New Yorkers Against the Death Penalty (NYADP) Journal

Various Authors

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Issue #1

New Yorkers for Alternatives to the Death Penalty

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NYADP Journal

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ISSUE NUMBER ONE

The Director's Corner by David Kaczynski
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Eric Appleton, Director of The Fortune Society's Education Program by Josh Medsker
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The Director's Corner

By David Kaczynski

The execution of Troy Anthony Davis seemed surreal, as if it couldn't actually be happening when the state of Georgia executed a man who was — if not demonstrably innocent — at least not demonstrably guilty. It all unfolded like a primer on what's wrong with the death penalty. Especially in a system where procedure trumps truth; where the public's interest in seeing justice done is overcome by institutional inertia.

Who benefited from Davis' execution?

Not Davis or his two sisters, who devoted half their lives in a futile effort to save a brother they believed to be innocent.

Not the slain police officer's family members, whose certainty about Davis' guilt suggested anguished denial; who were clearly begging for relief after 20 years in the grip of a torturous legal system.

Not the justice system obviously, because the system's harshest critic could not have contrived a more effective challenge to the public's confidence than this: a final concession that the one truly primordial question about guilt and innocence does not actually matter.

Not the taxpayers. Has anyone attempted to calculate how many millions of dollars were spent over two decades just to close off the uncertainties surrounding Davis' case with the certainty of killing him?

Justice should not leave us with such a sour taste in our mouths or such hollowness in the pit of our stomachs.

A Better Way

What if police learned that coercing eyewitness testimony from members of an alienated community is not a good way to conduct an investigation? What if they trained themselves in evidence-based protocols for interviewing

witnesses, and established a community policing initiative to re-establish trust with the wider community?

What if the Officer MacPhail's family members were provided with as much psychological counseling as they needed and invited to speak out against the kind of violence that claimed the life of their beloved husband/father/son?

What if a sustained anti-violence, anti-gang initiative sprang up in the aftermath of Officer MacPhail's murder, marshalling the collective voice of the community to denounce violence and to lift up the memory of Officer MacPhail as a hero who rushed to rescue a homeless man who was being beaten and robbed?

What if the Davis family joined in the anti-violence campaign? What if members of the Davis family and the MacPhail family met and had a chance to appreciate the commonality of their suffering? What if they joined hands in common cause against violence and the social conditions that breed violence?

What if, instead of vying with each other for power, adult community members came together with the conscious intention of modeling values of responsibility and cooperation so that the community's youth could see and appreciate?

What if our adversarial criminal justice system evolved into a system that approached the same problems with an eye to prevention and restoration? What if we replaced our current win-lose system with a win-win system that helped victims to heal while helping offenders to change and every community member to feel safe and respected?

Not a Dream

After working these past three years on NYADP's new mission, I am convinced that the above vision can become reality. In fact, I have seen pieces of it at work in various places: the violence prevention that was done by SNUG in Albany and other communities, Syracuse's community-based trauma response team for victims of violence and the robust replication effort in Albany, community policing and even parallel justice for victims of crime beginning to take root in Albany, the Community Empowerment Partnership in Schenectady that got funding for an anti-violence project and that saved funding for a suicide prevention project, while uniting some unusual partners around common goals. At the core of this work is building relationships and empowering community members to create stronger, safer communities.

I am proud to note that NYADP has been selected by a panel of experts as one of the top 21 high-impact non-profit organizations in the nation working in criminal justice at the state or local level. (See related story on page _.) NYADP is making an important difference. Thank you for supporting our important work. We are not able to continue without financial support from people like you!

News

Compiled by David Kaczynski

NYADP Chosen as High Impact Non-Profit

New Yorkers for Alternatives to the Death Penalty was recognized as one of the top 21 highimpact non-profits in the United States working on criminal justice issues at the local/state level. A group of 127 experts surveyed by Philanthropedia — a non-profit organization that aims to help donors make smarter giving decisions — identified NYADP as the seventeenth-ranked non-profit in its field in the US. Here are some samples of what the experts had to say about NYADP's impact:

☒Operating in a state that no longer has the death penalty, this group is turning the energy that ended the death penalty into working with and supporting grassroots antiviolence groups, mostly in communities of color. This is not only strengthening those groups, but as its work is understood in the death penalty abolition movement, it is also causing folks there to rethink their efforts.‖

☒New Yorkers for Alternatives to the Death Penalty has a commitment to addressing the underlying causes that lead to acts of homicide and violence that can result in death penalty sentences. By working to eradicate street level violence, advocating for victim's services and rights, and also examining how gaps in mental health services can result in criminally violent incidents, NYADP covers ground that few other organizations address. NYADP also brings together sectors of the criminal justice community that seldom communicate with each other, for example prisoner rights advocates and victim advocates.‖

☒NYADP is marshalling the energies of former opponents — pro death penalty police, prosecutors, and victim's advocates to go beyond labels and build — together- a new paradigm to end violence. In doing so it has developed violence interruption programs at the local level, helped establish a replication in NY of the Chicago Ceasefire model, worked with diverse communities of color in anti violence initiatives, and made routine conscious efforts to build the voice of inner city victims into the dialogue.‖

To view the complete listing for NYADP at Philanthropedia or to view all of the expert reviews please visit NYADP's page at Philanthropedia. The URL is:

www.myphilanthropedia.org

Recent Activities at NYADP

Media

AP article 7/17/2011 ☒David Kaczynski recounts his story of Unabomber‖

Schenectady Today Television Program w/ Nichelle Darby

Times Union article 9/13/2011 ☒Save Troy Davis‖

Presentations

National Alliance on Mental Illness, Staten Island, NY

Christ the King Catholic Church, Guilderland, NY

New York Ethical Culture Society w/ Shariem Merritt, New York, NY

Maria College, Albany, NY

Melanie Rieger Conference w/ Marie Verzulli, New Brittain, CT

New York State District Attorney's Association Annual Conference, Cooperstown, NY

Eastern Connecticut State University w/ BK Landis, Willimantic, CT

Our Lady Queen of Peace w/ Marie Verzulli, Rotterdam, NY

Central NY Psychiatric Center OMH staff training conference, Utica, NY

Daniel Berrigan Peace Lecture at Le Moyne College w/ Janice Grieshaber-Geddes, Syracuse,

NY

Eisenhower Middle School, Wyckoff, NJ

St. Mary's Church w/ Marie Verzulli, Rennselaer, NY

www.nyadp.org

Young, Talented, and Uninvolved

by Ryan Semerad

My first assignment as an intern for NYADP was to attend the monthly meeting of a group called the Family and Friends of Homicide Victims. Given my personal history, I was slightly uncomfortable and a little nervous about what would happen during the meeting. I wasn't sure I could handle the incredible grief that I was certain would be talked about at least tangentially. Before the meeting, I was to go to the apartment of a woman who would be attending so her daughter could provide a ride for both of us. The woman was very friendly when she answered the door. An older woman, but with the enduring spirit that knows no age and fills up a room despite her small physical presence. Upon my arrival about two minutes prior to the time we had agreed upon, she jokingly said, ☒You're early – my daughter's always late!‖

As I write this, I have been working as an intern at New Yorkers for Alternatives to the Death Penalty for about a month. I am a twenty year-old white male college student who has been in no way involved with the death penalty, specifically, or violent crime, generally. No one in my family is or has been behind bars for physically hurting someone else (or killing someone else). No one in my family has been physically harmed (or killed) by another person. No one in my family is a professional in medicine, law, or corrections. In the above ways, I have found myself to be somewhat of an anomaly in the fight to end violence in my community.

After going to a couple of these support group meetings, attending a brain-storming session looking for a possible way to maintain funding for a local family resource center that helps an impoverished and violence-stricken community in the wake of an on-going fiscal crisis, and sitting in on a talk given to the staff of a mental hospital at a maximum security correctional facility about the impact of medical treatment on the families of patients, I have realized a stunning and disheartening truth: the people with the energy and the talent to make a difference in the communities they inhabit are utterly uninvolved when it comes to violent crime. The young, talented people of the community I have been working in – who have not been personally affected by violence – are starkly *elsewhere*, though they exist right next to a hot bed of violence.

Before continuing let me qualify my statements. I'm sure there are young people that I don't see who do countless menial tasks to help their siblings or friends stay safe. I'm more than certain that there are a great number of young people who would stand up to prevent violence if they were only shown the path or knew the way. I'm completely confident that young people want to live in a world that promotes harmony and peace not only between neighboring nations and opposing religions, but also between the

people who live right next door to one another. I believe the impasse between youth and the problem of violence lies in a certain moral paralysis that comes with facing the reality of violence – in some cases overwhelming and unspeakable violence – beyond the frames of a television, a magazine, or an internet page.

There is a certain irrational stigma that exists between ☒us‖ and ☒them.‖ I have felt it several times during my short time with NYADP. Us, the young, energetic, college kids who have never known the crushing effects of real-life violence, and them, those afflicted by horrors too nightmarish to be real or talked about openly. The problem with both this bifurcated mentality and the stigma that surrounds it is that it disarms those most capable of making a difference. It invokes a fear, and a discomfort of talking about violence or asking if we can help those afflicted by it. One important lesson I've learned about violence and those suffering from the aftermath of it: they feel the stigma worse than we do. We are in a much better position to do the work needed to make our communities safer because we are not carrying the extra burden of grief, remorse, and echoing trauma.

Later, at that first meeting, we were all asked to introduce ourselves to one another. The time came for the cheery woman who had treated me so graciously when I arrived at her apartment to introduce herself. When I first met her I thought she was a volunteer from a local church group or a counselor. For some reason, I never expected the words she would say to come from her. After saying hello and giving her name, she said, with a measurable amount of restraint and an underlying sense of grief, ☒ – and my daughter was murdered.‖ A sudden realization dawned on me. I was become viscerally aware of the trauma and pain this strong woman and her other daughter – who had been so gracious as to drive a lowly intern to such an intimate meeting – must have experienced. Fortunately, something else rose up inside me immediately after that momentary shock: these victims had let me in. No, they didn't share with me gritty details of their ordeals, but they had allowed me to be involved in the solution even though I was not in any way directly affected by the problem. The chasm that had previously divided my mind into the polarizing world of ☒us‖ and ☒them‖ was bridged simply because I wanted to help.

In a way, I guess this is a kind of call to arms, but I want it to be more than that. I want people to gain the awareness I have by listening to those impacted by violence. I want my peers – those young, talented, and eager optimists – to use their energy and spirit to raise up their neighbors not because they have to or they ought to, but because they can. It may be hard to talk to someone whose life is so dramatically different than your own, but that difficulty is honestly the only obstacle between living beside *them* and living with *people*.

Eric Appleton, Education Director of The Fortune Society

Interview by Josh Medsker

What is the history of the education dept. at Fortune? Has it been there since the beginning? When did you start there, and in what capacity?

The education program has been part of fortune since the late sixties, to my understanding. Fortune started in 1967 after the production of the play *Fortune in Men's Eyes* (do you know this story?). I believe the education program started a few years after that. Melanie Johnston came as a volunteer to help out in any way she could and soon found out that a staff member needed help studying for a high school equivalency. She came with her baby on her back and did one on one tutoring. For years, the program consisted primarily of one on one tutoring by volunteers. Slowly, over the years, the program has developed into a set of classes, though we have stayed committed to small groups of students. Our class rosters cap at 20 and most classes have an average of about 10 students in class each day, with fewer at beginning academic levels. We still have about 25 volunteers who come weekly to tutor and help out in class.

I came to the Fortune Society in February of 1999 as a volunteer tutor. I co taught a beginning literacy class for about 4 months and then was hired to coordinate the computer lab classes. I had been a computer technician before coming to fortune and came to volunteer as a way to see of teaching was something I wanted to explore. I was bowled over by the love and dedication I saw in Fortune staff and whatever preconceptions I had about formerly incarcerated people were shattered as well. I taught computer classes for about 5 years and then started teaching pre-GED and GED classes.

