the children had witnessed violence. Some started crying, and one child began sobbing.

Tim thought he knew his community pretty well, yet he found himself completely unprepared to comprehend the extent to which young children had been emotionally impacted by violence.

Not long ago, I read an article about post-traumatic stress among military personnel returning from Iraq and Afghanistan who are committing suicide at a rate of 18 per day. Last year I wrote about the "ACE" study, which found that people seriously traumatized in childhood had life spans shortened by 20 years on average. Too many children in America are growing up in the equivalent of battle zones.

Human beings don't "get over" violence.

Violence is not inevitable. If violence were hard-wired into human beings, most people would behave violently – yet most people do not resort to violence.

Violence is taught; and once taught, it has to be unlearned.

Violence destroys trust and community, so the antidote to violence must involve not only stopping the perpetrators of violence, but efforts designed to restore basic trust in humanity and efforts to reweave the fabric of community in the aftermath of violence.

As I write this, high school students are gathered at the flagpole outside Schenectady High School to mourn the loss of their classmate. Some adults, including counselors from Community Hospice, are there with them. In one way or another, we all need to be there with them – to grieve at their sides and to help them understand that violence is neither right nor normal.

Anyone who wishes to support or be part of Schenectady's trauma response initiative can contact Harold Miller at **hmiller@nycommunities.org**. Just showing up at a vigil and providing simple items like tissue and drinking water can make a difference. Doing nothing is no longer an option.

Race and the Death Penalty

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/race-and-the-death-penalty/446/>

May 31, 2011 at 12:54 pm by **David Kaczynski**

Race and Death Penalty Statistics – Taking a Look at the Forest of Reality

Dr. Chris Honeycutt, PhD

Is there a race disparity in the death penalty system? This seemingly simple question has been debated endlessly both by those who oppose the death penalty, who generally say that there is a race disparity, and those who support the death penalty, who say the system is color-blind.

Piles of research have been accumulated on both sides of the issue, trying to identify the causes of race disparity. Where and why it's happening is extremely complicated, and due to the complexity of our criminal justice system at the state and federal levels, there's probably no simple, single answer for that. The answer might be different depending on many factors, such as where the death penalty case was tried, who was involved, and public perception of the case.

The "How" and "Why" are hard – but the evidence that race disparities exist is easier to find.

There's a knee-jerk reaction in our culture that more information, more studies and more complicated models of how things work are "better." The more factors you take into account, supposedly the more you know.

That's not really true – it's not even mathematically sound[1]. And because it's not mathematically sound, it leads to a lot of messy research that can be interpreted in just about any way.

To show that race disparity exists, however, all you need are two facts that aren't easily disputed:

(1) About 50% of murders are of white people, and about 50% are of black people. So the ratio of murders of whites to murders of blacks is 1:1[2].

(2) About 80% of those executed are executed for the murder of a white, while 20% are executed for the murder of a black. So the ratio of executions for a murder of a white to the executions for the murder of a black are 4:1[3][4].

Picture the criminal justice system in its entirety – that's investigation, clearance, going to court, conviction, sentencing, the whole thing – as a machine

Without race disparity, this is what we'd expect to see:

No race disparity – what we expect to see

1:1 → [criminal justice machine] → 1:1

Without race disparity in the criminal justice system, we would expect a ratio of 1:1 going into the machine, and a ratio 1:1 coming out the other end.

But we don't see that. We have strong evidence for race disparity because this is what we do see:

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[1] While the general trend in research is to take into account as many factors as possible, this is not really very mathematically sound. If you multiply two numbers with an uncertainty – and all measured values have an uncertainty or "error" – then the cumulative error goes up substantially (propagation of error.) This is poorly tracked in just about all research. For how to estimate error propagation in models with multiple factors, see Error Propagation at Michigan State University (**http://lectureonline.cl.msu.edu/~mmp/labs/error/e2.htm#V** .) For a more general view, see Huff's 1954 classic "How to Lie with Statistics" and the psychology of error in research described in the 1979 research article by Lords et al "Biased Assimilation and Attitude Polarization" (**[[http://www.psych.umn.edu/courses/spring07/borgidae/psy5202/readings/lord,%20ross%20&%20lepper%20(1979).pdf][www.psych.umn.edu**]])

[2] The rate of the murder of white people vs. the murder of black people has been consistently 50%/50% for several decades. See Bureau of Justice Statistics for more information: **[[http://bjs.ojp.usdoj.gov/content/homicide/race.cfm][bjs.ojp.usdoj.gov**]]

[3] The percent of people executed who killed a white person is about 80%, while the percent of people executed who killed a black person is about 20%. For a complete listing of all those who have been executed in the US up to April 2010 by victim race and offender race, as well as by gender, it is available in this document provided by the NAACP Legal Defense and Educational Fund: **[[http://naacpldf.org/files/publications/DRUSA_Spring_2010.pdf][naacpldf.org**]]. This includes the actual, raw data, so any independent researcher is free to download it and analyze it to verify their claims.

[4] An LA Times article by Paulos (**[[http://articles.latimes.com/1998/jul/12/opinion/op-2965][articles.latimes.com**]]) about probability and statistics related to the death penalty appears, at first glance, to question this line of reasoning. However, Paulos's article confirms the observations above. Statistics and mathematics is often counterintuitive, but what we're both saying is the same: for every 25 people who will get the death penalty for killing a black person, 100 will get the death penalty for killing a white person. Because the number equal number of blacks and whites murdered, without disparity we would see the numbers equal – 25 for 25, rather than 25 for 100. Please feel free to ask questions.

Race disparity – what we do see

1:1 → [criminal justice machine] → 4:1

This alone is evidence of race disparity. Where it happened, why it happened could be debated endlessly. Are defendants that much more likely to get a death sentence for a similar crime against a white person than against a black person? Calling crimes "similar" is hard. Are crimes with a white victim taken more seriously by police than crimes with a black victim? Also possible, so maybe terrible crimes that go unsolved in black communities are successfully solved in white communities.

All of this could – and has – been researched endlessly. Many details and factors get taken into account, which, ultimately muddy the water and make the results difficult to interpret.

However, when we take a big long step back, we can see that if we look at the system in its entirety, we can see that the death penalty is more likely to be administered if the victim is a white person than if the victim is a black person.

David Kaczynski has permission to use article either in full or edited form for his work against the death penalty.

It Gets Weirder

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/it-gets-weirder/434/>

May 19, 2011 at 10:47 pm by **David Kaczynski**

It's being widely reported in the media that the FBI's Chicago bureau sent someone to the Supermax prison in Colorado to obtain a DNA sample from my brother. The purpose: to see if my brother's DNA matches evidence collected in the 1982 Tylenol poisoning case in which 7 people were murdered.

I find this odd because the FBI *already has* my brother's DNA from its investigation of the Unabomber case.

As I see it, there are only two possible explanations for why they would want to collect a second sample: 1. They lost the original sample; or 2. (far more likely) There is a lack of cooperation or agreement between the Chicago field office and the FBI lab where my brother's DNA is stored. Unfortunately, as we saw in the 911 Commission's report, territoriality and turf wars among branches of law enforcement have at times hindered the cooperation and collegiality that are needed to prevent and solve serious crimes.

For the record, I think it unlikely that my brother had any involvement in the Tylenol murders. In first place, I have read nearly all of the 30,000 pages of diaries and other writings taken from my brother's cabin when he was arrested. Ted apparently withheld nothing from his diary. Numerous entries discuss his bombing campaign, but nowhere is there any mention of poisonings.

Secondly, it would have been standard investigating procedure for the FBI to determine whether my brother could be connected, through DNA or other means, to any unsolved serial murders. In fact – although the FBI never discussed it with me – I've been told by others who follow such matters that the FBI said it had ruled my brother out as a suspect in the Tylenol murders.

(As an aside: I've arrived at a stage in life where I believe that just about anything is possible. But for now, I'm not losing any sleep over what I regard as a very faint possibility that Ted may be the so-called Tylenol murderer.)

In any case, the Chicago field office unwittingly provided my brother with a legal argument to halt the auction of items seized from his cabin. In fact, we only know that the Chicago FBI office tried to obtain my brother's DNA as a result of a brief filed by my brother in federal court. To paraphrase his argument: "How can the government auction my belongings when I am seen as a suspect in an open criminal investigation? I may need some of those items to establish my innocence."

A part of me, frankly, is sick and tired of the whole circus. I wish that instead of filing legal briefs my brother would apologize for the crimes he did commit and pray to heaven for forgiveness. But he's had untreated mental illness for decades now.

I am disappointed in our government for relying on this tawdry auction to provide meaningful help to the victims and their families.

And I'm disappointed in our national media for their obsession with sensationalistic crime, whereas they seem relatively indifferent to the search for solutions.

Justice for Victims?

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/423/423/>

May 16, 2011 at 4:16 pm by **David Kaczynski**

Two pieces of news caught my attention last week:

On Wednesday morning I learned that Connecticut's death penalty repeal bill had unexpectedly failed after two state Senators – Edith Prague and Andrew Maynard – decided to change their votes from "Aye" to "Nay" at the urging of Dr. William J. Petit, whose wife and two daughters were murdered during a home invasion by two paroled felons.

Prague and Maynard both insisted that they still opposed the death penalty and would vote to repeal the death penalty when the bill is re-introduced next year. However, they said they were motivated by a desire to comfort Dr. Petit – and the death penalty for the perpetrators is the comfort that he said he wanted.

In granting Dr. Petit's wish, Prague and Maynard ignored the wishes of 83 Connecticut murder victim family members who, in a signed letter, urged the state legislature to repeal Connecticut's death penalty statute. All 83 said that the death penalty in

their state brought them more pain than comfort. They said they would rather see the millions of dollars wasted on the death penalty invested in violence prevention and victims' assistance.

When it comes to the death penalty, some victims get more respect than others. It's a system that picks and chooses, often arbitrarily. If the crime is high profile and the victim is high status, then the death penalty might be a possibility. Media and politics play a big part. Seemingly, most victims and their families aren't important enough to merit the time, expense, and effort of a death penalty prosecution – prosecutors working tirelessly for months, placing other cases on the back burner, going that extra ten thousand miles in pursuit of "ultimate justice."

Are we to conclude, then, that murder victim family members in non-capital cases experience less pain and grief? That their need to see justice done (however we define it) is somehow less compelling? That would be an absurd conclusion.

On Thursday evening, while dining with my wife Linda at Appleby's, I glanced up and saw the scrolling news blurb on CNN: "Unabomber items to be auctioned on the internet."

As most of you know, the Unabomber is my brother Ted, who is serving life imprisonment with no possibility of parole at the federal supermax prison in Colorado.

The federal government spent an estimated eight million dollars on my brother's death penalty trial. Fortunately, my brother didn't get the death penalty. So, in some sense, the money went to waste.

Do you know how much the Unabomber's victims received in assistance from the federal government? You might think it would add up to a lot given that 23 people were injured and three killed.

The victims got nothing.

Now, 13 years after the trial, the US government has come up with a plan to compensate the Unabomber's victims by selling items seized from his cabin at auction on the internet. Now, my brother lived in poverty. The value of his possessions derives almost entirely from public fascination with his crimes. They represent what is commonly called "murderabilia" – souvenirs culled from the careers of famous criminals.

In effect, our federal government is pandering to a sick market that treats high profile killers like celebrities and rock stars. What is wrong with this picture?

The goal of the auction is entirely worthy. If there is no other way to compensate the victims of the Unabomber, then let the auction go forward. I will look away...and I hope it raises a ton of money.

But couldn't we, to the extent we really care about victims, find a better way?

If you're interested in finding a better way to meet victims' needs, you could begin by reading Susan Herman's groundbreaking book: "Parallel Justice for Victims of Crime."

Walk a Mile in Her Shoes

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/walk-a-mile-in-her-shoes/420/>

May 2, 2011 at 10:35 am by **David Kaczynski**

On Saturday, some of us walked a mile in her shoes (literally high heels) around the neighborhood of Samaritan Hospital in Troy in solidarity with victims of sexual assault and gender violence. Moving and courageous speeches by two victims — one male, one female — inspired me to write the following poem, again in solidarity:

Ode to Leda

Some wounds do not bind.
All night long, I hear stones in the field.
Once I feared silence. Today
I hear you crying over the silence
of stones and nails.
I see hail in your eyes.
I see blue hail in your irises.
I see white hail.
You felt red with your finger bones.
You felt lying in the world.
You felt our white lies.
Goddess melts the frozen north,
then she pelts the rotten south
with tears as sharp as nails,
weighty as fieldstones.

Lethal Injection Problems, Pt. 2

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/lethal-injection-problems-pt-2/415/>

April 26, 2011 at 9:42 am by **David Kaczynski**

I'd been researching the death penalty in Florida in preparation for a lecture I was asked to give last night at Eckerd College in St. Petersburg. I came across some fairly startling figures: among states that have the death penalty, Florida leads the nation in the number of death row exonerations – 23. It is also third (behind Texas and Virginia) in the total number of people executed since 1976 – 69. In other words, for every three condemned prisoners executed in Florida, one has been found innocent! That's a track record that ought to give anyone pause.

Yet as in New York and other states with serious, documented wrongful conviction problems, Florida lawmakers have done nothing to attempt to address the underlying factors that lead to wrongful convictions. It's simply business as usual.

Keep this in mind as you read the next installment in Chris Honeycutt's series on lethal injection:

DEA Confiscates Illegal Lethal Injection Drugs
by Chris Honeycutt, Ph.D.

A few months back the US manufacturer of drugs used in lethal injection stopped making one of the drugs. This kicked off a series of events that left people gasping at the naked idiocy of our system, as US states were hauled into court over the purchase of illegal drugs.

Because we were no longer making the drug sodium thiopental in the US, we had to purchase it internationally. However, there's one small problem: the civilized world where we buy our drugs isn't too keen on the death penalty. So, they don't sell us drugs that could be used for the death penalty.

A lot of people here in the US don't realize why so much of the world – such as Europe, Canada, Australia, and Mongolia – has ended the death penalty. They have things like terrorists and serial killers, just like we do. They get angry just like we do: if you have ever seen a European soccer match, you know these are not pacifists.

But people in the rest of the world – unlike the US – seem vaguely aware of while "eye for an eye" works very well when Moses is in charge, on Planet Earth 2011 most governments aren't run by Moses or anyone remotely resembling characters played by Charlton Heston.

Governments in the modern world are run by bureaucrats – tired, overworked, overburdened bureaucrats – and court cases by a jury comprised of the guy that cut you off on the expressway at 65 miles an hour, and the cashier that looks at you like you've grown two heads when you hand him a single and a twenty for a bill of $16.

Because Europe, Canada, Australia and many other nations all recognize that this is a recipe for easy mistakes, they ended their death penalties. And, because they recognize that our system is just as bureaucratic as theirs, they're not terribly enthused by the idea of selling us drugs to kill people.

Thus, Europe and Canada said "No," to selling the US death penalty drugs.

So, US states had to look somewhere... else... for their drugs.

What happened next depends on who you ask. According to the DEA, US states were importing lethal injection drugs from illegal sources. According to the states, the sodium thiopental that fell out of their glove box while they were reaching for their insurance belonged to someone else. Or something.

Now, I'd like to ask: Can a government with a bureaucracy so large that it can no longer follow its own drug laws be trusted with life and death decisions over individuals? Does the illegal purchase of narcotics sound like something Moses would do?

I'm surprised that many people who openly admit that the government is too big, too expensive, and over-regulated still support the death penalty. We all seem to know

that in a big, faceless system many mistakes can happen, and no one wants to execute the innocent. So instead of taking the logical route and ending it, we waste massive amounts of money regulating the death penalty instead.

David Kaczynski is given permission to use this piece on his blog in part or full as part of his work against the death penalty.

Restorative Justice Teaching Day #2

Source:
<web.archive.org/web/20110703044938/http:/blog.timesunion.com/kaczynski/restorative-justice-teaching-day-2/409/>

April 18, 2011 at 1:04 pm by **David Kaczynski**

The second annual Restorative Justice Teaching Day in the Capital Region will be held tomorrow, April 19, at Hudson Valley Community College, 80 Vandenburgh Avenue, Troy, in the Bulmer Auditorium from 6 pm to 9 pm. Bulmer Auditorium is in the BTC Center which is located in the large campus building nearest to the street.

The presentation will feature an overview of Restorative Justice by Professor David Karp of Skidmore College, followed by a reactor panel that will include people whose lives have been impacted by violence, the criminal justice system, or who have worked in the criminal justice system.

There will be an opportunity for audience members to ask questions and also to meet the presenters informally in a reception that will follow the presentation.

The event is free and open to the public. Light refreshments will be served at the reception.

Please join the Criminal Justice, Forensic Science, and Public Administration Departments for a Restorative Justice Symposium

The evening will include an opening address, panelists experienced in restorative justice process—a victim, an offender, a community accountability member and a judge—with an opportunity for dialogue between participants and guests.

Guest speakers include: Dr. David Karp, Ph.D., Associate Dean of Student Affairs & Professor of Sociology, Skidmore College;

The Honorable Thomas Keefe, Albany City Court Judge;

Julia Long, Former Policy Analyst for NYS Senate Crime and Corrections Committee, JD Candidate;

Jamel Muhammad, Project SNUG Supervisor, Trinity Alliance

Tom Grant, Former Member of the NYS Parole Board

For more information, please contact Instructor Shawna-Kay Addison @s.addison@hvcc.edu

Ted and the CIA, Part 2

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/ted-and-the-cia-part-2/285/>

December 29, 2010 at 3:27 pm by **David Kaczynski**

How can a reasoning person conflate his personal issues with a cause so that he ends up killing people wantonly and almost randomly?

I've struggled with this question for a long time. One answer comes immediately to mind: My brother became the Unabomber as a result of a mental illness involving paranoia and delusions of reference. Clearly, he personalized his sense of the world's wrong in a way that most of us do not. He wrote in his diary that he'd decided to take "revenge" on society – as if there were some actual entity answering to the name "Society," as if his victims somehow represented Society with a capital S, as if they had consciously harmed him, as if the concept of *revenge* made any sense in this context.

The longer I live, the more impressed I am with the remarkable complexity of the human mind. Our minds demonstrate capacities for knowing, remembering, imagining, and balancing all sorts of sensations and polarities. We have the capacity to think (whatever *that* means) on various levels simultaneously. The focus of thinking shifts involuntarily as well as voluntarily. Even without intending to, we speak like poets, instilling the universe with meanings beyond categorization. The mind is a miracle of integrative functions. It has seemingly infinite ways of apprehending the wider world and of relating to itself. What we call "reality" is arguably a seamless integration of mind and world.

Either by aspiration or accident, we often grow wiser with age. The mind is always changing. Sometimes it decays. It also discovers new ways of enhancing its breadth and power. Meanwhile, the mind is also highly vulnerable – to trauma, to disease, to propaganda, to uncorrected mistakes in thinking. How can a mind, lacking any transcendental reference point, know how to heal or correct itself?

Buddhist teachers say that we all are on a path to mental health, i.e. "enlightenment." I've often argued that violence in the surest sign of a mind in serious trouble; and conversely that practicing compassion is the best antidote to mistaken thinking – the best way to restore our mind's exquisite balance and integrative functions. A similar analysis, I suppose, can be applied to the behavior of communities and nations.

So, back to the question posed in my latest post: Was my brother a sort of "Manchurian candidate" — programmed to kill by our government in a CIA-funded thought-control experiment gone awry?

This question can be distilled further: Were the Murray experiments – imposed on my brother at Harvard – part of the CIA's secret MK Ultra mind-control project that used unwitting American citizens as experimental subjects?

I applaud investigative reporters who research such topics, and advocates who push for greater transparency in government. The government has no business getting involved in things like MK Ultra – and if it is, we should know about it.

As concerns Ted, however, I'm not sure that the answer to this particular question matters very much. The outcome is the same even if the Murray experiments were not closely linked to MK Ultra. The human mind – because of its inherent complexity – may be easy to damage and disrupt, but it is also very difficult to control. Thinking clearly and keeping an open mind, I believe, entails some considerable tolerance for ambiguity and mystery. So, while it is not implausible that my brother may have been harmed in a mind-control project funded by the CIA, I think there is insufficient evidence to say that he was.

