

CASE
MARYLAND

Matters

SUMMER 2006

MD CASE Launches Resolution Campaign!

Building the Base for Repeal of the Death Penalty

Maryland CASE has launched a campaign to demonstrate broad support for repealing the death penalty in our state.

By year's end, we seek 300 formal resolutions or endorsements for repeal from Maryland faith communities, peace and justice groups, civic organizations, businesses—any group of Maryland citizens.

Introducing a repeal resolution is a great way to spark dialogue about the death penalty and get people thinking about the troublesome way it is applied in our state—something too few people do. Resolutions also make individual voices more powerful, as they show that groups of people—whether large or small—are speaking out in unison and that they care.

Please ask your church, temple, mosque or any group with which you are connected to take a public

position in support of repealing the death penalty. Model resolutions are available at our website, www.mdcase.org,

or by calling our office at (301) 779-5230 or emailing us info@mdcase.org.

We can also provide speakers to help educate and persuade your group or faith community that

Maryland's death penalty is too flawed to fix and that the time has come to eliminate it.



*Marchers along Route 2, see page 6.
photo Baltimore Sun*

New Polling Reveals Increasing Support for LWOP

More and More Americans – and Marylanders – Choose LWOP Over Execution

Nationwide, support for an alternative sentence of life without the possibility of parole (LWOP) over the death penalty has steadily increased in recent years, to the point where the country now is evenly split. A May 2006 Gallup Poll finds that 48% of Americans favor LWOP over the death penalty for those convicted of murder – the highest number in twenty years. Just 47% prefer a death sentence.

Maryland is significantly ahead of this national

trend. *An overwhelmingly majority support LWOP over the death penalty: 63% of Maryland voters surveyed in February 2005 agree that LWOP is “an acceptable substitute for the death penalty,” including 66% of women voters and 69% of African American voters. Only 21% of Maryland voters want to stick with the death penalty and 16% are undecided.*

Sources: The Gallup Organization, Mason-Dixon Polling & Research

in our corner

Maryland
Citizens Against
State Executions

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“We Have to be Forgiving People”

Vicki Schieber’s daughter Shannon was raped and murdered on the night of May 7, 1998. A 23-year-old graduate student at the University of Pennsylvania’s Wharton School of Business, Shannon was attacked in her Philadelphia apartment as she studied for final exams. Four years later, her killer, 29-year-old Troy Graves, was finally arrested in Colorado. He is now serving several life sentences for Shannon’s murder and 13 other sexual assaults.

Vicki and her husband Sylvester sparked much-needed citizen debate about capital punishment during the 2002 trial of Graves. Vicki publicly called on prosecutors to spare Graves’ life by declaring in the *Philadelphia Inquirer*, “I have forgiven him. We have to be forgiving people.” Outrageously, the Schiebers faced rebuff and even ridicule from



Vicki and Syl Schieber
photo *Philadelphia Inquirer*

Philadelphia’s District Attorney and some city media for speaking out against the death penalty for their daughter’s killer.

As Catholics, the Schiebers firmly embrace their Church’s teaching that life is sacred. And they stress that while they certainly wanted Shannon’s murderer apprehended and sentenced to prison, they recognize that killing him would not ease their own pain over losing Shannon.

Co-Chair of the Board of Directors of MD CASE, Vicki testified before the U.S. Senate Judiciary Committee on February 1, 2006, where she implored senators to look to beyond execution when grappling with crime prevention and support for victims’ families:

“The word closure is invoked so frequently in discussions of victims and the death penalty that victims’ family members jokingly refer to it as ‘the c word.’ But I can tell you with all seriousness that there is no such thing as closure when a violent crime rips away the life of someone dear to you . . . [A] vague focus on executions as the potential source of closure for families too often shifts the focus away from other steps that could be taken to honor victims and to help victims’ families in the aftermath of murder . . . We have chosen to honor our daughter by setting up several memorials in her name – a scholarship at Duke University, and an endowment fund to replace roofs on inner city homes through the Rebuilding Together program in poor sections of our community, to name two. We also believe that we honor her by working to abolish the death penalty, because, for my husband and for me, working to oppose the death penalty is a way of working to create a world in which life is valued and in which our chief goal is to reduce violence rather than to perpetuate it.”