From my understanding, the students have to report to their counselors, and their parole officers, right? How many students "slip through the cracks" so to speak... and just don't participate in the learning activities? When that happens, how do the teachers help the students become more interested?

Our students come to us in many ways. Some are on parole, but most are not. From my understanding, it is difficult to go to school full time if you are on parole. Generally, parolees are encouraged to find work and it is difficult to do both at the same time. Some students are on probation, especially those who complete the alternative to incarceration program at Fortune and then continue in our classes. Some students come to us without any supervision. They are just interested in improving their education.

Most of our students, however, come to our classes after choosing a court mandated alternative to incarceration (ATI) program after pleading guilty to a felony, usually the first serious charge the person has gotten. Students in ATI have an open court case and have to check in with the judge every month or two. ATI students (generally referred to as clients) have a 20 hour a week schedule at Fortune (counseling groups, individual weekly counseling, drug testing, adult basic education and GED classes if the client doesn't have a diploma). Court writers at fortune prepare a court report for the judge with information on attendance, participation, sobriety. Fortune court advocates at the courts present the report and generally support the client and present the client's progress. Students in the ATI program tend to younger, 16–24 years old, though not always. We strongly encourage all participants without a high school diploma to join our education program, though some clients are still in high school and others go to different schools.

Our biggest challenge is retention. ATI clients are mandated to our programs generally for a 6month program. If they do well in the program, they are sentenced to probation and avoid prison time. Six months is usually not enough time to make substantial progress educationally, especially for students who come in testing at around 7^{th} grade level in reading or 6^{th} in math (our current averages). Most students are hoping to pass the GED, but don't realize the amount of work it takes. Most of our students would need to make a lot of progress in reading comprehension to be in a position to do well on the language arts, social studies and science portions of the GED exam. Even those students who come in as strong readers usually have a fair amount of work to do on their writing and math skills. Frustration with being mandated to go to school and the slow progress towards to a GED goal often results in students wanting to give up. When ATI students complete their mandate and go to probation, we do our best to encourage them to continue with us, but this is a hard transition for most. A lot of our students do continue to come on their own and we see this as a major success. They become leaders for new students coming into the program.

We do our best to create our curriculum in response to our students' interests and needs. We do a lot of icebreakers and interactive activities in our classes in order to a classroom community and to find interest in learning. We connect what we learn in the classroom with the real issues that our students are dealing with (criminal justice, health, career, relationships). We study current events around the world. Silent reading is a big part of our program. In most classes, a $\frac{1}{2}$ hour each day is devoted to independent reading. Students choose their own books. We are establishing routines which will hopefully allow our students to be successful. If we do anything, getting students to become regular readers would be a huge success. We also do a lot of writing and publishing with our students. Writing happens in every class, every day. We publish a book of writing, The Voices of Fortune, twice a year and have a big party to share the book. Students come up andread while everyone follows along in the book.

What percentage of Fortune students, when they are done with theprogram, go back out and commit more crimes? Why do you think this is?

When that happens, do you feel personally responsibly, or do you chalk it up to a variety of factors?

Unfortunately, we don't always know what happens when people leave our programs. Sometimes, we hear about someone being locked up, but we don't always know. Recidivism data is very hard to obtain. There are a number of reasons for this. It is very expensive to run recidivism studies. We are not able to access data to find outif our clients were rearrested. If we wanted to know the percent of clients who commit crimes, we would have to research each person one by one. That being said, some of our programs do have recidivism data because they are required todo follow-up for the contract. For example:

Fewer than 20% of [ATI/Reentry] Coalition program graduates have a new criminal conviction within two years. In comparison, 75% of youth released from State custodial facilities will be re-arrested within three years.

(Independent Budget Office of the City of New York, 2006.)

We do know, however, that people do go out and commit more crimes after they leave us. People have spent a lifetime learning to behave in a certain way. It would be naïve if we thought that by coming to us 20 hours a week for 6 months that we would be able to change their life completely. The conditions in our students' lives have not changed. They live in the same neighborhood, where they are surrounded by poverty, drug addiction, violence. Our best hope is that we can plant a seed. Human behavior is hard to change. Some of our clients had a major change of heart the first time they were arrested, vowed never to go back and made changes in their life to insure this. Others will continue to bang their head against the same walls. People come to realizations in their own time. All we can do is create the best conditions possible for our young people to see new possibilities for themselves and recognize some of the strengths they have that can lead them in a new direction.

How has the recession affected Fortune's grant situation (and financial situation in general)? Are you feeling the crunch? How is that affecting the services you can provide?

The recession has had a big effect on us. Our government grants have been hit hard. For example, our city-funded education contract has dropped from $250,000 in 2009–10 to $100,000 now. We have seen these kinds of cuts in many government funded contracts. Some, like an Office of Children and Family Services grant for young people in our program, disappeared entirely. This isn't surprising, considering the budget shortfalls in the city, state and federal government. In order to make up for the cuts in government funding, we have been pursuing support from private foundations. A number of foundations have given us new funding in the last two years, allowing us to pilot new programs in youth development and training, such as green construction and culinary arts. For the most part, our services haven't been affected. When we have lost funding in one place, we have been able to replace it somewhere else.

What new ideas/projects is Fortune rolling out in the education program?

Our main focus these days is working on redesigning our programs and strategies for working with youth. More and more young people come through our doors every day and we are doing our best to create programs that give them support, hope and energy to build their lives. We have been working with the Youth Development Institute over the last year to train our staff in principles of working with youth, literacy instruction and ways of providing social support. Currently, we have 20 students involved in a Young Adult Literacy (YAL) program funded by Department of Youth and Community Development. Students combine class time with internships in culinary arts, video production and urban farming. We are really excited about this project.

www.fortunesociety.org

Unconvincing Guilt: The State of Modern Forensic Science

by Chris Honeycutt

In February 2011, I wrote a short piece on the uncertainty of DNA evidence for the NYADP blog on the Times Union website*. This article is evolved from the subsequent discussion with a former board member of the International Association for Identification.

What we learned is that even ☒hard‖ evidence is not nearly as certain as the public or juries believe it to be. The false-positive rates of DNA testing are largely unknown (Thompson et al, 2003); and some

forms of evidence, such as ballistics, writing analysis, and hair identification, can have error rates approaching a terrifying 40–100% (Saks and Koehler, 2005.)

Fingerprints, which have been trusted as hard evidence in criminal investigations for well over 100 years, are also based in questionable science. In January 2002, Judge Louis H. Pollak of the U.S. District Court for the Eastern District of Pennsylvania found that fingerprinting failed what's known as the Daubert standards, standards set up in 1993 by the Supreme Court regarding the admissibility of scientific evidence in court (Cho, 2002.) Recent preliminary studies suggest fingerprints can have an error rate of 5–10% (Langenburg et al, 2010), and the true error rate of fingerprint analysis is completely unknown and untested (US Dept. of Justice Reports, 2009.)

Department of Justice Recognizes the Flaws in Forensic Evidence

When fingerprinting failed admissibility standards, it created tremendous problems for the justice community. A series of congressional hearings were held, culminating in the passing of the 2006 Science, State, Justice, Commerce, and Related Agencies Appropriations Act which, among other goals, provided funding to a committee selected a committee created by the National Academy of Sciences.

In April 2009 the committee released the report ☒Strengthening Forensic Science in the United States: A Path Forward,‖ cited above as US Dept. of Justice Reports, 2009 and hereafter as ☒SFS 2009‖. The 350 page report lists dozens of examples of

spurious science used in forensics, and hundreds of examples of faulty lab technique and fraud.

Some of these include commonly trusted lines of forensic evidence, such as fingerprints. Contrary to public perception, fingerprint analysis is largely done by unaccredited amateurs in external labs. 66% of fingerprint ID's are done outside of traditional crime laboratories [pg. 64, SFS 2009]. External crime labs each received, by mean average, 2,780 cases a year, but only 15 percent are accredited [pg. 64, SFS 2009]. Experts within the field such as Mnookin have noted ☒a general lack of validity testing for fingerprinting; the relative dearth of difficult proficiency tests; the lack of a statistically valid model of fingerprinting; and the lack of validated standards for declaring a match‖ [pg. 106, SFS 2009, citing Mnookin]. Furthermore, forensic entities outside crime laboratories do not participate in accreditation systems and are not required to do so [pg. 200, SFS 2009]. Yet, despite a lack of testing and validity of claims, fingerprint experts on the stand routinely testify that the error rate of fingerprinting is approximately zero [pgs. 103–104, SFS 2009].

Among the sciences in question are toolmarks, tracks, bite marks and hair analysis, which are central to many rape trials. ☒The fact is that many forensic tests—such as those used to infer the source of toolmarks or bite marks—have never been exposed to stringent scientific scrutiny.‖ [pg. 42, SFS 2009] Other forensic sciences which have been called into serious question by the report include polygraphs, bloodstain pattern analyses, footwear, tire track impressions, firearms, dental evidence and even corner cause-of-death analysis.

Laboratory error and falsification is also a source of significant errors and miscarriages of justice. A state-mandated review of analyses conducted by West Virginia State Police laboratory employee Fred Zain showed that the convictions of more than 100 people were in doubt because Zain had repeatedly *falsified* evidence in criminal prosecutions [pg. 44, SFS 2009].

See Through His Eyes: The Case of Ron Williamson

In 1982, Ron Williamson was a physically healthy 29-year-old minor league baseball player. One night in December, some miles from where he lived, Debra Sue Carter was brutally raped and murdered.

Because Ron was having personal problems and acting strangely at the time of Debra's death, the police brought him in for questioning. Two polygraphs taken while questioning him about the murder were shown to be inconclusive. The police kept him on file as a POI (person of interest) in the case until 1987, when questioning prison inmate Glen Gore about the case. Glen placed Ron inside the club the night Debra was killed.

At the trial, the prosecution relied on ☒hard evidence‖ – hair evidence recovered from the murder scene. A forensic scientist testified that the hairs matched Ron's hair, and Ron was convicted of murder – and sentenced to death.

Ron's mental health began to deteriorate while in prison. Caught in a Kafkaesque nightmare, his pre-existing psychiatric conditions worsened substantially and he was placed on Thorazine, a powerful and toxic antipsychotic. He would scream about his innocence, and the guards would taunt his claims. Five days before he was scheduled to be killed by the State of Oklahoma, Williamson managed to secure a new trial. The Innocence Project filed to have his DNA tested for submission to the new trial.

The DNA of the rapist did not match Williamson. After twelve years of screaming alone in a dark basement about his innocence, he was exonerated. Broken, tired, and sick from the long years behind bars, he died only five years later (Innocence Project; PBS Frontline.)

Take-home Message

The purpose of this article is twofold. First, there is a myth both inside and outside the courtroom that forensic evidence is foolproof. Television shows such as CSI confirm this myth to the general public, and provide a distorted view of the rigor our criminal justice system.

But the second reason is to reinvigorate the fight against the death penalty. Just because Troy Davis had no physical evidence against him, it is faulty to assume that the man in the cell next to Troy was genuinely guilty because he did have physical evidence against him.

Even DNA evidence is faulty, and there has been little research into the most common source of DNA error, which is laboratory testing. For example, in 1993 Timothy Durham was convicted based on a DNA match due to a type of laboratory error known as a ☒false-positive.‖ Had Durham been executed for his crime, the error would never have been found, and an innocent man would have been killed.

Fingerprint error rates are unknown, and may go into the double digits. DNA lab error rates are unknown, and a single faulty technician can taint the validity of hundreds if not thousands of cases. Because we cannot be certain of a man's guilt even by the most certain methods science has to offer, it is crucial that we continue to fight the death penalty.