What seems clear, however, is that Harvard research psychologist Henry Murray and his team were part of scientific culture that failed to learn and recoil from the grotesquely unethical conduct of Nazi scientists who treated human subjects with no more empathy than they would have treated an inanimate object. Science is especially vulnerable to misuse because it has no inherent loyalty to humane values. Its style of inquiry – even when studying humans – is purely objective. In this respect, its understanding of human beings is fundamentally limited. The potential for abuse increases as technology is used to promote hidden agendas of institutions focused on power or profit.

How could my brother kill people and feel no apparent remorse? Maybe his mind was severely damaged. It could also be that he became a spiritual prisoner of the very thing he hated.

www.davidkaczynski.com

Ted and the CIA, Part 1

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/ted-and-the-cia-part-1/271/>

December 19, 2010 at 9:07 pm by **David Kaczynski**

Was my brother, Ted Kaczynski (AKA "the Unabomber"), a sort of "Manchurian candidate" — programmed to kill by our government in a CIA-funded thought-control experiment gone awry?

I hope you will excuse the provocative question — especially since I don't know the answer to it.

What I do know is that my brother was a guinea pig in an unethical and psychologically damaging research project conducted at Harvard University where he attended college in the early 1960☒s. While it is true that my brother suffers from paranoia, it is also true that he fell victim to a conspiracy of psychological researchers who used deceptive tactics to study the effects of emotional and psychological trauma on unwit-

ting human subjects. My brother was harmed by psychologists who recognized — at least tangentially — that they were hurting him yet who made no attempt to undo or ameliorate the harm they'd caused to their young and vulnerable subject. Thus, it would be fair to say that my brother's paranoia had a reference point in reality.

Fifteen years after his experience at Harvard, Ted Kaczynski embarked on a mail bomb campaign that targeted leading researchers in technology, behavioral psychologists among them. Is there a connection between my brother's violent behavior and his earlier experience as a guinea pig at Harvard? It seems there must be *some* connection. But how much connection? And what role might the US government have played in unleashing the Unabomber's anti-social behavior?

After the revelation of Nazi atrocities following World War II, the civilized world struggled to absorb the lessons of such overwhelming horror. "Never again!" became a catch phrase that summed up civilization's moral resolve to prevent a recurrence of organized dehumanization on such a grand scale. Moreover, the post-war Nuremberg trials revealed the extent to which Germany's scientific establishment had lent itself to the Nazi agenda through cruel, harmful, and often lethal experiments performed on unwitting or unwilling human subjects. From the Nuremberg revelations emerged the so-called Nuremberg Code — an ethical standard that limited scientific research on human subjects, requiring that research participants provide "informed consent" to researchers before they could be studied at all.

However, it is by no means clear that the "mad" Nazi scientists represented a purely negative example to all. Some Nazi scientists deemed highly useful in our post-war competition with the Soviet Union were readily absorbed into what President Eisenhower later called "the military-industrial complex." Pressures of the cold war insinuated top-secret government agendas into civilian universities through the funding of various clandestine projects, including research on human subjects. In 1967, according to the CIA's internal assessment, there were literally hundreds of college professors on more than 100 American college campuses under secret contract to the CIA. Needless to say, universities like Harvard that wanted a piece of the action decided to dispense with the ethical standard embedded in the Nuremberg Code. From 1953 to 1963, federal support for scientific research at Harvard increased from $8 million per year to $30 million.

One secret CIA research project that used unwitting American citizens as subjects was code-named MK Ultra. It lasted 10 years and ended in 1963, shortly after Ted graduated from Harvard. MK Ultra experiments used sensory deprivation, sleep learning, subliminal projection, electronic brain stimulation, and hallucinogenic drugs to study various applications for behavior modification. One project was designed to see if subjects could be programmed to kill on demand. Experiments were conducted in penal institutions, mental institutions, and on university campuses. Some hapless human subjects went crazy, and some are known to have committed suicide.

When the media began to catch wind of a program of secret government experimentation on American citizens, former CIA director Richard Helms ordered many records

pertaining to MK Ultra destroyed. Thus, the full scope of the program and its abuses may never be known.

The Harvard study my brother participated in was called "Multiform Assessments of Personality Development Among Gifted College Men." It was overseen by the noted psychologist Henry Murray, who during WWII worked for the OSS (which later became the CIA), where he developed methodologies for interrogating prisoners of war. In his professional life, Murray was known for his brilliance and his grandiosity. In his personal life, according to his biographer, he displayed sadistic tendencies. His research on college men bears a certain resemblance to his research on prisoners of war. He was quite a big wheel in his day, perhaps as well known and influential in military and government circles as he was in academia.

Were the so-called "Murray experiments" part of MK Ultra? It may be that no one living knows the answer to this question. We know that the experiments were highly unpleasant for my brother and for some others who participated. We know that the basic premise of the research was to study how bright college students would react to aggressive and highly stressful attacks on their beliefs and values.

It may seem that I am trying to provide my brother with a handy excuse — a deflection of blame – for having killed three people and devastated numerous lives. But that is not my point. I believe that we are both individually responsible for our actions, and collectively responsible for conditions of harm and injustice that exist in our world. My brother was a victim before he victimized others — and in this he is hardly unique. Those who victimized him exercised cruelty with impunity, and quite possibily with the best of intentions. Status and power are hardly guarantees of good judgment or good character. Thus, the lessons we must learn are complex. The search for one quintessential villain is generally a mistake, a displacement of both understanding and responsibility.

What was done to my brother at Harvard should never be allowed to happen again. Our best insurance against inflicting harm on others – as was done to Ted and by Ted – is to avoid objectifying human beings, and to approach others with compassion.

Sausage

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/sausage/262/>

December 5, 2010 at 10:23 pm by **David Kaczynski**

The first time I met former Senate majority leader Joe Bruno was in January 2006. An attempt to repair New York's constitutionally flawed death penalty statute had failed in the Assembly codes committee in April 2005. After two on-duty NYC police officers were gunned down in the autumn of 2005, the Senate and Assembly had recently agreed to fix the penalty for murdering a police officer at mandatory life imprisonment

without possibility of parole. I was hoping to use my few minutes with Bruno — one of the most powerful leaders in state goverment — to convince him that the death penalty wasn't needed to fight crime.

But I found myself totally disarmed by Sen. Bruno's pre-emptive approach. Before I could even begin to make my case, he cut me off: "David," he said, "I agree with you on the merits of the issue. There was a time when I used to believe that the death penalty served as a deterrent. But hey, with age comes wisdom. I'm 78 years old now. I no longer believe that the death penalty is a deterrent to murder.

"My problem is a political one. There are some senior senators in my own party who strongly support the death penalty. But, you know, I could deal with that. My real problem is the Conservative Party. Republicans in statewide elections can't win without Conservative Party support. If you can convice Mike Long (chair of the Conservative Party) to drop his support for the death penalty, then I'd be happy to stop supporting it too."

I was surprised at Bruno's candor. I felt partly vindicated that one of my prime adversaries on the death penalty privately shared my viewpoint. But at the end of the day, I felt a bit disgusted. Was it really possible that we might pass a bill to execute people solely as a matter of political convenience?

Of course, part of the problem in New York was the seeming unreality of capital punishment. The state hadn't executed anyone since Eddie Lee Mays in 1963, and many insiders – including a fair number of political supporters of the death penalty – believed that we never would again. The death penalty in New York, according to common wisdom, was a symbolic-political thing, not a legal apparatus designed to extinguish human life. (Ah, how easy it is to plot death at a distance, when other human hands will eventually carry out the act! The death penalty allows such diffuse responsibility for the taking of human life that, in the end, the responsibility belongs to no one.)

It may seem strange that a vegetarian like me would write a column under the heading "Sausage." In fact, my father spent his working life making what many connoisseurs considered the best Polish sausage in Chicago – and that's saying a lot! As far as I know, my father's sausage contained no secret contaminants. However, what I am referring to in the title of this post, of course, is the old saying: "Pieces of legislation are like sausages: if we knew exactly how they were made, no one would want to have anything to do with them."

I was in Springfield, Illinois last week, trying to help push a death penalty repeal bill over the top through a last-ditch lobbying effort. Just two votes were needed to abolish the death penalty before the end of a lame-duck legislative session. However, the window of opportunity was closing rapidly. On the eve of the sessions' last day, I found myself engrossed in conversation with a Republican state representative, a fence-sitter on the death penalty, an uncommitted vote – someone whom I quickly realized cared about many of the things that I care about: child welfare, mental health, preventive as opposed to reactive approaches to solving social problems. Her passion

for these issues seemed quite genuine. In the now nearly vacant Stratton legislative building, we had time and privacy to talk at a deeper level. She was retiring from politics at the end of the year, she said. She sounded relieved and almost eager to the shake of dust of Springfield and its politics from her boots.

"Don't get me wrong," she said. "I've always been against the death penalty. It's not the issue that's holding me up, it's the process. I don't like the way the (Democratic) Speaker is trying to push this legislation through and meanwhile holding me and a few minority members hostage. He wants me to cast a vote that some members of his own conference are afraid to cast. That offends me!"

I came back to her a little obliquely. I said, "I know it can be difficult to do what you know is right." Then I told her how painful it had been for me to tell my own mother that I'd turned in her other son, my brother to the FBI. "But at the end of the day," I concluded, "I slept a lot better knowing that I'd followed my conscience."

I know she understood where I was coming from. I felt she was a bright woman, a good woman. I truly believed that she'd carefully consider her options, weigh the ethical stakes involved and — when push came to shove the following day – do the right thing.

Unfortunately, she didn't.

Gov. Paterson, Pardon John O'Hara!

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/gov-paterson-pardon-john-ohara/252/>

November 23, 2010 at 3:23 pm by **David Kaczynski**

Outgoing Florida Governor Charlie Crist recently pardoned rock star Jim Morrison, who was convicted of indecent exposure during a concert performance in the 1970☒s. For any readers who may have been living in a hole since then, let it be known that Jim Morrison passed away years ago. So I find it hard to imagine why Gov. Crist took the trouble.

Maybe he remembered former CA Gov. Ronald Reagan's pardon of country music icon Merle Haggard, who had turned his life around after a troubled youth that included various stints in jail and state prison. As an admirer of Haggard's immense and influential work (and as a believer in the possibility of human redemption), I applauded Reagan's gesture. However, I wonder if the Gipper would have been quite so merciful if Haggard had penned, say, "Man in Black," instead of "Okie from Muskogie."

Pardons say a lot about politics and preferences. They should also say something about values and principles.

Governors and presidents enjoy unlimited power when it comes to issuing pardons. Thus, by examining who gets pardoned, we can learn a lot about the politics, values, and character of the pardoner. In a roundly criticized move at the end of his second

term, President Clinton pardoned crooked financier Marc Rich, who had donated a bundle of money to Clinton's presidential library. I understand that it might be difficult to succeed at politics without "getting your hands dirty" once in a while. But I wonder why any career politician would care to send such a tasteless message at a time when he could be burnishing his legacy.

Governor Paterson, before he leaves office, has a chance to use his pardon power to send a very different kind of message. He should pardon John O'Hara.

O'Hara was convicted of a felony for voting in the district where his girlfriend lived instead on in the district where he officially resided. Technically, he was guilty. However, no one other than O'Hara has been convicted of a similar voting felony in New York State since Susan B. Anthony voted illegally in an act of civil disobedience in the 1870☒s — kind of amazing when you consider the kind of voter fraud that once was prevalent in many parts of our state. So, why was O'Hara treated so harshly?

In his role as a political activist and gadfly, O'Hara took on the powerful Brooklyn Democratic machine. His aggressive prosecution by the Brooklyn DA's office was meant to send a clear message: don't mess with the machine! For more background on the events that led up to O'Hara's conviction, and to sign a petition, visit www.freejohnohara.com

Gov. Paterson should now send an equally clear message: What happened to John O'Hara – his conviction, $20,000 fine, countless hours of community service, and loss of his profession as an attorney as well as his livelihood – is an affront to American values. The powerful should not be permitted to prey upon the weak for partisan political purposes.

Gov. Paterson rightly complained about the many obstacles that were raised against efforts to reform New York State politics. But there is no obstacle that can stop the Governor from pardoning John O'Hara now. It may be a small and mostly symbolic gesture. However, it would mean much to O'Hara and to a majority of New Yorkers who believe that principle ought to trump politics, and it would leave New York's ship of state pointed toward the truth north of reform.

Connecticut Death Sentence

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/connecticut-death-sentence/247/>

November 11, 2010 at 4:56 pm by **David Kaczynski**

Most people who support the death penalty agree that it's not a solution to the problem of crime and violence. Rather, they believe that there are certain particularly depraved killers, the so-called "worst of the worst," who deserve to die.

Recent events in Connecticut illustrate this point. On Monday, Steven Hayes was sentenced to death by a jury following his conviction for the brutal murders of Jen-

nifer Hawke-Petit and her two daughters, 17-year old Hayley and 11-year-old Michaela during a burglary of their home in Cheshire, CT.

In the midst of Hayes' death penalty trial, 65% of CT voters polled by Quinnipiac University said they supported the death penalty; and a whopping 76% said they supported the death penalty for Hayes and another defendant in the same case who will stand trial next year.

However, the death penalty as public policy did not receive a ringing endorsement on election day. CT voters elected Dannel P. Malloy as their new governor. Throughout his campaign, Malloy had repeatedly pledged to sign a death penalty repeal bill similar to the one passed by both houses of the state legislature (but vetoed by outgoing Gov. Jodi Rell) in 2009.

No one is immune

The brutal murders in Cheshire, like the Manson murders, the Oklahoma City bombing, serial killings, murders of children, terrorist attacks, the killing of on-duty law enforcement personnel, and others are cited as examples of crimes that cry out for the punishment of death.

I, too, am utterly chilled by accounts of the Petit family murders and am left wondering how any human beings could be so cruel. Unfortunately, human history is replete with accounts of senseless barbarity and violence, including genocide as well as individual atrocities. Where does this violence come from?

Although we know some answers, we seem to lack the collective will to apply remedies. Instead we cling to a reactive approach. It's almost as if we imagine that we have a personal immunity to violence: that it will always be someone else's family that is affected. But what happened to the Petit family tells us that no family – no matter how successful and no matter where they live – is immune.

No simple answers

We live in a world plagued by complex problems with no simple answers. Still, I embrace a simple ethical rule that works for me: killing is wrong except where it might be necessary to prevent an act of violence. In other words, I believe the taking of life can be justified – even required – if and only if it is the only means available to protect innocent life (e.g. self-defense, national defense, the use of lethal force by police). But taking the life of a human being in retribution or revenge is wrong in my view, even when the person being punished may "deserve" death.

Focusing on what a criminal deserves can lead us astray. For instance, in the case of Steven Hayes and his alleged accomplice, we could make an argument that they deserve more punishment than being put to death by lethal injection. Since their abuse of the victims amounted to torture, maybe we would need to torture them, too, in order to give them the full measure of what they deserve. But we don't do that. And the reason we don't says less about what the criminals may or may not deserve than it says about us – our need as a society to promote humane values and to discourage cruelty. The last thing we should do is convert ourselves into a mirror image of sadistic murderers.

A flawed system

The history of the death penalty has shown that we have not been successful in limiting its application to the obviously guilty or the worst of the worst. Often years after a person has been convicted, new information comes to light that almost certainly would have convinced a jury that the defendant's life should be spared. Steven Hayes, we know, was a victim of child abuse. In many cases, death row inmates have been exonerated by DNA evidence after everyone in the courtroom, including their own lawyers, thought they were guilty. In too many cases the "worst of the worst" label has been stuck on capital defendants who were mentally retarded, mentally ill, brain-damaged, victims of horrendous child abuse, or severely traumatized during military service to their country.

In my experience, the criminal justice system does not lend itself to the wise and just exercise that we all want it to be. Legal strategies in high profile criminal cases bear a disturbing resemblance to political campaigns. I don't know exactly how and where we should draw a line separating people who have done very bad things from those who are the "worst of the worst." But I do know that our current legal system is not capable of drawing such a line with consistency and fairness. I oppose the death penalty in all cases, not primarily out of concern for those likely to be executed, but out of consideration for the humanity we all share. Instead of killing the killers, we should apply our energy and resources to preventing killing.

No closure

The grieving husband and father, Dr. William J. Petit, supported the death penalty for Steven Hayes. We can only imagine the depths of his pain. I felt very deeply moved by something he said after the death sentence was handed down:

"There's never closure. There's a hole. There's a hole with jagged edges. Over time, the edges may smooth out, but the hole in your heart and the hole in your soul is always there."

When Steven Hayes' death sentence was delivered in a Connecticut courtroom, both Dr. Petit and Mr. Hayes got what they said they wanted. Over time, I suspect, one or both of them may come to feel differently.

Note: *A version of this essay first appeared on the web site: The Crime Report* – www.thecrimereport.org

"Noble" is More than a Word

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/noble-is-more-than-a-word/241/>

November 8, 2010 at 12:07 pm by **David Kaczynski**

"Noble" is a word used to describe a quality or attitude – but it can also describe a way of being in the world. It came to mind as I listened to Syracuse Police Chief

Frank Fowler and his team of community partners give a presentation last week at Schenectady County Community College on his city's **Trauma Response Team.**

Chief Fowler began his presentation by recounting an experience from his days as a young police officer. Arriving at the scene of a homicide, he became aware of a teenaged girl lying on the sidewalk across the street, sobbing uncontrollably. Another officer remarked, "Don't worry, she's not involved in the incident." Passers-by stepped around the girl, who appeared unconsolable. But it was hard to know since no one was trying to console her.

The next speaker was Helen Hudson, mother of a homicide victim and a co-founder of the group, Mothers Against Gun Violence in Syracuse. In the aftermath of her own loss, Helen has become like a mother to an entire community of urban teens. Helen spelled out in greater detail the protocols followed by the Trauma Response Team in its collaboration with the police department: standards that must be followed to make the program consistent, effective, professional and sustainable.

Next up was Tim Jennings Bay (AKA "Noble") who handles community outreach for the team. Noble stressed the importance of cultivating trusting relationships, particularly with young people, in combatting street violence. At one point, he described his outreach work in terms of a "ministry" – a calling aimed at bringing hope and warmth to young people on streets that oftentimes feel mean and loveless.

The presentation by Fowler, Hudson and Jennings Bay – the three guiding lights of Syracuse's Trauma Response Team – struck me as seamlessly coherent and brilliant. They may be dreamers, I thought, but they're intensely committed, highly practical dreamers with a clear sense of what is necessary and possible. Their answers to questions from the audience were spot-on – an indication that they knew their stuff and had carefully thought through their program's design.

To quote from the TU's coverage of the event by reporter Paul Nelson: "The chief explained the three-pronged approach that calls for citizen responders to support victims' families, for clerics to comfort and counsel the bereaved at the hospital and for other responders to follow up and offer victims' relatives referrals for social and clinical help. Additionally, a team of outreach workers focuses on education and alternatives to violence."

According to Chief Fowler, "If the community has a voice in this whole process, things can shift around. The trauma response team is helping with community outreach and driving down levels of violence and violent crimes."

Although funding is being sought, Hudson and Jennings-Bay have been working as volunteers on the Trauma Response Team for 2 1/2 years.

Now, to return to that word "noble." For me, it signifies a number of qualities: having confidence in one's purpose and values, self-discipline and courage, a wider view, and the reflective humility that is needed to know oneself and others. I can't think of a quality more needed to promote peace and justice in these troubled times. Thanks to the Syracuse Trauma Response Team for modeling what it looks like.

Special thanks also to NYADP board member Janice Grieshaber Geddes for introducing me to Chief Fowler last summer and for helping to organize last week's event. It's been said: "The only true power is in connection." So it is, once again!