Vicki works to pressure lawmakers to end discrimination against families of murder victims who oppose the death penalty and abolish federal and state statutes that disadvantage these families. She has devoted her life to abolishing the death penalty and supporting victims’ families. In addition to her ser-

vice on MD CASE's Board, she is the treasurer of the Board of Directors of Murder Victims' Families for Human Rights (MVFHR). She teaches high school and college classes about abolition, has published opinion pieces in *The Washington Post* and *The Philadelphia Inquirer*, runs workshops at state conferences, and has met with and testified before Maryland, Virginia, and Pennsylvania legislators.

“I Believe in Redemption”

Excerpted from “Unexpected Impact” by Caryn Tamber, which ran in Baltimore County’s The Daily Record on June 9, 2006. Bonnita F. Spikes is a member of the MD CASE Board of Directors and a 2005 Open Society Institute-Baltimore Community Fellow.

Bonnita F. Spikes says Maryland’s death-row inmates are her friends. She knows Vernon L. Evans, Jr. considers himself a religious man. She knows Jody L. Miles has lived all over the place and loves country music. She knows John Booth-El peppers his letters with legal jargon, sending her running for a dictionary.

And after a year of visits, letters and phone calls, the men know her, too; they know about her anti-death penalty activism, her former career as a union organizer, her four children and nine grandchildren.

But in all her visits and letters to the men over so many months, there’s something she never told them.

Bonnita Ard met Michael Spikes in 1969, the summer she was almost 16. She was about to be a high school junior and he was a college student, working three jobs to put himself through school.

Her first impression of Michael was that he was annoying. She was walking to a cookout at a friend’s house and he was trailing behind, trying to talk to her. She brushed him off, telling him that she wasn’t supposed to talk to strangers.

“Well, if I tell you my name, we won’t be strangers,” he said.

She didn’t want to like Michael Spikes, but she couldn’t help it. He was so smart, he came from a big family, just like she did, and he loved to talk about sports with her. They used to ride around on

MD CASE Hires Statewide Organizer, Opens State Organizing Office

Maryland Citizens Against State Executions (MD CASE) welcomed Rion Dennis to its full-time staff in June. A Prince George’s County native and graduate of High Point High School, Dennis earned a degree in history and African American studies at University of Maryland-Baltimore County in 2001. He went on to work for the Leadership Conference on Civil Rights/Education Fund, the Philanthropic Initiative for Racial Equity, and, most recently, the Death Penalty Information Center.

As MD CASE’s statewide organizer, Rion will serve as our point person for mobilizing support for repeal of the death penalty throughout the state. He will work closely with repeal campaign partners, including individual citizens and organizations.

Dennis joins Executive Director Jane Henderson, Program and Office Coordinator Sara Klemm, and summer interns Caroline Barrett and Nicole Marriott at MD CASE’s new office at 3800A 34th in Mt. Rainier – on the circle at Rhode Island Ave (Route 1) and 34th Street. Our office has ample space for volunteers and we welcome visitors. Call us at 301-779-5230 or feel free to just stop by and say hello!

his red Huffy 10-speed, with Bonnita on the handlebars and the bike’s basket filled with Polish sausages from the Tastee-Freez.

Even though she was in Chicago and he was only a few minutes away in Evanston, she wrote to him every night, “like he was in China or somewhere.”

She walked down the aisle the summer after she graduated from high school, in her \$25 consignment store dress that made her feel like Cinderella. She was more nervous than she’d ever been, but when Michael lifted her veil, “I just knew,” she said.

Michael urged her to go to college, but that wasn’t where her heart was. She wanted to start having babies right away. The Spikes family grew to three with the birth of David, and then to four with Virgil, three years later. Bonnita Spikes trained as a nurse and Michael Spikes got a job with the U.S. Postal Service.

They moved to California in the late 1970s. Michael kept getting promoted and they were doing well financially. The schools were good, which was fortunate because they had two more sons. The third

(continued on page 4)

(continued from page 3)

child was James. The fourth — because Spikes warned her husband that she wasn't having any more and if he wanted a namesake he'd better claim him now — was Michael.

