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A 501(c)(3) organization | Spring 2010

# Kansas Coalition Against the Death Penalty

# MAJOR VICTORY!

In a stunning vote on February 19, 2010, the Kansas Senate voted 20-20 on SB 375—the bill that would have abolished the death penalty in Kansas for those crimes occurring after July 2010. While the tie vote meant defeat for the bill, it was a clear victory for abolitionists in the state of Kansas.

During the debate, proponents of abolition led the discussion. Attempts to both send the bill back to committee and to gut it were both defeated. When the final vote took place, several Senators provided moving reasons for their yeas on SB 375. In an amazing bi-partisan showing, 12 Republicans and 8 Democrats voted yes.

It was a shock to many that the bill made it to the floor at all. Once the Senate Judiciary Committee voted on January 29 with an overwhelming 7-4 to send the bill to the floor, there was promise that the bill would be heard quickly. Days turned into weeks and the media began to speculate that the bill would not reach the floor at all. The Associated Press reported on February 16 in a piece called, “Bill to repeal Kansas death penalty in limbo” that the Senate Majority Leader was still considering whether the bill should be debated because he “...thinks it stands little chance of passing the House. He questions whether families of murder victims should have to go through a debate.” Yet Schmidt announced late Thursday evening that the bill would, in fact, come to the floor the following day.

For those of you who used the “Listen in Live” function on the KS Legislature website during the debate, it has been reported to KCADP that so many of you tuned in that the site was not working properly. Supporters from all over Kansas as well as areas such as Missouri, Washington D.C., Iowa, and Montana listened in with rapt attention. We thank not only those of you who were present in the gallery but also those who were there in spirit. While we did not achieve abolition this time, the fight is far from over, and we are confident in our chances for next year!

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Sen. Pete Brungardt (R-Salina)  
 Sen. Jay Emler (R-Lindsborg)  
 Sen. Oletha Faust-Goudeau (D-Wichita)  
 Sen. Marci Francisco (D-Lawrence)  
 Sen. David Haley (D-Kansas City)  
 Sen. Anthony Hensley (D-Topeka)  
 Sen. Laura Kelly (D-Topeka)  
 Sen. Kelly Kultala (D-Kansas City)  
 Sen. Janis Lee (D-Kensington)  
 Sen. Carolyn McGinn (R-Sedgwick)  
 Sen. Stephen Morris (R-Hugoton)  
 Sen. Thomas “Tim” Owens (R-Overland Park)  
 Sen. Mary Pilcher Cook (R-Shawnee)  
 Sen. Roger Reitz (R-Manhattan)  
 Sen. Vicki Schmidt (R-Topeka)  
 Sen. Chris Steineger (D-Kansas City)  
 Sen. Mark Taddiken (R-Clifton)  
 Sen. Ruth Teichman (R-Stafford)  
 Sen. Dwayne Umbarger (R-Thayer)  
 Sen. John Vratil (R-Leawood)

Senators  
who voted  
in favor of  
abolition bill  
SB 375.

## It's a New Day...by Donna Schneweis, KCADP Coordinator

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The abolition movement in Kansas is at a new place. Since October 1, 2009, there have been at least two dozen educational events held by Kansas churches, schools & groups.

KCADP members in Salina, Wichita, Topeka, and Lawrence did a fantastic job raising the issue in their local communities.

In late January, an unprecedented ecumenical letter in support of abolition was sent to Legislators and Governor Parkinson. Signers were the 8 Bishops from the United Methodist Church, Episcopal Dioceses Kansas East and

West. Catholic Church, and Evangelical Lutheran Church in America.



The Mennonite Task Force on the Death Penalty did incredible work educating and mobilizing their faith communities.

One hundred seventeen clergy members signed a letter in support of death penalty abolition. This letter was

given to Senators and Governor Parkinson.

Multiple Kansas Abolition endorsing groups worked to educate and mobilize their own members.

While SB 375 did not advance to the House, many positive things did happen these past 6 months. KCADP remains committed to education and action so that more and more Kansans truly understand why the death penalty is bad public policy. Let us know how we can partner with your local faith community or civic group.

Together, we can make abolition reality!

## Ruby Gilbert 1929-2010

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Former State Representative and KCADP Board member, Ruby Gilbert of Wichita died February 27, 2010. She served in the Legislature from 1991 through 2004. Ruby was a steadfast opponent of capital punishment and helped mobilize resistance to its enactment in 1994.

