

# Keynote Presentation for VADP Awards Luncheon

*By Michael Farrell – President of Death Penalty Focus*

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Let me explain how I got there.

As an advocate of human rights, my work has taken me across the world. In many countries, some in strife. I've found a lot of pain, a lot of horror, but also hope and inspiration.

In the world of human rights, the primary, the fundamental human right is the right to life. Therefore, I am a death penalty abolitionist. Interestingly, I've found that one of the most difficult struggles for the recognition of the inherent value and dignity in every human life, is taking place right here at home.

This work started for me over half a century ago in a halfway house program run by people off the streets, from jail or mental institutions, reforming addicts, alcoholics, thieves, whores and other miscreants facing the choice of getting straight or dying. It was called "The House." The lessons taught were simple: we are in fact "created equal;" we are all the same and what every human being wants and deserves in life are three simple things: love, respect and attention.

Now most of those folks, when young, hadn't been provided these deeply necessary things, so to fill the hole in their lives they'd learned to cheat, to hustle, to turn themselves into moral pretzels in search of something that made them feel human, or perhaps feel anything.

It's hard for people to change the way they've lived for years, hard to stop lying to yourself. It's scary as hell. Living the truth when you've been a liar all your life is terrifying. Examining your choices and taking responsibility for the bad ones you've made takes a deep commitment.

But I saw miracles take place at The House. I saw lost people found, I saw women and men go from dangerous, self-hating losers and leeches to productive citizens. The program included powerful, tough therapy sessions, so there were failures. Some "split" and ended up back in the gutter, often dead.

But many found their way to understanding and appreciating their own value, which before that time they'd had no idea they possessed. This awakening, this resurrection of a human being, was a beautiful, incredibly moving thing to see.

One time a visiting social worker told one of the leaders how impressed he was by the rehabilitation he saw. "Rehabilitation bullshit!" was the leader's response. "Most of these people had never been habilitated in the first place."

That's a profound lesson for America to understand. We're a society where too many children suffer in misery and virtual invisibility; they are products of abusive, violent, sometimes alcoholic or drug infested, hopeless places ruled by wretches who themselves may have been ground to pulp in similar circumstances.

These kids, filled with energy and a lust for the things missing in their lives, act out in the only way they know. Shown on TV what life is supposed to be and clear they don't have a chance at it, they get angry. And the result is no surprise.

I learned a lot from those thieves and whores and junkies and crooks, people condemned as social detritus. And I learned more visiting the jails and prisons they came from – institutions that crush already wounded souls.

Misery creates dehumanization. Seeing it multiplied by our criminal justice system I recognized its capstone, the death penalty, as the prime example of society's failure, the ultimate insult to human value.

In 35 years of crossing the country trying to stop the death machine I've come to see capital punishment as 'the lid on the garbage can.' I believe that once we take that lid off that can, people will see into the rotten, stinking, maggot-infested mess that is our criminal justice system and be forced to do something about it.

Anyone who looks seriously at the death system in this country knows it's racist in application, is primarily used against the poor and the poorly defended, is more expensive than life in prison, it entraps and savages everyone it touches and kills the innocent along with the guilty.

Of course, many aren't aware of all the ugly stuff. But those who take a serious look, are. The police and the prosecutors know. They rationalize. Sometimes they'll admit they know the truth, but argue it's the law. And it is the law, that's on us.

Laws can be changed. When we learn that they don't work, when we learn that they are doing more harm than good, we change the law. And that's what we need to do with this one. We need to because, as too many don't understand, it is harming us all.

There is an inevitable, inescapable consequence associated with the taking of a human life. The person killed pays a price, of course. But what price is paid by those who do the killing? What is the cost to the society that hires people to kill for them – the moral, spiritual cost, to all of us.