References and Notes

*The NYADP Blog at Times Union: http://blog.timesunion.com/kaczynski/

Note: Over 50 articles on the questionable quality of forensic science have been published in the eminent journal *Science* in the last decade alone. For further articles on the science of forensics, feel free to contact NYADP or the author at cebey1@uic.edu.

[SFS 2009]: Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, 2009. ☒Strengthening Forensic Science in the United States: A Path

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295 No. 5563.

PBS Frontline: Burden of Innocence. www.pbs.org

The Innocence Project. www.innocenceproject.org

An Execution in the Family

by Frances Sandiford

I had known Jeff Romano for several years from bumping into him at local town meetings. We had never talked very much until one day, in the middle of a conversation, something set him off. He told me his life story.

Jeff had always been curious about his family history. His grandfather had passed away before he was born, however, neither he nor the manner of his death were ever mentioned. Jeff's grandmother had changed her name from Ossido, her late husband's name, to Romano, a variation of her maiden name. Any questions that Jeff had asked were met with a cold silence or an abrupt, ☒You don't want to know!‖

It wasn't until college that Jeff accidentally discovered the true story. While doing research for a class in criminal justice, he stumbled upon an account of an old crime on microfiche. Jeff read that in 1936, Brooklyn barber Salvatore Ossido (his grandfather by all accounts) had lured nine year old Einser Sporrer into a back room of his shop.

There he struck her with a hammer, and, after she was dead, had raped her. The child's body was found by the police stuffed in to a burlap bag and placed on a stoop near Ossido's shop.

After the crime was discovered, Ossido quickly confessed and was arrested. He became one of the first offenders to be labeled by the media as a ☒pedophile.‖ Barely a year later, Ossido was executed by electrocution at Sing Sing prison. The exact date of the execution, Jeff learned, was January 6, 1938, but even today, he has no idea where his grandfather's body was buried.

After the story was out, Jeff pressed his family with questions. He learned that his grandmother had been ostracized by her Brooklyn neighbors as if she and her children held some responsibility for the crime, and as if the violence was contagious, likely to rub off on anyone who had contact with her. Jeff's mother's reaction was rather vague, but his father's was uncontrolled anger. ☒Don't talk about it,‖ he screamed. This reaction has never changed.

Was the father right? Had Jeff been better off not knowing his family history? Was it a mistake to have dredged up the past? Overall, Jeff is glad that he knows this aspect of his family's history, gruesome as it is, and he does nothing to hide the facts from his children. Jeff better understands his father as someone struggling with an emotional burden, and he can also understand, if not condone, the Brooklyn community's reaction to his grandmother. There are no easy answers.

As Jeff hears about the execution of Troy Davis and other men and women, he wonders about the impact on their families, now and for years to come. Is there ever

such a thing as closure, or does violent crime, followed by violent punishment only extend the human suffering?

My conversation with Jeff ended here. It was getting late.

The Camera Pans

The camera pans onto the damaged street to women holding onto photos of their heroes, and the women weep out loud: Though they do not look like us, we think, as we see them cry; we see the faithful women, who just hope to see remains of their families, buried in the dust

and rubble

But we do not hear them whisper Though they do whisper "so it must be," and they name their future children after fallen heroes buried in the dust Yes, it is the will of God, they think And "by God's will so it must be." And so, it will always be.

his jacket and a Polaroid of his son

he was a crying kid
kicked in the head
a “stupid bastard,” “troubled child”
special ed. resource room
then a bully cutting classes, doing weed opportunity school: jefferson then “juvy.”
“a thug,” he told himself with pride, and his set blood in, adrenaline rushes, cash, and a bitch and from the jacket that I read:
his jacket says four lifewithouts for two victims he says he was just along for the ride a robbery in a mexican restaurant.
he doesn’t tell me the brains and skin splattered like salsa.
he shows me a polaroid of him: his son, he says he loves his three-year-old son:
someone else’s “stupid bastard” another number on the way.

Fakin' the funk

the inmate slides his certificates out the thin gap between the heavy steel door and wall i grab them, scan through them: anger management

aa/na, life skills, street readiness

and put them in a manila envelope

☒i'm enrolled in education,‖ he says

☒and anything else that's offered‖ ☒i almost got my GED‖ he hasn't got a write up in more than a year ☒not since that little incident on the other yard‖ he does it all

☒i'm sorry for what i did,‖ he says

sorry you got caught, i think he thinks

he knows the right words anyway

i say ☒you're doing good‖

he knows he's on the clock he knows i know he's on the clock and i write his parole report and four others: call the mothers, and fathers, if there is one F1, a number, a few words entered photocopy his certificates paper clip them, turn them in give the originals back to the inmate

act like i give a shit

rehabilitation? there is no fucking rehabilitation here he knows it i know it the warden knows it the parole board knows it i've seen them come and go and come back

some killed on the street

i know he cliqued up when he was twelve smoked dope at thirteen arrested, slapped on the wrist fifteen times

until the judge got serious and the crimes got really serious and the victims were probably in the dozens the victims that we know about... i listen to the tier, to the gang shit he doesn't know that i know he's not out of the mix but he also doesn't know it really doesn't matter to me

not much anymore

they bleed into you

an unknown voice yells out from one of 48 cells
⊠get off the tier you faggot‖ and he laughs
because you'll never know who he is
a PC who gave a 9-year-old boy a Nintendo
to suck his dick complains he doesn't get enough
free paper and pens for his lawsuit against the State
an angry mother calls, demands to know why her son, who has been throwing feces on officers is being treated so poorly and she threatens to call the Director
because she knows the Director
you say it doesn't get to you, the work the tier, the words
the injustice

The Homeless Question

The po-lice sweep the homeless like rubbish off the street, garbage pickers and panhandlers sent off for Greyhound © therapy It's not a problem anymore

Out of mind, out of sight On to other towns and cities for another drink of whiskey and another bite to eat

Dahn Shaulis

Notes on the Contributors

Chris Honeycutt (cebey1@uic.edu)- Chris is a mathematical biogeochemist employed at the University of Illinois at Chicago. She has experience in laboratory work and data analysis from a variety of fields, including biology, geology and chemistry. She has a strong interest in many areas of forensic science and criminal justice.

Josh Medsker (joshmedsker@gmail.com)– Josh is a writer and educator from New Jersey. He teaches composition, reading, and critical thinking in the New York City area. He is the editor of *Memoir: A Noun, Voices from New York's Criminal Justice System*, and publishes a literary and culture zine/blog, *Twenty-Four Hours*.

Ryan Semerad (semeradr@garnet.union.edu)- Ryan is an intern at New Yorkers for Alternatives to the Death Penalty. He is currently pursuing an undergraduate degree with concentrations in English and philosophy at Union College in Schenectady.

Frances Saniford (frances813@frontiernet.net)- Frances, a retired prison librarian, worked at Greenhaven Correctional Facility where New York's execution chamber was built but never used after the death penalty was reinstated in 1995. She is a long time member of NYADP Board of Directors.

Dahn Shaulis (dahnshaulis@gmail.com)- Dahn is the author of Prison Stories. He writes, as a self-introduction: *I am a former prison worker and now a street sociologist interested in radically transforming the justice system–one legislative bill at a time. I know that the US can do better than the ideology of "might makes right." As a society, we can house everybody, find decent jobs for anyone who wants one, and we can have a justice system that provides justice for all.*

Issue #2

New Yorkers for
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Ryan Semerad In January 1998, my brother Ted Kaczynski went on trial for his life in a federal courtroom in Sacramento.

During a recess in the proceedings, my late mother Wanda and I were riding an elevator up to the offices of my brother's federal public defenders. The elevator doors slid open and two sharply dressed gentlemen stepped in. I'm pretty sure the doors had closed before they recognized us. But I knew who they were: two federal prosecutors who were seeking a death sentence for my brother.

We were together on the elevator no more than thirty seconds: four people in close confines brought together as a result of a tragedy. We spent the time gazing down at our shoe tops in awkward silence.

The Case for a New Paradigm

David Kaczynski

It wasn't that I had nothing to say. I had plenty to say, including some things I had rehearsed saying if I had a chance to speak to the prosecutors. But this wasn't the appropriate place or time for any such conversation. And under the circumstances, making small talk would have felt wrong. How do you say "Nice day!" to the mother of a man whose death you are seeking? Or to people who are arguing that your son or brother should be put to death?

And yet the four of us had been thrown together for a similar reason: by our desire to protect society. For the prosecutors, it had been a career choice; for members of the Kaczynski family, a heart-wrenching ethical decision. We shared a basic moral value. Yet we had to pretend, in effect, that we inhabited different universes.

Balance and Order

Our constitutional system was designed to protect the individual against the authority of the state. It was conceived as an antidote to what had gone before, when "justice" was defined by the whim of rulers. The adversarial process was constructed to balance the rights of the accused against state power.

The constitutional system offered another benefit by insuring consistency in the application of the law, carving order out of chaos. The new system rationalized fairness and imposed order on the messiness of human conflicts.

If only Solomon had had the benefit of a constitutional system of justice, perhaps he would not have needed to be so wise!

But when the founding fathers conceived the basic framework of our justice system, they never anticipated that a tension would arise between the *justice* part and the *system* part.

The Courtroom as Theater

Back in the federal courtroom, the eerie barrier I'd felt separating me from prosecutors in the small elevator was replicated in various ways. Along the center aisle of the gallery ran an invisible curtain between the victims seated on one side and Mom and me on the other.

Now and then, I ventured a sidelong glance at the victims' side, yet I was afraid that my interest might be misinterpreted. I realized that the courtroom was governed by unspoken as well as written rules. Members of the media were well-behaved inside this space. Outside, it would be a different story. Clearly, the stars of this show were the judge and the attorneys on both teams. The rest of us – victims, defendant, other interested parties, and members of the media – were only allowed to watch.

On an impulse, I brushed aside the invisible curtain and stepped across the aisle to "the other side" where I had glimpsed a familiar figure. It was Kathleen Puckett, the FBI special agent who had been our main law enforcement contact after we turned Ted in.

"I wish we didn't have to be on different sides," I blurted out.

"I wish we didn't either," she said, and we quickly hugged.

It felt to me like the most natural gesture in the world — a normal, human interaction. Still, it was strangely out of place in the rarified atmosphere of the courtroom.

There was considerable suspense when Ted entered the courtroom. Would he resemble the unkempt hermit whose arrest had been endlessly replayed on national TV? Mom and I were especially on edge since Ted had begged his lawyers to have us barred from the courtroom. Would he shout something ugly at us? Could Mom bear another such blow?

As it turned out, Ted was well-dressed like the college professor he had once been. Instead of showing any hostility toward me or Mom, he acted as if we weren't there — much as we had ignored the prosecutors who shared our elevator ride.

As his trial was about to start, Ted did something surprising. He abruptly stood up and called out to the judge, "Your Honor, I have something very important to tell you," he declared.

"Sit down!" a bailiff shouted.

Ted was not allowed to share his urgent message in open court. Instead, the judge asked him to approach the bench for a private exchange. Only later did we learn from defense lawyers what my brother had told the judge. He wanted to fire his attorneys. He would rather die than hear himself described to the world as mentally ill.

People who ought to know tell me that "The law loves bright lines." Unfortunately, real life doesn't always come so neatly packaged. Did my brother's mental illness cross a line from sanity to legal incompetence? Not according to the court's chosen mental health expert, who diagnosed my brother with schizophrenia yet still found him competent to stand trial.

Was the expert right? I'm not sure that a high stakes trial represents the best context for answering that question. I'm not even sure that the question has a definitive answer.

What would the founding fathers say if they could observe the criminal justice system as it functions today, with most cases resolved through plea bargaining and with jails and prisons serving as society's de-facto mental institutions?