Ruby's opposition to the death penalty came from personal experiences. Her cousin was falsely convicted and put to death in Texas. Two weeks following the execution, a lead witness in his trial came forth and stated that her cousin was actually innocent. Then in 1969, Ruby's father was murdered at his Dallas service station. His death was never thoroughly investigated by the police and no arrests were ever made in connection with the slaying.

Even if her father's killer had been apprehended, Ruby said she would have opposed the death penalty. She quoted her father, "Whatever people do to you, you don't hold resentment against them, you just ask God to forgive them. If you hold grudges it's like a cancer eating you. What you need to do is feel sorry for them- they're the ones who have to pay for what they've done. No point in all of us having to pay."

Ruby was the first Black woman to serve in the Kansas Legislature. She was honored posthumously in a special House Resolution (# 6021) introduced by Representatives Finney and Ballard March 4, 2010. Members of both parties paid tribute to hard work ethic, concern for people and the gracious manner in which she conducted her personal contacts.

Ruby is survived by her husband, Booker Gilbert, 2 daughters, 2 sons and several grandchildren.

*Bill Lucero, Murder Victims' Families for Reconciliation Kansas Coordinator*

# Death Penalty Dropped from Model Penal Code

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In October 2009, a historic decision was made by the American Law Institute (ALI) to remove the death penalty from its Model Penal Code. ALI made this decision after a recent study of the current US death penalty.

The American Law Institute is a highly selective academic service group limited to 3,000 legal scholars, practicing judges and attorneys. ALI publishes authoritative model laws in many areas as well as “restatements” of the law. Kansas has 16 elected and ex-officio members in ALI at present. The ALI is a non-partisan organization which is highly respected across all spectra of the legal profession.

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The model penal code was the basis for the current Kansas Criminal Code when it was first enacted in 1971. Not surprisingly, the Model Penal Code has formed the basis for many states’ criminal law statutes. Thus, the Institute’s decision to eliminate the death penalty from its Model Code amounts to an authoritative, well-considered decision that must be noticed by anyone considering the death penalty as a public policy alternative.

When the ALI says it conducted a thorough study, one may be assured it was thoroughly vetted by some of the most experienced and respected law professors, judges, defense attorneys, prosecutors and civil lawyers in the country. In short, is a strong condemnation of capital punishment in the United States.

*Ron Wurtz, KCADP Associate Coordinator with Donna Schneweis, KCADP Coordinator*

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## **Thank you!**

KCADP is active at a level never before seen in its history. Since October of 2009, the Coalition has received over 100 individual financial contributions ranging from \$5 to \$500. We truly could not do this work without all of your support. Every single dollar helps and is used toward education and advancement of the abolition of the death penalty in Kansas. Please see page 6 if you would like to join our group of distinguished donors!

Thanks to the many  
**wonderful Kansans**  
who worked to  
educate & mobilize  
in their communities!

Thanks to the persons who  
wrote letters to the editor,  
attended hearings,  
wrote legislators, and  
to the many persons  
who have sent  
a financial contribution.

# Multiple KS newspapers print pieces in support of abolition

The issue of the death penalty was a hot topic all across Kansas, with newspapers all over the state printing editorials, columns, letters to the editor, and polls showing a major support for SB 375.

Some of the local publications printing support for the abolition bill (in one manner or another) were: *The Salina Journal*, *The Topeka Capital-Journal*, *The Winfield Daily Courier*, *The Wichita Eagle*, *The Hutchinson News*, *The Arkansas City Traveler*, and *The Kansas City Star*.

One of the most important ways that we can show our neighbors as well as legislators that we feel strongly feel strongly about repealing the death penalty is through letters to the editor. A fantastic example was published in the January 24 edition of the *Kansas City Star*. KCADP member Ann Johnson wrote: "...I truly pray that Kansas will finally do away with its death penalty this year. It makes no sense in any way — financially, morally or politically."

Additionally, we are looking to expand our cadre of talented writers and concerned citizens to become a part of the KCADP Letter Writing Group. This is a great way to contribute in a major capacity. To become part of the KCADP Letter Writing Group, please contact David Burress at: david.burress@adastrainstitute.org.