Sometimes it helps to look back. Many know that at the founding of this nation some powerful, idealistic premises were put forward. We certainly hear about The Founders today, what they did, what they said. Some claim to know what they meant. But how many who cite them know that one of the more literate of our Founding Fathers, Ben Franklin, wrote these words before, it is said, he shed a tear when signing our first Constitution:

“I confess that I do not entirely approve of this Constitution at present, but Sir, I am not sure I shall never approve of it. For having lived long, I have experienced many instances of being oblig'd, by better Information or fuller Consideration, to change Opinions even on important subjects, which I once thought right but found to be otherwise.”

Ben Franklin was open to change. So much for the so-called “originalists,” the late Justice Scalia, his clone Judge Gorsuch (who called the horrifically botched execution of Clayton Lockette in Oklahoma “an unfortunate misadventure”) and the

others who claim to know and cling rigidly to what they say the Founders meant when drawing up these documents.

Mr. Franklin went on to say, “For when you assemble a Number of Men to have the Advantage of their joint wisdom, you inevitably assemble with those Men all their Prejudices, their Passions, their Errors of Opinion, their local Interests, and their selfish Views.”

The Founders were inspired by the Enlightenment and articulated their challenge to the crown gloriously; they stated in quite revolutionary and quintessentially American terms the belief that “all men are created equal,” that all are endowed by their Creator “with certain unalienable rights,” including “life... life, liberty and the pursuit of happiness.”

Today, with the benefit of history and hindsight, we know the Founders failed in significant ways, we know their reach exceeded their grasps. As Franklin suggested, prejudices, passions, errors and selfish views prevailed.

In spite of the idealistic vision they had articulated, they established a nation where power was vested exclusively in white, property-owning men, many of them slave-holders. No consideration was given the rights of women, the poor, slaves, Indians, the condemned.

The Founders may have been great for their time, and bless them for what they accomplished despite their limitations, but limitations they had. They lacked the vision to make real what they had made possible. But they left behind a trove of powerful concepts for those who followed. Our job, given their legacy, is to fully realize everything they left to us in aspirational form.

Whether the Founders understood it or not, they planted seeds. Those seeds grew in the hearts and minds of slaves, women, native Americans, the non-white, the poor, the incarcerated, the condemned and the forgotten.

Over time, some of their failings have been remedied, at least in part. Women vote, but still struggle for fairness, for recognition, for equality,

for respect, as the Me-Too movement demonstrates.

The freeing of slaves was certainly not intended by most of the Founders. As great a mind as Thomas Jefferson's voiced concern about the "ten thousand recollections, by the blacks, of the injuries they have sustained."

It took decades and a war to free the slaves, but even then, because a serious effort to cross the racial divide, a national 'truth and reconciliation' process, was never seriously pursued, the vicious horror of racism continued to cut away at the vitals of our society from the overthrow of Reconstruction, through segregation, Jim Crow, the Civil Rights era, and today has birthed another movement: "Black Lives Matter."

And despite the efforts of at least one of their number, the Founders arrogated to themselves the power to violate that which they themselves had clearly declared "unalienable." The right to life.

So, because they failed, our challenge has been to fully realize those revolutionary American ideals. For years, people of good will have struggled to fully flesh out the nation those ideals describe. Through their struggle we now know full rights and privileges must be granted to women, people of color, children, the poor, the disenfranchised and those whose sexual orientation is outside the norm.

But a critical point has been missed. I believe we imperil ourselves and our nation greatly if we fail to understand that at the core of all these rights, all of these struggles, is the requirement that we honor and value the unalienable right to life of all of our fellow citizens, regardless of their race, creed, their sex, station, their actions or their status.

Dr. Benjamin Rush was a signer of the Declaration of Independence and an influential proponent of our first U.S. Constitution. He established the first college in the U.S., was a major influence on the writing of Thomas Paine, helped establish our medical profession, wrote the first psychiatric textbook published in America and was dubbed "the father of American

psychiatry." He also organized the first anti-slavery society in America.