One day, Michael came home and told Bonnita that he had been promoted again, and that taking the job meant moving to New York City. New York was too loud, too pushy for Spikes. The schools in Rosedale, Queens weren't so hot and other kids kept picking on her sons. The weather couldn't compare to California.

But there were good things. In addition to nursing, Spikes worked as a union organizer and volunteered for the NAACP and reveled in the culture of Harlem. She and Michael took advantage of New York's arts scene. Often, Mike, their youngest, would come along. David and Virgil were grown and out of the house. James was a teenager who was always out with girls, and he needed Mom and Dad only for the allowance money. But Mike was still a kid, and he'd always been clingy.

On March 10, 1994, Spikes got home at 3:30 p.m., her usual time, and waited for her husband. Around 4 p.m., the phone rang, and she answered it in the dining room.

Was this Mrs. Michael Spikes? the voice asked. They were sending an officer to her house, the voice said. Spikes thought that maybe Michael had racked up one too many parking tickets and had been arrested. Maybe she had to bail him out.

"Then when the officer came and said, 'Oh, ma'am, you're going to have to come with me,' and I thought — I know he must have said to me, 'Your husband's been killed,' but for the life of me, while we're driving down there I'm saying, 'Oh my goodness, there was a car accident, he got hurt, they're taking me to a hospital,' which they were, they were taking me to a hospital," she said.

Spikes wondered which floor Michael was on and if he was in surgery for a broken arm or leg. The officer directed her and 15-year-old James to the basement. He stood them in front of a curtained window.

When the curtain opened and she saw Michael covered with a sheet, she fainted.

Every day after work, Michael Spikes stopped by a bodega and bought a Snapple lemonade or fruit punch. That afternoon, as he was waiting to pay, two young men came in and aimed a gun at the cashier. The detectives told Bonnita Spikes later that someone in the back of the store said, "Man, you don't have to do this." One of the robbers wheeled around and fired, killing Michael and an older woman.

The police told her that Michael was hit once in the chest. He died in that store, instantly. The killers have never been found.

After Michael's death, the son that shared his name turned from sensitive to full-on depressed. While Mike dealt with his father's death by retreating inside himself, his mother coped by taking on causes. For a while, she worked for a hospice. Then, she pushed for better mental health care coverage.

"I was trying to do something that would really leave an impact on someone's life because I wanted two things: for my husband to be proud of me, and for his death and Michael's depression to have not been in vain," she said.

In 1999, when a friend told her that Washington, D.C. was the best place for activists, she moved. She continued her union work, getting hired by UPS and trying to organize a union there. She organized in the Montgomery County school

system. She worked for the SEIU in Baltimore; the union would send her to visit units that wanted to leave the SEIU and persuade them to stay.

Eventually, Spikes decided to try the nonprofit world.

Both she and her husband had always opposed the death penalty, and her views didn't change after his murder. She said she likes to think that if someone was arrested for killing Michael, she would want him to stay in jail forever — but not to be executed.

Both Bonnita and her husband had always opposed the death penalty, and her views didn't change after his murder.



Bonnita Spikes
photo Daily Record

So she worked for Equal Justice USA, a project of the Hyattsville-based Quixote Center that is focused on moratorium legislation. Through Equal Justice, she met Jane Henderson, head of Maryland Citizens Against State Executions. Henderson tried to show Spikes that she would have a special place in the anti-death penalty movement but Spikes said she never understood.

The turning point came after Wesley E. Baker's June 2005 arguments before the Court of Appeals. Baker was asking that his sentence be overturned on the grounds that Maryland's death penalty system is racially biased. The family of murder victim in another active capital case was at the Courthouse, and afterward, one of the men got into an argument with Henderson. They remember that he was angry.

Spikes approached the man.

"His reaction when he found out she lost her husband to murder — his approach completely changed," Henderson said. "I think he even said something like, 'you're allowed to have an opinion because you understand.'"

"I had an 'aha' moment," Spikes said. "This helps. This helps people because they don't want to hear the person who hasn't been through it. They will listen to the person who's been there."

Spikes works on the death penalty issue full time now. She has a grant from the Open Society Institute-Baltimore to cultivate opposition to capital punishment among the families of murder victims and the families of murderers.

