

Of interest

- Following an announcement in August 2002 that "Australia is universally and consistently opposed to capital punishment and supports its abolition", Australia's Foreign Minister, Alexander Downer, recently announced that Australia would seek clemency for Sydney woman, Le My Linh, who has been sentenced to death in Thailand, for drug trafficking.
- On 16 February 2003, the Prime Minister, John Howard, in commenting on the prospect that the Bali bombers could be sentenced to death, said that "If that is what the law of Indonesia provides, well that is how things should proceed. And there won't be any protest from Australia."

In this issue

President's Column	1
"Lorilei - A meditation on loss" and the return of "This is a True Story"	2
The Killing of Jackie Elliott	3
RepriveAustralia Interns	4
The Other Victims	5
Tasteless and Improper	6
Innocence muddying the waters	7

President's Column

Bali and after

In October 2002, nearly 200 people died in a hideous act of terrorism in Bali. Australia, as a nation, was deeply affected by this event. In the aftermath, the alleged 'masterminds' have apparently been caught. In the weeks after the bombings, the Australian media moved into overdrive. However, from my reading of the local press, one of the positives arising from the coverage and analysis was an absence – an absence of a call for the alleged perpetrators, if found guilty, to be executed. Upon further reflection though, it became apparent that the Indonesian government intended exactly this outcome. Perhaps as much was assumed in Australia. Reports then filtered through that the Indonesian government intended to put to death certain of the 'ring leaders' if they were found guilty. At that point, there was another absence – there seemed to be no voice in the local Australian media opposing such a course.

Australia's Prime Minister recently stated his opinion. Whilst John Howard may profess a distaste for the death penalty, it apparently seems more attractive if carried out by our near neighbours. This selective morality is to be condemned and publicly denounced. John Howard has the temerity to suggest that there '*won't be any protest from Australia*' if the death penalty is imposed upon a person convicted of the Bali bombings. Wrong. There will be such a protest and *Reprive* will be part of that protest. Is death by firing squad somehow now acceptable to the Australian populace, so long as it is carried out by a northern neighbour? Howard's position is untenable and suggests a double standard.

Some of you may pause at this moment and consider that this is a question of Indonesian sovereignty or, the great dinner party argument winner, cultural relativity. Neither argument is determinative of the issue. The real issue is that of universal human rights and the dignity of the individual.

Those individuals who planned the attack and detonated the bombs in Bali have engaged in savage criminal acts, whatever the motivation. Their violent crimes are worthy of absolute censure. However, the violence should not be met with a state-sanctioned, more palatable and clinical form of violence in the form of the death penalty.

RepriveAustralia does not support the imposition of the death penalty upon any person convicted of any crime in connection with the Bali bombings.

Illinois speaks upon the death penalty: "Arbitrary, capricious and therefore immoral"

With these words, Governor George H Ryan dealt a serious blow to state sanctioned killing in the state of Illinois in the United States of America. Last month, just 48 hours before the end of his term, Governor Ryan – a Republican – commuted the death sentences of 167 inmates on the Illinois death row. In the context of American socio-legal politics, this act is nothing short of heroic if not highly controversial.

It is important to note that all but 3 of the 167 inmates received a commuted sentence of life without parole. This penalty is not a soft option. Take a moment to think about what that means.

(continued on page 2...)

Continued from page 1

164 of these inmates will spend the rest of their life in jail, with no hope of parole. They are forever consigned to life in a shared cell the size of the average bathroom.

*"I am not prepared to take the risk that we may execute an innocent person."
"I no longer shall tinker with the machinery of death."*

Governor Ryan first seriously questioned the efficacy of the death penalty some years ago after the tireless and concerted efforts of journalism students at Northwestern University, who had discovered serious deficiencies in the investigation and subsequent trials of numerous capital crimes. This led Governor Ryan to impose a moratorium on the execution of death row inmates. That act was a powerful statement and resonated throughout the US.