Responding to Trauma after Violence

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/responding-to-trauma-after-violence/237/>

November 1, 2010 at 4:11 pm by **David Kaczynski**

On Thursday, Nov. 4 at 1 pm there will be a presentation by Syracuse Police Chief Frank Fowler and his team of community partners. Chief Fowler and friends will discuss the community-based **Trauma Response Team** that is actively helping Syracuse area crime victims cope with trauma in the aftermath of violence.

Time: 1–2:30 pm on Thursday, November 4

Place: Schenectady County Community College, Elston Hall, Mohawk Room

The event is **free and open to the public**

Also expected to attend: Schenectady Police Chief Mark Chaires, Albany Police Chief Steve Krokoff, Troy Police Chief John Tedesco, Schenectady County District Attorney Robert Carney.

Note: Tri-city communities have been seriously impacted by violence and trauma in recent months. We know that it takes a partnership of community members & law enforcement both to prevent violence and to deal with its aftereffects, many of which lie beyond the usual functions of law enforcement and the criminal justice system. Come join us as we learn together and search for solutions. Working together as a community, we *can* make a difference!

For more information contact: David Kaczynski at (518) 453–6797 or Marion Porterfield at (518) 393–4475

Trauma and Creativity

Source:
<web.archive.org/web/20101230154857/http:/blog.timesunion.com/kaczynski/trauma-and-creativity/226/>

October 27, 2010 at 6:16 pm by **David Kaczynski**

At the time I began writing poetry, in the summer of 1996, I felt like a divided soul.

On one hand, I was given a public image as the Unabomber's good and responsible brother. On the other, I endured a personal crisis as I watched my family and my world come apart. My innate sense of self was disrupted by traumatizing circumstances

and by having a new, imposed identity. In my public persona, I felt vulnerable but transparent; in my more private space, I felt safe but invisible.

On November 3 at 11 am, I will participate in a webinar with my friend, clinical social worker Pat Fennell, to discuss the role of creativity in healing from trauma and loss. Often it is the creative process that helps us to repair the emotional damage caused by violence or other forms of broken faith and trust. To sign up for the webinar, visit https://www3.gotomeeting.com/register/908838438.

My new poetry chapbook, *A Dream Named You,* has just been published by Troy Book Makers. To learn more about the book or to purchase a copy, visit www.davidkaczynski.com; or listen in on Nov. 3 as I read and discuss some of the poems.

In writing these poems, I found a more intimate way of telling my story. Writing poetry is my attempt to reclaim and reintegrate (and also to question) my sense of who I was and am, to connect in some way the inward-facing and outward-facing aspects that presumably are needed to make a "whole" person. The poems are, in essence, my spiritual and psychological diary over the past fifteen years.

A Dream Named You is dedicated to and named for my wife Linda. Anyone who has listened closely to my public narrative must understand that behind the saga of the Unabomber and his brother there is an untold story – Linda's. Whether or not her story of integrity and courage is ever told, her presence is a key to the larger story.

In most public discourse, blocks of meaning are presented and accepted with little questioning. But in a poem, everything is up for grabs. Poets do not aim to fill space but rather to discover it – to uncover a world that is less determined, more open and alive. *A Dream Named You* is an attempt to trace a spiritual journey across such a landscape from loss to affirmation.

On the Journey

Source:
<web.archive.org/web/20101225172755/http:/blog.timesunion.com/kaczynski/on-the-journey/206/>

October 18, 2010 at 9:46 am by David Kaczynski

"Journey" is a wonderful word that evokes notions of a story, a process, and an adventure. When we complement the idea of a worldly journey with an inward journey, then we are also talking about emotional and spiritual transformation.

As of last Friday and for most of the next two weeks, my own journey has taken me back to the state of Texas as a member of *The Journey of Hope – from Violence to Healing*, founded by Bill Pelke as a promise to his grandmother – a deeply religious woman who was murdered by a group of teenagers in Indiana. I agreed to go on the current Texas journey out of deep respect for Bill, who in my mind is the purest spirit in the abolitionist movement.

Bill's motto is "Love and compassion for all humanity." He is kind, patient, always willing to lend an ear or a hand. I learned only yesterday that he has no set funding for the Texas journey and has committed $15,000 of his own money – carefully saved from his steelworker's pension – to pay for twelve journeyers to travel, eat and lodge ourselves in Texas until the end of the month. (With a knowing wink, I asked Bill about that number, twelve, but he assures me it came about by accident.) Our volunteer support staff includes an opera singer from Germany; two Amnesty International members from Italy; and various local chapter members of the Texas Abolition Coalition. (One thing I want people to know: someone can look and walk and talk like a Texan and still be strongly, even viscerally opposed to the death penalty.)

The Journey was originally formed by murder victim family members, but was later expanded to include death row exonerees and death row family members. Our current cast includes Curtis McCarty, a man who spent 19 years on death row in Oklahoma before he was definitively exonerated by DNA.

On Saturday, we held a vigil with about 100 people outside the Walls unit in Huntsville, where 14 executions have been carried out this year and where more than 450 executions have taken place since the US Supreme Court reinstated the death penalty in the late 1970☒s. What I found most surprising was the prison's location in a peaceful, shady residential community. How does a family – especially a family with young children – sit down to dinner knowing that someone (probably but not certainly guilty) is being strapped to a gurney and put to death near by?

In Texas, the concern about executing the innocent is not theoretical. Try googling the name Cameron Todd Willingham and see what you find. But here's the short version: Forensic experts who reviewed Willingham's case have concluded that the fire that claimed the lives of Willingham's three children was accidental. But the review came too late to save Willingham, who was sentenced to death for setting the fire and executed in 2004. Now Governor Rick Perry is doing everything within his power to squelch further investigation into how and why this miscarriage of justice took place.

In San Antonio, I hope to see former district attorney Sam Millsap, whom I first met while on a Journey tour of Montana. Sam says he always believed in the death penalty. As the district attorney for San Antonio, he sent a number of people to death row, including a juvenile named Ruben Cantu who was eventually executed. Sam is now convinced that Mr. Cantu was innocent and had nothing to do with the crime for which he was put to death. Sam has the character and grace to admit his mistake.

You would think the writing is on the wall in Texas: the death penalty is a bad system and should be ended. But Texans are no different than the rest of us. It seems that the most difficult truths are always the hardest to acknowledge.

If you would like to make a contribution to the Journey of Hope, you can do so by visiting www.journeyofhope.org.

Never Let Me Go

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/never-let-me-go/200/>

October 9, 2010 at 8:22 pm by **David Kaczynski**

Never Let Me Go, one of the most poignant novels of this or any age, is now a feature film – not as good as the book, but surprisingly impactful and right on point in most respects.

Read the book, if you haven't, and then go see the film. But if you happen to see the movie first, I imagine that reading the novel will still be a mind-bending and mind-expanding experience.

The theme of *Never Let Me Go* is also the theme of other books I've recommended: *Man's Search for Meaning* and *The Stones Cry Out* – indeed, it is the primordial conflict of human experience: the human spirit vs. nihilism.

The movie only hints at a question painstakingly elaborated in Kazuo Ishiguro's allegorical novel: How is it that we can know something and simultaneously not know it?

On the other hand, the film brilliantly exposes our tendency to accept "the given" – however horrible that may be. As if by strange coincidence, our moviegoers' "suspension of disbelief" corresponds with the characters' acceptance of an intolerable premise. As you watch the film, imagine substituting some other marginalized group for the "students" at Hailsham: African slaves, Jews in Nazi Germany, abused children, disenfranchised women, homeless youth, people with mental illness, undocumented immigrants, death row prisoners, the world's impoverished underclass, the unborn... any whose souls we fail to properly acknowledge.

If some group ever decides to select an existential "hero" for our time, I would nominate Kathy H., the movie's protagonist and the novel's voice. At the core of any triumph over nihilism is what Kathy H. practices: love. We know this. And at the same time we don't know it.

Investigating Racism

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/investigating-racism/194/>

October 3, 2010 at 4:40 pm by **David Kaczynski**

If you want to read a book that is both entertaining and challenging, try *Klandestine*, by Daryl Davis.

Some months ago, my blog entry *Are We Polarized?* provoked some reaction, especially from commentator Sean Duggan who suggested that there are limits to the rule

that dialogue is a good thing. How can we have dialogue, say, with a Nazi without implicitly validating hatred? Are there not some points of view that must be disallowed as well as disavowed?

But in the frenzy of public debate, it is sometimes difficult to know where to draw the line. Incitements to violence take us beyond the pale – yet sometimes they have resonance and must be countered with rational arguments. Sometimes angry people grow more reasonable when they are listened to. In respectful dialogue we are recalled to a common humanity underlying our divergent views. Maybe "nutty" opinions, if permitted a public airing, are revealed for what they are. Or maybe the "nut," if listened to, obtains purchase on the dark side of human nature and gains strength during uncertain times, ala Adolph Hitler.

Speech itself is a tricky thing. Anger, however justified, entails an element of the irrational. When New York gubernatorial candidate Carl Paladino says he'll "take a baseball bat" to Albany, we know he's speaking metaphorically. We know he's angry because he says he is. But what exactly does he mean with his "baseball bat" talk -that only through violence or some analogous force can the public interest be brought to the fore? Apparently, Paladino sees himself somewhat as Alexander the Great cutting the Gordian knot. Given Albany's dysfunction, I can appreciate the impulse – yet I would rather have some wiser head come along and solve the riddle of the Sphinx, i.e. rescue democracy from its current degenerate form. And I suspect such a rescue can only happen through an appeal to what Lincoln called "the better angels of our nature."

Anyway, I met Daryl Davis at a public school in New Jersey where we were both invited to tell our personal stories. I thought my story was unusual until I heard Davis'. Son of an American diplomat, he spent his early years in Africa and Europe, largely insulated from racism as experienced by other people of color in the United States. Eventually, his family moved back to the US and settled into a white neighborhood in Boston.

His awakening to racism came one day while marching in a city parade with other members of his Boy Scout troop. Some people started throwing stones at the Boy Scouts. He wondered, "What kind of an idiot would hate the Boy Scouts?" Then it dawned on him that the target of the stones was not the Boy Scouts – it was *him*! Angry racists had singled him out not because of his uniform but because of the color of his skin.

Racism might not seem like a great mystery to people who have grown up with it. But Davis was as mystified as he was upset by the realization that some people rejected him solely because he was black. *Why*? This simple question started him on a life-long quest to discover what racism is made of – a quest that eventually brought him to encounters with leaders of the Ku Klux Klan. *Klan-destine* documents his many interviews and developing relationships with many members and leaders of the Klan over two decades.

Davis' strategy was to conduct interviews in a non-judgmental manner. Thus, he had to discipline himself to suppress his own negative reactions to the opinions expressed to him by Klansmen and Klanswomen. He doesn't attempt to change their attitudes beyond now and then asking a pointed question. The result is a remarkably candid and fascinating and at times horribly funny book in which Klan members appear as unwitting ironic narrators, in essence displacing their own sense of worthlessness through bigotry.

But something else happens over the course of the book: Some Klan members embrace Davis as an exception to the rule that black people are inferior. A few turn away from bigotry and one even transforms himself into an advocate for racial reconciliation. But I think even more significant is what happens to Davis himself.

Little by little, he develops sympathy and compassion for the very people he began by struggling – in the interest of objective inquiry – to hide his contempt for. In one case, he brings food to the wife and children of a jailed Klansman. The Dalai Lama says that understanding cannot be separated from compassion. Davis' journey would appear to illustrate this idea.

Davis clearly placed himself in situations that were dangerous. He says he never felt fear. He is a person of unusual spiritual qualities and I'm proud to have him as a friend. However, I'm not sure that he ever discovered an answer to his question: *What is racism made of?* He thought he would take his inquiry to the source. But it could be that the source is somewhere else.

Remembering Murder Victims

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/remembering-murder-victims/189/>

September 27, 2010 at 3:42 pm by **David Kaczynski**

Last July, I received a phone call from my friend and colleague Marie Verzulli, whose sister Catherine Marsh was one of eight women murdered by a serial killer in Poughkeepsie, NY. Marie was calling to tell me that I was invited to serve as keynote speaker by the Capital Region Chapter of Parents of Murdered Children (POMC) for their observation of the National Day of Remembrance of Murder Victims.

I was surprised. I don't cry very often, but suddenly I found myself wiping away tears. Mom's mantel is full of awards and recognitions I've been given over the years. But such trust placed in me by murder victim family members means more to me than all of those recognitions put together.

A couple of jarring things happened last week. Probably in response to a recent blog post on this site, I received an email from someone who said it was "unforgivable" of me to turn in my own brother to the FBI. Then on Thursday – in a church of all places, speaking on a panel with a murder victim family member and a death row mother – a

heckler kept interrupting me, also very angry that I had turned in my brother. It's as if my critics could not imagine that I'd do what I did if I really loved my brother. Or they assumed Linda and I never thought through our options or anguished over the possible consequences before we decided to take action.

On Sunday, I finally gave my little speech to the PMOC group. I say "little speech" because words are inadequate when we talk about human lives cut short by violence. On the personal side, I wanted everyone to know how much I'd been helped to heal by victims of violence. I also wanted them to know how powerfully the rest of us are affected by their moral witness. To be sure, there is some resistance to being reminded of what victims experience: no one wants to imagine that they or someone they love could be next. We'd rather take life for granted. But in taking life for granted, we sometimes forget what a human life is worth. In their anguish, tears, and undying memories of loved ones, victims remind us what a human life is worth.

In the room were 40 people who had had loved ones murdered. They represent only a small percentage of families devastated by homicide in our region. During a ceremonial lighting of candles to memorialize the lost, each person in the room had an opportunity to remember a murdered family member or close friend and to say a few words. Some people were too emotional to speak. Many spoke with eloquence and some with matter-of-fact resignation. The cumulative effect was emotionally compelling — in fact, it was overwhelming. Two words crept into my mind to describe what I was hearing from this community of survivors: "dignity" and, above all, "love."

Once again, I'd been given a gift by people who have lost so much. It is the knowledge that dignity and love can never be taken away from us by anyone.

What is Forgiveness?

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/what-is-forgiveness/180/>

September 13, 2010 at 3:49 pm by **David Kaczynski**

The Restorative Justice Commission of the Albany Roman Catholic Diocese had its first meeting after a summer hiatus last week. We covered various items on our agenda, mostly having to do with the RJ Commission's schedule of educational presentations to schools, churches and community groups.

Then the question came up: "What about ***forgiveness***? Shouldn't forgiveness be the underlying theme in all that the Commission does?"

The entire meeting seemed to turn on this simple question. No longer were we conducting business as usual. The energy level in the room shot up as we found ourselves suddenly immersed in a deep philosophical, spiritual, emotional discussion.

We soon discovered that no one had a simple definition of "forgiveness," and that the word meant different things to different people.

I should mention that the RJ Commission has some interesting members, including two former parole board members, five murder victim family members, a victim of a violent mugging, an offenders' family member, a judge, a defense attorney, three priests, a community accountability board member, a social worker, a retired homicide investigator, etc.

Someone pointed out that "forgiveness" is sometimes called the "F-word" in restorative justice circles because of all the baggage that it carries. Since the word means different things to different people, we often disagree over the word without really knowing what we are disagreeing about.

Someone else pointed out that we are a Catholic Commission and that Jesus spoke in unmistakable terms about the need to forgive. When asked about forgiveness, he said we should forgive our brother not 7 times, as was written, but *70 x 7 times*. (And I don't think he meant that after 490 times, we should stop forgiving.) Jesus seems to be saying that faith, by its nature, involves an impossible leap from ordinary reality to a higher reality, and that the act of forgiving is an essential part of that journey.

But what does forgiveness really mean? What would it mean, for instance, for someone who had been raped or who'd had a loved one murdered to forgive the person responsible? Does forgiveness change anything about such an "unforgivable" crime? Does forgiveness mitigate the evil that some human beings do to their fellow human beings?

Why forgive? What is the person who forgives doing or saying when he/she forgives? Does the act of forgiving take away blame from the offender? From the offender's point of view, what does it mean to *be* forgiven?

Can forgiveness be prescribed? Personally, I struggle too much with challenges in my own life to tell anyone if and when they ought to forgive. Forgiveness seems to be a very personal thing. We only forgive when we're ready. And maybe not at all.

I was reminded of something Gary Wright, one of my brother's surviving victims once said: "When I forgave Ted, I didn't mean that what he did to me was OK. To be honest, I *had* to forgive him for my children's sake, because I didn't want my kids to see me filled with anger and bitterness. It was also my way of saying to Ted: 'You own this burden now.'"

I think it was Gandhi who once said: "Revenge is like drinking a cup of poison and hoping that your enemy will die." By this definition (and Gary's) we forgive others in order to free *ourselves* from corrosive negative emotions that eat away at us as a consequence of being harmed.

I'm sometimes asked, "Has your brother forgiven you for turning him in to the FBI?" Even though I know what the questioner means, the question has an odd ring in my ears, as if I had truly wronged my brother by taking steps to stop him from harming others.

Yet I do wish my brother would forgive me. Not because his forgiveness would lift a burden of guilt from me, but because it would mean that I could have my brother back again – that our relationship as brothers could be healed and restored. What my

brother's forgiveness would mean to me in very practical terms is the restoration of a relationship that I miss terribly.

Whereas very serious offenses are difficult to forgive, so are repeated minor ones. Are we merely fools to continually forgive someone who never seems to get the message, who keeps doing the same bad thing over and over again?

Assemblyman Jim Tedisco recently introduced a bill to allow misdemeanors to be charged as felonies for certain repeat offenders. The inspiration for the bill was the arrest of a guy who had 82 prior arrests in thirteen states. Most recently, he was charged with disorderly conduct and impersonating a police officer. When detained for apparent public intoxication, the suspect told police that he was working undercover for the CIA – a claim that failed to check out.

On the surface, the story is kind of funny. In reality, of course, it's not funny at all. I don't know any particulars of the suspect's criminal record. But I feel confident in saying that someone who has been arrested 82 times is someone who has badly messed up his life. It's also someone who is, at minimum, a drain on society.

No knock on Jim Tedisco. He represents me in the state legislature. I like him as a person, even if we don't always see eye-to-eye on policy. He's one politician who can disagree with you without being disagreeable. What I find bothersome, though, is a mind-set that says: "If punishment didn't make someone change, then maybe harsher punishment will do the trick."

Well, maybe it will and maybe it won't. But since it costs about $35,000 – $40,000 a year to house a felony offender in a state prison, that's a pretty expensive "maybe" we're talking about.

Perhaps what we really need to do is to take a look at other options. Most petty offenders – whether the crime is shoplifting, drug possession, buying or selling sex, getting drunk and fighting, etc. – think of their crimes as victimless crimes. In our legal system, they are charged with law-breaking, but they are seldom, if ever, confronted with the harm they have caused. Their lawyers, usually public defenders, advise them not to speak in court. Victim impact is seldom presented because it's just too much trouble to arrange. Petty offenders are used to being scolded, anyway. The only thing they're not used to is other people not giving up on them; people taking the time to show them that what they are doing is wrong and holding them accountable; saying, in effect, "We care enough about you to help you make a change."

That's what restorative justice is all about, really. I don't know if it fits any formal definition of forgiveness. But — unlike the current legalistic theory — it frames wrongdoing not as mere rule-breaking but as a violation of human relationships.

At the close of our restorative justice meeting, Commission member Jonathan Gradess handed out copies of a recent sermon by Rabbi Lawrence Kushner, who recounted his service on a jury that found a defendant guilty of possessing drugs, but also acquitted him of the more serious charge of selling them. The experience caused Rabbi Kushner to reflect on the meaning of forgiveness:

"In order to be forgiven, you must yourself first learn how to forgive. Many of us waste years waiting to be forgiven but since we have never offered forgiveness ourselves, when it is extended to us, we do not know how to recognize it. To 'forgive' means not only to excuse someone for having committed an offense but also to renounce any anger or claims of resentment...

"Of course, we all know that according to Jewish law, when people sincerely ask to be forgiven, you have to forgive them. It's not even an option. Indeed if you don't know you're guilty of bearing a grudge, you become the sinner! But I am talking here about forgiving someone even before they ask, even before they know they have hurt you. Don't start with major injuries, just try minor infractions...