After rapist-murderer Steven Oken was executed in 2004, Spikes met with his mother, Davida, and asked what the anti-death penalty movement should do for the inmates awaiting execution. Go see the men who don't have families, Oken said.

The first man Spikes visited was Jody Miles, convicted of the 1997 robbery-murder of Edward Joseph Atkinson. Spikes and Miles had been writing letters, but she still wasn't sure what she would talk about when they were face-to-face. She said that when she finally got into the narrow visiting room with the Plexiglass barrier and the speaker to talk through, it was easy. Mostly, she talked about her

grandkids, but she also discovered that they liked the same television shows and the same music.

One thing she didn't bring up — in fact, she never mentioned it to any of the death-row inmates she met — was her husband's murder. She said she never really thought it was important because it had nothing to do with why she opposes capital punishment. The men all knew she was a widow,

but she left it at that.

"I think some of them were under the impression that he had cancer, that he got hit by —they didn't think he got murdered," Spikes said.

Recently, Bonnita Spikes went on WYPR's Marc Steiner Show to talk about her husband and her opposition to the death penalty. Death row was listening. The inmates told her, "this really means something extra special that your husband got murdered and you did this," she said.

"I do good things for people who I think are victims of circumstance," she said.

She thinks they have stories that deserve to be told before they die, and she wants to help them tell those stories. She believes they are damaged men who deserve compassion.

"I believe," she said, "in redemption."

Do you live in Howard County?

Then be a part of organizing other Howard County citizens for the repeal of Maryland's death penalty. We need you, so please get in touch!

CASE Needs Volunteers!

Have a few hours a month you could donate to the movement to end executions in our state?

Please call us at (301) 779-5230!

From the Death House to the Courthouse

Clad with “From the Death House to the Courthouse” t-shirts and orange safety armbands, and bearing signs and banners impossible to miss, over 50 people set off the morning of May 6 from the super-max prison in Baltimore – home to our state’s death row. Winding our way through downtown Baltimore, we garnered many supportive honks and appreciative cheers from passing cars and pedestrians. Even curious folk drawn to their front stoops by our songs and chants of “death row has got to go” seemed more enthusiastic than irked as our march barreled through an otherwise mild and easy Saturday morning.

After a much-needed lunch break, enjoyed on the front lawn of a supporter in Brooklyn Park, we set out for five more miles along MD Route 2 (Ritchie Highway). Three vans kept careful watch as those on foot negotiated the dodgy “pedestrian” path. At about 5:30 pm, we arrived at St. Alban’s Episcopal Church in Glen Burnie, all a bit road-weary, hoarse, and just a tad sunburned. We rested, recouped, and re-energized over a meal of lasagne, salad, and cookies graciously provided by church members.

Saturday evening, St. Alban’s Pastor opened a community forum by quoting Episcopal Church teaching opposing the death penalty. Rachel King shared the parallel - and painfully similar stories of loss - of family members of murder victims opposed to the death penalty and families of death row prisoners, as compiled, respectively, in her books *Not in My Name* and *Capital Consequences*. Exonerated death row inmate Darby Tillis spoke about the miscarriage of justice that led to his wrongful conviction, and Eddie Withers talked about his childhood friend Vernon Evans, currently on Maryland’s death row.

After overnight hospitality and a warm reception at Sunday morning services, we said goodbye to our new friends at St. Albans to continue our walk down Ritchie Highway. Saturday’s stalwarts had been joined by reinforcements from Montgomery County

Citizens of Faith Against State Executions. A few members of the press were there too—including a reporter from the *Baltimore Sun* whose story on our march would run in the paper on Monday morning. A TV news helicopter flew over as we waved and cheered.

More people joined us as we walked Sunday, including a family of four from Fort Mead – who had read about the march on the internet and found

The March arrived just as oral arguments began inside the Court in proceedings that will likely determine if and when Maryland will resume executions.

us along Ritchie Highway – and supporters from Clinton and Baltimore. The unusual presence of a pedestrian group on this part of the highway –

including two marchers in wheelchairs – inevitably attracted an Anne Arundel County police squad car. But it became immediately clear that the respectful officer’s concern was for our safety as he advised us to stick to the shoulders (which regularly morphed into right-hand turn lanes) and to walk as single-file as possible. Our shadowing vans shuttled those in wheelchairs through the most dangerous intersections, and ran to a nearby grocery store for lunch.