Restorative Encounter

Although good prosecutors take into account the interests of crime victims, victims often feel marginalized by a process that focuses most of its attention and resources on offenders. Where is justice for the victim? Does it have any meaning or make any claim beyond punishment for the offender?

When my brother's trial ended abruptly in a plea agreement, the many victims and their families, along with the general public, were deprived of a full accounting of his crimes or of his mental condition.

Mom and I, however, were lucky in two ways. First, we were lucky because Ted's life was spared. But secondly (long before I'd ever heard the words "restorative justice") we were lucky because we had an opportunity to meet with family members of one of Ted's victims. The meeting, arranged by Kathleen Puckett and chaplain Mindy Russell at the family's request, was emotional, tear-filled, and at times tense. Yet it was also profoundly honest and ultimately healing – a kind of human encounter that courts seem designed to prevent.

Above all, Mom got to hear something from the murdered man's widow that I believe she deeply needed to hear: "Mrs. Kaczynski, none of this is your fault."

However, there is no commensurate "re-entry" planning for traumatized crime victims who often struggle to move on with their lives.

Offenders are seldom confronted with the harm they have caused to living, breathing human beings. Yet offenders who sincerely wish to apologize to their victims are legally barred from doing so. A state program designed to facilitate victim-offender dialogues is not well promoted and has been seriously underutilized.

The rate of acknowledged wrongful convictions in New York is still uncomfortably high. City courts are plea bargain mills, with victims never seen, public defenders overworked, and too many lives sent swirling down the drain.

Our efforts to humanize the system are like tiny branches grafted onto to the mighty trunk of the adversarial system. I could be wrong, but I imagine that many prosecutors experience a moment when they reflect, "This isn't the justice system I once thought it was. It's just the system we have."

Pardon the analogy, but I think we need to stop gazing down at our shoe tops. It's time to revisit the adversarial assumptions that shape our criminal justice system and consider some promising new models.

For instance, Susan Herman's *Parallel Justice for Victims of Crime* outlines a strategy for delivering meaningful justice to crime victims. With victims and offenders on parallel tracks, we could then build in restorative options like rungs on a ladder. In the process, we could expand the universe of choices for victims and offenders alike.

Then perhaps their journeys through the legal system could become healing and enlightening. Just maybe we could elevate our commitment to justice to the next level.

☒

The Rose that Grew from Schenectady

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:

"The untold story

Schenectady's youths are struggling. They are struggling

with broken homes, with widespread domestic abuse, with **of Schenectady is**

the fear of violence in the street, and with the heavy **a tale of dreams** emotional burden of daily trauma. This is not their untold

story, however. Perhaps, it is underestimated, trivialized, **and immortal** or disregarded by those outside the city itself, but it does **hope."** 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 to pipe 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

"I was humbled by day in this troubled city. The yin: these kids are

obviously intimate with violence, tragedy and death.

their optimism, This is heartbreaking. The yang: these kids are **hope, and shining** obviously capable of talking about the problem, and **spirit."** 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...

☒

The September morning following Troy Davis' execution, Tim Wise , the noted author of *White Like Me* and an anti-racism speaker, posted a statement on Facebook critiquing the abolitionist movement's use of the phrase "I am Troy Davis." He wrote: "To most all white folks and folks with money generally, please stop saying 'I am Troy Davis.' No, you are not. Nor would you ever be. If you don't understand that, you understand nothing."

It was less than 12 hours from 11:08pm, the time when Troy was murdered, proclaiming until the very end his innocence of the death of Officer MacPhail. The numbness, disbelief, outrage, and grief were still raw... the years of collectively fighting for Troy were over. I became angry. How dare Tim Wise use this moment to criticize *abolitionist*s who had given so much to trying to save Troy's life? Why not use his wide public audience to condemn the death penalty system itself, hopelessly mired in racism? Why

try to divide those against capital punishment rather than bring more people into the movement?

Am I Troy Davis?

Colleen Eren

It took some distance from Troy's death for me to reflect less viscerally to Wise's comment, to self-reflect at my defensiveness as a white abolitionist and to think critically about the abolitionist movement's language and tactics. Wise's point, of course, was that whites are born into positions of privilege at every level due to a bloody history of slavery, Jim Crow and the persistence of institutionalized racism. Therefore, it is ridiculous for whites to say "I am Troy Davis" because they will never *ever* be black in America. They will never, except through the luxury of a thought experiment, know the reality of being part of a minority group that is targeted point. For whites to attest that they can truly understand the black experience or to think that they

"are" Troy Davis, meaning that every white person has the potential to be a Troy Davis (i.e. wrongfully convicted and sentenced to death), is ignorant and in some respects, arrogant. While whites have been wrongly convicted and have experienced injustice, being black means belonging to an entire *race* of people who have been oppressed for centuries, treated as animals and been targets of systemic oppression. The history of capital punishment is one where the markings of racism are undeniable and undisputed.

However, I believe that Tim Wise's demand that whites "stop saying 'I am Troy Davis'" has the unintended consequence of continuing, not reducing, racist thinking and ignorance of the black experience on the part of whites. The power of "I am Troy Davis" was its ability to unite, its ability to inspire empathy with Troy's experience of injustice and his family's pain. The ability to treat human beings as Other, to not care about conditions of inequality and injustice comes about as a result of *lack* of empathy, not an excess of it.

If more whites truly tried to empathize, to put themselves in the role of a minority in the United States, to say "I am" rather than "I am not," the persistence of racism would be less likely. In fact, a recent study published in the *Journal of Personality and Social Psychology* (Todd et al, 2011) showed that research participants who were asked to take the perspective of a black man who experienced discrimination in a film scored lower on tests for unconscious bias than participants who were not told to take the black man's perspective. In other words, the mere act of *imagining* what it would be like to be black and to witness discrimination was enough to reduce bias. I would extend this beyond issues of race to say that is empathetic feeling were consciously practiced, the death penalty could not continue. To say "stop trying to empathize!"

seems to me a terribly misguided statement when death penalty support in the United States amongst white Americans is still over 70%.

I do not suggest, in saying this, that whites should delude themselves into believing in a postracial society where all have equal opportunity. Discussions about racism should be at the forefront of discussions of the death penalty. But the "I am Troy Davis" campaign (which, according to Laura Moye, Amnesty's Death Penalty Program leader, began when a few young men in Savannah wrote the statement on white undershirts at a rally close to one of Troy's earlier execution dates) inspired millions with its message of common underlying humanity.

I asked Lawrence Hayes, former NY death row inmate, Black Panther, and co-founder of Campaign to End the Death Penalty to tell me his thoughts about "I am Troy Davis," and whether whites should stop using this phrase or similar ones in the future. I close with his letter to me:

"I believe the Troy Davis case transcends race, class, etc. I believe the very ideal of "Justice" is at the heart of how people felt and related to Troy's case. People from all walks of life and from every position about the death penalty expressed concern, outrage, and shame at the actions of both the American judicial and political system. Troy's case rests purely in the arms of our collective perception of what is fair and just."

⊠

In the summer of 2011, the sale of murderabilia once again became a topic of public interest. The government had decided to start auctioning the belongings of killers in order to help raise money for the victims' families.

Roger Green wrote a short web article on this issue in his Times Union blog. In it, he raises many interesting questions on the morality of murderabilia.

Since then, the belongings of countless killers have gone up for sale. We decided to contact Roger to see if he had found any answers to the questions raised in his blog post.

NYADP Journal Interview of Roger Green On Murderabilia

What made you decide to join NYADP?

I'm not certain, but it may have been when I saw David Kaczynski at some event — I'm thinking at the downtown University of Albany campus — a number of years ago.

He was with some of his colleagues
(definitely Gary Wright, probably Bill
Babbitt.)

But it was Bud Welch's story, the man whose daughter Julie was killed in the Oklahoma City bombing, that really got to me. He talked about that change from the revenge mode.

Specifically, he talked about how his opposition to Tim McVeigh's execution was OK with the death penalty proponents *until* McVeigh was actually killed, and it seemed that act did *not* bring to the Oklahoma City family that measure of "closure" they were seeking.

How did you get interested in the fight against the death penalty? Are there ways in which you're involved?

I've long opposed the death penalty. It's partly "I don't think the state should kill people in my name," partly the inequitable way it's been applied. I was struck by the sheer number of DNA cases that have overturned verdicts.

Most of my advocacy has been more one-on-one; I've turned at least one colleague 180 degrees on the death penalty as, at best ineffective deterrent, and at worst, as unfairly applied. But I've written about it too, most recently here: Link to post on the death penalty_.

What are your opinions on our current criminal justice system?

I remain troubled by the fact that personal identification is so amazingly inaccurate, yet a recent Supreme Court case has largely affirmed it. One of the worst examples of mistaken identity was the Ronald Cotton case, where a woman who was raped identified him incorrectly, based on the methodology of showing her an array of pictures first. Subsequently, she failed to recognize the actual rapist, and Cotton was cleared only on DNA evidence. I'm convinced that similar things happen too often.

In May of 2011, you wrote a brief blog piece on the *"It's not that I want to* sale of artifacts from crime scenes and possessions of *obliterate the dark past. It is* killers, also known as "murderabilia." Have you had

any thoughts on this since then? ***that I'd like it shared in some***

sort of historic and

Only this: I can appreciate hero worship, and that I can ***sociological context."*** see one wanting this ballplayer's glove or that musician's guitar. But I guess I want someone's hero worship to be aspirational, something to try to emulate, so murderabilia frankly creeps me out.

Do you feel there's a substantial difference if the auction of murderabilia benefits victims or the government, rather than the criminal?

There are laws to prevent felons from profiting from their crime. I still find the purchase unsettling.

In the Unabomber auction, some of Ted Kaczynski's belongings were purchased by museums which highlight murderabilia, such as The National Museum of Crime and Punishment in Washington, DC. Is there a substantial difference between private buyers and museums and research institutions?

Actually, yes. I've noticed that there are lots of mementos of 9/11 available for viewing. It's not that I want to obliterate the dark past. It *is* that I'd like it shared in some sort of historic and sociological context.

Currently about 40 states have "Son of Sam" Laws, which prohibit criminals from benefiting from these sales. Recently questions about the constitutionality of these laws have been challenged. However, other goods can be banned from sale, such as Egyptian artifacts or elephant ivory. Do you support laws that ban the sale of these items? Does it matter who is getting the proceeds?

Of course, criminals are not all created equal. Participants of Arab Spring, the Occupy movement had elements that might be considered criminal. Martin Luther King, Jr. was a Nobel Peace Prize winner and a jailbird.

The law must be written very carefully, and I understand the New York law has, so far, passed Constitutional muster. There are all sorts of reasons to ban the sale of items. As yucky as I find purchasing mass murderers' accoutrements, I'd be cautious about wholesale banning of them. I think it may need to be determined on a case-by-case basis.

On the other hand, banning the sale of body parts of endangered species is something I can support.

☒

Roger Green maintains several blogs including Ramblin' with Roger and Information Without The Bun_ , both of which can be found by the PDF hyperlinks provided here.

After Father Aloysius finished the final morning services for the parishioners at Iverhill's Church of Most Precious Blood – after he shook the hands of each exiting family and asked the little children if they received what they wanted for Christmas, and even blessed a Bible that one child received as a present, his day was almost done.

He was on the tail end of a long 48-hour period – working with the Interfaith Charities to organize the turkey dinner deliveries yesterday, then a Midnight Mass, and then Morning Mass on Christmas Day – he was exhausted. And all that required his attention was a little parish maintenance – some sweeping, some dusting, putting the hymnals back on the pew racks, checking the pews for leftover chewing gum, the usual things.