This recent mass commutation by Governor Ryan, in the dying days of his gubernatorial term, is a bold and courageous statement that displays executive and moral leadership. RepriveAustralia commends this act of leadership, and hopes it will strengthen the case against the death penalty for all prisoners – not just the "innocent".

Interns everywhere

Congratulations to our 13 determined and committed interns who have spent the last three months working to help the cases of death row inmates in various state jurisdictions in the southern states of the US. This issue contains a snapshot of those interns. From all reports, they have all survived the experience, worked incredibly hard, and done very very well.

Eleni Antonopoulos

Former Reprive intern Eleni Antonopoulos (February 2002) recently returned to the USA to work as sole investigator in the case of Jackie Elliot in Texas. Basic funding for this position was provided by Reprive (UK). For 2 arduous months, Eleni undertook the extremely difficult task of trawling through all the documentation in the case as well as interviewing jurors, and witnesses, and her work was featured in an article on page 3 of *The Age* (15/1). However, despite the extraordinary efforts and commitment of Eleni, fellow Reprive member Richard Bourke, and a host of others, Jackie was executed on 4 February 2003. Clive Stafford Smith gives a characteristically moving account of this unjust outrage in this newsletter.



The work goes on.

Nicholas Harrington
President
RepriveAustralia

Lorelei – a Meditation on Loss and the return of This is a True Story

Reprive members may recall the moving theatrical monologue *This is a True Story*, which drew on the writings of Howard Neal, a man with an IQ of only 54 who has been on Mississippi's death row since 1983. After its premier in Melbourne in May 2001, *This is a True Story* toured to London in October 2001 to great critical acclaim. The show was a powerful and compelling comment on the plight of the intellectually impaired on death row.

This is a True Story will return to the Carlton Courthouse, Melbourne, in April 2003, with a companion piece, *Lorelei – A Mediation on Loss*. Based on another true story, *Lorelei* explores the experiences of the mother of a murdered little boy, and her belief that his killer should not be put to death. Her conscience is a mirror into which we all should look.

Lorelei opens at the Carlton Courthouse, 349 Drummond St, Carlton on Tuesday 8th April at 8.00pm, and runs to Sunday 20th April. No Monday performance. Sundays at 6.00pm, other shows at 8.00pm. Double bill performances with *This is a True Story* on Friday 11th, Sat 12th, Fri 18th, Sat 19th & Sun 20th April. Bookings 9347 6142.

There'll be two special Reprive members' night performances of both shows on Friday 18 April at 8.00pm and Sunday 20 April at 6.00pm, with discount tickets for (paid-up!) members – \$20 for both shows. Put it in your diary now! Bookings: 9347 6142, and say you're a member of Reprive when you collect your tickets at the door.

The Killing of Jackie Elliott

by Clive Stafford Smith

I think Jackie Elliott was innocent. Surely that should be reason enough not to execute him. Danny Hanson and Ricky Elizondo had been snitches at his trial. The police had suppressed evidence that Hanson raped Joyce Munguia; we found a new witness who said Hanson had confessed to killing her, beating her savagely with a motorbike chain. The police suppressed the fact that Hanson and Elizondo were both members of 'The Chain Gang'. They ganged up on Jackie, after they had used a chain on Joyce. Elizondo got 10 years, came out, and when he met Joyce's mother on the street he spat on her. Hanson's deal was even better: for testifying, he never spent a day in jail. Yet Texas wanted to kill Jackie.

As for our coalition for mercy, in more than 300 capital cases, I've never seen anything like it. All 12 jurors signed our petition asking for DNA testing - in the end, none wanted Jackie to die. How could Texas make unwilling jurors vote to kill someone, and then not respect their wishes?

The stars were aligned. Tony Blair was going to be at Camp David, bearing British support to President Bush. Thousands of young British troops were being offered to fight, perhaps to die in Iraq. Jack Straw seemed to be constantly on the phone to Governor Perry, Bush's former deputy, asking a simple favour: let Jackie's defence do DNA, let us check the court has got it right; 150 MPs signed on to support the case. How could they refuse?