"*We, the jury, are discharged. We walk down the corridor, our footsteps amplified by the marble floor. We turn the corner, and there, down at the other end of the hall, by a second bank of elevators, we see them. The public defender is standing with Mr. Martinique* (not his real name) *and his mother. We smile. 'Thank you,' calls the public defender. We awkwardly nod.*

And then something gets into me, I don't know what it is but as I get older I try to listen more carefully to such voices. (To this day, I swear, I do not know where it came from or why I did it.) I break ranks and walk the few dozen steps which seem like a football field, across the long, twelfth floor, echoey courthouse hall. After all, I was the foreman. And though no one here but the defense attorney knows it, I am also a Rabbi and, even worse, a Jew. But right now I feel especially just like a human being who has been given a window for one sentence. It cannot be a conversation, not a paragraph, just one sentence. I rehearse its words in my mind as I walk across the hall: 'Very few human beings are truly offered an opportunity for a second chance; I hope you will not waste what we have tried to give you.'"

Remembering Charles LaCourt

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/remembering-charles-lacourt/177/>

September 3, 2010 at 9:31 am by **David Kaczynski**

I met Charles LaCourt a few times, but I knew him best by reputation – well enough to know that his shoes will not be easy to fill. His passing, last Sunday, represents a great loss to the Capital District community and to New York State.

There is immense dignity in acknowledging one's mistakes, learning from them, making amends, and then using one's hard-earned wisdom to help others. This is the essence of a meaningful life. In walking this walk with humility and grace, Charles was a role model for us all.

The reflection below is from Sharon Witbeck, an active member of Family and Friends of Homicide Victims, who worked with Charles as a member of the Community Accountability Board in Albany:

"The world, the Albany community and I, personally, lost a priceless treasure and asset this week. Charles LaCourt, a friend, cohort, role model and mentor died suddenly on Sunday while vacationing with his family in his native Puerto Rico. Charles worked tirelessly to create positive change in the lives of everyone he met, especially with inner city youth and the formerly incarcerated. There are not many life stories that could better portray how a man successfully turned his life around and made amends to not only his family, but to his community and the world. Charles was not ashamed to share his story about his life of crime and the time he spent behind bars...or as he put it, his time on the "other side"...especially when he knew it might help another young kid or offender who was on the wrong path, or for those who were simply trying to rebuild their life after prison. He was absolutely and completely devoted to programs that promoted restorative justice including his ROOTS program (Reentry Opportunities and Orientations Towards Success-www.trinityinstitution.org) of which he helped cofound and the Community Accountability Board (http://www.albanycountyda.com/initiatives/CAB.html) for which he was program director. Charles had a unique way of stealing your heart immediately and completely convincing you he had the momentum and energy to do anything! And he did! And if he couldn't do it, he would convince YOU that you could do it for him! His energy was contagious and he always left you with a smile no matter how serious a topic you had to deal with. His accomplishments were huge both personally and professionally. He spent a good part of his young life in prison, but with the help of his loving, supportive family and friends, he made up his mind that he was going to turn his life around and give back. He got an education from Marist College and ultimately wound up working for Albany's District Attorney's office and being appointed the Community Prosecution Director of the Community Accountability Board where he helped mentor and convince many youth to turn their lives around. You only had to meet Charles once to be forever moved by his devotion to his work, energy for new ideas that could make a difference in people's lives....and that charismatic humor that always left you smiling.

"I will forever remember Charles and his favorite inspiring quote by Gandhi, which is now mine: ***Be the change you wish to see in the world!**"*

- Sharon Witbeck, September 2, 2010

Catch 22 Conundrum

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/catch-22-conundrum/166/>

August 30, 2010 at 3:21 pm by **David Kaczynski**

We often think of The Law as a clear set of rules. However, ample provision is made in our legal system for decision-makers to exercise discretionary judgment. District Attorneys enjoy wide latitude in deciding whether and at what level to pursue charges against a criminal suspect. DAs negotiate plea agreements based on complicated cost-benefit analyses that may or may not yield consistent results.

Jurors are asked to be fact finders, pure and simple. Yet the perception of truth often reveals a subjective element. And in the penalty phase of a capital trial, jurors are uniquely invited to exercise subjective judgment as they deliberate on whether a capital defendant deserves to live or die.

Judges, too, have some discretion in sentencing – although, in general, judges enjoy less discretion at the tail end of the criminal justice process than DAs do at the beginning.

Parole boards operate under broad guidelines that invite board members to make subjective decisions based on objective facts to assess whether a given inmate is "ready" to be re-integrated into society (and also, apparently, whether society is "ready" to receive him).

In most states, including New York, governors have the power to grant pardons and commutations. A pardon is one of the few actions a governor can take unilaterally without cooperation from the legislative branch and with no review by the judicial branch. The executive's pardon power represents virtually unlimited discretion over the life and liberty of people caught up in a state's criminal justice system. It should not surprise us, perhaps, that typically the authority to pardon is exercised most freely when a governor is leaving office.

There are a number of arguments that can be made in favor of institutionalized discretion: 1. We assume that human beings are capable of wisdom, and wisdom is not a mechanical exercise – otherwise we would run our legal system by feeding information into a computer; 2. The letter of the law cannot capture the complexity of human beings and human situations — it does not recognize shades of gray between black and white, or appreciate mitigating circumstances, or account for the possibility that a person found guilty might be innocent, or that a well-behaved inmate up for parole might still pose a threat, or that someone who committed a crime might be mentally ill though not legally insane; and 3. If we remove all heart from the process of judging our fellow human beings, we remove the one measure that truly applies, leaving no way to judge people without objectifying them.

But there are also strong arguments that can be mounted against the use of discretion in our legal system: 1. In a democratic society, we aspire to the rule of law, not the rule of men; 2. Subjective judgments may reflect outright bias, subtle or unconscious bias, or personal and political agendas; 3. Judgments made for emotional reasons can compromise the supposedly rational operation of the law.

When we say that we have a "justice system," we generally assume that the justice part and the system part are mutually reinforcing. But I doubt we can have what "justice" demands without admitting some element of human discretion; and I doubt

we can have what the "system" demands without overriding, at least occasionally, our innate sense of what is fair and just.

There seems to be as much tension as synergy between the two words — "justice" and "system" – used to describe our administration of justice. In effect, we are left with a hybrid system that incorporates, in a fairly unsystematic way, the best and worst of both principles.

Thus, a miscarriage of justice, on one hand, or an inconsistent application of the law, on the other, should be viewed less as anomalies, given the way our legal system is set up, than as expected outcomes. What really matters is how much we care, individually and collectively, about the principle of justice, not only as set forth in the Constitution (the "system" piece) but also as invoked in the Declaration of Independence (with its language about transcendental, "inalienable rights.") When we see the system go wrong in a particular case, we must speak out – or we are left with no justice.

A guy named Troy Davis sits on death row in Georgia, duly and legally convicted of murder in the first degree. New evidence strongly suggests (without rising to the level of proof) that Mr. Davis is innocent. Not surprisingly, a mindless (i.e. mechanical) system will sometimes spit out bad results and resist any questioning or substantive review of those results.

At the other end of the legal spectrum is John O'Hara, a guy prosecuted by the Brooklyn DA's office and convicted of a felony for voting from the wrong address (his girlfriend's) several years ago – making him the first person convicted of a felony for voting in New York State since Susan B. Anthony. As a consequence, O'Hara was disbarred as an attorney, ordered to serve 15,000 hours community service, and fined $20,000. Prominent comentators have wondered if O'Hara was prosecuted so vigorously because he was an activist who ran for office and challenged the Brooklyn Democratic machine. See www.freejohnohara.com. The case certainly looks like an abuse of prosecutorial discretion. If Governor Paterson cares about justice, he will pardon John O'Hara.

One glib definition of the word justice is: "just us." Get it? No justice system can ever be perfect. However, we deserve far better than the kind of justice handed out to Davis and O'Hara.

A Long and Difficult Path

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/a-long-and-difficult-path/164/>

August 23, 2010 at 2:34 pm by **David Kaczynski**

On Sunday, I joined my friend Tony Longobardo in Saratoga for a 5K run to benefit the families of fallen New York State Troopers.

In 2006, I was Tony's teammate on a softball team that won our league's championship. Tony pitched and I played outfield. Tony missed the end of the season after his son Joey, a state trooper, was ambushed and murdered by an escaped convict in western NY.

I grieved for Tony and his family. I also worried that my work against the death penalty might ruin our friendship. But Tony soothed my anxiety by telling me that he'd never supported the death penalty – but even if he did, it wouldn't change his feelings toward me. I can't tell you how much that meant to me.

After the run, I got a chance to meet Don Baker, Joey's friend and sidekick, who was nearly killed in the same ambush by a bullet that penetrated his body armor. Trooper Baker looked great. From early reports, Tony said, it had appeared that Don was more seriously injured than Joey, who was "only" struck in the leg. But yesterday, Trooper Baker was able to run the 3.1 miles with apparent ease and share a warm greeting with the father of his fallen friend.

"Life is strange," Tony commented. "Things never turn out like you expect them to."

As we sat around afterwards, sharing a beer, Tony spoke with great admiration and gratitude of the immense concern shown by the troopers for his family in their time of loss and through the difficult months that followed. "The Troopers really *are* like a family," Tony told me. "They know how to take care of their own... I wish all victims of violence could experience the same level of love and support that our family did."

That's the kind of man Tony is: always thinking of others.

In two weeks, Tony and I – along with members of Family and Friends of Homicide Victims – will be attending a meeting hosted by the Albany Police Department. The topic: developing a trauma response team to help victims of violence in our community. Tony has some ideas about what victims need and how to help them, based on his experience with the State Troopers.

It is invaluable to have victims as part of the planning process because they have lived through experiences that most of us would rather not think about. They tell us that you never get over the loss of a loved one to homicide. Somehow, someway you survive it. The journey from victim to survivor is a long and difficult path. In most cases, only the embrace of a caring community can make it seem barely possible.

Judge Not

Source:
<web.archive.org/web/20101226101723/http:/blog.timesunion.com/kaczynski/judge-not/159/>

August 11, 2010 at 2:02 pm by **David Kaczynski**

As a state Assemblyman, Chris Ortloff was a strong supporter of the death penalty. As a member of the state parole board, he was a hard-liner – meaning that he was highly skeptical of the view that people can change for the better.

Yesterday, in a statement at his own sentencing hearing, he said, "I'm not the same person who committed the crime." You have to wonder how many times Mr. Ortloff heard those same words coming from others' lips when he sat on the parole board.

His crime was a carefully orchestrated attempt to lure two pre-adolescent girls to his motel room for sex. It happened two years ago. In his statement at sentencing, he blamed the internet for turning him into a fiend. His punishment: 12 years in state prison.

It's hard to imagine anything more repulsive than Ortloff's intended crime. But in my mind, his hypocracy comes close.

Obviously, Ortloff is a very sick man. There's also a tinge of sickness in gloating over another person's moral failure and downfall. I do hope that Ortloff's public humiliation will, in time, lead him to develop greater insight into himself. As a tough-on-crime politician who supported primarily punitive as opposed to rehabilitative and restorative responses to wrong-doing, he apparently found it easy to judge others. Perhaps now he will take pains to remove the log from his own eye.

Whether he does or not, there are some sobering lessons in this case for the rest of us — particularly when we reflect on how much power Ortloff had over his fellow human beings. People are not always as good or bad as they may appear. Those who hold power and authority are not necessarily virtuous. Systems designed by human beings are bound to work imperfectly — but even good systems can be perverted by fallible human beings. Wielding power and control over others can diminish one's own humanity.

As a member of the state parole board, Ortloff represented the citizens of New York as an instrument of judgment and discretion in our state's criminal justice system. That such a flawed human being could ascend to such a high place of trust ought to give us pause.

The Death Penalty Fizzles Again

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/the-death-penalty-fizzles-again/137/>

June 30, 2010 at 10:02 pm by David Kaczynski

Probably no one outside his family will cry any tears over Ronell Wilson's fate. After killing two undercover police officers in a robbery that netted $120, Wilson was sentenced to death in a federal trial in 2006. Today, a federal appeals court overturned Wilson's death sentence and sent the case back to district court. Federal prosecutors may now appeal the decision to a yet higher federal court, or prepare to repeat the sentencing phase of Wilson's trial at considerable taxpayer expense.

The case has been unusual for a couple of reasons. After New York's death penalty statute was struck down by the Court of Appeals in 2004, Staten Island prosecutors

handed the case over to federal prosecutors so that Wilson could still face the death penalty in federal court. The US Justice Department under Attorney General John Ashcroft – known for his enthusiastic support of the death penalty – was only too happy to oblige.

Wilson was sentenced to death by a jury in the southern district of New York, and so became the first person sentenced to death by a federal jury in New York in more than fifty years – breaking a long string of prosecutorial futility in which federal prosecutors had sought and failed to secure death sentences in dozens of cases tried in New York.

People have differing views on the legitimacy of the death penalty. Some argue that the government sends the wrong message about killing when it kills a killer. Others argue that seemingly cold-blooded murderers like Wilson deserve to die. I only hasten to add that the two views aren't necessarily incompatible. Even the most conservative jurist will agree that our legal system is not set up to give people "what they deserve." For instance, Supreme Court Justices Antonin Scalia and Clarence Thomas argued against granting an evidentiary hearing to Troy Davis, a Georgia death row inmate with a strong innocence claim, because, they said, the US Constitution does not forbid the execution of an innocent person.

While some still defend the death penalty in principle, it is becoming increasingly awkward to defend the death penalty as public policy. Innocent people have been sentenced to death and in some cases executed. A death penalty case costs millions of dollars more than lifetime incarceration. The death penalty has never been applied consistently and evenly. It has not been shown to reduce crime, with 86% of criminologists reporting that they do not believe it functions as a deterrent.

Our state's failed experiment with the death penalty makes clear that the death penalty simply doesn't work. All the death penalty does is waste energy and dollars. Despite hundreds of millions of dollars spent trying, New York State has not executed anyone in 47 years.

The federal government has not executed anyone sentenced to death in a New York federal trial since 1954.

Today, in reaction to the court decision, the New York police commissioner and the head of the PBA expressed predictable outrage that Wilson's death sentence was overturned. *Cop-killers should die!* they rant.

While their comments may play well politically, they change nothing and only serve to underscore the futility of the death penalty, with its broken promises to hurting victim family members and its untold millions of dollars wasted.

Meanwhile, young people are dying on the streets Schenectady, Albany, and just about every other urban area in America. Where's the outrage? Are their lives less valuable?

Here in Schenectady, we have no gang intervention program. No Ceasefire/SNUG program. (Too costly, we are told.) No community policing worthy of the name. The

City Council recently declined to renew funding for the Weed & Seed community crime prevention program. Meanwhile, kids' bodies keep piling up.

I don't know how much money we taxpayers will shell out before Ronell Wilson's case is resolved. Millions of dollars for sure. I can tell you this: the US Government spent an estimated $5 million to prosecute my brother capitally, and $3 million to defend him capitally. My brother got life without parole. He stated that he would have preferred death, meaning that our government spent about $8 million trying to accommodate him.

Most of that amount could have been invested in effective crime prevention, treatment for the mentally ill, and real assistance to crime victims and their families – all efforts which (unlike the costly and futile death penalty) have been shown to save money and lives.

Wright and Good

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/wright-and-good/133/>

June 19, 2010 at 6:47 pm by David Kaczynski

Wright and Good. That is, Gary Wright and Lisa Good. Sounds like the name of a dynamic duo, doesn't it? Apart from the fact that Gary and Lisa haven't met, they *are* indeed a dynamic duo. I've had the pleasure of working with both of them in recent days.

Gary Wright picked up one of my brother's bombs in 1987 in the parking lot of his computer repair company in Salt Lake City, Utah. It took nine years before he knew the name of the man who tried to kill him. During that time, he had healed from his physical injuries as much as he was ever going to, and he had learned a great deal about trauma and post-traumatic stress.

By the time I first spoke with him over the phone in November 1996, he sounded like a man at peace with himself. "I don't hate your brother," he told me. "In fact, I hope he gets the help that he needs. Maybe he can give something back to the world some day." Coming from a man who had narrowly escaped death and who had lived through physical and mental torments because of my brother's violence, his generous sentiments struck me as almost unbelievable.

When Gary tells his story – as he did to the New York State Victims' Assistance Academy last week – he says that he could sense that I was in great pain at the time: anguishing over what my brother had done, feeling guilty over what I had done to my brother, and worried about the toll the tragedy was taking on our elderly mother. As he listened to my voice, he recognized a man who needed comforting, as well as a person who might benefit from the perspective he had gained over his nine-year journey as a victim of violence.

Before we ended our first conversation, Gary said to me, "Dave, if you ever need someone to talk to, don't hesitate to call me any time, day or night." Wow! I can only imagine the kind of world we would have if more of us had just a fraction of Gary's capacity for empathy.

To my mind, the deep friendship and the common interest Gary and I share in working toward a non-violent future, is among the most healing influences in my life. I now feel more at peace with myself in a world where peace seems increasingly rare. I've learned so much from Gary. Feeling at peace, however, doesn't lull us into accepting the wrongs and unnecessary suffering that abound in our midst. If anything, it enables us to work more effectively and with less distraction as we join with others in trying to make things better. When my brother's trial ended with a life sentence, I told myself, "I'll never sweat the small stuff again!" On most days I don't. (To hear Gary's and my interview with Alan Chartock on WAMC, visit our website www.nyadp.org and click once on the media and resources tab.)

Lisa Good showed up at NYADP's Family and Friends of Homicide Victims group for the first time about two years ago. After emotionally sharing her personal story, she began talking about her research into what she calls Urban Grief – the particular challenges facing survivors of violence and homicide in the inner city. Her research had led her to assemble a group of volunteers called the Urban Grief Team, who visited family members in the aftermath of homicides in the City of Albany. The volunteers soon discovered that they were coming to fill an enormous gap, since the primary effect of violence-induced trauma in an urban environment, beyond the trauma itself, is emotional isolation. Victims were largely disconnected from treatment options that a) did not exist, b) were not known to them, or c) were lacking in cultural competence to engage the victim and his or her natural supports. Victims were often re-victimized by media reporting that failed to respect the family's privacy (how I could relate to that!) or that made loose assumptions about the victim and the neighborhood.

Lisa and I recently presented a workshop at the Melanie Rieger Memorial Conference Against Violence in New Brittain, Connecticut. This national conference, organized entirely by murder victim family members, serves as an incubator for unique ideas and fresh approaches. As such, it was the perfect venue for Lisa, whose talk was titled "Reweaving the Fabric of Community in the Aftermath of Violence." I basically just introduced Lisa and let her roll. Having heard Lisa speak several times, I knew her ability to paint a vivid picture of human realities backed up by solid research. I knew the audience would leave her talk informed and energized. It was the first time since its inception thirteen years ago that the conference had focused on the dynamics of violence and victimization in communities heavily affected by violence.

To sum up Lisa's message: Trauma that goes unaddressed will be re-enacted in one form or another. The key to preventing violence lies in how we respond to it. An antidote to the emotional isolation experienced by victims of violence – an isolation that can lead to depression, substance abuse, self-harm, or taking revenge – is a community

that shows that it cares, first by supporting the victim, and then by taking steps to counteract the violence.

No one could ever confuse Gary's soft western accent with Lisa clipped urban delivery. Their voices are different, but after listening to them both in the same week, I was struck by the basic similarity in their messages.

Wright and Good also model what I see as an unrecognized treasure for our time (I am just now thinking of Elie Wiesel): a victim's moral witness and wisdom.

P.S. A note of congratulations to Steve Krokoff on being selected by the Mayor to lead the Albany Police Department, and to Mayor Jennings on making a super choice!