The Note

by Chuck Miller

Sweep, clean, neaten, tidy up. Nobody wants to come to an unkempt church, he thought to himself. This is God's house. God keeps a tidy house. At least if God can get a few more dollars from the collection boxes, then maybe Father Al can pay for the crack in the church wall when the plasterer arrives tomorrow.

He then walked over to the collection boxes. Sometimes the boxes were stuffed with dollars and coins; other times, someone would use it for disposing their gum wrappers or cigarette butts. After last year, when someone left a lit cigarette in the collection box and it burned through about $25 in paper money, Father Al kept a small fire extinguisher near the collection boxes lest the church actually burn down because someone couldn't control their nicotine urges. He unlocked the first box, stationed near the right of the church entrance. Plenty of coins, plenty of dollars, a note saying "Good service today Father Al," another note saying "Can we get a different flavor of sacramental wine?" and another note whose barely legible handwriting must have been influenced by a Christmas Eve bender and Christmas morning hangover.

Then he unlocked the second box, stationed near the left of the church entrance. Some more money, some more coins, a couple of checks, and a white envelope.

Father Al opened the envelope. There were no checks inside, no bills or coins. Just a handwritten note.

He looked at the envelope. No return address. No forwarding address. Blank and white.

Taking the note over to a better-lit part of the church, Father Al sat down, took the note out of the envelope, and read it.

Dear God,

the note began.

In Your mercy, we all seek and ask You for forgiveness. And that we are asked to forgive those who have harmed us. In Your wisdom and glory, I ask for forgiveness for my father.

Father Al looked up. This wasn't a letter for the collection box. This was a letter for the confessional. He continued to read.

Lord, I came back today to attend his funeral. It's the first time I've been back in Iverhill in ten years. I can't change the past. I can't change what he did to me, and how much it hurt me and shamed me. But what has changed in those years has been my perspective. I can't make things different. All I can do is acknowledge that I became an adult in spite of what he did to me.

Father Al continued to read, his vision darting from tortured word to tortured word, his lips halfreading out loud, half-whispering a prayer.

Ten years ago, I moved away from Iverhill, and I got away from his hurt and his anger and his fear. I never gave up, and I never allowed anyone to do to me what he did. I still bear the scars of what he did, but they are scars of memory and not scars of fear.

God, this takes a tremendous amount of will power on my part, and I'm not sure if You will hear me. I do know, in my heart, that You are the almighty judge and redeemer, and that You will make the final determination as to where my father's soul goes after his body has been laid to rest. With this letter, I ask You to forgive my father for what he did. He wasn't strong enough to overcome his alcoholism. He wasn't strong enough to overcome his demons. The last time he saw me, I was leaving Iverhill and leaving him behind. I don't know if that changed his ways or not. But I can't let what he did to me continue to cripple me or stunt me. I will never forget the horrible things he did. But I want to forgive him – and hope that, in Your mercy, you will forgive him as well.

In Your name I pray. Amen.

The letter bore no signature. The handwriting on the letter was lightly penned. If Father Al had to take a guess, he thought it might have been a woman's handwriting. But he wasn't sure. Father Al wiped a small tear away from his eye. For someone to go through what this letterwriter had experienced – and still to ask God for forgiveness against that tormentor – it was a tremendously poignant and bitter letter, full of pain and sorrow and hope and resolve. Father Al thought about who the "father" might be – perhaps it was someone who visited the Confessional booth in the past; perhaps it was someone who only entered the church twice a year.

But this was no time for detective work. This was a time for reverence.

Standing up from the pew, Father Al took the letter up to the church altar. He whispered a small prayer upon the handwritten note, and dabbed the letter with some drops of water. He then took the letter to his rectory, took a white church envelope from his desk, and sealed the letter inside. He then took a pen and wrote the words, "To Be Opened Only By The Lord" on the envelope's front.

He then walked back out to the church entranceway. He knew where this letter had to go. Along the side of one of the walls of the church was a tiny crack. Over time, the crack had grown to the point where Father Al knew it needed repair. That's why he scheduled a contractor to fix the crack, and the contractor would arrive tomorrow.

He knelt down in front of the cracked wall, and slowly slid the envelope into the wall fracture.

And by Wednesday, the masonry worker would seal up the crack, as if the fissure never existed. And the note, containing the words of an anonymous prayer for forgiveness, would next be read – at some future date – by the Lord himself.

☒

Winter Poems

Chris Honeycutt

Boys

by Josh Medsker

The boy's legs were too short to reach the pedals. He was sitting half-on, half-off the truck's maroon vinyl seat. His younger brother sat next to him, looking at him through his left eye.

"Evan?" the younger boy said. Evan kept driving.

"Evan?" the younger boy said again.

"What, Ollie?" Evan said, not turning his face away from the road.

"Where are we going?" Ollie said.

"I told you," Evan said.

The wind came through the gap between the window and the rubber around the door jamb, making a whirling noise. It blew into Ollie's eye, making him wince.

"How's your eye?" Evan said, turning to look at Ollie.

"It's ok," he said. The sky blackened, and the wind picked up even more. Evan turned the heater up.

"Hey Evan?"

"Huh."

"You sure Daddy knows we've got his truck?" Ollie said.

"I told you already," Evan said.

"Yes. I asked him right before I woke you up. He knows we're just going for a ride." They passed some cow-tipping frat boys, and a truck stop. Ollie sat in his seat, quietly. The fishing tackle box and hunting rifles and empty beer cans in the truck bed rattled as the truck hit patches of unpaved road and gravel.

"That doesn't sound like daddy," Ollie said after a while.

"He's really careful about his truck."

"Look, I'm getting my learner's permit in about a month," Evan said, turning to Ollie, glaring.

"Besides, he told me I could drive it. You calling me a liar?"

"Well?" Evan said. Ollie sat, not saying anything, looking down at his sneakers.

"No," he said, finally. Evan clicked on the wipers, and sprayed the fluid to clean the dead bugs off the windshield. He clicked it off again, and leaned forward to see.

"Damn it," he said.

"I can't see." Ollie sniffled in the passenger seat. Evan glanced over at his brother, and didn't say anything. Ollie began to cry.

"I'm sorry I snapped at you," Evan said, keeping his eyes on the road. Ollie wiped his nose on the sleeve of his favorite Spider-Man pajamas, the ones his mom had gotten him for Christmas that year.

"Hey," Evan said, looking over.

"I didn't mean to snap at you." He reached over and tousled his little brother's hair. Ollie smiled a little, and Evan gave his own gap-toothed smile. Ollie blew his nose in a McDonald's napkin he'd found on the floor, then wadded it up and put it in his pocket.

Evan kept driving while Ollie fell asleep in the passenger seat. Evan knew he'd done the right thing, taking his brother from the house, but he was getting tired of driving, and didn't know what he was going to do next. Drops of rain splattered on the windshield, and Evan felt the small drops hitting the side of his face, coming in through the window. He strained forward to see the road, putting his face right up to the glass.

He saw a red barn up the road. Evan drove up to it and parked. He walked up to it, catching a whiff of animal droppings. Evan inspected the outside. He noticed the paint was peeling on the sides, coming off in big fat flakes. He opened the creaking heavy door. It was dark inside, but he could make out an area in the back that was dry. He grabbed some hay and took it back there, fashioning a makeshift bed. The roof was sturdy enough, but the rain was still getting through in several places.

Evan walked back through the yard, past the yellow patches of grass, and rusted-out cars, back to

Ollie, who was playing a video game in the passenger side of the stolen truck. "Where've you been?" Ollie said as Evan got inside to grab his coat..

"I was just looking around inside the house," Evan said.

"There's no furniture, but I made us a little bed. Come on." Both boys got out of the truck.

"What's going on?" Ollie asked, pulling his jacket to his body.

"I thought we'd stay here tonight," Evan said, as he pulled two sleeping bags from behind the seat.

"Why?" Ollie said.

"Won't Mom and Daddy wonder where we are?"

"They're asleep," Evan said.

"Besides, they'll still be asleep when we go back in the morning. Tomorrow's Saturday." Ollie put the video game in his coat pocket.

"Where are we?" Ollie said.

"I think we're about twenty miles south of town," Evan said.

"Amarillo's that way," he said, pointing north. He knew it was more like fifty, but he didn't want his brother to raise a fuss, as Evan knew he would if he were that far from home. He'd never been that far from home before. Not like Evan, who had been hunting in the Hill Country with his father.

The boys went inside the barn. There were no animals there, but the floor was covered with hay.

"There's a loft," Evan said, pointing to the ladder in the back left corner. They walked through the musty barn, kicking up animal dander and dust as they went. The walls of the loft were covered in graffiti, and there were cigarette butts and beer cans strewn about the floor. There was also a dilapidated mattress, ripped and lying in the corner. They laid out the sleeping bags on the mattress, and rolled up their jackets for pillows. Ollie lay down and curled up to go to sleep. Evan sat up in his sleeping bag, looking forward.

"Evan?" Ollie said, looking over at Evan.

"Yeah?" Evan said, looking in the direction of the barn door.

"We're going home in the morning, right?"

"Yeah," Evan said.

"We are. Now go to sleep."

Evan waited until Ollie was asleep, then slipped out of the sleeping bag, and stepped down the ladder and out of the barn. He started the truck, and thanked heaven that Ollie was a heavy sleeper. He took a rifle from the truck bed, and laid it on the passenger seat.

As he drove, his mind kept going back to his dog. Evan could picture him sleeping in the yard.

He had been on a hunting trip a few weeks earlier, with his father. He hadn't been too eager to shoot a gun. He wasn't sure what was supposed to happen when you went hunting.

—

"You aim it like this," Evan's father said, putting the rifle up and putting his shoulder back. He handed the rifle to Evan, who stood there, confused.

"Didn't you hear me?" his father said, looking puzzled.

"Yes," Evan said.

"I just don't know what to do."

"I just told you," his father said, reaching over, snatching the gun out of Evan's hands.

"You aim it like this," his father said again, then shoved the gun back at Evan, who stumbled back a few steps.

"I'm sorry," Evan said softly, afraid to say anything else, for fear of getting slapped, or worse.

"What kind of a man are you going to be if you can't even shoot a gun?" his father said.

"Now let's get going, we don't have much daylight left."

Evan had only been hunting once before, but hadn't shot anything. The woods were thick where they were. The woods were the only thing Evan liked about hunting. He always walked behind his father, so he could at least lose himself in his thoughts for a

little while and not have to deal with his father's exacting standards or his hair-trigger temper. Once, when Evan was eight, when

Ollie was a baby, Evan's father took him on one of his fishing trips. His father had let a fish get away from him, and Evan asked why. Thinking the boy was mocking him, Evan's father flew into a rage and grabbing the boy with both hands, repeatedly shoved his face down in the dirt. He ignored Evan for the rest of the day, and made him ride a hundred miles back to Amarillo in the back of the truck, in the rain.

On this outing, Evan was allowed to bring his dog, Bones, but only if it stayed tied to the truck the entire time. Bones had chewed through the rope while Evan and his father were off in the woods and, naturally, went off to find them.

"There it is," Evan's father said, pointing his rifle at a small white-tailed deer about a hundred yards away in a clearing.

"Remember what I said before about keeping the gun level," his father said. Evan was nervous, and his hands were clammy. Although his whole body was shaking, he leveled the gun, and shot.

The deer bolted when it heard the shot, but the bullet caught it in the back left leg. It started to run away, but Evan's father shot, and grazed its back. After the second shot, Bones came running out of the brush, barking, and knocking Evan's father off balance. The deer ran away into the woods.

"God damn it," Evan's father yelled.

"I swear to god..." He aimed his rifle at the dog.

"No!" Evan said, running over to his father.

"I told you to keep that god damned dog tied up didn't I?" his father said.

"I swear, I didn't know he wasn't tied up, Daddy, I swear," Evan pleaded. His father cocked the gun.

