

# Widespread opposition to death penalty legislation in Michigan

By Elisa Brehm  
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"The killing business," is how many described the death penalty at a public hearing in Pontiac, Michigan last week. Several speakers passionately opposed the death penalty in their testimony March 23 before the state Senate Judiciary Committee, which is debating legislation to resume executions in Michigan for the first time in 153 years.

More than 400 people, the overwhelming majority opposed to the death penalty, packed the first of several public hearings to debate the issue. Senate Republicans David Jaye and Bill Bullard have introduced a pair of resolutions in the Michigan State Senate to bring back capital punishment in cases of first degree murder. The legislation requires a two-thirds majority vote in both the House and Senate to be placed on the ballot in the year 2000.

Thirty-eight states currently have the death penalty; Michigan is one of twelve that does not. Michigan was the first government in the English speaking world to abolish the death penalty, partly because of the hanging of an innocent man. Patrick Fitzgerald was hung in 1837 in nearby Windsor, Ontario for allegedly raping a nine-year-old girl. Another person later confessed to the crime. Michigan's 1846 constitution incorporated a ban on capital punishment.

David Jaye has used the 1996 killing of a Deborah Iverson, an ophthalmologist and mother of two young boys, to push for the death penalty. Turning to the mostly white audience, Jaye made a thinly veiled appeal to racism, saying, "That suburban mother resembled many of the ladies here."

The right-wing state senator's literature was even less subtle, appealing to bigotry and preying upon fears, insecurities and misinformation. "Many suburban residents had a false sense of security that violent robberies and murders only occurred in Detroit among

violent families or drug users," it read. "Too many single women headed households and working women like my wife are vulnerable to kidnap and murder as they drive to work, bank, school, and household errands.... It's time to stop coddling murderers by providing them with free health care, color TV, free college education, athletic directors and indoor exercise equipment."

While Jaye and his supporters presented their legislation as "giving the people the right to vote," they were clearly angered by the presence of hundreds of death penalty opponents in the audience, many of whom were carrying signs denouncing state executions. One of Jaye's supporters, a sheriff and ex-state legislator, complained about "groups with phone banks" who were organized to oppose their efforts.

The anti-death penalty speakers far outnumbered those supporting the legislation. In fact, after the first 30 minutes, aside from police and state officials, the chairman of the hearing had no one to call upon to speak in support of the death penalty.

During the testimony one speaker noted that half of the countries in the world have no death penalty and that the Michigan legislation represented a "retrograde step to bring it back." Others, including high school students, addressed the violation of human rights involved in the execution of innocent people.

Since 1900 there have been 416 known cases of innocent persons on death row, with 23 executed. More recently 28 death row inmates around the country were freed after DNA evidence proved their innocence. Chicago law students were instrumental in saving one man from just two days before he was to be executed. He was the eleventh person released from Illinois death row since 1977.

Even the Macomb and Wayne county prosecutors,

Carl Marlinga and John O'Hair, testified against the death penalty at the hearing, admitting that the death penalty is no deterrent to violent crime and that innocent people are executed.

Tanya Grillo, a young woman whose sister was murdered last year, tearfully argued in favor of the death penalty. The most moving responses to her pleas came from members of Journey of Hope, an organization of those who have experienced the murder of a family member, but who strongly oppose the death penalty.

Marietta Jaeger lost her seven-year-old daughter in a kidnapping-murder case. She told the audience, "The man who murdered my daughter was a very sick young man. However, I realized that to kill someone in my little girl's name would be vile and profane, that my daughter was worthy of a more noble and beautiful and honorable memorial than a cold-blooded premeditated state-sanctioned killing. I suggest that we use our resources to find a better way to solve our problems."

Bill Pelke, a founder of Journey of Hope, also addressed the hearing. "The death penalty is not what victims' families need. It has nothing to do with the healing that the victim's family needs. One of the people who introduced the bills today talked about innocent people getting the death penalty and said, well, sometimes you're going to lose a soldier. But this is an unnecessary war. This is cruel." Pelke, a retired steelworker, lost his grandmother when she was murdered during an attempted robbery by four Gary, Indiana high school students. He campaigned against the sentencing to death of 15-year-old Paula Cooper for the crime.

One woman introduced herself as someone whose father was taken out of a mental institution and gassed by the Nazi regime in Germany. "I am someone one who knows about state executions," she said. Referring to two German-born men who were recently executed in Arizona, she explained the widespread outrage in Europe against the US death penalty and said, "Many people from other countries ask me how can the US claim to be a leader in human rights when it continues to carry out executions?"

Speaking for the Detroit Coalition Against Police Brutality, Arnetta Grabel told the audience of the tragic loss of her son. "Evidence has established that many innocent people have been executed. I came here today

because my 20-year-old son was executed in Michigan on the streets of Detroit by a Detroit police officer. This happens all over this country. We have the death penalty in Michigan unofficially."

A representative from the Peace Action Council said that the death penalty is "an example of the vengeance cycle that afflicts so much of the world where violence has erupted in so many places today." He noted that the domestic policy of the US is building prisons and government-sanctioned murder, while its foreign policy was bombing and starving countries like Iraq.

One of the final speakers eloquently described the last execution in Michigan, which took place on Woodward Avenue on the banks of the Detroit River in 1846. Men, women and children climbed on top of the roof of a Methodist church to witness the killing. "People gathered everywhere to get a view of the event. There was a festive air. But when they actually witnessed the execution, their enthusiasm quickly turned to horror. People streamed off the church roof and from every viewing point. A huge mob stormed the scene, throwing the scaffolds and whipping posts into the Detroit River. That was the last public execution in Michigan." Referring to the legislation to bring the death penalty back to Michigan he concluded, "The scaffolding of this legislation should be thrown into the river once again and for all time."

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