Dr. Rush held that when we threw off the yoke of the British Monarchy we discarded with it the "divine right of kings." That was the supposed power of the absolute monarch, mandated by God. It allowed the king to take the wife, or the life, of anyone he chose.

Dr. Rush held that capital punishment is the natural offspring of monarchical governments. "Kings believe that they possess their crowns by a *divine* right," he said, "no wonder, therefore, they assume the divine power of taking away human life. But the principles of republican governments speak a very different language. They teach us the absurdity of the divine origin of kingly power." He said, "An execution in a republic is like a human sacrifice in religion."

Dr. Rush, who founded the Pennsylvania Prison Society, believed the death penalty had a brutalizing effect on the community and argued even then that the practice of organized, ritualized state killing actually increased criminal behavior as it brutalizes those who practice and condone it. That was then.

200 years later, Professor Gary Potter of Eastern Kentucky University testified that:

"Studies of capital punishment have consistently shown that homicide actually increases in the time period surrounding an execution." He said, "Social scientists refer to this as the 'brutalization effect'," saying "executions desensitize the public to the immorality of killing," and legitimize vengeance.

Killing has a brutalizing effect. On all of us. Today in our country, as human beings are killed in death chambers, the condemned are not the only ones who suffer.

Frank Thompson, the former warden of Oregon State Prison, said, "I realized that I was training decent men and women how to take the life of a human being. In the name of a public policy that after all these years couldn't be shown to increase ... public safety." He now works for abolition.

An Texas Department of Corrections executive said one execution, "made him step out of his role and touched him on an emotional level. I began to realize that this is how these things happen, executions. We do these things that personally you would normally never be involved in, because they're (approved) by the government. And then we start walking through them ... mechanically. We become detached. We lose our humanity."

A 2005 Stanford study said "... individuals must morally disengage in order to perform actions ... that ... are counter to ... personal moral standards," "Capital punishment is a real-world example of this type of moral dilemma where everyday people are forced to perform a legal and state-sanctioned action of ending the life of another human being, which poses an inherent moral conflict to human values."

They saw people use mental tricks to justify it – but the bottom line is they dehumanize the condemned.

The brutalization effect Dr. Benjamin Rush spoke of impacts not only guards and prison personnel. It is real and it affects us all. Dehumanization is part of state killing.

We are told they are monsters. They are nothing more than the worst thing they have ever done. Beasts who deserve to be put down, they have lost their right – that “unalienable” right the Founders said was “endowed by their Creator”- the right to life.

Pastor Jim Lawson, a hero of the civil rights movement and Dr. King’s apostle of non-violence, said to claim the condemned have forfeited their right to life is to say “that God made a mistake.”

The Brazilian educator Paolo Friere says to dehumanize another is to dehumanize ourselves. I think it’s clear that is exactly what we are doing.

Our use of the death penalty, the government-approved elimination of a human being deemed lesser... and labeled the worst of the worst, has desensitized us, allowed us to morally disengage from our instinctual revulsion at such an act, task the actual killing to those in our employ and turn our eyes away, pretending it is not we who do this.

But silence gives consent and the murder continues in our names. Worse, it puts us on a slippery moral slope and opens the door to actions on the part of our leaders, our government, ourselves, that would once have been unthinkable.

Killing by the state, the death penalty, the determination that we have the right to dispose of caged, manacled, helpless human beings, has led us to the following:

Today, one in one hundred American males is in prison, jail, or is otherwise linked to the system. Of them, white men 18 or over are 1 in every 106, Hispanic men 18 or older are one in every 36, black men 18 or older are one in every 15, black men between the ages of 20 and 24 are one in every 9. A study suggests one of every three black babies born today will end up in jail or prison.

America has the largest prison population in the world. Children are imprisoned with adults, often suffering brutality and sexual slavery. We commit incarcerated men to years, sometimes decades, in solitary confinement. Eighty thousand are in solitary today.