**"Wouldn't sentencing the worst killers to life without chance for parole be a whole lot cheaper, simpler and...more morally acceptable?"**

Mike Hendricks, article in the *Kansas City Star*, 2/9/2010

**"Kansas should abolish the death penalty...Justice should be found in the cool of the head, not the heat of the heart."**

Editorial Board, editorial in the *Winfield Daily Courier*, 1/4/2010

**"Let's get rid of the death penalty in Kansas...and let the worst killers feel our contempt from a permanent prison cell."**

Editorial Board, editorial in the *Ark City Traveler*, 2/10/2010

**"It's high time Kansas joins 15 other states that have abolished capital punishment."**

Tom Bell, editorial in the *Salina Journal*, 1/4/2010

**"A death penalty case raises the stress level of for all concerned and takes a toll on souls working in the system, even including the judge."**

George Weeks, special to the *Pittsburg Morning Sun*, 1/30/2010

**"Clearly, those who seek vengeance through the death penalty aren't getting their money's worth."**

Gwyn Mellinger, column in the *Topeka Capital-Journal*, 2/11/2010



## *In-State Rivals Find Common Ground*

While sports rivalries are heating up during March Madness, it is clear that the major in-state university rivalry—KU versus K-State—is finding common ground when it comes to the death penalty.

Early in 2010, editorial staff at both the *University Daily Kansan* as well as the *K-State Collegian* wrote compelling columns denouncing the death penalty in Kansas.

The *Kansan* piece was written by Caitlin Thornbrugh and focused on the many reasons that the death penalty should be abolished. Her article, titled, "Kansas needs to repeal the death penalty law" stated, among other reasons, that, "Students at the University, who are affected by the state budget, should contact their senators to support repealing the death penalty law."

*K-State Collegian* editor Beth Mendenhall questioned the stances of those conservatives who are both pro-life/pro-death penalty in her piece, "Party line views contradictory, illogical." Mendenhall says, "All I ask is that those conservatives who do hold both views re-examine the basis of their choices and re-evaluate the validity of their conclusions...Some convicts have the potential for full and genuine rehabilitation"

So while these schools may never see eye-to-eye when it comes to sports, the death penalty—at least—is a topic upon which even rivals agree.

# Problems with the death penalty in Kansas

\*Jury Misconduct – 1999/Sedgwick County/Gavin Scott

\*Prosecutorial Misconduct – 2001/Crawford County/  
Gary Kleypas

\*Cost – 2004/Legislative Post Audit report/the death  
penalty can cost up to 70% more

\*Judicial Error – 2004/Michael Marsh/Sedgwick County

\*Disparity of Application – Persons who go to trial on  
capital murder charges in Sedgwick County are  
more likely to get a death sentence than those in  
Wyandotte County.

\*Withheld Evidence – 2006/Bob Fox/Seward County.

\*Inadequate Assistance of Counsel—2009/Phillip  
Cheatham/Shawnee County.

*These are the findings of state courts and agencies, and not merely  
claims of those concerned about the death penalty. It is a serious  
problem when a state with so few death sentences has this many con-  
firmed problems. For more information on any of these cases, please  
contact KCADP at (785) 235-2237, or [kcadp@att.net](mailto:kcadp@att.net). Also, please  
visit our website at [www.kscadp.org](http://www.kscadp.org).*

## —Breaking News!—

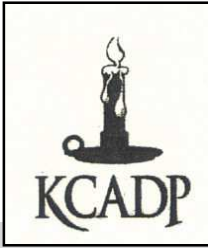
As of March 24, Gavin Scott is no longer on death row. A Sedgwick County judge ruled that Scott will serve consecutive life sentences and will not be eligible for parole for more than 85 years. This is the 3rd case to come from Sedgwick County where the original sentence was death but the final disposition resulted in a sentence other than death.

Despite claims to the contrary, Kansas is plagued by the same problems with the death penalty that other states have seen.

## WANTED

Active or retired law enforcement officers who are opposed to the death penalty willing to educate locally and throughout Kansas about the ineffectiveness of the death penalty as a crime fighting tool.

Please contact KCADP if you or anyone you know falls into this group. *Thank you!*



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

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

<p><b><u>Please send my newsletter by email:</u></b></p> <p>NAME: _____</p> <p>EMAIL: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____</p> <p>ZIPCODE: _____</p> <p>Phone: _____</p>	<p><b><u>I would like to donate to KCADP:</u></b></p> <p>ENCLOSED FIND \$ _____</p> <p>NAME: _____</p> <p>STREET ADDRESS _____</p> <p>CITY: _____</p> <p>ZIPCODE: _____</p> <p>PLEASE SEND ME A TAX RECEIPT _____</p> <p>(Please note that we are a 501c3 not for profit organization. Contributions are tax-deductible.)</p>
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