"Don't!" Evan cried. He fired. Evan heard a yelp, and he felt sick.

Bones ran away as fast as he could with Evan following behind him. The boy's legs were weak as he ran. His mouth was dry, and he looked around wildly, calling for his dog. He heard his father yelling for him, and ran faster.

"Evan!" he yelled.

"Come here!" Evan didn't even break stride. He kept running and weaving through the underbrush, looking everywhere all at once, calling for his yellow lab. Suddenly, Evan saw the ground coming up at him, and instinctively put out his arms to catch himself. He hit his head on the ground, and lay unmoving for a moment. He heard his father yelling for him off in the distance, and bolted up. He stumbled as he tried to stand on his ankle, which had been sprained in the fall. He called for Bones. The dog limped over to Evan, who was sitting on a fallen tree.

The dog began licking the boy's face, which was now flushed and puffy from crying. As his father approached, Evan covered the dog's body with his own.

"Evan," his father said calmly.

"Quit your crying and get out of the way." Evan didn't move. The dog's entire stomach was covered with blood, and a small bullet wound pumped blood down its

hindquarter. Evan's father picked him up with one arm, and shoved him away. His daddy fired a second shot, and the dog stopped moving. Evan's father looked at the dog, and his son, who was huddled over its' body, weeping.

"Fucking dog," his father said.

—

Evan passed the run-down gas station on the edge of town, and his own middle school. He passed his favorite video arcade at the strip mall, and the big woods behind the high school where he liked to go walking, and finally came to his own driveway.

He shut off the truck, and took the gun from the passenger seat. He walked up to his house, which now looked foreign to him. He looked up his and Ollie's bedroom window which was still open a crack from when they'd escaped. The house didn't seem real to him anymore. It was more like an apparition or an oppressive, inescapable hallucination than his home now. Even the trees in the yard, the ones he'd climbed summer after summer, looked sinister somehow—like their tree fingers would reach down and snatch him up if he came too close to them. Evan walked past the shade tree with the chewed, knotted rope tied around it. A light came on as he stood on the porch. A tear rolled down his cheek as he opened the door and aimed.

⊠

Notes on Contributors

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Chris Honeycutt (cebey1@uic.edu) Chris is a mathematical biogeochemist employed at the University of Illinois at Chicago. She has experience in laboratory work and data analysis from a variety of fields, including biology, geology and chemistry. She has a strong interest in many areas of forensic science and criminal justice.

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Aaron Morgan (aaron.morgana@gmail.com) Aaron is a painter and illustrator who live in Seattle WA. Aaron's art embraces a messy yet controlled aesthetic. He regularly contributes to many zines, book covers and online collaborative art entities. His online portfolio and ongoing project list can be found here: aaronmorganart.tumblr.com.

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Issue #3

New Yorkers for Alternatives to the Death Penalty
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New Yorkers for Alternatives to the Death Penalty (formerly New Yorkers Against the Death Penalty) is a nonprofit, nonpartisan organization that in 2008 expanded its mission after the effective abolition of capital punishment in New York. NYADP supports effective, rational, and humane approaches to the problem of violent crime in a post-death penalty abolition environment. NYADP collaborates with a wide variety of individuals and organizations (crime victims, members of law enforcement, family members of the incarcerated, mental health advocates, clergy, etc) to achieve these objectives.

In the tumult of public debate and competing interests, NYADP aspires to be a voice of practical reason and compassion, seeking common ground where none was visible, building coalitions that work to advance the collective good without sacrificing any individual's human dignity or civil rights.

A very simple solution

By David Kaczynski

In the world we live in, everything is connected to everything else, making it quite difficult to establish precise chains of causality, much less enabling us to predict future trends with accuracy. In areas of human behavior and social causation, we often can't sufficiently narrow the field of relevant data to generalize about the factors that are likely to have the greatest influence.

Does the death penalty deter homicide? This question has been studied to death (pardon the pun) by researchers and statisticians for more than thirty-five years, with results ranging all over the map.

Now, the prestigious National Research Council – after surveying this vast body of research on deterrence and the death penalty – has found no credible research to indicate that the death penalty deters homicide, nor any credible research to indicate that it does not deter homicide when compared with other available punishments. The Council report was also dismissive of some studies that found that the death penalty might increase the rate of homicide through its "brutalization" effect.

The bottom line of the Council's report was that we simply don't know enough about the death penalty's impacts on human behavior to consider them when evaluating the death penalty as a public policy.

Despite the report's even-handed language, its conclusion is fairly devastating to the pro-death penalty side. Why invest billions of dollars in a public program that has no demonstrated efficacy? The question is particularly embarrassing to politically conservative supporters of the death penalty who make a habit of criticizing the inefficiency and wastefulness of government programs.

The study also leaves pro-death penalty politicians without a leg to stand on. During a presidential debate in 2000, Texas' reigning executioner-in-chief, George W. Bush (Rick Perry has since surpassed his record for having signed more death warrants than any governor in history) piously said that the death penalty "should never be about vengeance" but only about saving lives.

"I believe the death penalty is a deterrent!" announced Bush, to which the wonkish Al Gore meekly agreed.

I'm waiting for a mainline presidential candidate to come clean: "I know the death penalty is probably not a deterrent but I do believe in vengeance and I don't care how much it costs!" (My only fear is that we'll hear a candidate saying something like this before we'll hear one speaking the truth that "the death penalty is a failed

program that costs too much and risks too much...and besides, do you really want your government playing God with citizens' lives?")

Here in New York, there hasn't been a strong push to reinstate the death penalty since the later part of the last decade, but the argument has always been that we need a limited death penalty for "cop-killers" in order to provide a margin of safety for those who protect us. Again, the kernel of the argument is deterrence — that criminals (or anyone else bent on violence) will hesitate to shoot or stab a police officer if they know that doing so could get them a death sentence.

Unfortunately, 2011 was a particularly bad year for police murders. A recent New York Times 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. 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.

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 – having carried out more than half of all US executions since 1976 – accounted for about 16.5% of the US population but for nearly 20% of police murders in 2011.

Police murders aside, it has long been recognized that states without the death penalty have, on average, significantly lower murder rates than states with the death penalty. A just released study by the Institute for Economics and Peace, a business think tank, drives home this correlation. Of the 10 most dangerous states identified in the Institute's survey, all 10 have the death

"In other words, behind most acts of violence there lies a narrative of justified vengeance."

penalty; whereas among the 10 states considered safest, 7 of those states — including the two safest — don't have the death penalty!

It really does beg the question: What is the connection, if any, between violence and the death penalty?

Let me put this as succinctly as I can (and please don't report me to the National Research Council): The same socio-cultural-political factors that incline a state or region toward having the death penalty and toward using it frequently (e.g. black and white thinking; "us vs. them"; stereotyping of community members by police and of police by community members) are also constitutive of violence generally, forming the basis of a "justification" required by more or less normal human beings to relax the inhibition against behaving violently.

In other words, behind most acts of violence there lies

"Even the atheist a narrative of justified vengeance. Our religious **philosopher Nietzsche** traditions understand this and have spoken to the **aspired, somewhat** problem again and again. "Vengeance is mine sayeth **grandiosely, to 'free**
the Lord." (Leviticus) "Love your enemies." (Jesus) **mankind from the spirit of**
The Buddha preached against entertaining vengeful **revenge.'"** thoughts let alone taking vengeful actions. Even the atheist philosopher Nietzsche aspired, somewhat
grandiosely, to "free mankind from the spirit of revenge."

I don't mean to suggest that because it is not easy to validate spiritual truths by empirical means that all deep truths are beyond scientific validation. For instance, in the past month yet another longitudinal study has emerged to demonstrate that exposure to violence, especially in early childhood, can significantly shorten one's life span. The study found that even our genes are adversely affected by the stress of violence.

I'd like to propose a few simple but possibly productive follow-up questions for researchers to frame up for study:

1. What are the long-term effects on a child whose parent has been executed? (Why has no one asked this question?)

2. Is violence contagious? (If so, how can we immunize ourselves?)

3. Is kindness contagious? (Since everything is connected to everything else, we may never fully appreciate the power of kindness until we commit ourselves to practicing it as a way of being!)

Two sides to every story?

Teaching about the death penalty

By Colleen Eren

It is a standard assignment given by teachers, one with which those of us involved in death penalty work are well acquainted. "Write an essay either for, or against capital punishment." Or, another version: "Write an essay that gives the pros and cons of capital punishment." A quick search on Google using the key terms "Essay pros cons death penalty" yields 229,000 hits, a number which speaks to the lack of creativity of such a question but also to its ubiquity amongst educators who teach about capital punishment.

The "Pro-Con/For-Against" format is an appealing one in which teachers can present controversial topics. (In fact, the nonprofit organization "procon.org" is based solely on this method of instruction and is currently used in thousands of classrooms in the U.S.) For many instructors, wading into controversy with students is akin to walking in a minefield. Passionate emotions, accusations of bias, and criticism from parents and administration might ensue if partiality is exhibited. Although the production and dissemination of knowledge is never neutral or value-free, in education as in journalism, a high premium is placed on the façade of neutrality. The teacher becomes the purveyor of truths that are untainted by his/her opinion and allows the students to formulate critical opinions based on their own wrestling with the topics. The classroom allegedly becomes a democratic marketplace where pros and cons are equally viable options that students can elect to endorse unequivocally or reject unequivocally. What better precursor to a life of civic engagement? And at the same time the teacher can shield herself from recrimination!

I have taught Sociology courses involving units on crime and punishment for five years at Hunter College and Queens College. In designing the class and my assignments, I have been forced to consider my pedagogical approach to the death penalty. As a strong opponent of capital punishment, and as one who worked for over five years at New Yorkers for Alternatives to the Death Penalty, was I obligated to

Although the production and dissemination of knowledge is never neutral or value-free, in education as in journalism, a high premium is placed on the façade of neutrality.

present the "pros" of the death penalty? Should I mold the conversation to be "for" or "against"?

Should the students hear as equally meritorious the "other side"?

After much reflection, I strongly contend that for those teaching in the social sciences or for those who are asked to do any presentation before an audience on the death penalty, the procon/ for-against "debate" formula of presenting the capital punishment should be abandoned. I offer two reasons (although others may be advanced). The first is what I term "the evolving/progressive standards" principle and the second is what I'll call a "principle of polemics."

Pro/Con debates about the death penalty are fruitless if we consider the notion of "evolving /progressive standards." The death penalty is a punishment which has been abandoned by 139 countries, including all Western industrialized nations and many other "unlikely" nations such as Philippines, Mexico, Russia, Turkey, and Argentina. EU Policy on the death penalty states: "The death penalty is cruel and inhuman, and has not been shown in any way to act as a deterrent to crime. The European Union regards abolition as "essential for the protection of human dignity, as well as for the *progressive development of human rights*" (emphasis mine). The United Nations has also called for a moratorium on executions based on its stance that the death penalty is an affront to human rights.

An evolving sense of morality/human rights precludes debate and pro/con arguments for various punishments that were once deemed acceptable but have since been abandoned as barbaric. For instance, in Iran, stoning is permitted for adultery. In Saudi Arabia, beheadings take place for crimes such as robbery, murder, or apostasy. Amputation for theft can be found in Nigeria. I am unaware of any college or high school that would ask its students to engage in a pro/con discussion of stoning for adultery or beheading for murder or amputation for theft. Why not? Surely, there are "pros" to having these draconian forms of punishment, often in public view. I would wager that some could argue that the deterrent effect of seeing any of these, the low crime rates that can result, would justify their use. Yet, we do not debate pros and cons of beheading because they have become anachronistic in most nations of the world. They are vestiges of an earlier time when human rights had not progressed to their current state. We might study beheadings etc. as social facts of socio-historical interest, but we certainly would not put them on the table for serious debate. To present these methods of execution as a pro/con issue would suggest that they equally deserve consideration for social policy in the United States. Given the evolution/progression of most of the rest of the world (except nations we hardly wish to ally ourselves with), I conclude that this format is inappropriate.