Albert Woodfox, the last of the Angola 3, was finally released after 43 years in solitary. Juan Mendez, the UN Special Rapporteur for Torture, said incarcerating a human being in solitary confinement for more than 15 days creates psychological harm. Juan says it is torture.

In a poll taken a year ago by the International Red Cross, nearly half of our fellow citizens of the U.S. now believe torture is acceptable.

The resumé of the greatest nation of the world today includes Guantanamo. Wars of choice. ‘Shock and Awe.’ First strikes. Imprisonment without charges. Preventive detention. Indefinite Detention, Extraordinary rendition. Force-feeding. Hooding. Beating. Rectal feeding. Torture. Targeted Assassination. Murder by drone.

As we spend billions of dollars every year justifying our chambers of death here at home, schools go without books, children go hungry and human beings live in misery - misery that creates the very behaviors for which state killing pretends to be the remedy.

The practice of methodically, consciously, eliminating helpless, caged human beings is brutalizing us, as Dr. Rush warned.

There is a sickness in the land, and it is the product of an unconscious process of brutalization set in motion by the degrading of human life, the rationalization and institutionalization of the taking of human life. It is corrupting the moral fabric of this nation and its people.

If you find that hard to follow, think of what the authorities in Alabama did last year to Dale Hamm in order to execute an already dying man. His disease process had so ravaged his body they knew they would have a hard time finding a vein to feed in the poison, so two members of the execution team tortured him by sticking needles into both legs and his groin in search of access. Before they called off the process and returned him to his cell, they had punctured his bladder and an artery.

Alabama's Corrections Commissioner Jeff Dunn later commented on it, saying "I wouldn't necessarily characterize what we had tonight as a problem."

The same thing happened to Alva Campbell in Ohio. He wept as they tortured him for 30 minutes. Unable to succeed in implanting the needles, the execution was stopped. Mr. Campbell died in his cell before they could try again.

Dominique Ray was executed in Alabama in February without the comfort of his spiritual advisor. He was a Muslim. Alabama would only allow a Christian minister in the death chamber

Consider the values expressed by the elected leader of our nation today, who continues in varying ways to give his followers permission to hate. His words, his attitude are then broadcast to the world to our enduring shame.

I believe we are committing a kind of national, moral suicide by accepting the idea that disposing of certain human beings is right, proper and consistent with our principles. I believe the brutalization process begins with denying the fundamental dignity of a human being who,

because of the circumstances of a tragic life, a mental incapacity, indescribable abuse, or a momentary impassioned lapse, commits a terrible act.

Somehow we have accepted the idea that that terrible act will be healed or balanced by our committing another terrible act and calling it justice.

It will not. So, I fight to end a hateful practice that demeans and brutalizes us as it dehumanizes those who are convicted of violating the law.

Please consider four simple hypotheses: One – no matter how deeply it may have been buried, there is intrinsic value in every human being; Two – no one is only the worst thing she or he has ever done; Three – no matter the horror of the circumstance presented, there is always a reason for human behavior; and Four – state killing lowers the entire community to the level of its least member at his or her worst moment.

You have, in this room, a man whose life exemplifies both what is wrong in our society and what is right. A burnt out, victimized, drug addicted, self-hating youth who, after being wrongly convicted of a horrible crime, discovered, through the devoted urging of an extraordinary woman, that he mattered – that he had value.

Armed with that understanding he stood up to the system in the face of death and demanded respect, not only for himself but for those around him. He triumphed over the system time and time again, suffering brutal, degrading treatment, assaults, attacks, disbelief and denial. Every dehumanizing process or trick or treatment they came up with, he somehow managed to survive by maintaining a hard-earned sense of his own innate value as a human being.

They took revenge, they took years of his life, they took his leg, but they could not take his heart, his brain, his humanity - his self-respect, and as a result he is here to be honored today.

You have been very generous in giving me this time. Thank you.