



The Virginia Abolition Story: VADP's Thirty-Year Journey

By Dale M. Brumfield

On July 1, 2021, Virginia's death penalty will be officially abolished, and like slavery, lynching, and eugenics, dissolve as a dark chapter in the Commonwealth's history.



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Virginia introduced the death penalty to Colonial America in 1608, when Capt. George Kendall was shot for treason. Capital punishment is Virginia's longest continuing institution, executing 1,390 people over 413 years. That is more killings than any other state, including Texas.

Since the founding of Jamestown, Virginia has executed 94 women, over twice as many as runner-up Massachusetts, and about one-fourth of all female executions nationwide. Seventy-eight women were Black, eleven were white, and the remaining five are of unknown racial origins.

Only three white women have been executed since the Revolutionary War: Susannah Brazier was hanged in 1774 and Mary Snodgrass in 1896 for murdering a child. Teresa Lewis was executed by lethal injection in 2010 in a murder-for-hire case.

During the 1790-1865 antebellum period, Virginia executed about 736 slaves, accounting for roughly 86 percent of all slave executions nationwide.

Sixteen juveniles were executed by Virginia before they reached their eighteenth birthday, including a slave named Rebecca, who was 11 or 12 years of age when she was hung in 1825.

During the Jim Crow era, Virginia used hangings, then the electric chair, as legal lynching. Mostly young Black males were frequently convicted in

minutes-long trials, then rushed into execution, sometimes with no legal counsel, and for crimes like highway robbery, attempted assault, or even scaring a white school girl.

Law officers and judges were more concerned with preserving their version of the sanctity of the courts than with protecting the rights of the accused prisoner, and saw nothing improper about these "rocket docket" trials which were utilized to placate looming lynch mobs. Platitudes such as "let the law take its course" were interpreted by angry mobs as dog-whistle for "we will do the lynching for you, legally."

As recently as October 12, 1984, the electric chair execution of Linwood Briley proved that toxic mob-driven racism still lingered decades later. Just



before midnight a small group of volunteers gathered beside the Virginia State Penitentiary in the heart of Richmond for a candlelight prayer vigil. Meanwhile, a much larger mob that would have been as familiar in 1904 as in 1984 gathered across the street, shouting racial epithets and waving Confederate flags and homemade signs proclaiming racist slogans like "kill the n-word," "fry Briley fry," and far, far worse.

VADP Executive Director **Michael Stone**, then a Catholic Diocese of Richmond staff member, still remembers the visceral impact of that event, which he had been encouraged to attend by Bishop Walter F. Sullivan, a long-time prison reform and anti-death penalty advocate.

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“Seeing the raw racism expressed by the large crowd cheering the death of a Black man had a profound impact on me and motivated my long opposition to capital punishment.”

Another vigil participant, **Nancy Gowen**, whose mother, Mary Gowen, had been raped and murdered by the Briley gang, expressed an unusual sentiment to a United Press International reporter: “I think it’s something wrong with our system,” she articulated as she eyed the raucous celebrants across the road ... I don’t think to murder someone for a murder committed is the answer.”

In the Fall of 1991, a small group assembled at the request of tough-as-nails abolitionist and death



row counselor **Marie Deans**, to discuss opposition to the death penalty. Deans had moved to Virginia from South Carolina eight years earlier to form the Virginia Coalition on Jails and Prisons, in part to improve conditions in the prisons and especially on death row.

Early efforts to abolish Virginia’s death penalty date to 1928, when the Commonwealth’s first female Senator, Sarah Lee Fain, unsuccessfully introduced the first abolition bill. After another failed effort in 1960, Virginia joined an unofficial multi-state moratorium on capital punishment in 1962, when support dropped to an all-time low.

The 1972 U.S. Supreme Court decision in *Furman v Georgia* found the death penalty unconstitutional, but in a 1976 case, *Gregg v Georgia*, the Court reinstated capital punishment. With public opinion for the death penalty climbing, Virginia resumed executions in 1982.