The execution was set for Tuesday. In the end, there were only six days to stop it. 510 miles from where I live in New Orleans, and so little time. A cop pulled me over for speeding. But he let me go. I warmed to Texas. They let me off my crime, they would let Jackie off his - at least they would not kill him. That day was the last time I would be able to visit Jackie. Death Row was four hours from the courts in Austin, where I had to find a stay. With only five days left, I could not afford to return.

'Don't worry, it's going to work out,' I told him with a smile. 'But it may well come down to the final hours. In Les Martin's case, we came within 25 minutes before the stay. With Larry Lonchar, it was less than a minute. But the final chance is often the best. With moments to go, we can still pull it off.'

'It's funny, the people here hate me. The people where I was born in Britain, I've never met them, but they're being so good to me. Thanks to them, nothing's certain, but I've got hope,' Jackie said.

'See you next Wednesday,' I waved, as I left. Friday was when the family visits began. Eight hours with Jackie,

through the plastic screen. I met with Dorothy, his mother, and Kim, his sister, the night before. Don't worry, I told them. I really believed what I was saying, but I would have said it anyway. You've got to give hope, even if you think it's a lie. Try counting a day in minutes when you're waiting by the Execution Chamber.

By Saturday evening, there were only three days left. It's so hard to stop, when there is so little time. In the last 72 hours, I lay down for only three. I was on cardboard on the floor, like a hobo, in an Austin office. The mobile would go off from someone in England who did not know the time. I would look, guilty, at the watch to see how much of Jackie's life had been lost.

Richard, Eleni, Hugh, Carmela and Gemma - British and Australians, thousands of miles from home, working unceasingly to save Jackie's life. We were camped in a windowless inner office, lent by some local lawyers. The Xerox machine ached through a few hundred pages, and broke down. The printer was agonisingly slow, the toner ran to streaks. The paper ran out at 2.00am. Carmella went to the copy shop, only to return with my credit card in her hand, pressed beyond its limit.

The trial judge, Jon Wisser, had written to the Pardon Board before I started on the documents that I hoped would persuade him to grant a stay. 'I have not had contact with any defendant more deserving of the ultimate penalty than Mr. Elliott,' Wisser had written. Much later he changed his mind, and got off the case. We had lost precious hours. I received a copy of the email he sent to the District Attorney. 'Ironically,' said Wisser, 'just today I finally read the defence DNA motions and felt that there might be merit to them.' Ironically, had Wisser waited to hear the evidence before telling the Pardon Board to kill Jackie, he might have ordered the very DNA testing we needed.

It was when the prosecutors turned over another 51 pages of exculpatory statements that I began to worry. It was 10.00am on Tuesday morning. We still had not lost in the Pardon Board. We still had not lost in the Texas Court of Criminal Appeals. We still had the federal courts, and the US Supreme Court. We still had the Governor. But I began to worry for the first time.

The prosecutors had waited 16 years, six months and 22 days since Jackie's arrest to turn the papers over, and there were now only eight hours to go. I was tense, reacting badly to each interruption, preparing an appeal

(Continued on page 6)



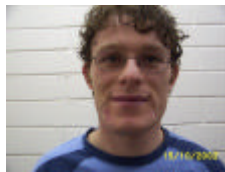
Jackie Elliott

Reprive Australia Interns: November 2002— February 2003

Over the past three months, there have been 13 volunteer interns working in various capital defense (yes, that's the way the Americans spell it...) offices in the southern states of the US, with another 2 recently having arrived in New Orleans. Here's a brief snapshot of who they are and where they worked. And you will hear from the interns themselves about their experiences in this and subsequent newsletters....

Rachel Walsh is a partner in the Melbourne office of Phillips Fox. She was based in Houston, Texas, with the Gulf Region Advocacy Center, working on, among other matters, the re-trial of Calvin Burdine, the client whose lawyer 'slept through' his murder trial in 1984.

James Sullivan also worked in the Gulf Region Advocacy Center, in Houston, Texas. He will continue working there until August.