My second reason to consign the pro-con debate to the **The death penalty is a** dustbin is that the polemical format—where one **punishment which has been** chooses to argue either for or against—does not lead to **abandoned by 139 countries,** critical thinking, but rather to a hardening of ideological **including all Western** beliefs to the exclusion of thoughtfulness, nuance, **industrialized nations and** ambiguity, and a willingness to tolerate new information **many other "unlikely"** that might contradict one's established beliefs. **nations such as Philippines,** Cogni-

tive research has proven repeatedly that our **Mexico, Russia, Turkey, and** brains become less tolerant of contradictory information

Argentina. the more one allies oneself with a particular ideological configuration. Why should students be encouraged to

think in such a dichotomous fashion? Rather than encouraging critical thought, the pro-con death penalty debate encourages the exclusion of information, and a division among students by support or opposition, rather than uniting them in an inquiry of its socio-historical symbolism, meaning, causes, and effects. I do not suggest that the classroom should be a place for political indoctrination. I do not wish for students to be transformed into robotic abolitionists spouting figures about the costs of capital punishment. Quite the contrary. In teaching about the death penalty in the social sciences (history, social studies, sociology, anthropology, political science), the socio-historical context of punishment should be explored fully. The death penalty is a product of a particular time and place, a social fact revealing much about the prevailing social order. Why has it been abandoned in most countries? Why does it still exist in the US? How and why has it been used? These questions bring to the students a much higher level of critical thinking than merely doing a laundry-list (easily found online) of pros and cons. And in doing so, it is likely that they will realize why an evolving standard of human rights makes a debate about capital punishment a futile endeavor.

You Can Hate, but You Need to Love

By Ryan Semerad

I've lived in Siem Reap, Cambodia for two months now. For those unfamiliar, Siem Reap is home to the famous Angkor Wat temple complex visited by millions annually. It is also the second most popular city in Cambodia behind the country's capital city, Phnom Penh. I'm here as a visiting teacher with the Ponheary Ly Foundation, an organization working to improve the lives of children in the country by improving local schools and encouraging students to attend school instead of working.

Before coming to Cambodia, I had the same Western preoccupations about the place as almost anyone: land mines, the Khmer Rouge, and the Killing Fields. After living in this tragically misunderstood land for a short, but thorough stretch of time, I've gained a firsthand experience with resilience.

I did not have the opportunity to speak with any of the surviving members of the Khmer Rouge here. They tend to live in isolated communities that don't take well to people prying into their past. I did, however, have the opportunity to speak to two survivors of the Khmer Rouge prison camps and several people who lost their parents as well as brothers and sisters to the Khmer Rouge regime – which they refer to as the "Pol Pot time."

Everyone has some understanding of why the Khmer Rouge came into power: the US-backed puppet government was incredibly unpopular and the Khmer Rouge provided what appeared to be a better alternative to the common people. Obviously, like Hitler's Nazi regime, the people who hedged their bets on the Khmer Rouge were gravely mistaken. A better question is why, culturally, did the Khmer Rouge do what they did? What in the fabric of Cambodian society allowed this tragedy to occur?

In my personal opinion, it had a lot to do with the cultural differences between those who were educated and lived urban lives, and those who were uneducated and spent their lives working on farms. These two groups of people – who are still radically different to this day – didn't understand each other. The farmers believed that the urbanites were lazy, destructive, and untrustworthy. The urbanites generally thought the farmers didn't understand much about how a country should be run. The social and cultural strife between the two groups was exploited by the Khmer Rouge. In fact, if the farmers and the city-dwellers were better acquainted and shared a common sense of community I'd be willing to bet the Khmer Rouge genocide wouldn't have happened. The whole terrible situation just reiterates several imperatives that we all

should abide by: learn about those people in your country and in the world who are different than you, accept them into the fraternity of your global consciousness, and make an effort to connect with them on one level or the other. By doing these things, by understanding those strangers who could easily be construed as our enemies, we can prevent tragedies, wars, and unnecessary deaths from happening.

If you ask your average Cambodian what he or she thinks of the Khmer Rouge, especially those officers still living in the country, you'll get a mixed bag of opinions. Some will be angry – seeking revenge and calling for the execution of these men and women. Some will be dismissive and indifferent. What I've found to be most amazing and moving, however, aren't these rather typical responses, but the lives of the children here.

Most children here are products of parents who were either directly or indirectly impacted by the violence, oppression, and tyranny of Pol Pot and his regime. They live in poverty and work daily to help their families squeeze out a living. Yet, despite this misfortune – especially at the hands of some of the most disgusting men in history – these children are happy and at peace. Let me amend this last comment by saying the children I've had the pleasure of working with – the children who are lucky enough to go to school instead of working or begging or worse – are happy and at peace. There are plenty of Cambodian children who are forced one way or the other to do things no child should. They are treated miserably and it is a crime that there isn't more of an effort to address this problem. All of this aside, the children that do attend school are happy and at peace (at least while they're in class).

I have worked at three separate schools in and around northwestern Cambodia with children between the ages of 5 and 16. I have taught alone and with another instructor. I have never been disrespected by a student. I've never seen students taunting one another. I've never had to break up a fight. These children and their families have been through hell and continue to wallow in poverty, yet I have never experienced nor felt the environment of violence present in America's most impoverished communities. What is the secret to maintaining this seemingly impossible peace?

If you visit the homes of any of these children you will notice that family comes first. No matter what happens, the family sticks together to help each other out, to play, to fight, and to celebrate. Everyone works together so everyone can survive and thrive together. While everyone talks about their hatred of the surviving members of the Khmer Rouge, they don't spend their energy on that hate. They use their energy to keep their families alive and relatively happy: they spend their energy on love.

While Cambodia has a long way to go in many areas like healthcare, education, and environmental conservation, it has excelled in a very important area: family. America could learn an important lesson about love and family from the Cambodians. If America were to put more time, money, and energy into maintaining families and preserving communities, not punishing the "bad guys" I think we'd see happier, healthier children. I think we'd see easier smiles and better neighborhoods.

Violence destroys life, love, and community. Violence breeds animosity, hatred, and sadness. Is America's justice system working to stop violence and create connections, opportunities for love, and happy communities? Or, is America's justice system doling out violence in response to violence? The stars and stripes should learn from a country that has seen too much violence.

Love, family, community. Preserve and promote these in place of revenge, hatred, and violence and you'll see kids smile no matter how much money their parents have.

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.

Khao-I-Dang Refugee Camp and Our Neighbourhood in Revere, MA

Poems by Bunkong Tuon

Khao-I-Dang Refugee Camp (1980)

Unknowingly accurate, the UN workers called our refugee camp "KID." It was a hot, dusty, endless stretch of land. Early mornings, my uncles and aunts disappeared to who-knows where. I roamed the dirt road, lost in the red-brownish haze, a branch in my hand, looking for crickets, lizards, and grasshoppers. When the rain came, tiny leaf-green snakes rested under giant toadstools. I hunted frogs and tadpoles, while others sought shelter under thatched roots. On weekends, the young men played soccer, a game that usually ended in bloodshed, as centuries-old conflicts between Viet Nam and Cambodia were played out by refugees sharing the same story:

torn from home, separated from friends and loved ones, the future as uncertain as the past, forever uprooted. One evening, sitting in the same dirt field where blood had been spilled earlier, I saw Jesus Christ being crucified, a mesmerizing horror show, presented to us by the most gentle people, our friends and teachers, whose Church groups would send our family to Boston, Philadelphia, and Minneapolis, places as foreign to us as snow, Christmas, and birthdays. I found the film difficult to watch in the dust cloud that clogged my lungs, let alone understand its religious meaning; yet,

I was intrigued by this glimpse of what our future might hold. Returning to the family tent that evening, I found Grandmother tending the bruises on the body of her oldest living son, caught by the Thai police for leaving camp to go night-fishing to supplement the meager food ration to our family. After a day of hunting frogs, watching a bloody soccer match, and witnessing the brutal torture of Christ, I quickly fell asleep.

Our Neighborhood in Revere, MA (circa 1984 and 2008)

Listen, you have seen it before in countless television shows, movies, and newspapers. No matter which city you're talking about, the markers are the same: The sneakers on

telephone wires, the cracked sidewalks, the potholes that you swerve so hard to avoid that you almost hit the double-parked cars, the graffiti on street signs and public buildings, the apartment complex and family houses slumped so close together that you can smell your neighbor's fried pork with rice, where you can taste the lemongrass, fish sauce, red chilies, and brown golden garlic, as if your grandmother is cooking next door, where inside, English is not spoken, and the first image greeting you might not be Christ, where you need to lift up the reservoir's lid and pull the string to flush the toilet, where a tired-looking can of Sanka coffee filled with brown Canola oil rests near the stove, where if you pay careful attention, you will notice that there are other inhabitants besides your friend's extended-extended family, and across the street, you hear a bunch of young men hanging out on the front porch of a house with broken windows, you see air-conditioner lying on the dying grass, and you notice a mother walking down the sidewalk, with some of her children running ahead of her, and another one, a baby in only a diaper, and not because it's summer hot, cradled to her chest.

You have seen it on the ten o'clock local news. A young reporter staring wildly into the camera is speaking with a sense of authority and commitment to the community, about a shooting that claimed the lives of young bystanders, about a drug bust where police found some untold amount of coke and drug paraphernalia, and you are shaking your head, wondering what the world has come to, now that these foreigners are ruining our America. I was in the neighborhood the other day with my fiancée.

Fresh from graduate school, studying postcolonial literature and theory, we were there to pick up some curry for my aunt. I scan, making sure the car doors are locked, trying to get a sense of the scene. The streets, the smells, the sights reminded me of the old neighborhood, the markers were there, but the people that I knew were gone.

Now there were Middle Easterners. I guess the United States is no longer at war with Southeast Asia.

"An Englishman's way of speaking absolutely classifies him. The moment he talks he makes some other Englishman despise him!"

– Professor Higgins, *My Fair Lady*

Animal Compassion

By Chris Honeycutt
With poetry and stories from contributors
David Kaczynski and Chuck Miller

A few weeks ago I participated in restoring a portion of a community center which predominately serves undocumented immigrants. The neighborhood is only a short bike ride from my house. I and other members of my church scrubbed and painted, trying to make the children's learning center fresh and cheerful for the moms and kids that would come through the doors. In an adjoining wing there was a class. The students were studying to become US citizens, something given by birth to most of those who will read this.

It's strange. Based on what they have said, I know what some in our group felt about undocumented immigrants. There were two views and very little gray in between. I know some described themselves as "conservative" and others described themselves as "liberal." I know some had voted for Barack Obama and some for George W. Bush. I didn't know anyone who voted for both Obama and Bush.

But none of that really mattered while we worked together. The work needed to be done. The church had promised we could get it all done in less than two days. We did.

I'm not a well-spoken person in a lot of ways. Although I have many friendships with many different kinds of people, I have strong and sometimes odd opinions. I think odd things and when I voice them I often find my foot in my mouth.

Because my opinions seem odd or eclectic to others, I often wonder where people get their opinions. Is it just their friends? What they see on TV or read in books? Their family or personal experience? Logic or rationalization?

I also have noticed over time that many people hate others based on what they say or profess to believe. Furthermore, this hatred seems to burn far more intensely sometimes than hatred derived from what people actually do. I've seen people write with more gentle empathy towards killers than they do towards people on the opposite side of the political spectrum. I've heard people speak kindly of men who blithely condemn half the world to war and then speak venomously about people with a slightly different personal moral code. I've watched as people who beg for mercy and understanding for the mentally ill condemn those with different or unusual opinions.