Actual Innocence Should Matter

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/actual-innocence-should-matter/127/>

June 12, 2010 at 4:49 pm by David Kaczynski

Senator Eric Schneiderman (D, Manhattan) should be congratulated for sponsoring Senate Bill 6234, which establishes actual innocence as grounds for re-opening a criminal case. Over the last two years, Schneiderman, chair of the Senate codes committee, has conducted a series of public hearings around New York State to investigate the causes behind New York State's shameful record of wrongful convictions. His newly-introduced legislation, the "Actual Innocence Act," represents an important step in the right direction. (See NYADP's memorandum of support below.)

"What!?" you might ask, "We have to pass a new law to make sure that people who are found innocent will be set free from prison!?" The short answer is "yes" – but I will explain:

Non-lawyers commonly assume that the primary purpose of criminal appeals is to protect the innocent by uncovering wrongful convictions. On the contrary, the purpose of the criminal appeals process is to ensure consistency in the application of the law. As a result, some obviously guilty defendants have their convictions overturned because of procedural errors in their trials. When this happens, prosecutors have the option of trying them again and these defendants are usually re-convicted using a fairer process.

Unfortunately, some innocent but wrongly convicted defendants enjoy no similar privilege. Not, at any rate, if their trials were conducted without discernible procedural errors. In our legal system, trial juries are the fact-finders of record, and rarely does an appeals court deign to second-guess a jury. There are at least two problems with this way of doing business: 1. Juries sometimes make bad decisions; and 2. New evidence of actual innocence may surface years after a conviction was handed down.

A Westchester County jury got it wrong when it convicted Jeffrey Deskovic of murder and rape despite DNA evidence that clearly exonerated him. Doug Warney of Rochester spent additional years in prison despite new advances in DNA technology

that enabled forensic investigators to conclude that Warney's DNA did not match that of the killer. In both cases, prosecutors refused or, at best, dragged their feet before reopening cases in which trial juries had convicted innocent people. The challenge for the defendant is even greater when new evidence involves something less scientific than DNA – say, a recantation by an eyewitness or a jailhouse snitch, or strong circumstantial evidence pointing to a different perpetrator.

Consider the wrongful convictions that sent Roy Brown, Marty Tankleff, and Francisco Burmudez to prison. In each case, it required many years and much luck, including public support from influential friends (in Tankleff's case, it took an unusual move by Attorney General Andrew Cuomo to re-investigate the case), before justice was finally done.

Why are prosecutors so reluctant to seek justice for wrongfully convicted individuals? For one thing, not all imprisoned people who claim innocence are truly innocent, so prosecutors are reluctant to expend scarce resources rehashing old cases. But there is also another reason why prosecutors sometimes stand in the way of justice. They work within an adversarial system. It is their job to convict, not to defend a defendant whom they believe to be guilty. In working to convince a jury, sometimes they unconsciously inoculate themselves to the truth. In high-profile cases, they often behave like politicians in campaign mode. In fact, they *are* (in the case of District Attorneys) politicians – elected officials for whom it could be politically damaging to admit a mistake. Prosecutors in these cases are not bad people (at least no worse, on average, than the rest of us) but people caught in a structural dilemma, making it difficult for them to maintain an objective perspective as justice demands.

Thanks to Colleen Eren for penning NYADP's memorandum of support:

Memorandum in support of S. 6234 (Schneiderman)

In relation to finding actual innocence as an appropriate basis for NY courts to overturn a criminal conviction.

New Yorkers for Alternatives to the Death Penalty (NYADP) strongly supports this legislation and urges its swift passage.

Senate Bill 6234 is urgently needed since at least ninety-five persons have been clearly identified in New York as having been wrongfully convicted of serious offenses, including crimes of murder and rape, that they did not commit.

In 2007, The Innocence Project released its report "Lessons Not Learned," which found that New York leads the nation in the number of wrongful convictions, but lags in policy reforms designed to address them. Since 2000 alone, at least fifteen (15) New York citizens have been released from prison after their murder convictions were overturned on grounds of actual innocence. Yet, the Criminal Procedure Law currently offers little hope to those who have been wrongly convicted that evidence supporting their claim of innocence, however convincing it may be, will receive consideration as grounds for overturning their convictions.

As a result, justice is being denied not only to those who have been wrongfully convicted, but to the citizens and law enforcement officers of New York State whose

safety is compromised when the true perpetrator is left at large. In such cases, justice is also denied to crime victims and their families.

New Yorkers for Alternatives to the Death Penalty, which supports policies that reduce violence and that promote healing among those affected by violence, encourages the adoption of S. 6234, which amends the criminal procedure law to allow for a claim of actual innocence as legal grounds to challenge a conviction.

The Stones Cry Out

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/the-stones-cry-out/119/>

May 31, 2010 at 10:06 pm by David Kaczynski

Memorial Day brings to mind memories both somber and grateful. I have two uncles who served in the Pacific during World War II. They never talked much about the war until late in life, when my uncle Benny began sharing his memories with me. He was drafted out of high school at 17, lost his best childhood friend, and nearly lost his sanity at Okinawa. I'm mostly grateful that he survived the war to be a presence in my life for the past 60 years.

I grew up on movies and comic books that glorified the "good war" that defeated the evils of Nazism and established America's ascendancy as a world power, both in military and economic terms. My favorite toys when I was growing up were a set of plastic "army men" that I joyfully deployed in fierce battles on my bedroom floor.

Somewhat later, I saw films documenting the liberation of the concentration camps set up by the Nazis to exterminate the Jews and other categories of human beings deemed undesirable. Those images left no question in my mind who the good guys were.

When the Vietnam War came around, our country had a draft that I luckily avoided, first through a student deferment, then by drawing a high number in the lottery that sent some of my college classmates to Vietnam. One of my close high school friends lost his life there. I told myself that if drafted, I would go. I wasn't sure how I felt about the war, but I did appreciate that defending our democratic way of life may demand service and sacrifice on the part of citizens. A life devoted to nothing beyond self-interest would be a hollow life indeed.

Now older and – let us hope – wiser, I would resist participating in any war that I believed to be unnecessary or unjust. While I still appreciate the principle of service and sacrifice, I no longer have implicit trust in our political and military leaders to decide when a war is necessary.

They say "it takes two to tango" – but it only takes one aggressor to start a war. Now the notion of "pre-emptive war" muddies the waters considerably. We don't quite

know what the rules are. Countries may go to war with each other simply because they don't trust or understand one another.

War strikes me as the ultimate allegory of human conflict. I want to believe there's almost always a better way than violence to resolve conflict. But we seem nearly addicted to fear and conflict and violence, which unfortunately also function as tokens in the game of politics. George Washington led his troops in battle during America's war for independence. Today's decision-makers never put their own lives on the line – and seldom do their children. Perhaps they would calculate the costs of war more judiciously if they found themselves personally exposed.

Twenty-five years after it ended, I learned a lot about the Vietnam War from the comrades-in-arms who fought at Manny Babbitt's side at the battle of Khe Sanh. They had gathered in Sacramento California to speak out against their friend's pending execution. I was humbled to meet and speak with these men, some of whom were still struggling with their "war demons" acquired in service to their country. "I could have done what Manny did! (when he beat an elderly woman to death while in the throes of a flashback)," was their common refrain.

I have a handful of most favorite books. Near the top of the list is a novella by the Japanese writer Hikaru Okuizumi entitled *The Stones Cry Out,* which traces the trauma of war to its utterly devastating effects on a second generation. What violence too often generates is blindness. We must understand violence at its core, according to Okuizumi, or be condemned to relive it again and again.

Service and sacrifice continue to shape the daily lives of many Americans (doctors, nurses, teachers, police and firefighters, social workers, direct care workers, and on and on) who spend their time and energy to benefit others. Rarely, however, are they asked to put their lives on the line as military personnel do. Let us pray that the wars in Afghanistan and Iraq will end soon, and that the sacrifice of all those killed and maimed will be remembered for a very long time. The example of their sacrifice must finally overshadow all debate concerning the need. When the stones cry out, it behooves us to quiet ourselves and listen.

Remembering Sister Maureen

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/rembering-sister-maureen/115/>

May 22, 2010 at 10:36 pm by David Kaczynski

In the summer of 2001, I took a new job as executive director of New Yorkers Against the Death Penalty. Thanks to the generosity and commitment of NYADP's board president, Bishop Howard Hubbard, I also had a new place to work: 40 N. Main Ave. in Albany, otherwise known as the Pastoral Center of the Roman Catholic Diocese. I've been there ever since.

After a couple of months at the Pastoral Center, I remarked to my wife Linda one evening, "It's the happiest place I've ever worked. There's such an atmosphere of peaceful cooperation. The kindness is almost palpable!" NYADP's home is on the third floor on the south side of the south wing, the so-called "peace and justice" wing where Catholic Charities also has its offices.

Although NYADP is a secular non-profit, Sister Maureen Joyce took care from the start to make sure I felt welcome. Our spheres of influence were different: Maureen oversaw direct services to mainly poor and marginalized populations, while I did public education and grassroots organizing against the death penalty. For the most part, we exchanged pleasantries.

But "pleasantries" somehow fails to capture how I felt in Sister Maureen's presence. Her ever-present smile was luminous; her eyes both sparkling and receptive, so when she glanced my way I felt seen. Her presence was steady, unwavering in a way that made everyone around her feel secure. She seemed to embody Socrates' famous admonition, "Know thyself!" and so was able to radiate both a rare confidence and a rare humility.

A couple of years ago, I again was marveling to Linda how privileged I felt to go to work every day in the calm and peaceful atmosphere of the Pastoral Center. "You know," I said, "the people who work there are really, really nice – obviously working for more than a paycheck. But I have to credit the atmosphere to Bishop Hubbard and to Sister Maureen. They set a certain tone. I wish I knew how they do it! Their influence on the whole community is very subtle yet very powerful. It must come from living one's faith at a deep level."

Sister Maureen knew what she believed and what she envisioned: a world where kindness and generosity triumph over grief and privation; where open hearts are touched by divine love. In our benighted world, we see through a glass darkly – but some see a little more clearly. I believe it was that glimpse of glory that put the sparkle in Maureen's eyes.

It's hard to imagine Sr. Maureen, who was so down-to-earth and self-possessed, being less than direct with anyone. Yet I remember one time when she was somewhat indirect with me. One morning I heard her voice in the hallway outside my office, mentioning to a Catholic Charities staffer that someone had left the coffee pot in the staff room warming all night long. In her typically mild way, she explained that leaving the coffee pot on wasted energy, but more importantly it created a fire hazard. "Perhaps we should remind everyone to be extra careful from now on."

The truth is, she didn't have to remind everyone. She only needed to remind me – and she had found a way to do it that was extremely kind and effective.

Thinking of Our Moms

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/thinking-of-our-moms/105/>

May 9, 2010 at 3:47 pm by David Kaczynski

There's an annual conference of death penalty abolitionists organized by the National Coalition to Abolish the Death Penalty (www.ncadp.org). For years there were two elderly women who attended faithfully. I'm embarrassed to say that I don't remember their names. But I can see their faces quite clearly in my mind's eye. Both were from South Carolina. One white, one Hispanic. "Death row mothers" we call them. They came to the conference seeking community, chasing hope. They seemed to gravitate to me, as if I had some secret formula for rescuing a family member from the death penalty. I could see my own mother's sadness reflected in their eyes. I always kept them in my prayers. But I haven't seen them in a few years since their sons were executed.

I have closer friendships with mothers of murder victims – with Marguerite Marsh (mother of Catherine) who is like a second mother to me; with Janice Grieshaber (mother of Jenna) a member of NYADP's Board of Directors and a tireless champion of nonviolence; and with Wanda Rieger (mother of Melanie) who, along with her husband Sam, founded the Melanie Ilene Rieger Conference Against Violence in Connecticut. My heart aches when I think about their losses.

Men adore their mothers. Violence is predominantly a male issue. Why is there such a disconnect between men's aggressive impulses and our understanding of the consequences?

My mother will be 93 years old this coming Thursday. I doubt very much that I will live to be 93, but I do hope to outlive my mom. Losing one son is already too much for her to bear.

His Brother's Keeper

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/his-brothers-keeper/97/>

May 4, 2010 at 10:55 am by David Kaczynski

Technically, we're not brothers, but Bill Babbitt calls my mom "Momma" and she in turn calls him her "fourth son" – after Ted and me and my other honorary brother, Gary Wright, who survived one of Ted's bombs in 1987.

Regular readers of this blog know that in 1980 Bill Babbitt turned in his younger brother, Manny, to the Sacramento police department when he suspected him of a fatal assault against 79-year-old Leah Schendel. Manny – a mentally ill Vietnam War

veteran – was strapped onto a gurney eighteen years later on his 50th birthday and executed by the state of California. Bill was there at San Quentin prison to witness Manny's execution and to bid his brother goodbye.

I spend a lot of time and energy sharing my views on the death penalty with anyone who will listen. In fact, even before I turned in my brother to the FBI in 1996, I'd always opposed the death penalty for many of the same reasons that I reject violence generally (except in cases where it might be necessary as a last resort to defend against a violent aggressor). For ten days, Bill and I are touring the state of North Carolina to talk about issues related to the death penalty, including how mental illness and race affect the imposition of death sentences. North Carolina's legislature is currently contemplating a ban on executing people who commit murder while seriously mentally ill. Last year they passed a racial justice act to counteract the undue influence of race on capital trials.

Few people realize that the experience that galvanized my opposition to the death penalty into a public campaign was not the outcome of Ted's legal case. It was the outcome of Manny's. I felt so badly for Bill and his mother, Josephine. I also was shocked by the political establishment's indifference to the sacrifices made by Manny Babbitt, who enlisted in the Marines at age 17 and was nearly killed by a piece of shrapnel that penetrated his skull at the siege of Khe Sanh deep in the Vietnamese jungle.

I was also disturbed by the cold indifference to Bill Babbitt's sacrifice. Talk to anyone in law enforcement these days and they will tell you how often they are frustrated and hampered in their investigation of serious crimes by reluctant witnesses who refuse to come forward or to cooperate with law enforcement when approached. During my recent visit to Rochester, I learned that a woman had been beaten to death in broad daylight in the presence of numerous witnesses who "saw nothing." In the early 1960's, the murder of Kitty Genovese in front of many witnesses who failed to summon the police made national news. Levels of public cooperation with law enforcement have, by most accounts, deteriorated since then.

Watching Bill hold up pictures of his brother and mother to the audience at a Baptist church in Raleigh last night reminded me why I agreed to leave my family for ten days to join Bill on this tour. The pictures were evocative: brother Manny as a young Marine in uniform; brother Manny again in uniform, but now as a corpse in his coffin after his execution in 1999. Bill's mother — an image of timeless grief – with a shawl draped over her head after midnight on a cold San Francisco night outside the prison where her son was being executed. Bill's hands were trembling. He had a facial tic. No doubt he was back there again. Still brave. Willing to relive that horrific night so that others might understand the injustice and the human costs of the death penalty. Once again making a personal and emotional sacrifice to protect people whose names he doesn't know.

For a preview of a documentary featuring my "brothers" Bill Babbitt, Gary Wright and Bud Welch, visit www.qofj.com.

Time to Act on Wrongful Convictions

Source:
<web.archive.org/web/20100715233952/http:/blog.timesunion.com/kaczynski/time-to-act-on-wrongful-convictions/95/>

April 30, 2010 at 3:06 pm by David Kaczynski

New York's record on wrongful convictions is beyond embarrassing. A couple of days ago Frank Sterling, a 46-year-old former truck driver, was exonerated and released from prison after serving 19 years for a murder that he did not commit.

Add Mr. Sterling to a list that now numbers 27 people exonerated by DNA since January 1, 2000 after being wrongfully convicted of murder or rape in New York State. This list does not include the 11 people exonerated by means other than DNA over the past 10 years.

My friend Jeffrey Deskovic believes the 38 exonerees represent just the tip of the iceberg. He should know. He spent 16 years incarcerated in a maximum security prison beginning at age 17 for a rape and murder that he had nothing to do with. Jeffrey was freed in 2006 after DNA evidence identified the real killer.

Just recently, he completed his course work for a master's degree at John Jay School of Criminal Justice. He is now working on his master's thesis — a dissertation on the topic of (guess what!) wrongful convictions. To hear Jeffrey's radio interview with Alan Chartock of WAMC Northeast Public Radio, visit our website, www.nyadp.org and double-click on "Resources and Links."

The Deskovic and Sterling cases show eerie similarities. Both men "confessed" after being subjected to harsh and manipulative interrogations. Deskovic was a naïve 16-year-old, scared out of his wits by interrogators who threatened to hurt him if he didn't confess. Sterling was sleep-deprived after a night of interrogation. According to Jeffrey, he might have been hypnotized into giving a false confession.

What happened to Deskovic and Sterling (and to so many others) ought to dismay us. But what happened to them is not even the most appalling element in these tragedies. Because Deskovic and Sterling were wrongfully convicted, dangerous men were allowed to roam free and commit additional murders. Two years *after* Sterling went to prison for a murder actually committed by Mark Christie, Christie strangled to death 4-year-old Kali Ann Poulton.

Wrongful convictions, like violence itself, harm many additional people beyond the obvious victims.

I talked to Mr. Sterling by phone briefly after the press conference that announced his exoneration. It seems that my friend Jeffrey felt an impulse to connect us. For that, I felt honored. Mr. Sterling sounded like a man in a daze, hardly remembering what "freedom" means.

Frank and Jeffrey became close friends while serving time together in prison. Since his release in 2006, Jeffrey has repeatedly called for a reinvestigation of Sterling's case.

Naturally, Jeffrey was on hand at the press conference in Rochester to celebrate his friend's exoneration. Now and then, life is more beautiful than fiction.

I don't quite understand the state legislature's hesitancy in tackling the problem of wrongful convictions. We know many of the factors that lead to them, including unethical and abusive interrogation tactics. Some DAs, like Schenectady's Bob Carney, are voluntarily videotaping in-custody interrogations of suspects. For starters, why not make this standard police procedure, codified in state law? What are our legislators fearful of – pushback from the DAs and police? being labeled in a political campaign as "soft on crime"? The needless death of little Kali Ann Poulton at the hands of Mark Christie ought to convince us that nothing is *softer* on crime than a wrongful conviction.

The Other Death Penalty?

Source:
<web.archive.org/web/20100516034433/http:/blog.timesunion.com/kaczynski/the-other-death-penalty/90/>

April 26, 2010 at 10:55 am by David Kaczynski

Over the past several weeks, I have received dozens of letters from inmates serving a sentence of life imprisonment without possibility of parole (LWOP) in various states.

The letter-writing campaign is part of a national initiative directed at ending what the organizers call "the other death penalty," i.e. LWOP. The letters make some strong points and, in a few cases, disturbing claims. For instance, a couple of the letter writers claimed they were innocent and serving LWOP. One said he'd received LWOP for a crime less severe than murder. To the best of my understanding, it would not be possible to receive LWOP for a crime less than aggravated murder in the state of New York. On the other hand, wrongful convictions are a serious problem in NY with more than 20 people convicted of murder having been exonerated within the past 10 years. NYADP believes that while the criminal justice system cannot be rendered foolproof, the root causes of wrongful conviction have been identified and should be addressed through legislation that is currently stalled in our state legislature.

Perhaps the most challenging argument articulated by the anti-LWOP advocates is the assertion that "people can change." There is a 14-year old boy currently serving LWOP in the state of Florida. The trend to sentence younger and younger defendants to LWOP ought to give us pause even as we celebrate the slow demise of the death penalty nationally.

Here is a paragraph from the group's website, www.theotherdeathpenalty.org:

"A sentence of life without the possibility of parole is a death sentence. Worse, it is a long, slow, dissipating death sentence without any of the legal or administrative safeguards rightly awarded to those condemned to the traditional forms of execution. It exposes our society's concealed beliefs that redemption and personal transformation

are not possible for all human beings, and that it is reasonable and just to forever define an individual by his worst act. Life without the possibility of parole is wrong and should be abolished."

Here is my letter in response to the many I have received from inmates serving LWOP:

"Thank you for your letter concerning life imprisonment without parole (LWOP) as an alternative to the death penalty. You should know that your letter, together with many others we have received on this topic, has stimulated much discussion within NYADP.