Ash Halphen is a Melbourne barrister who has also returned for a second stint in the US this summer, working with the Office of Capital Post-Conviction Counsel in Jackson, Mississippi.

Nick Button also returned for a second internship this summer, working alongside Ash Halphen at the Office of Post-Conviction Counsel in Jackson, Mississippi.



Dominic Keller is a law student who was placed with the Texas Defender Service, in Houston.

Carmela Quimbo, a law student, worked with the team at the Louisiana Crisis Assistance Centre in New Orleans, Louisiana.

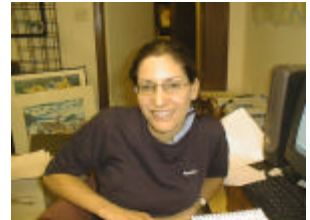


Lucy Rees, another law student, travelled to Atlanta, Georgia, to work with the Multi-County Public Defender Service.

Natasha Stojanovich is a law student who was placed with the Louisiana Crisis Assistance Centre in New Orleans, Louisiana.



Siobhan Sweeney is a law student who worked with Dominic Keller at the Texas Defender Service in Houston.



Mimi Marcus, another law student, also worked at the Louisiana Crisis Assistance Centre in New Orleans, Louisiana.

Barnaby Johnston, who has one year to go in his Arts/Law degree, helped out at the Louisiana Crisis Assistance Centre in New Orleans, Louisiana.



Elaine Miller, an American national living in Australia with a Masters in Arts, was placed with the Capital Post-Conviction Project of Louisiana in New Orleans.



Linda Skoblar, a law student, was placed with the Capital Appellate Project in New Orleans, Louisiana.



Lucy McKernan and **Jamie Potter** have just arrived at the Louisiana Crisis Assistance Centre in New Orleans, Louisiana, and will spend the next three months there.

For information about *RepriveAustralia's* internship program or to apply to participate in the program please check out our website at:

www.reprive.org.au

or email us at

contact@reprive.org.au

The Other Victims

by Ash Halphen

Who is the most important person in your life? Think about that person for a moment... If you knew this person had only a few days left, what would you say in your prayers in an effort to redetermine fate?

Imagine that you can actually see the person you are praying to. It is twelve jurors who have the power bestowed on them to determine 'life' or 'death.' You are no longer in the privacy of your own thoughts but in a hostile courtroom giving character evidence as a family member of a defendant who has committed a capital murder and faces the death penalty. The gruesome facts are no longer mere allegations; a finding of guilt has already been reached. There is only one issue left to decide.

As you stumble through the intimacy of your insights and personal experiences, all the attention is fixed on you. Your efforts to avoid the hate in the eyes of the victim's family leave your focus on the empty gaze of strangers; their only thoughts, "Thank God I am not in your shoes."

To capture the full measure and essence of a loved one may be the difference between life and death. There is probably no more daunting a task than trying to dissuade a jury from taking the life of your child, grandchild, spouse, parent or sibling. The enormity of stress is only equalled by the heightened guilt that would follow an unfavourable outcome.

The case of Henry Curtis Jackson is a compelling illustration of a mother trying desperately to save the life of her son. He was found guilty of the November 1990 stabbing deaths of four children aged between two and five. He was in search of money supposedly kept in a safe at the time.

As in any capital case, the sentencing phase of the trial immediately follows a verdict of guilt. In determining a life sentence or the death penalty, jurors are asked to weigh the 'aggravating factors' against the 'mitigating factors.' Defense attorneys will typically call evidence to

humanize their clients to save them from death.

Martha Jackson is a large, African American woman. She was an alcoholic for many years but eventually found the lord and devoted her life to him. At the time of the trial, she described herself as a 'missionary' who 'taught the word of the lord.'

When asked about her relationship to Curtis, she promptly replied, "he is my baby son."

As a baby she recalled holding him in bed with the radio on until he fell asleep. He was a "sweet person" and a "good son." He visited me "once in a while" and "helped me with stuff." A smile appears for the first time when she reveals that Curtis was brought up a Christian.