These and other experiences make me wonder what the world would be like without words. Would we be able to see good and evil, enemy and friend, kindness and cruelty more clearly without words in the way? If actions counted but not thoughts and words would we be more compassionate to others?

I think that this is why animals inspire compassion in us. Despite some pet lovers' tendency to anthropomorphize their pets, we all seem to know that animals have no thoughts, no stream of consciousness. When an animal destroys something we're not angry like we would be at a human. Why? Could it be at least in part because we know that the animal has no rationalization for its behavior, as well as no means to apologize? Is it the action itself that makes us angry or is it the justifications? Is it the action, or the possibility that the apology is disingenuous? Is it the action that makes us angry – or happy or sad – or the dance between two conscious minds, neither never really known to the other but only imagined?

I selected some poetry and fiction from two authors I know, David Kaczynski and Chuck Miller. I love poetry and fiction partially because they bridge this gap between the "realness" of expository writing and silence. I'll let the reader decide why I chose them.

Poems by David Kaczynski

Matty

I wanted to bury her deep in silence but my spade kept hitting roots, mixing violence with the peace I sought for her.

She always had a serious look, like my mother's as she peered through tragedy. But it was the moment that consumed her; she wobbled faithfully to her dish until the last day.

She couldn't reach my lap and finally gave up trying. Her gray poll poked up like spring grass. Her world narrowed, our friendship refined to instinct.

Under brilliant, mid-summer morning light, I tried so hard to reach a place where all the roots were broken.

Aspiration

I aspire to help pacify winds of anger, the craving for suspect love, to heal faces collapsed in hard knowledge.

I aspire to look beyond the stains to see one who is,

who might still become;

to one day disentangle snarls which hide meaning in enormous knots, which bind and belabor compassion as it moves the heart's bowel.

Diaphanous Beauty Pearl

A dream named you, sounded in my waking as you clung to fragile rest.

Like a diaphanous creature breathing shapes into Being's

unbounded ocean. Beauty,
subtle integrity of things confluent in your eyes, radiant in you. Enigma
of self, unborn on earth, like a pearl moon reflected in thought's unsteady pail.
Short story by Chuck Miller

Collarworld: A conversation at the Rainbow Bridge

The dog entered through the special swinging door. She didn't know what to expect. It was different than anything she ever experienced.

"Why am I here?" she asked. "And where am I? My mistress will be upset if I'm not home to meet her when she gets done from work."

"It is all right," said the soothing, angelic voice. "You are welcome here."

"Where is here?" the dog barked.

"You are at the Rainbow Bridge," said the angel, kneeling down to pet the dog's fur. "My name is St. Francis of Assisi. I am your patron saint. As I am for all animals. It can get somewhat disorienting, I understand. You probably didn't even know you had a patron saint.

Don't worry. Everything is all right."

"But you don't understand," the dog whimpered. "I need to go home. My mistress needs me. And I need her. She rescued me from a very bad life. And every day, I thank her for being such a wonderful person. I never bark at night, I don't chew the furniture, and all I ever want to give my mistress is unconditional love and support."

"And you've done that," replied St. Francis. "You've done that and so much more. And your name is..." He looked at the red, heart-shaped dog tag around the dog's collar.

"Paisley," the dog barked.

"What a fine name. And you are a – a pit bull, am I correct?"

"Yes, sir," she yipped. "Just like Pete the Pup from the Little Rascals."

"Yes," said St. Francis. "I'm looking over your records. You were rescued, correct?"

"I was."

"And according to this file, you've been a faithful companion to your mistress for a long time."

"She cared for me," woofed Paisley. "I miss her already."

"I know she misses you. But you're in a new place now." St. Francis tapped his thigh twice.

"Walk with me."

Paisley obeyed. "Sorry," she barked. "It's a little hard to walk; before my mistress took care of me, I was rescued from a person who didn't like my claws on his bare floor. So that person declawed me."

"Oh, how terrible."

"I know. Thankfully, my mistress loved me even without my nails. I love her and I miss her terribly. Can I go back to her?"

"I'm afraid that's not possible," smiled St. Francis. "But I want you to come over and talk with some others who have crossed over."

"Okay," barked Paisley. "If you say so."

The walk was clear and crisp. As Paisley looked around, she saw pets and animals of all shapes and sizes, all species and breeds. "I'm scared," she whimpered.

"Don't be," St. Francis of Assisi whispered. "Everything will be all right. Come over and meet some of my friends. Millie... come over here."

At that moment, a small dog named Millie walked over. "Hello, Paisley."

"Hi," Paisley replied.

"Everything's going to be all right," Millie barked. "Like you, I was a rescued dog. Have you ever heard of a Cavalier King Charles Spaniel?"

"I don't think so."

"We're a very desirable breed," Millie barked, "but that's not important now. I spent the early part of my life as a breed mother in a puppy mill, and by the time someone rescued me out of that hell, my back was fractured from being force-bred so many times. My new mistress took care of me and loved me – she rescued other dogs and took care of them and loved them. Some of them are here with me now – Pepe and Taffy and Lucky, all of them. And come the day when we've given every ounce of love and support to our owner... then God calls us and we come here. And this is where you are now."

"I'm in..."

"It's the other heaven. Not the heaven on earth, where rescued animals spend their lives – this heaven is where we watch over our masters and mistresses and make sure they're okay."

"Oh," said Paisley.

"See, Paisley, those who rescue us from bad or unwanted situations – those are the most noble of pet owners. They chose us because they wanted us. How much more can we ask?"

St. Francis knelt down and petted Paisley's side, then rubbed Paisley's front and rear paws.

"Come with me, Paisley," he said.

They walked along the trail. To the left, Paisley saw a beautiful glistening lake. He glimpsed at the water – and saw all manner of tropical fish, all swimming in the glass-clear sea. To the right, Paisley saw a menagerie of circus animals – tigers and lions, monkeys and seals, all playing and running and enjoying themselves.

"Come with me," St. Francis beckoned. "I want you to meet someone."

They approached a small meadow. An orange tabby cat walked up to Paisley. "Welcome,

Paisley," the cat said.

"Hi," Paisley barked, still nervous of her surroundings.

"It's okay," said the cat. "I understand you're very nervous. I was, too. Thankfully, my master and his children took me in and made me part of their family. Without them taking care of me, I don't know where I would have ended up."

"I understand."

"I passed over about a decade ago. That doesn't mean I don't miss my master. I still do. In fact, I'm sure he still misses me. Paisley, you and I – along with Millie and some of the other animals you've met just now – were rescued from bad situations by caring, wonderful people.

All they ever wanted was our love and compassion, and that's what we gave them every day. That's the most anyone could ever ask of us. And now we have one thing left to do – a payback of kindness, if you will."

"What's that?"

The cat walked over to a bright green portion of the meadow. "There's going to come a day, Paisley, when our masters and our mistresses are going to cross over that bridge. They'll cross over that same Rainbow Bridge that we just spanned. And they're going to be confused. And they're going to be upset. And they won't know why they're here. But as long as we're the first thing they see once they cross over... if we're the first friendly face they see, just as we were the first friendly face they saw when they woke up in the morning, or when they came home from work, or when they're sitting in front of the television and we're comfortably sitting on their laps... that's going to be very important. All of us want to be reunited with our masters and our mistresses. And someday we will. We wait here, morning noon and night, for them. It may take a day, it may take twenty years."

"I'll wait two hundred years if that's what it takes," Paisley barked.

"I know," said the cat. "It's the love we shared with our human owners. It doesn't end just because one of us is still in the living world. It won't end, it won't fade. Oh, and by the way, did

St. Francis touch your paws?"

"Yes he did," Paisley barked. "I don't know why... maybe he was checking to see if my feet were okay."

"Well," said the cat, "check your paws."

Paisley looked down. And smiled.

"We've got some time before we're reunited with our loved ones," the cat said. "Come walk with me. I'll introduce you to some friends I've made up here."

"Okay," said Paisley. "But what about St. Francis?"

"He's already taking care of the next animal that crossed over a few moments ago. A greyhound, I believe. He was rescued from a race track in Florida. For the last few years, all he did was chase a stick – instead of that robot rabbit at the dog track."

"Wow," barked Paisley. "What's your name, friend cat?"

"My master called me Vincent."

"I like that name," Paisley smiled. "Okay. Let's go for a walk, Vincent."

And as Vincent and Paisley walked along the trail, Paisley flexed his paws, feeling his newlygrown and restored nails digging into the warm dirt.

Gangbanging (2008)

The signs he had made with his hands and fingers had once been capable of signaling and ordering and claiming.
They had signaled danger or worry. They gave alerts and updates.
People listened and obeyed his hands.
Like his colors, they were a part of a bonding ritual,
a way of life.
He had been one of them, one with them, fierce, and supple and strong.
Now
he cannot feel anything.
His head is his principal friend.
That's how he makes the wheelchair go.
That's how the signs get made now.
He signals with his mouth and the chair listens and obeys.
He goes to school But he must be driven and dressed and fed.
If he travels,
someone must go with him to evacuate the tubes
His hands no longer claim; they don't even move.
Neither do his legs or his arms or any living part below his neck.
Surgery has given him more time between bathroom trips.
His wife is gone
and so are the kids.
He lives with his mom now. He has a tutor and a friend, and is going to school.
He'd like to teach the kids what not to do with their hands and what not to do with their time.
Because when they shot him in the spine everything changed.

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.

Contributors

David Kaczynski

David Kaczynski is executive director of NYADP. His poetry book — A Dream Named You — is available from Troy Book Makers at tbmbooks.corecommerce.com/A_Dream_Named_You.html

Jonathan E. Gradess

After the collapse of the Khmer Rouge regime, **Bunkong Tuon** and his extended family spent several years in refugee camps along the Thailand-Cambodia border before immigrating to the States in the early 1980s. He teaches in the English Department at Union College. "Khao-I-Dang Refugee Camp" and "Our Neighborhood in Revere, MA" are part of a larger poetic work, Under the Tamarind Tree.

"In college I studied peace and love; in law school, intellectual resistance. In early law practice I saw lawyers and clients not yet in solidarity. I have been trying to follow what I learned in college, apply what I learned in law school, and overcome what I saw in practice."

Colleen Eren

(_CEren@gc.cuny.edu_) teaches Criminology at Hunter College and is a PhD candidate in Sociology at the CUNY Graduate Center. Her dissertation, "Profane Swindles," analyzes social responses to financial crimes in the US and the UK.Colleen worked for over five years as organizing director of New Yorkers for Alternatives to the Death Penalty. She has also served on Amnesty International's Program to Abolish the Death Penalty steering committee.

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Chris Honeycutt is a

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Cover Photo

The cover photo of the yellow flower is a photo by Chuck Miller called *Railsplitter*. It was an entry in the 2011 New York State Fair Photography Contest. The table of contents contains a cropped version of the same photo.

Other Photos

The photo of the statue of the Roman god Janus on page 19 was taken from Wikimedia Commons and modified. It is associated with the Wikipedia article on Janus. The pictures of paper cranes on pages 16 and 13 as well as the picture of the stone path on page 19 are part of Chris Honeycutt's collection of personal photos.

Notes

The poems by Bunkong Tuon on pages 19–23, *Khao-I-Dang Refugee Camp* and *Our Neighborhood in Revere, MA,* are part of a larger poetic work, *Under the Tamarind Tree.*

The poems by David Kaczynski on pages 26–27, including *Matty*, *Aspiration*, *and Diaphanous Beauty Pearl* are part of a previously published collection called *A Dream Named You. Aspiration* first appeared in *Peer Glass – an anthology: writings from the Hudson Valley peer groups.*

Various Authors
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