"I want to clarify that NYADP has never held an organizational position on LWOP. We neither support nor oppose it. While all of our 10,000 members oppose the death penalty, we are far from being able to reach a consensus on LWOP. For this reason, it is unlikely that NYADP will adopt a formal position on LWOP in the near future.

"NYADP has argued in public debates that LWOP is preferable to executions for a number of reasons, including the impossibility of undoing a mistake once an execution has been carried out, and because executions violate the sanctity of life.

"I cannot assess your argument that LWOP represents a more painful punishment than execution for a person convicted of murder. However, I can speak about the impact of LWOP from personal experience since my brother is serving LWOP. NYADP's victim advocate, Marie Verzulli, is the sister of a homicide victim whose murderer is also serving LWOP. Marie and I both believe that LWOP is far easier than a state-sanctioned killing on both groups of family members. In addressing LWOP, it should be important to consider the feelings and perspectives of others who are directly impacted, especially those related to the person being sentenced and to the victim or victims whose lives were taken.

"The name of your initiative (The Other Death Penalty) suggests that a life spent in prison without hope of release is not only an unhappy life but an utterly meaningless one. While I've never been incarcerated, I've lived through some very painful experiences. I've felt helpless while watching my loved ones suffer. For me, finding meaning in suffering while trying to help others makes more sense than striving to be happy, since suffering is more or less unavoidable. While we can't control how much happiness we experience, the goal of becoming wiser and more compassionate is something we can all work at.

"I would like to recommend a book named *Man's Search for Meaning* by Victor Frankl, a Jewish psychiatrist who wrote about his experiences in a Nazi death camp. This book has inspired me greatly over the years. If you are interested in reading it, please write back and I will send you a copy."

Sincerely, David Kaczynski

No Human Way to Kill

Source:
<web.archive.org/web/20100516034433/http:/blog.timesunion.com/kaczynski/no-human-way-to-kill/86/>

April 19, 2010 at 5:18 pm by David Kaczynski

You probably didn't know that NYADP has a resident art critic, Colleen Eren (NYADP's *Statewide Organizing Director*) who lives and works in Brooklyn, NY. I found her meditation on one particular art exhibit profoundly moving. The history of the death penalty in America is, in part, the history of a punishment in search of a method. The courts have found that in order to pass Eighth Amendment muster, methods of execution must be "humane." I love the artist's twist on this strange notion in the title of his exhibit: "No Human Way to Kill."

Here is Colleen's essay:

The White Box Gallery, unassumingly tucked away on a cobblestone sidestreet in China Town, has for the past few weeks displayed a series of ink sketches and oil paintings called No Human Way to Kill by British artist Robert Priseman. On Wednesday, I arrived at the White Box to meet Robert and to view these. At the door, he introduced me to an energetic, red-headed woman named Cathy Harrington, who I assumed was involved with the outreach or production of the exhibit. All three of us entered the small gallery together. Large oil paintings of the different methods of execution in the United States stood between smaller sketches. Robert had left out any human figures, and so the gas chamber, firing squad restraint chair, electrical chair, hanging chamber and lethal injection gurney appeared as decontextualized objects, alien and ominous. The lines were sharp, the colors, mostly blue and green were disconcerting. The technical complexity of the instruments of execution evident from Robert's attention to detail, emphasized for me the fact that highly trained experts give much thought into how a person is going to be killed.

Looking at the paintings, I felt like one of the witnesses kept behind glass during an execution–able to observe with a sense of morbid curiousity the place in which a death was about to take place, but silenced by that glass wall. "I've always wondered" Robert noted as we stopped in front of the lethal injection gurney, "Why they put padding on the gurney?"

Cathy accompanied me on my tour of the gallery. It was only later over coffee in a tiny Prince street Cafe that I discovered Cathy, a Unitarian Minister, had contributed to Robert's project through an essay called "A Mother's Story." It tells of her experience of having had her 26 year-old-daughter brutally murdered. She writes: "I would say that what might be the most insidious tragedy of the death penalty is that if we willfully murder murderers, how can we ever hope to become fully human, to complete the journey?" The cold mechanical execution methods of the state rendered into art by Robert became juxtaposed with Cathy's profound belief in humanity.

I was deeply moved, and believe that many more will be interested in viewing and discussing Robert's "No Human Way to Kill." I look forward to collaborating with Robert, Cathy and others on bringing his work to several New York City colleges in the Fall.

~Colleen Eren

No Time to Grieve

Source:
<web.archive.org/web/20100516034433/http:/blog.timesunion.com/kaczynski/no-time-to-grieve/84/>

April 9, 2010 at 7:08 pm by David Kaczynski

The public outrage and finger pointing that typically follow a high-profile tragedy do little to address the causes and conditions that produce violence. In order to create change, community responses to violence must be inclusive, engaging and purposeful. Shared work must focus on achievable goals imbued with a sense of promise. The process itself represents a promise to renew and reinvigorate our communal bonds.

Like any ambitious work, community organizing for nonviolence demands patience and dogged commitment. But once in a while something occurs to remind me why this work really matters.

In the wake of the recent double homicide in Schenectady, NYADP hosted a community presentation on restorative justice. As expected, the "usual suspects" showed up to discuss how we might respond in the wake of this awful tragedy. Two young men, 17 and 21, had their lives cut short by gunfire – an all too familiar urban tale.

As the meeting was about the end, a young woman raised her hand. She identified herself as the sister of the younger victim. When she spoke, the rest of us could only stop and listen. She didn't have time to grieve, she said, because she needed to watch over her younger cousins, who otherwise might end up like her brother. A group of her brother's friends were hosting a cookout to buy a tombstone – something that the family couldn't otherwise afford. She hoped her brother's friends might eventually follow in her footsteps and attend college, but she knew their reality and admitted it was an unlikely outcome. What she yearned for – more than a tombstone to memorialize her brother – was an opportunity to change the hopelessness of Schenectady's streets. In this dream (and now in fact) we find ourselves connected.

On Monday, April 12 at 6 pm, Consecration Temple at 1312 State Street in Schenectady will host another teen speak out. All are welcome. If you're over 21, though, bring your ears but remember to check your mouth at the door.

Vigil for Schenectady Murder Victims

Source:
<web.archive.org/web/20100516034433/http:/blog.timesunion.com/kaczynski/vigil-for-schenectady-murder-victims/81/>

March 30, 2010 at 4:53 pm by David Kaczynski

Last weekend saw the murder of two Schenectady youth: Alphonso Pittman, 17, a senior at Schenectady High School, and Virgil Terry, 21, a student at Bryant and Stratton College.

Inner-city ministers are organizing a prayer vigil at 5:30 pm tonight:

"In response to the senseless killings and violence that plagues our community, the Hamilton Hill & Vicinity Ministerial Alliance will lead a Prayer Vigil on Tuesday, March 30, 2010, at 5:30pm. The prayer vigil will be held outside Duryee A.M.E. Zion Church – 307 Hulett Street, Schenectady, NY 12307. The prayer vigil is to unite the community in action against violence and destructive behavior.

For more information, please contact:

Rev. James C. Simmons 518.377.7988 or 518.280.9176

Rev. Alfred Tompkins 518.951.0517

Reverend James C. Simmons, M.Div., Pastor, The Bethel A.M.E. Church of Schenectady, NY"

From news accounts of the double homicide, it would appear that both young men were caught in the powerful eddy of positive and negative influences that affect so many urban youth today. Both were pursuing positive aspirations against the incessant drag of "street" culture. Both were on the verge of breaking through to positive futures before their lives were tragically cut short. Friends and family who knew and loved them would probably give anything to rewind the clock and do whatever it might have taken to keep those two young men away from harm. Sadly, similar stories are being repeated every day in urban communities (and some non-urban communities) all across America.

In my opinion. Schenectady needs SNUG ("guns" spelled backwards) -a newly funded program in 10 sites across New York State, based on the CeaseFire program that dramatically reduced the number of homicides in two of Chicago's most violent neighborhoods.

In response to this latest incident, Judy Atchison – who runs Schenectady's Quest program for at-risk youth, said: "The only way you can do it (stop the violence) is if you have volunteers hit the streets. You've got to have people on the streets, you can't have people meeting in buildings."

Putting violence interrupters on the streets is exactly what CeaseFire/SNUG does. Albany is in line to receive funding for SNUG in the very near future. Maybe Schenectady should too.

To learn more about Chicago CeaseFire, visit the group's website at *www.**ceasefirechicago**.org/* .

Tonight, at the Book House

Source:
<web.archive.org/web/20100516034433/http:/blog.timesunion.com/kaczynski/tonight-at-the-book-house/72/>

March 25, 2010 at 7:33 am by David Kaczynski

This Thursday, 3/25 at 7 pm, David Chura will be at The Book House in Stuyvesant Plaza signing copies of his new book: *I Don't Wish Nobody to Have a Life Like Mine.*

I repeat here a blurb I wrote for the book's flycover, which reflects not only my appreciation for Chura's remarkable work, but also my years working with homeless teens at Equinox: "David Chura's timely book ought to destroy our complacency. It takes us inside the locked-down world of neglected and abused youth who've been cast away into adult jails and reveals, through its succession of haunting vignettes and surprising turns, a truth that ought to shame us: when youth fail, it is most often because we adults have failed them again and again."

I say the book is "timely" because of a proposal currently before the NYS Legislature called **Re-Direct New York,** which outlines a strategy for helping troubled kids turn their lives around. To find out more about this legisation, visit the NY website of an advocacy group called *Fight Crime, Invest in Kids.* There you will find links to research indicating that troubled teens (not all, but most) can be helped far more effectively by community-based programs than by incarceration, which is typically counterproductive and damaging. In New York, for example, we spend an average of $150,000 per year to incarcerate troubed youth in OFCS facilities, yet the recidivism rate for these kids is about 75%, compared to 12% or so in Missouri, where the state spends a fraction of that cost on evidence-based programming.

One final thought: I am reminded by Chura's book of another book that had a formative influence on me years ago: *Man's Search For Meaning* by Victor Frankl, a Viennese psychiatrist who spent years in a Nazi death camp. While kids prisons in NY and Nazi death camps are hardly comparable, and while the two books take very different approaches to their subject matter, they do share a common theme: the remarkable resilence of the human spirit in its ability to preserve meaning and dignity under very challenging circumstances.

Speaking Only for Myself

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/speaking-only-for-myself/66/>

March 11, 2010 at 2:22 pm by David Kaczynski

The world is filled with dualities: light and dark, sky and earth, male and female, future and past, mind and body, life and death, joy and grief, good and evil, self and other, relationship and solitude, presence and absence – each one true and false in its own way. We may search for balance by looking inside or outside ourselves, or by attempting to transcend duality altogether. Jesus said, "Be in the world but not of it."

Today, I am perched on the rim of a remote canyon in southwest Texas. The air is perfectly clear and still. There is no sound other than the sounds I inadvertently make. At any moment I expect to hear the cawing of ravens who often visit me in this place, their cries echoing between the canyon walls. A drop of blood oozes from my left hand where I scratched it on a mesquite thorn. The canyon feels to me like a seam in the universe – a place where I can imagine approaching the edge of myself (if my self had an edge) to gaze into the mystery beyond (or within).

I often speak to young people about the importance of taking responsibility. The word *responsibility* evokes an "ability to respond" – that is, to stand in responsiveness, accountability and caring before our fellow human beings. To me, it also means something not grounded in social relationships: being answerable to something or someone that is beyond the evident world.

What, you might ask, am I doing in this "godforsaken" place? (I find it strange that we linguistically banish God from places that haven't been reshaped over and over to meet our human needs.) The official story is that I'm away on vacation – "off the grid," as they say. But in reality I am aspiring to recover that more original sense of responsibility, to breathe the vastness, to let go of my self in hopes of finding it again.

Nobody Wants a Life Like Mine

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/nobody-wants-a-life-like-mine/58/>

March 2, 2010 at 11:26 pm by David Kaczynski

"Nobody wants a life like mine." I've occasionally said those words in sorrow and self-pity – particularly during the period between October 1995 and February 1998 when I lived through one crisis after another. After the burdens of that time were lifted, I resolved not to sweat the small stuff anymore. I had gained perspective on what really matters in life.

For 60 years, I've lived a privileged existence. I had two loving parents who provided for my care and education. I've enjoyed mental and physical health. I was sent to great schools where I formed deep and lasting friendships and encountered teachers who broadened my intellectual horizons. I took advantage of my American birthright to experiment with varying lifestyles in Montana, Iowa and Texas. Eventually, I married my soulmate: the woman I'd loved ever since high school. Even after the Unabomber tragedy – in fact, because of it – I've had the opportunity to earn my living in ways that are healing and meaningful. This may not be the life I'd choose if I'd been able to plan it all in advance. I don't imagine there are any young people dreaming about the future and thinking, "Gee, I want a life just like David Kaczynski's." But you better believe that I spend a lot of time marveling at my good fortune and counting my blessings.

I Don't Wish Nobody to Have a Life Like Mine is the name of a new book written by David Chura (Beacon Press). The title is lifted from a comment by a young man incarcerated in one of New York's secure facilities for juvenile offenders where the author taught GED courses for many years. In the context of the book, the comment sounds less self-pitying than factual – even altruistic in its hope that others not begin life with a stacked deck that might include being raised without hope or consistency by an unstable, drug-addicted single mother. If you are looking for life perspective, then this is one book you ought to read. If you are searching for clues to understand where civilization has gone astray, a trip behind these bars might be the place to begin. If you want to restore your faith in humanity, you will appreciate the way David Chura illuminates hope, connection and dignity enduring in the most unlikely of places.

The author finds the best in human beings by watching them closely, patiently and without judgment. In reading along, we realize that the guards are doing time along with the youthful inmates. In its many twists and turns, the book discovers in the prison labyrinth a metaphor of the confinements and refuges of the human spirit. In the face of every person he so carefully depicts, the author shows us a mirror.

Read this book. I imagine it will be an experience you'll never forget. You can meet the author when he comes to the Book House in Stuyvesant Plaza on March 25 for a book signing. Maybe I'll see you there.

Be My Guest

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/be-my-guest/56/>

February 23, 2010 at 3:44 pm by David Kaczynski

Old people are supposed to say that the world is going to the dogs. Well, it may be. But I don't think today's young people are any worse than the kids of my generation were 35–40 years ago.

In fact, the best of our youth today may be better than we were back then, thinking we could change the world by protesting segregation and the war in Vietnam (noble endeavors) but also by flouting many of the norms of our parents' generation just to prove that we were different. I don't have a problem with the idealism of the '60s — but the way it was often mixed uncritically with self-indulgence often bothered me.

In my jobs at Equinox and NYADP, I've had interns who were remarkably smart, committed, hard-working, selfless, eager to learn and – what has suprised me most – mature, self-possessed, capable of focusing their energy on rational, achievable goals. I don't temember any of my college friends and acquainatances who exhibited quite so much patience and balance. It's left me thinking that the best of today's youth are more fully-formed than we were.

Allow me, then, to introduce my friend Justin Cook. He could be in law school if he wanted to. Instead, he is working on a meager stipend as an Americore volunteer at the Hamilton Hill Arts Center in Schenectady. Justin and I attend some of the same meetings on community youth issues that gathered urgency after the tragic suicides of four Schenectady teenagers last year. Now and then we have a bite to eat together at Ambition Cafe on Jay Street. We are both interested in the community and in the world of big ideas. After talking with Justin, I usually feel a bit more in touch with both. Here then, for your edification, is Justin's first guest post. The opinions expressed are his own:

"As we celebrate the achievements of a culture that fundamentally transformed American society, I am reminded of the power and impact of the Civil Rights Movement on American Education Reform. Often fueled by partisan fear many Americans fail to realize the extent in which our educational system is dictated, molded, and shaped by the political values of the time. However, several decades ago ordinary men and women of color organized a truly grassroots revolution that ended centuries of government sponsored oppression. Martin Luther King, Jr. spoke eloquently about our responsibility to our neighbors and called for a change in the way we live. However, as citizens of our respected communities we continue underplay our role in shaping the destinies of our community and fearfully look to the future while idealizing the past in search of security.

"The reality of the situation is far different from the lofty rhetoric and views of mainstream politicians. In a time of immense social, economic, and political evolution our school systems continue to be governed by archaic philosophies, educational trends rooted in segregation, and opinions affirmed by racial, gender, social, and class-based stereotypes. Jonathan Kozol, a prominent education reformist, cites that over the past decade American schools have essentially re-segregated themselves after years of policies and practices of desegregation. Bell Hooks, author, teacher, and educational reformist, highlights the clash of cultures as schools and communities struggled to adapt to a changing demographic. In "Teaching to Transgress" Hooks reflects upon the reality of a child experiencing institutional racism. Today one may believe that racism was defeated with the election of President Obama. However, one may argue that racism is

clandestinely institutionalized. As an adult who was raised in a middle class home with opportunity to grow and develop I was consumed by my career prospects and fearful of my economic stability. Society expected that I would become a "contributing member of society" and "positive" role model for future generations. My teachers expected that I obey their authority and yield to their prescribed curriculum. My parents expected that play by the rules, focus on my life, and achieve economic security. Little would I realize that these expectations were forced upon me by an oppressive system that I now criticize. My success, due in small part by my thirst for knowledge, was a product of a system of expectations that was affirmed by the political values of an exclusive predominately white middle class America.

"As a community volunteer, national servant, and program specialist I am committed to working with youth and families of Schenectady at the Hamilton Hill Arts Center. As a full time Volunteer in Service to America I am confronted daily with reality that the youth from low income and predominately African American and Latino communities are overwhelmingly under-served. Imagine living and interacting with a system that refuses to accept the cultural contributions of your ancestors, reinforces racial stereotypes, and undermines the assets of your community. One may argue, the most traumatic reality one can experience is consistently being instructed that you, your community, and your culture are a burden to the lives of your neighbors. The impact of such practice is dramatic and realized by millions of children in the United States. The lives of many families living in Schenectady are complicated by poverty, an overwhelmed entitlement sector, and underfunded programs that increase community capacity, empower individuals, and build a collective struggle for liberation. Established concepts of poverty fail to address the broader picture and rarely proposed viable solutions. In order to overcome discrimination we must address poverty and its root causes. A collective identification and recognition of the relationship between poverty, racism, and sexism must be incorporated in a revolution.

"A transformative approach that fundamentally changes our system and empowers marginalized citizens would require

-investment in people, community, and culture.

-a paradigm shift from needs to assets.

-a truly democratic process of naming social phenomena.

-critical interrogation of social practices, theories, roles, and establishments.

-acceptance of difference and conflict.

"In order to create a more inclusive community that truly restores humanity in both the oppressed and the oppressors we must fundamentally transform the way we assemble to address issues that impede the liberty of our neighbors and ourselves. Institutional racism, sexism, and discrimination based on religious views, or sexual orientation can only be overcome by creating frameworks of interaction that build relationships, trust, rigor, and demand critical interrogation. Most importantly the process of transformation must be led by those who are oppressed by the current system. Paulo Freire, a social critique and revolutionary pedagogue from Sao Paulo, Brazil states that only

love springing from a yearning desire to be free can release the oppressed from bondage and restore the humanity of the oppressor. Furthermore, Freire warns of the dangers of internalization and false generosity. Efforts to eliminate financial, racial, sexual, or religious oppression within a system build on exclusivity promotes complacency, undermines democracy, and renders the oppressed more vulnerable to control. As a nation built on the foundation of freedom, liberty, and opportunity our current educational system is maintained by elitist principles and assimilationist practices. Without self affirmation those who live on the margins of society rationalize their existence in relation to those in power and seek to change their socioeconomic position by identifying with the oppressor. Education as a practice of freedom and social progress must reconceptualize education as praxis and require critical analysis of the current sociopolitical structures." – Justin Cook

More Justice, Less Violence

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/more-justice-less-violence/50/>

February 19, 2010 at 12:41 pm by David Kaczynski

Our criminal justice system is single-minded in seeking to incapacitate people prone to anti-social behavior. While some people certainly need to be incapacitated to protect the rest of us, the blind pursuit of retribution can do more harm than good.