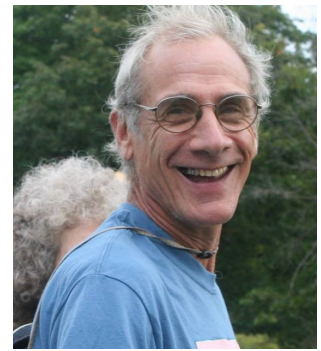
Deans pointed out to the group that a Virginia Tech poll showed that while death penalty support topped out at 75 percent, it decreased significantly when given the option of life imprisonment with

no possibility of parole, combined with some form of restitution to murder victims’ families.

“A part of that group ... felt that the information was enough to do something with,” says **Henry Heller**, the first director of Virginians Against State Killing (VASK). The organization was soon renamed Virginians Against the Death Penalty, then later became Virginians for Alternatives to the Death Penalty, or VADP. “We decided to change the name from being ‘against’ to ‘for’ something,” Heller explains.

The 1990s was a frustrating decade. Prosecutors and legislators seemed consumed with killing and sometimes went to legally questionable lengths to assure a death sentence.

Strong public support drove Virginia to sentence five to 10 people to death, and execute up to 14 people each year. “The death penalty seemed to be in the news daily. And I did my best to keep it out there,” Heller recalls.



Popular support did not waver despite many rushed sentences, executions, and the very real possibilities of innocence of prisoners such as Joseph O’Dell, and reports of the botched electrocutions of Frank Coppola and Wilbert Lee Evans.

“Americans do not give a hoot about killing people. They really don’t give a hoot about killing them fairly, either,” a frustrated Marie Deans wrote in 1986. “As long as there is the appearance of fairness in the death penalty, they will accept executions as a necessary evil.”

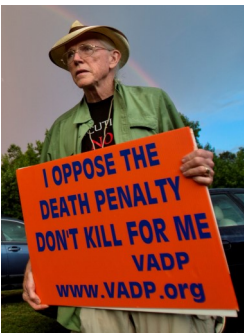
In the early 2000s, support for the death penalty stalled at around 75 percent, but support for an alternative was increasing. “I’d get up in front of those legislative committees and wave these findings at them,” Henry Heller recalls. “But in those days, only a few were interested.”

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Few Virginia legislators would introduce abolition bills, only to watch them die in committee. Heller remained pragmatic in the face of these setbacks as he searched for common ground.

“I didn’t get disappointed when Frank Hargrove’s bill in the House of Delegates, or Henry Marsh’s bill in the Senate would never get out of committee,” he recalls. “I was actually pushing for a moratorium bill as that sounded more palatable.”

When Heller stepped down in 2002, **Jack Payden-Travers** took the helm. “As the new executive director of VADP, I reached out to the chaplain at Sussex I State Prison and accompanied him on his death row visits,” he says. “That was a short-lived



opportunity. When my name became public in the media surrounding each execution, a new warden ended my visitation access to the men on the row. I never was able to return to those men in person, but we helped others to both write and visit with the men.”

Payden-Travers also recalls that his appointment coincided with the DC Sniper court cases. “Their trials were held consecutively in the Fall of 2003 in Virginia Beach and Chesapeake. I would maintain a daily vigil in front of each courthouse during the trials while living Monday through Friday at the Norfolk Catholic Worker.”

John Allen Muhammad was sentenced to death, but his young accomplice, Lee Boyd Malvo, received life without parole. Public support for the death penalty reportedly jumped from 68 to 77 percent after this case.

In 2006 Payden-Travers met Earl Washington Jr., Virginia’s only death row exoneree, and provided support for the legal team that worked on his civil trial in Charlottesville. Washington was sentenced to death on a wrongful conviction, spent 19 years in prison, and was days away from execution

before DNA evidence exonerated him. His near-execution is chronicled by Margaret Edds in her 2006 book, *An Expendable Man*.