Her face immediately sours when next asked about the crime. She explains, "I feel he entered into there to steal but after things didn't work out, I feel like something went over him." He was "terribly sorry" she stresses before being overcome with emotion.

The level of tension escalates with the final line of questioning from the defense attorney and culminates with the final question: "Mrs. Jackson, Curtis has been found guilty of killing. Should he be punished for that?"

She replies: "I feel like he should be punished but not killed. When they kill him, they are going to be murderers just like him...we don't know what is going to happen to our mind. I feel like god allowed Satan to attack his mind and he went into a shocked spirit."

What makes this evidence so remarkable is that the four victims were Martha Jackson's grandchildren. How could she support her son in those circumstances? Perhaps she was not aware of the full depravity of the slayings. The district attorney raised this issue during her cross-examination in the hope that Mrs. Jackson would recant the favourable parts of her testimony if fully apprised of the brutal nature of the

(Continued on page 8)



Ash Halphen

Ash, a Melbourne barrister, returned to the US in November 2002 for his second stint as a Reprive volunteer intern.

The Killing of Jackie Elliott

(Continued from page 3)

to the Supreme Court from a state decision that had not yet been made. I was angry that the prosecutors would even expect me to read 51 pages of close-printed statements. We had to send the documents out to be copied. Hugh read them, and said that one witness identified Elizondo as 'Killer'. It was so outrageous, so blatant... I began to see they knew. They knew they could get away with anything.

It's much easier being in the Execution Chamber. I've only ever done the office once before, writing the appeals down to the final moments. I have watched five friends die - Edward and Leo in the gas chamber, Nicky and Larry in the electric chair, and Les by the needle. I feel sick when I think about it. Being away from the prison is worse. It is the antithesis of everything human, the epitome of how we are able to kill people.

I pressed the print key on the last appeal at 5.15pm, with just 45 minutes to go. It had taken 40

minutes to write a petition that should take a week; it was a great issue, but by then I knew it was lost. The Court had ruled last June that people with mental dysfunction could not be executed. We had strong evidence that Jackie fitted their definition; the only way they could deny us was to ignore the facts. But I knew they would. In Larry Lonchar's case the stay came in the final seconds. But the steamroller was rolling, and I worried now that there was nothing I could do any more to pull Jackie out of the way. Richard had already gone into the prison at Huntsville, with Jackie's sister Kim, to be there for the killing. He had left his phone outside with Eleni. She was close to tears whenever I would call.

In the end, Caesar turned four thumbs down in rapid succession. The Governor did not even have the decency to tell us: I had to learn that from the British Consulate. The federal appeals court simply wrote 'denied', nothing more. The first Supreme Court appeal came back 'denied', from all nine Justices. The

execution was delayed an hour before the second ruling, but again it was nothing more than 'denied'. This time one justice did not vote. He must have already gone to dinner.

The clerk at the court was a kind man. I know he is on our side. He asked me whether we had anything else to file. I said no. He said we had fought a great fight. As he hung up, he said: 'Have a good evening.'

Tuesday, 7.09pm. They declared Jackie dead. I learned about it on my mobile phone. I was already in the rental car, driving towards Louisiana. I had to be in hearings in another capital case the next day. It was a 300-mile drive. My wife Emily called, and refused to get off the phone until I stopped at a motel.

Jackie Elliott was executed by lethal injection. Reporters said he died with dignity.

Clive Stafford Smith
This account was first published in
The Observer

Tasteless and improper

by Mimi Marcus

It is hard to believe, incomprehensible in fact, that in Jefferson Parish two assistant district attorneys appeared in court pursuing capital charges wearing neckties depicting a Noose and a Grim Reaper. The District Attorney, Paul Connick, reportedly said it was just a "poor joke", but it was no laughing matter. There is nothing funny about prosecutors making light of killing a man. In response to this indecent behaviour, Clive Stafford Smith filed a "Motion to prohibit prosecutors from wearing tasteless and improper garb in the courtroom".