When police and prosecutors are overzealous, innocent people may be sent to prison or even executed (in states that have the death penalty) for crimes that they did not commit. But there are other unintended consequences as well:

If all or most public safety resources go toward punishment and incapacitation, then not enough is left over to support programs that have been shown to save lives by addressing the root causes of crime. For example, the Governor's proposed state budget contains a 40% cut in programs designed to prevent child abuse. While it is understandable that we all need to sacrifice a little to help balance our state's budget, it is disturbing to think that those being asked to sacrifice most are young children exposed to the risk of abuse. Unless this funding is restored, we will all end up footing the bill to incapacitate a growing number of adults who were left unprotected as children.

In our zeal to punish, we often fail to correct and educate. Not enough correcting is going on in our correctional facilities. 96% of state prison inmates will return to their communities at some point. It would only make sense, morally and fiscally, to convert the inmate's loss of freedom into a net gain in self-awareness through programs that promote social and emotional learning. When people emerge from prisons more damaged than when they went in, we are only compounding our problem. Fortunately, we are now seeing some positive movement as more experts – working both in and

outside the system — are buying into the premise that effective re-entry planning, including life skills education, needs to begin on day one of incarceration.

Who do you think gets left out in the cold when we pour all of our resources and energy into punishing the offender? It's the victim. New York's victim compensation fund is terribly underfunded – miniscule when compared with the amount of money devoted to the incarceration and supervision of offenders, and not nearly enough to cover the needs of New York crime victims. If you lose everything in a natural disaster, you may well receive some assistance. But if you lose a loved one to homicide, you may only get a fraction of what's needed to cover the financial costs, and little or nothing for treatment to help you cope with the emotional impact of such a traumatic loss.

Friends of mine in Connecticut were refused burial costs for their murdered son from that state's victims' compensation fund because the police report speculated that he was trying to buy marijuana when he was murdered. The murderer was considered innocent until proven guilty in a court of law – but not so the victim. No matter what the son may have been doing when he was killed, his parents surely deserved to be treated as the innocent victims that they are.

The solution is not more money. In fact, numerous studies have shown that evidence-based prevention programs reduce the overall long-term costs – not to mention the immeasurable human costs – associated with crime and violence. What criminal justice reform really asks of us is to look at a bigger picture and to collaborate more creatively across institutional and social boundaries.

The pursuit of public safety should be a community-building process that engages all stakeholder groups (members of law enforcement, crime victims and their families, incarcerated people and their families, mental health advocates, teachers, social workers, policy makers, and community members at large) in their common desire to protect human beings and human values where threatened by violence, injustice, and/or institutional indifference and neglect. Values of tolerance, inclusiveness, respect and good will must be embedded not only in the desired outcomes but also in the means for achieving them. Optimal responses should generate healing and empowerment for victims of violence, and also provide opportunities for those who have inflicted harm to gain self awareness and to take responsibility for their actions.

We've coasted too long in a mind-set that thinks of violence as someone else's problem and someone else's responsibility. It's a problem that affects us all in one way or another. It can't be solved with most of us sitting on the sidelines.

New York's Wrongful Conviction Problem

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/new-yorks-wrongful-conviction-problem/42/>

February 12, 2010 at 1:09 pm by David Kaczynski

In 2007, the Innocence Project published a report entitled *Lessons Not Learned: New York Leads in the Number of Wrongful Convictions but Lags in Policy Reforms That Can Prevent Them. See:* www.innocenceproject.org/Content/947.php

The report summarizes 23 cases – 7 involving murder convictions – in which innocent New Yorkers were sent to prison for crimes that they did not commit. Since 2000, according to the report, the number of people exonerated of murder by DNA evidence in New York topped the number exonerated in any other state.

In the wrongful convictions department, more than Texas is not a good thing.

Since then — if we include exonerations that do not involve DNA evidence — the number has risen: We now count 20 people who have been released from New York prisons in the past decade after being convicted and incarcerated for murders they did not commit. Among the non-DNA exonerees are Alex Garcia, who was living in the Dominican Republic at the time of the Bronx murder for which he served 19 years; and Lynn DeJack of Erie County, who was released from prison after forensic pathologists determined that she did not murder her daughter, who in fact died of a drug overdose. Not only did prosecutors convict the wrong person – there was no crime to begin with!

One of the most disturbing cases involves my good friend Jeffrey Deskovic, who was 16 years old when police interrogators duped and scared him into confessing to a rape and murder that he had nothing to do with. Prior to his trial, the FBI crime lab reported that DNA and an unknown strand of hair removed from the victim did not match Deskovic. An honest prosecutor would have re-opened the investigation then and there. But the Westchester DA's office, unwilling to admit its mistake, pressed ahead and persuaded a jury to convict Deskovic, who spent the next 16 years of his life in prison branded as a sex offender. The real murderer confessed after being identified by DNA in 2006.

If you want to hear Jeffrey tell his story, come to Meeting Room B of the Legislative Office Building in Albany on Saturday, February 13 from 3 – 4:30 pm. The workshop is in connection with the Black & Puerto Rican Caucus' annual weekend conference and is sponsored by Assembly member Crystal Peoples. NYADP Board member L. Nathan Hare of Buffalo is the prime organizer of the event.

Making mistakes is never a good thing — but something worse is failing to learn from them. Since the Innocence Project published its report, our Legislature has passed *none* of the Innocence Project's recommended reforms aimed at minimizing wrongful convictions in our state.

Joining Jeffrey on the workshop panel will be Senator Eric Schneiderman, head of the Senate codes committee, who has introduced legislation to address the problem; New York's latest murder exoneree, Fernando Bermudez, who was exonerated and released last November; and NYADP's own Marie Verzulli, sister of a murder victim, who will share her perspective on how wrongful convictions impact homicide survivors.

Wrongful convictions harm many innocent people. They also tarnish our justice system. Mistakes will happen – but we can do much better than this!

Relationship Is Everything

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/relationship-is-everything/35/>

February 7, 2010 at 8:30 am by David Kaczynski

Presidential candidate Barack Obama campaigned on a pledge to restore bi-partisanship to American politics based on common values and common interests. A mythos deeply-rooted in American consciousness makes this aspiration both plausible and necessary after the polarizing politics of the Bush administration. President Obama, however, has encountered more resistance than he perhaps envisioned, and it would be a fair criticism to say that he hasn't always been skillful in his efforts to bridge the cultural and ideological gaps that divide us.

Vince Lombardi is famous for saying, "Winning isn't the most important thing, it's the only thing." While that philosophy may be perfectly appropriate for football, it is proving disastrous for the public and political life of our country. I would prefer to substitute the word "relationship" for "winning," and suggest that good will, respect, and tolerance must now be re-set and enhanced with a new/old consciousness that blends the new generosity of inclusiveness with the timeless admonition to love one's neighbor. It's not only "who you know" that matters, but also who you are willing to get to know. We need to find some way to renew, refresh, and widen our sense of connection to one another.

I had the good fortune last week to hear a talk by Bernard Melekian at John Jay School of Criminal Justice in Manhattan. Mr. Melekian is the director of the COPS program at the US Department of Justice – *Community Office of Policing Services.* He has spent 36 years in law enforcement, most of them as the police chief of Pasadena, CA, an urban area that reflects the entire spectrum of class and racial diversity of our nation. He also spent 26 years in the Coast Guard reserve. In many ways, his life of patriotic public service exemplifies the best of America's traditional values. At the beginning of his lecture – *Building Your Way to Public Safety* – he characterized our nation in a way that really caught my attention: "America is a commitment to make certain values real."

In Mr. Melekian's area of passion and expertise, "community policing" is the best way to accomplish that commitment. He believes that American values can be made real by embodying them in the ethos and culture of law enforcement. Talk about a new/old idea! Some readers might remember the "beat cops" who used to stroll around our neighborhoods. They knew the community and were known by the community. They were welcome presences, familiar and comforting, perceived as protectors. Where have they gone?

Well, the beat cops were replaced by new technologies and new approaches: squad cars, surveillance cameras, Comstat strategies targeted to "hot spots," random stop-and-frisk tactics, etc. While these strategies proved valuable in some regards, the transition

away from community policing created a growing, invisible problem that didn't immediately show up in crime statistics: a crisis of police legitimacy in those communities most affected by crime and violence. Even law-abiding citizens in inner city communities began to perceive the police less as protectors than as persecutors. Witnesses failed to come forward, not primarily out of fear, but as an expression of community values. Mr. Melekian quoted the 1960's-era radical Eldridge Cleaver who said, "Cops were the only arm of the government we ever saw." In other words, police were "making certain values real" in way that profoundly alienated large groups of people living in the inner city. The community's "principled disengagement" (Meleknian's phrase) had a predictable effect on police morale, further exacerbating the problem.

If relationship is the answer to this and many other problems that bedevil us, then trust is the key, and trust – where lost or weakened – must be carefully and patiently rebuilt. We can't sustain a community or civilization without it. According to Mr. Melekian, dignity, justice and respect are values that must be cultivated and projected by authority as antidotes to both oppression and paranoia. Otherwise we're all just caught a losing game. He said, "Community policing is about building relationships and solving problems" — wise advice to keep in mind as we search for Albany's next police chief.

The Walking Wounded pt. 2

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/the-walking-wounded-pt-2/34/>

January 31, 2010 at 4:54 pm by David Kaczynski

From Three Stooges skits to the Eddie Murphy-Dan Akroyd film, *Trading Places,* American pop culture has toyed with the question of heredity vs. environment. Which has the greater influence?

It would be hard to deny that environmental factors have a significant impact. There is a large body of research supporting the premise that abused children have generally poorer life outcomes than children who are not abused. There is corresponding research to indicate that skillful early interventions with at-risk families can improve a child's prospects while reducing their likelihood of future involvement with the criminal justice system.

Why is it, then, that some people who've endured incredibly traumatic childhoods (e.g. extreme physical or sexual abuse; being orphaned in war) become well-adjusted adults, whereas others are seemingly scarred for life by lesser childhood setbacks?

In the early 1990's, I got a job counseling youth at Equinox Youth Shelter, located in Albany's tough South End neighborhood. Teenage residents came to the shelter through various avenues – voluntary check-ins, referral by Traveler's Aid, be-

ing dropped-off by a parent, brought by CPS after a home removal, or placement by family court in response to a JD or PINS petition.

But it made little sense to label these kids based on which door they came in by because they all presented similar, severe problems mixed with typical teenage angst. It was tempting to guess who had the better chance of succeeding in life and who was likely to end up on drugs, in prison, or dead. But we didn't have any crystal balls. We could only hope and fear for each child, and meanwhile pray that something about their interaction with us might prove helpful.

One of the smartest kids I've ever met grew up watching his mother being beaten up. When he got older and tried to defend her, he got beaten up too. Time to split, he decided, at the age of 14. But, gosh that kid was smart! With a little help from the shelter's tutor, he aced his GED in Vermont with the highest score I'd ever seen.

Two years ago, I received a letter from him from a state correctional facility. He was looking at a 12-year bid for manslaughter. The news broke my heart. I'd really hoped this young man would be OK.

Another kid I knew carried scars from physical abuse. He'd also been sexually abused by a family member. In middle school, he was unable to spell simple words like "cat" or "dog." Upon leaving the shelter, he asked me if I would help him with his homework after school. I thought I might see him once or twice, but he kept coming back, day after day, nursing an impossible dream that he might legitimately graduate from 8^{th} grade. But he did more than that. Four years later, he graduated from Albany High School. Today, he attends college part time, has a 3.2 grade point average, and runs his own business, working seven days a week. A few people have told me, "Dave, you saved that kid!" but I beg to differ. Even at an early age, this young man knew the difference between a positive person and a negative influence. He had little reason to trust anyone, but he knew he needed to trust someone. If he hadn't found me, he would have found someone else.

Both of these boys had traumatic childhoods. So why did one end up in prison while the other went to college? We often say it's a matter of "character" – but what exactly does that word mean?

For some time now, researchers have been studying a trait called "resilience." Back in the 1960's, researchers studying the effects of childhood trauma found what they expected: traumatized children often experience serious problems as adults. But they also discovered something unexpected: 20–40% of traumatized kids became fairly well adjusted in adulthood. Although trauma affected their lives, it didn't bring them down.

One explanation of the phenomenon of resilience has focused – with some evidentiary support – on the child's relationships. Researchers found that the presence of just one supportive adult in a child's life could help counteract the harmful effects of trauma. It is reassuring to learn that psychological damage caused by traumatic experiences can be overcome. In the field of social work, we learned to focus less exclusively on a child's deficits once we concluded that a child's supports and assets matter too.

More recently, genetic researchers have identified what some have called a "resilience gene" – actually two specific bits in the DNA chain. Based on various genetic combinations, researchers now believe that about 33% of the population can be classified as especially resilient, 50% as ordinarily resilient, and 17% as lacking in resilience. So we're back to that old debate about heredity vs. environment.

But there's really no contradiction in believing that both heredity and environment are important. On one hand, everyone struggles through life with their own unique set of gifts and challenges. On the other hand, how we treat people genuinely matters.

The Walking Wounded pt. 1

Source:
<web.archive.org/web/20100316051613/http:/blog.timesunion.com/kaczynski/the-walking-wounded-pt-1/31/>

January 25, 2010 at 1:48 am by David Kaczynski

I recently saw a movie that I'd like to recommend: *Brothers*. For personal reasons I have an interest in the brothers theme – but to be perfectly honest the main reason we saw this film is because my wife Linda has a crush on the lead actor, Toby Maguire. (We see a lot of George Clooney movies, too.)

As the film begins, we are introduced to two brothers. One is a happy and successful family man with a lovely wife and two young daughters. The other is a troubled loser who's just finished serving prison time for a failed bank robbery. The "good" brother is a Marine officer about to be deployed to Afghanistan. The "bad" brother seems a lost soul, troubled and without direction.

We follow the good brother to Afghanistan where a horrific set of circumstances leave him seriously traumatized.

Meanwhile, the troubled brother makes an emotional connection with his sister-in-law and nieces. Through helping his brothers' family while his brother is overseas, he begins to develop a sense of self-worth and some insight into what really matters in life. It looks as if the "bad" brother has a chance to become a good person after all.

Eventually, the good brother returns home from war a changed man. He suffers from a crushing case of PTSD and has trouble reconnecting with his wife and children. The kids clearly prefer their uncle to their father, whose odd and sometimes explosive behavior makes them feel unsafe. Unbeknownst to his family, the hero carries a terrible secret that alienates him from the uncomplicated life he once knew. We watch in horror as his paranoid delusions drive him to the brink of violence. By the end of the movie the "good" and "bad" brothers have, for all intents and purposes, exchanged places.

Gifted acting makes the transformation completely believable, driving home the message that human character is not set in stone. On the contrary, the human psyche is fragile, and good people can be driven to madness and violence by extreme circumstances.

A few days later, I talked with my mother about the movie. I joked: "Maybe Ted could be the 'good brother' for once if I did something really bad." Needless to say, Mom did not think this was a good idea.

According to Mom, Ted was traumatized by a prolonged stay in the hospital when he was just nine months old. In those days, hospitals weren't very welcoming to families, so Mom and Dad were only allowed to visit their infant son every other day for two hours at a time. When Teddy returned home from the hospital, Mom said, he no longer smiled or made eye contact – as if his spirit had been broken.

If a healthy and mature adult can be unhinged by a traumatic experience (as in war or genocide), we can only imagine the long-term impact of trauma on a small child. Last November, the Center for Disease Control published a study which found that people who had adverse childhood experiences (ACE's) – in other words, those who had experienced serious emotional, physical or psychological trauma in childhood – had life expectancies twenty years shorter than average! Even the researchers were shocked by their findings.

A social worker once told me, "Trauma unaddressed is trauma that will be re-enacted in one form or another." It might manifest as depression, substance abuse, self-harm, or aggression toward others — including acts of violence. Unfortunately, my brother's trauma (if Mom was right) was never fully addressed. Years later, while a student at Harvard University, he was lured into participating in a psychological research project that exposed him to regular humiliation and abuse. I say this as a statement of fact, not to make excuses. No one but Ted constructed and mailed the bombs he used to kill people. But I do wonder if his psychological balance – the essential trust we must have in others to remain healthy – was undermined by his childhood hospital trauma and by the psychological abuse he endured as an unwitting guinea pig at Harvard.

Every act of violence – whether it is the violence of hurtful and demeaning language, bullying, spousal abuse, child abuse, assault, or murder – leaves people traumatized in its wake. The walking wounded are all around us, their mental scars mostly invisible. When we hurt the most, we're often most alone. Only kindness can make a difference, so we might try extending as much kindness as we can.

(To be continued.)

Living in the Aftermath of Violence

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/living-in-the-aftermath-of-violence/23/>

January 13, 2010 at 4:51 pm by David Kaczynski

Here's a program that should be of interest to readers of this blog. I hope to see some of you there!

The **Lunch and Learn Series** of the Restorative Justice Commission of the Roman Catholic Diocese of Albany resumes this Thursday with a special presentation:

The Ones Left Behind: Living in the Aftermath of Violence

Date: 1/14/10

Time: Noon to 1:30 pm

Place: 40 N. Main Ave., Albany, NY 12203

Members of the group **Family and Friends of Homicide Victims (FFHV)** share their stories and discuss what they need in order to recover meaning and purpose in their lives after the loss of a loved one to violence. Losing a loved one through homicide is one of the most traumatic experiences that an individual can face. When someone is murdered, the death is sudden, violent and incomprehensible. Murder leaves in its wake tremendous emotional pain and upheaval for the homicide survivors. No amount of justice, restitution or prayer will bring their loved one back. Grief may be experienced in many different ways, and grief reactions may surface long after a loved one's death. **FFHV** is dedicated to supporting restorative justice practices and victim advocacy. Group members share instructive and often hopeful lessons that are relevant to a wide range of human experiences involving victimization and loss. Come and hear their powerful witness!

The event is free and open to the public. Bring your own lunch. Beverages are provided.

NYADP Hires a Legend

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/nyadp-hires-a-legend/20/>

January 11, 2010 at 9:00 pm by David Kaczynski

One night about a year ago, I returned home from a meeting of the Albany Community Coalition to Prevent Violence. My first meeting with the group left me excited about the group's purpose and sense of direction. This was not just another here-today, gone-tomorrow community group ready to point fingers and cast blame yet unable to sustain a plan of action. I left with the distinct impression that these folks were serious, not likely to be deterred by the seemingly intractable problem its members had come together to address: the high rate of street violence in Albany.

I was especially impressed by the group's leader – a politician, no less – who sat with about a dozen of us in a shabby church basement in one of Albany's poorest neighborhoods. I told my wife Linda: "I think this gal means business. She knows how to lead. She has a strong personality but there's no sense of ego about her. She's 100% focused on the mission, meaning this group has a chance to accomplish something."

"What's her name?" Linda asked.

"Barbara Smith."

"You don't mean THE Barbara Smith?!" Linda exclaimed.

"The Common Council member? Yeah, that's her."

"No, I mean Barbara Smith, the feminist writer – icon of black women's literature. I used her anthology in my feminism class. Do you think it could be the same person?"

My wife, a professor of philosophy at Union College, is the smart one in our family.

"Well, I don't know," I said. (As a former English major I hated to admit that the name of a well-known feminist writer didn't ring a bell with me. I was afraid Linda would throw an old Bob Dylan line in my face, "You don't read women authors, do you?")

Instead, I walked over to my computer and googled Barbara Smith. It didn't take me long to discover that Barbara Smith, the internationally renowned scholar, was the same Barbara Smith I'd spent the evening with in a dimly-lit basement in Arbor Hill, trying to keep the blood from flowing on Albany's streets. *Wow*, I thought. *She didn't have to be there. She could be holding forth at Harvard or Stanford, or some other fancy place.*

When it comes to preventing violence, we all have a role to play. The police can't do it all on their own. They say *it takes a village to raise a child.* But some people take the village idea more seriously than others. Suddenly, Barbara Smith became my paradigm of a responsible person.