Before the Earl Washington debacle, the death penalty “seemed to be a trusted, well-oiled machine of death,” recalls long-time advocate **Debbie Simpson** of her experiences at execution vigils by the Greensville Correctional Center. “We could determine nearly to the minute when the body would be declared dead and then driven away. That is when we, with lit candles, lined the side of the road as a truck resembling a Schwan’s delivery truck would drive the body away.”

Simpson recalls the most unsettling vigils were those where family members of the condemned were also present, such as during the 2000 execution of Steve Roach, executed for a murder he committed as a juvenile.

As people lined up by the roadside, Roach’s young, newly-widowed wife stepped in beside her. “I didn’t know what to say, I’d never been in a situation like that before



... I only had words of sorrow and a need to say that we didn’t do enough. I was so very sorry.”

In 2005 the U.S. Supreme Court ruled that the execution of those under the age of 18 at the time of their crime was cruel and unusual punishment — too late for Steve Roach and many others.

New death sentences plummeted after 2002 when the legislature created the Virginia Indigent Defense Commission. Those accused of capital crimes now had highly-qualified, full-time capital defenders replacing often inadequate court-appointed lawyers who were paid scale and sometimes fell asleep in court, showed up intoxicated, or failed to call defense witnesses. The playing field against prosecutors had finally been leveled.

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“The abolition movement and VADP brought together some of the most caring, passionate and dedicated people I have ever met,” says **Beth Panilaitis**, who served as Executive Director from 2008 to 2010 and as a Board member from 2011 to 2016. “People came to abolition from different places – faith, racial justice, connections with those on death row – and were willing to make sacrifices to help others.”



Advocates met with legislators, held execution vigils, and organized gatherings to speak about the death penalty. “That’s how VADP survived with little funding and a good deal of opposition ... the optimism and faith of those volunteers and activists.”

Over the years, VADP and its allies opposed legislation that expanded the crimes eligible for capital sentences and bills that shrouded the source of lethal execution drugs in secrecy.

Michael Stone brought memories of that Briley execution, his work with the National Coalition to Abolish the Death Penalty, and a goal to “broaden abolition support across the political spectrum,” when he took over as Executive Director in 2015.

In 2017, with a grant from the Sisters of Bon Secours, VADP hired Field Director **Dale Brumfield** to conduct grassroots educational presentations on the death penalty to Republican, Libertarian, Democrat, faith-based, and civic organizations in target legislative districts around the state. The goal was to raise awareness and build grassroots support for abolition.

With the General Assembly not yet ready to seriously consider death penalty abolition, VADP worked with mental health organizations for five years on a bill to exempt people with severe mental illness from receiving a death sentence.

This bill was a good vehicle for educating state legislators about the problems still endemic with Virginia’s system of capital punishment. The effort was so successful that the Senate passed the bill in both the 2019 and 2020 legislative sessions. Unfortunately, the legislation was defeated both years in the House of Delegates.

The abolition of the death penalty in 2021 – the thirtieth anniversary of VADP – was the convergence of several key factors. The police murder of George Floyd and the subsequent Black Lives Matter movement shone a bright spotlight on racial inequities in the criminal justice system.

The superb work of abolition bill patrons – Sen. Scott Surovell and of Del. Mike Mullin – was key within the General Assembly. The support for abolition by Governor Ralph Northam in his State of the Commonwealth address was also crucial.

“I was stunned, saddened, and uplifted when news reached me that our legislature finally voted to end use of the death penalty,” said former death row inmate-turned-paralegal **Joe Giarratano**. “Then I chuckled. I could hear Marie Deans’ voice in my head, ‘Get back to work, all of you, the job is not done. States continue to kill in our names to show that killing is wrong.’”



“I look forward to Governor Northam signing this bill into law that will make Virginia the first Southern state to abandon the death penalty,” Stone concludes. “We hope that Virginia will set an example for other old Confederate states to take this bold step toward the humane reform of our legal justice system.”

– Dale Brumfield, VADP Field Director