As part of the Motion, Clive required a picture of the ties, or alternatively an original. He asked us to find out where such a tie could be purchased or to obtain a picture of them. In a mad panic, six of us spent almost two days looking up every weird internet site we could think of that may sell or depict such an image. We searched sites like "death neckties, gaudy

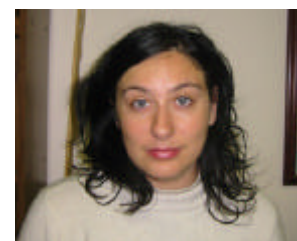
neckties, Goth neckties, and racial neckties". To our angst, we found nothing. In fact, the neckties were handmade by the wife of another prosecutor. It was shocking to discover that the very people involved in the system that sentences people to die would wear garb that so affronts the fairness and justice in death penalty prosecutions. I was utterly disgusted. How could they wear such insensitive, racist symbols? This was more than a mere prank; this was another demonstration of the sick culture at the Jefferson DA's office. Surely, I thought, a prosecutor of the State of Louisiana has a greater responsibility! But neither of the two assistant DAs got more than a verbal warning, with no further discipline.

It is not surprising to know that the Jefferson Parish DA's Office has a very poor image concerning racial matters and is one of the most conservative parishes in Louisiana. "They" say race

is not an issue, but the fact is that 82% of the individuals on death row from Jefferson Parish are people of colour, even though they only make up 30% of that Parish's population.

To quote Clive, "There is something sickening about the sight of one who finds it amusing to toy with life and death. To see this attitude injected into the solemn proceedings against the person on trial for his life is beyond sad – it clearly contravenes the evolving standards of decency that mark the progress of a civilized society".

Mimi Marcus



Innocence muddying the waters by Rachel Walsh

From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored -- indeed, I have struggled -- along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather than continue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed.

Justice Blackmun of the US Supreme Court, dissenting in *Callins v Collins* (1994).

Convictions in opposition to the death penalty are often passionate and deeply held. That would be no excuse for reading them into a Constitution that does not contain them, even if they represented the convictions of a majority of Americans. Much less is there any excuse for using that course to thrust a minority's views upon the people.

Justice Scalia, of the US Supreme Court, in the majority opinion in *Callins v Collins*.

In one short opinion (which sent Bruce Callins to his death just a couple of hours later), Justices Blackmun and Scalia summed up the essence of capital punishment in the US. It is no coincidence that Justice Blackmun chose to illustrate his opinion with a description of an execution by lethal injection, while Justice Scalia described two murders (only one of which was relevant to Mr. Callins' case). And, despite the heavy hearted resignation of Justice Blackmun ("The path the Court has chosen lessens us all. I dissent.") and the procedural legality of Justice Scalia ("[Justice Blackmun's] explanation often refers to 'intellectual, moral and personal' perceptions, but never to the text and tradition of the Constitution. It is the latter rather than the former that ought to control."), one entire limb of the abolitionist argument is missing -- that it is simply wrong for the State to kill a prisoner.

It is on this third limb that you will find the vast majority of those working in capital defence in the US. They are not interested in finding a "safer" trial or "more humane" method of execution; they are working to stop the executions all together.

There is surprisingly little published material in defence of the use of capital punishment in the US. The statistics don't help - there is no clear link between crime rates and capital punishment. The jurisprudence is wobbly, to say the least - Justice Scalia noted in the *Callins* decision that, in comparison with a horrible murder, "How enviable a quiet death by lethal injection...!" as though some might have thought the role of the court is to somehow out-do the depravity of a criminal.

And surprisingly little attention is paid to the issue in the media here. An execution might be reported, but rarely in any detail.

An astounding number of people believe that death sentences are often commuted (to life imprisonment, for instance), whereas in fact that almost never happens. The inevitability (particularly in Texas) of the execution

being carried out is what has driven the creation of the Gulf Region Advocacy Center ("GRACE") in order to focus on stopping people being put on Death Row in the first place.