A couple of months ago, I pitched the idea of hiring Barbara to NYADP's organizing director, Colleen, a bright young woman studying for her Ph.D. in sociology.

"Surely, you don't mean THE Barbara Smith?"

"Of course I do," I said smugly.

Common Ground

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/common-ground/18/>

January 8, 2010 at 2:47 pm by David Kaczynski

I was touched by Heather Werner's post today (see Comments) which responded to a news article about a plea deal offered to a Schenectady man accused of killing his wife in her sleep with an ax. I thought her post touched on a number of resonant themes: the horror of the violent crime, wondering if the offered punishment fit the terrible crime, a healthy skepticism about the media, sympathy for the murdered woman's surviving family members, a hope that the victims would access victims' services and that the services would be of some help because — God knows — their lives will never be the same.

The blogosphere is filled with much political and ideological debate. Often, opinion trumps honest emotion. We don't seem to believe that we can feel strongly about something and at the same time be uncertain or ambivalent about anthing. Strong

feelings and strong opinions naturally go together, right? Well, not so fast. For me, at least, they sometimes do and they sometimes don't. Often when feelings are converted into opinions too quickly, something is lost in the translation; a subtle distortion occurs. My words may sound a bit hollow, and saying them louder doesn't make up for the loss of heart-level understanding.

That's why I tend to prefer personal stories to opinions. Usually, I learn more from stories than I do from opinions because they're more honest. The tone of honesty is something I especially appreciated in Heather's post.

So here's a little story: Yesterday, I picked up a guy named Larry at the Amtrak station in Rensselaer. Larry works for the Fortune Society, an organization that provides re-entry services for newly released prison inmates in NYC. He came all the way up to Albany to attend a 2-hour meeting I'd arranged between NYADP's victim/survivor advocate and an advocate for the incarcerated to discuss sentencing issues. I was impressed that he cared enough about our meeting to travel such a long distance.

Since I didn't have any quarters for parking, we had to walk about five blocks from Washington Park to the spot where we planned to meet -the Liberty Cafe in the Empire State Concourse. I was a little concerned about the length of the walk since Larry looked older than I am. As it turned out, though, I had difficulty keeping up with his brisk pace. Larry was not just physically fit but he also seemed to be a man on a mission.

"I turned 75 not long ago," Larry said. I was astounded because to my eyes he looked about ten years younger. As we walked along State Street, he confided in me that, between juvenile hall and state prison, he'd spent about 36 years – nearly half his life – behind bars.

"When I was young, I only used to think about myself and my own concerns,'" he mused. "But one day a light bulb came on. Now I spend all my time working to help other people. I never imagined how good that would make me feel!

"I grew up in this really tough neighborhood in Brooklyn," he continued. ""I still remember a time when I was just a little boy, I was playing in this shabby, cramped back yard behind our apartment. My grandmother, who raised me, tried to brighten up the yard by planting a rose bush. Now it was October and there was just one bloom left on the bush. My grandmother called me over to look at the bright red rose blossom. I was puzzled when I noticed that there were tears in my grandmother's eyes. 'Larry,' she said. 'This is what they call a late blooming rose. Son, I believe that's what you're going to be: a late bloomer.' Ha! I guess she was right."

Once at our meeting, I sensed something different in the air. It didn't feel like most of the meetings I am used to. We had planned to discuss the pros and cons of a sentence of life imprisonment without parole, but we ended up talking much more about other things. Larry and the victims' advocate were both very animated. To their credit, they both were able to listen and to share perspectives based on their deeply personal experiences of crime and punishment.

Near the end of our meeting, it was like another light bulb came on: "For the good of both of our communities," Larry summed it up, "we have to work together to reduce violence."

We sat there, nodding our heads. "You're absolutely right!" the victims' advocate said.

In response to an act of violence, there are no easy solutions. How do we resolve the tension that exists between our need to protect society and our desire to believe in human redemption?

There is, however, one piece of common ground — one mission that we all can share. We must pool our wisdom and energy to prevent violence from happening in the first place. We all have a stake in doing so, and we all have a part to play.

Competing Narratives

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/competing-narratives/16/>

January 4, 2010 at 11:25 am by David Kaczynski

I am responding to a recent post that takes me to task for not telling the "whole truth" in the case of Manny Babbitt, the Vietnam vet who was executed by the state of California in 1999 for murdering an elderly woman named Leah Schendel.

Well, a blog is shorter than an op-ed. An op-ed is shorter than a book chapter. And I doubt anything less than a full-length book could do justice to the Babbitt case. Such is the complexity of human experience.

One problem with our criminal justice system – particularly in death penalty cases – is that the truth is often a casualty of an adversarial system as attorneys for the prosecution and defense create sharply different narratives to describe the defendant and his actions. A capital trial is somewhat like a political campaign. Especially in high-profile cases like Babbitt's, justice gets "politicized."

My critic provided a link to the California DOCS website that presumably tells the "whole truth" about Manny Babbitt's crimes. But California DOCS only posted this story on Manny Babbitt *after* the California Commission on the Fair Adminstration of Justice did a careful review of the state's 13 executions and found that two of them – including Babbitt's — represented inappropriate applications of the state's death penalty statute. Thus, ten years after Babbitt's execution, the politics continue.

Did I present a slanted version of the case? It's possible. I can't claim to be entirely objective about the death penalty or about Manny Babbitt, since Bill Babbitt is one of my dearest friends. But I'll mention here a few things that I left out of my blog, followed by a few important details omitted from the California DOCS posting about Manny Babbitt:

Things I omitted: 1) Manny Babbitt was also convicted of "attempted rape" – the aggravating factor that made him eligible for the death penalty; 2) The coroner listed Leah Schendel's cause of death as a heart attack brought on by the stress of the assault; 3) Manny Babbitt's attorney told Bill Babbitt that he didn't want blacks on the jury because he didn't think they were intelligent enough; 4) Babbitt's attorney had never litigated a criminal case before taking on Babbitt's capital case; 5) Babbitt's attorney was sued for racial harassment by a former member of his staff; 6) Babbitt's attorney later surrendered his license to practice law.

Things the California DOCS article omitted: 1) Manny Babbitt spent three years in a mental institution diagnosed with schizophrenia; 2) He was turned in to the Sacramento police by his brother Bill; 3) The rape charge against Babbitt was reduced to a charge of attempted rape because the coroner found no evidence of rape; 4) At Babbitt's clemency hearing, California's top forensic gynecologist submitted written testimony to say that there was *no* forensic evidence to support Babbitt's conviction on the charge of attempted rape; 5) Despite the DOCS post which describes Babbitt as one of California's worst criminal offenders, California prisons hold scores if not hundreds of inmates, including serial killers, whose crimes were far more egregious that Babbitt's – and who did not receive the death penalty; 6) At Babbitt's clemency hearing, a strongly pro-death penalty prosecutor from Florida who had sent 17 people to death row in that state, tesitified, "This is the kind of case that gives the death penalty a bad name!"

As my critic/commmentator hinted, an unresolved piece of this tragedy is the ongoing suffering of the Babbitt and Schendel families. It seems that California's capital punishment system gave them anything but closure. Maybe we should be asking ourselves what more we can do for the victims of violence. Bill Babbitt did a brave thing by turning in his brother. If nothing else, he prevented his brother from harming anyone else.

Tough or Smart?

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/tough-or-smart/14/>

January 1, 2010 at 2:56 pm by David Kaczynski

Would you like your child to become the next Mike Tyson or the next Albert Einstein? Well, it's a trick question – and an awkward one for me, since long ago I imagined that my brother Ted would be the next "Einstein."

Fifteen years ago, New York was well on its way to creating a state criminal justice system that was both brutal and dumb, not to mention among the most expensive in the nation. But somewhere along the line we began to realize that being smart on crime is far more effective than being tough for toughness' sake.

The evolution of our state's crime policy over the last decade has followed a positive learning curve as policy-makers have attempted to balance toughness with foresight, compassion, and intelligence. Following are some examples that illustrate this trend:

The state's death penalty statute was dismantled by the Court of Appeals, saving millions of dollars a year that was wasted on an error-prone system that didn't deter crime while it diverted scarce criminal justice resources from effective law enforcement and crime prevention programs.

The ill-conceived Rockefeller drug laws were reformed, creating a more equitable and effective drug policy that prioritized treatment options that have proven both more successful and less expensive than incarceration.

Alternative treatment courts have sprung up around the state to deal more justly and humanely with the special needs of non-violent offenders with mental illnesses, addictiveness illnesses, and PTSD acquired through military service.

There has been significant new investment in re-entry planning to assist incarcerated people transitioning back into their communities from prison or jail. Effective re-entry programs reduce recidivism and save tax dollars. Local task forces have been assembled to engage the community in helping formerly incarcerated people become contributing members of society.

For the first time in history, state funding has been provided for a community-based, community-led violence prevention initiative called SNUG ("guns" spelled backwards). SNUG – scheduled for implementation in eight communities around the state – is based on the successful CeaseFire model that reduced gun homicides by 30% in two of Chicago's most violent neighborhoods.

Thanks to these and other "smart on crime" strategies, New York City reported the fewest homicides ever during the 2009 calendar year since records started being kept in 1962. But one homicide is too many, and we have a long way to go.

Here are some other numbers to ponder: It costs about $200,000 per year for each juvenile offender incarcerated in secure institutions run by the NY State Office of Children and Family Services, yet the recidivism rate for kids who spend time in these kids' prisons is about 75%. In other words, New York has one of the most expensive and least effective juvenile justice systems in the nation. Unlike the young Mike Tyson, most of these kids can't look forward to a lucrative boxing career when they come out. If we want to curb violence and reduce the future financial and human costs of crime, we need to find ways to reach these kids now.

Are We Polarized?

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/are-we-polarized/12/>

December 28, 2009 at 5:45 pm by David Kaczynski

The end of a decade seems a fitting time to look back and see where we are and how we got here.

2009 has been a rough year. The fiscal crisis sparked high unemployment, generating fear and misery. Politics of the most cynical type wreaked havoc in our state government. On the national level, a bitter partisanship rendered stillborn the dream of a new, more inclusive patriotism. Ideologues of all stripes seem incapable of glimpsing a bigger picture as special interests press their one-sided claims. The tone of our national political conversation seems unusually mean-spirited.

How did we become so confused, so blind, as if turned against ourselves? Has democracy itself reached an evolutionary endgame? A century ago, the poet Yeats lamented that "The center cannot hold." The 20th century – for all its human and technological development – confronted civilization with one existential crisis after another. So the situation we face today is hardly a new one.

Setting aside all disappointment, civilization, decency and hope endure in all kinds of ways manifest and subtle. Relationships and values animate just about every action of our waking lives, connecting us to a larger and increasingly interconnected whole. Our commonalities as human beings tend to exceed our differences, after all. How, then, can we work self-consciously to repair the fragmentation of our public and political world?

One place to start is very personal. I intend to try the following experiment: I'll invite an acquaintance of mine – one who disagrees with me about the death penalty – out to lunch. I'll humbly listen without interrupting. I'll honor and attempt to understand her reasons without rushing to make counter-arguments or dismissive judgments. I'll respond with respect and good will.

I've always thought that people are intrinsically interesting. The more closely I pay attention to someone the more (not always, but usually) I can appreciate his or her unique gifts. Opinions, on the other hand, are like pale reflections of a person's thoughts. Sometimes we have to look through an opinion before we can learn from a person.

I'll let you know how it goes. I'd also appreciate hearing from anyone willing to undertake a similar exercise. Here's hoping we can all make a fresh start!~

Justice Comes Late for Some

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/justice-comes-late-for-some/10/>

December 23, 2009 at 8:04 pm by David Kaczynski

I just spoke to my friend Bill Babbitt in California. We usually check in with each other every month at least, and always around the holidays. Bill calls me his "little

brother," which I take as a great compliment. Bill is the same age as my brother Ted, and I'm the same age Bill's brother Manny would have been had he lived.

Bill and I have lost our brothers, although in different ways. Bill's brother signed up for the Marines and fought in five major campaigns during the Vietnam War, earning a purple heart when a piece of shrapnel penetrated his skull during the 77-day siege of the American base at Khe Sanh.

Manny returned home from Vietnam a damaged man. He never got the respect or help that our veterans deserve. He ended up living in a cardboard box on the mean streets of Providence, R.I. Eventually, he was sent to a hell-hole of a mental institution in Massachusetts where he spent three years, diagnosed with schizophrenia.

Bill was truly happy when Manny was released from the mental hospital and came to live with him in Sacramento, CA. But Bill's joyful reunion with his kid brother took a devastating turn when Bill read a newspaper story about an elderly woman who was fatally assaulted by an intruder in her apartment. Piecing together clues from the news article, Bill began to suspect that his brother Manny was the person responsible.

Bill and I have a lot in common: We both did what we believed was necessary to protect others by reporting our suspicions to the authorities; both Ted and Manny were diagnosed with schizophrenia; both were eventually convicted of murder; at trial, both had all-white juries.

Of course, Ted *is* white while Manny was African-American; my brother killed three people with premeditation while Manny Babbitt killed one person during a flashback to his war service; my brother was represented by three top-notch attorneys whereas Manny had a court-appointed lawyer who drank heavily during the trial.

My brother Ted is serving a sentence of life imprisonment without possibility of parole at the federal supermax prison in Florence, CO.

The state of California has spent billions of dollars on its death penalty system since the late 1970's while managing to execute only 13 people since then. One of them was Manny Babbitt, who was strapped onto a gurney at San Quentin prison on his 50th birthday in 1999 and executed by lethal injection. His brother Bill was there to witness what some call "ultimate justice."

When I spoke with Bill, he asked me excitedly, "Dave, did you hear about the Supreme Court's decision in the Porter case?"

Of course I had – it's my business to know such things. The US Supreme Court, in a unanimous ruling, had just vacated the death sentence of George Porter, a Korean War vet who had murdered two people. The Court found that the Florida man's "combat service unfortunately left him a traumatized, changed man." It went on to say, "Our nation has a long tradition in according leniency to veterans in recognition of their service, especially for those who fought on the front lines, as Porter did." (We can assume it's a tradition sometimes honored in the breach.)

Bill said, "You see, Manny should not have been executed! It's like the government is admitting it, finally!"

I can only identify with Bill's experience to a certain point. I try to imagine the mixture of shame and wounding injustice he must experience knowing that no court on earth can make things right for his family. I do what I can to comfort my brother Bill, but I don't always know what to say.

May Bill's faith in Christ's love and true ultimate justice bring him peace this Christmas season.

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I can only identify with Bill's story to a certain point. I try to imagine the mixture of shame and wounding injustice he must experience knowing that no court on earth can make things right for his family. I do what I can to comfort my brother Bill. May his faith in Christ's love and ultimate justice bring him peace.

Postcard to President Obama

Source:
<web.archive.org/web/20100114185447/http:/blog.timesunion.com/kaczynski/postcard-to-president-obama/8/>

December 21, 2009 at 7:45 am by David Kaczynski

If you haven't seen the new Clint Eastwood film, *Invictus,* you might want to check it out. It has all the earmarks of a Hollywood feel-good movie, a beguiling fantasy to help us forget the complicated and gritty challenges that face us in the real world – a world where evil exists, as President Obama reminded us in his Nobel Peace Prize acceptance speech.

Invictus features a moral hero, played with conviction by Morgan Freeman, who carries the day by force of his unmistakable integrity. There is even an underdog sports team that overcomes great odds to win a world championship. Pure Hollywood. The message seems to be that if we are true to ourselves, then truth and goodness will prevail generally. Anyone (can we bear to remember that Oklahoma City bomber Timothy McVeigh recited the poem "Invictus" from his execution gurney?) is able to become the indomitable "captain" of his fate. Transforming the world can be as easy as winning a rugby match, or accepting a Nobel Peace Prize that one hopes to earn in the course of time.

It might seem that the film *Invictus* – much like the 19th century inspirational poem "Invictus" – is a bit callow, except that there really *was* a Nelson Mandela who emerged from harsh confinement under South Africa's apartheid regime to lead his struggling nation down a path of reconciliation. Once in a great while, history provides us with an embodiment of hope.

The film's salient message, I think, is as much about politics as personal character. A transformational leader must somehow reconcile our collective fears with our secret yearning for a better way, must think creatively and take risks, must reach out (because we're all in this together) beyond his or her political constituency, must appreciate the

power of symbolism, and must be lucky too. Maybe true pragmatism – finding the means to do good — is not so far from idealism after all.

As we walked out of the theater, my wife Linda remarked, "This is like a postcard from Clint Eastwood to President Obama."

Things I Thought I'd Never Do

Source:
<web.archive.org/web/20121024180909/http:/blog.timesunion.com/kaczynski/things-i-thought-id-never-do/2/>

December 16, 2009 at 3:46 pm by **David Kaczynski**

Comments(7)

Call me "old school." I was the last person in my neighborhood to get an answering machine...a PC...internet service...a cell phone. Based on my track record, I'd guess that nearly everyone on my block must be blogging by now.

There was also a time (some of you might remember) when I hid from the media. Back in 1996, everyone wanted to talk to me about my brother Ted, who had just been arrested as the "Unabomber" following one of the longest, most expensive criminal manhunts in US history. The sensational news story surrounding his arrest was also an intensely personal and painful one for me. I considered our family "business" – including the reasoning behind our decision to turn Ted in to the authorities – a personal matter. Did I ever consider publishing a diary? Forget it!

That was 13 years ago. In the intervening years, I've come to accept the loss of privacy that has come with being "the Unabomber's brother." After becoming executive director of New Yorkers Against the Death Penalty in 2001, I suddenly discovered the tables turned in my relationship with the media. Now I was "old news." Instead of being badgered by reporters seeking an interview, I found myself badgering them with press releases and story ideas. My family connection was less an albatross than an asset as I used my personal story to open doors.

I also transitioned from a career in social work to a life of social justice advocacy. If my life is less private than it once was, it's partly because my horizons have broadened. I've met many extraordinary people – both in and outside of public life – who've dedicated themselves to making the world a better place. Many are people who have turned traumatic personal losses into a commitment to help others. Readers of this blog will meet some of the people I admire and learn about their inspiring work.

As time goes by, the line between what's personal and what's public begins to blur for me. Ultimately it's through relationships that we come to discover ourselves truly. The philosopher Martin Buber wrote a beautiful book , *I and Thou,* that profoundly affected how I think about the world. For me, the key to feeling comfortable with who I am is seeing the worth and dignity in others. The public world that once felt to me like a scary fishbowl is now — more or less — my home.

7 Comments »

1. *Walter Ayres* says:

December 16, 2009 at 8:14 pm
Off to a great start. I look forward to many more entries.

2. *Tom Brophy* says:

December 18, 2009 at 4:57 am
Get yourself a bike.

3. *Marge McCoy* says:

December 18, 2009 at 11:57 am
David: I have long admired your work, both as a social worker and as a social justice advocate. I look forward to your blogs.

4. *Pilar Arthur-Snead* says:

December 18, 2009 at 5:43 pm
David,
Thank you, as usual, for sharing your inner world with us. We are always better for it.

5. *Jeanne* says:

December 21, 2009 at 3:41 pm
David, So glad you're blogging. Keep up the good work!

6. *Rob Madeo* says:

December 23, 2009 at 5:15 am
Monsters like this make me think we should expand the death penalty, not eliminate it:
http://www.newser.com/story/76774/pediatrician-filmed-in-baby-sex-attacks-cops.html?utm_source=syn&utm_medium=rss&utm_campaign=hom

7. *Bill Babbitt* says:

December 26, 2009 at 7:06 am
David,
Thank you for helping me tell my story about my kid brother, Manny.
I'll always remember the day you called me from the wilderness of the west Texas desert. I was bouyed when you said "Bill I heard about Manny, I'm coming to stand with you"
You kept your word and helped me fight the good and worthy fight. Thank you for showing me that true goodness in people is ever present. I am so lucky to have a friend like you, a brother like you.

David Kaczynski's Death Penalty Abolition Advocacy
These are collected blog posts between 2009 & 2012, but lectures and other writing have stretched over a much longer period.

<nyadp.org/blog> & <blog.timesunion.com>