Executions are simply a part of life in the US. By their normality, they are entrenched in the criminal justice system. The task facing the abolitionists is an enormous one - to make the normal seem unacceptable. One means of doing that has proven astoundingly effective - innocence.

There are Innocence Projects all over the US (the New Orleans Innocence Project - IPNO - is run by Melbourne University graduate, Emily Bolton) and they have achieved some remarkable victories.

As vital as they are to demonstrating the weaknesses inherent in the US justice system, the innocence claims can muddy the waters. Politically, they enabled a Republican like Governor Ryan of Illinois, to attack the entire system of capital punishment and impose a moratorium. But the subtext is that the moratorium is imposed until the system can be made safer; not that the death penalty will be abolished altogether.

The real problem is not the vast numbers of innocent people being sent to their deaths (as utterly awful as that is); it is actually the perverse insistence by the courts that the system is safe for anyone - innocent or guilty. A society can be judged by how it treats its prisoners, even the guilty ones.

Rachel Walsh is the Secretary of RepriveAustralia and worked at the Gulf Region Advocacy Center in Houston, Texas this summer. There will be more from her in future newsletters.





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PLEASE VISIT OUR
WEBSITE AT
WWW.REPRIEVE.ORG.AU

RepriveAustralia was founded in Melbourne in April 2001 by a group of Melbourne lawyers with the intention of assisting in the provision of effective legal representation and humanitarian assistance to impoverished people facing the death penalty at the hands of the state.

It is a sister organisation of *Reprive (UK)*, a UK based international human rights charity which was launched in December 1999 by Clive Stafford Smith OBE. *Reprive (US)* was also established in 2001 to assist in the placement of volunteer interns supplied by *RepriveAustralia* and *Reprive (UK)*.

RepriveAustralia's primary objective is to provide effective legal representation to impoverished people facing the death penalty at the hands of the state, by assisting a body of volunteers from Australia to travel overseas to work on death penalty cases and issues.

The Other Victims...

(Continued from page 5)
crime.

What follows is the relevant exchange between the district attorney and Mrs. Jackson.

Q: Mrs. Jackson, are you aware of the nature of the injuries that your son inflicted on these children?
A: All I know, those children are dead.
Q: Do you know how they died?
A: I know what I heard. I wasn't there.
Q: Do you know that they died painful deaths?
A: I couldn't say that. I didn't feel their deaths.
Q: Did you know that they died not immediately, that they had some conscious thoughts before they died?
A: I couldn't answer that.
Q: Did you know that they suffered?
A: I can't answer that.
Q: Would it make a difference to you Mrs. Jackson?
A: Would it make a difference?
Q: In how you feel about Curtis knowing that he caused the children to suffer?

With all the courage and dignity she could muster she turned to the judge and asked if she was allowed to tell the district attorney how she felt. The court duly granted her the permission sought.

She began by remembering how she went to church with those "little children." She recalled how little Tony would clap his hands; how little Shunterica would say, 'thank you lord, thank you lord;' and how little Dominique and Andrea would sit on her lap. She raised those children; she had a "special love" for them and like most grandmothers her "family came first."

She loved those little children, she loved those little children...She continued to repeat these words

herself as though in a trance. There was a strong sense of discomfort oozing from the body of the court, from members of the public who had never before been privy to such raw disclosure.

The chant came to an abrupt halt. Mrs. Jackson had been gazing out vacantly but then suddenly glared fiercely at the district attorney and with shuddering force said, "I cared for them and I loved them." Pointing at Curtis she then finished her testimony with the words, "just like I love and care for him."

In November 1991, at the Covich County Circuit Court, the jury returned a verdict of death.

Four children are dead and nothing will bring them back. A family is totally shattered. A mother and grandmother will grieve for an eternity. Curtis Jackson languishes on death row awaiting his fate. The state will inevitably execute another of its citizens.

Who wins? What is achieved?

An experienced death penalty lawyer who has spoken to the families of a countless number of victims says, "all they ever want is just five more minutes to say goodbye, a penalty of death is never going to give them that."

Ash Halphen
Vice President
RepriveAustralia