After resting and eating lunch on the shady lawn of a Methodist Church, we moved on towards the day’s destination: Asbury United Methodist in Arnold. Undeterred by the noticeably more unsympathetic comments of passersby, and as the afternoon heat yielded to threatening rain clouds, we reached the church around six o’clock. There we were treated to another delightful home-cooked meal – coordinated by MD CASE Board member Sally Vavrek – while church members readied the room for a second community forum.

Despite gray skies and a chilly rain on Monday morning, marchers finished the last few miles to the Court of Appeals in Annapolis to be joined by many more supporters in the last few blocks and greeting by TV cameras and other media outside the Court. Donnie Evans, cousin to Vernon Evans who had walked all 27 miles, spoke to the band of TV cameras. The March arrived just as oral arguments began

inside the Court in proceedings that will likely determine if and when Maryland will resume executions. The Courtroom was packed with marchers and others supporting repeal of our state's death penalty, Vernon Evans' extended family, and reporters. The appeals heard included a civil suit challenging Maryland's "execution manual" and Vernon Evans' criminal appeals addressing racial bias and bad lawyering at his sentencing trial. (See "Supreme Court: Prisoners have right to challenge lethal injection," p 7) The Court's decisions in these appeals and the civil suit are expected sometime in 2006.

All total, well over 100 people joined the weekend of events, which were co-sponsored by MD CASE, the Baltimore Coalition Against the Death Penalty and the Campaign to End the Death Penalty. The march garnered stories and photos in the Anne Arundel and Baltimore City editions of *The Examiner* and several TV news stories. Just as important, we found new friends and supporters along our path.

"Although supporters of lethal injection believe the prisoner dies painlessly, there is mounting evidence that prisoners may have experienced excruciating pain during their executions. This should not be surprising given that corrections agencies have not taken the steps necessary to ensure a painless execution. They use a sequence of drugs and a method of administration that were created with minimal expertise and little deliberation three decades ago, and that were then adopted unquestioningly by state officials with no medical or scientific background. Little has changed since then. As a result, prisoners in the United States are executed by means that the American Veterinary Medical Association regards as too cruel to use on dogs and cats."

So Long As They Die: Lethal Injections in the United States, a Human Rights Watch report, April 24, 2006

Supreme Court: Inmates Can Appeal Lethal Injection

The Supreme Court ruled June 12th that death row inmates may file last-minute appeals challenging execution by lethal injection as a civil rights violation. In a rare *unanimous* decision, Justice Anthony Kennedy wrote that prisoners concerned about potentially painful execution by lethal injection can pursue the issue from a civil rights standpoint because a painful execution could be a violation of the Eighth Amendment protection against cruel and unusual punishment.

The subject of the case, Florida death row inmate Clarence Hill, had exhausted his criminal appeals and was strapped to the gurney, about to be injected with the lethal three-drug cocktail, when the Court intervened January 25th and decided to hear his appeal.

The decision does *not* answer the larger question about the constitutionality of lethal injection, but rather opens the doors for inmates to pursue the issue. Indeed, it could bolster legal challenges to le-

thal injection pending in state and federal courts across the country – including Maryland.

Executions in Maryland are on hold until the Maryland Court of Appeals makes a decision in a civil suit challenging Maryland's lethal injection regulations. MD CASE is a plaintiff in this suit, along with the NAACP, the ACLU of Maryland, and death row prisoner Vernon Evans. Oral arguments in the case were held May 8, and the Court is expected to rule later this year.

Questions about lethal injection have swirled since the high-profile near-execution of California prisoner Michael Morales in February. The state was forced to indefinitely postpone Morales' execution after anesthesiologists brought in to ensure that Morales did not suffer pain refused to participate in the execution, citing ethical concerns. A federal district court will hold a hearing in the Morales case on September 19th.

SUMMER EVENTS

JUNE & JULY

Late June (date TBD)

Howard County Organizing Meeting

Help organize support for the repeal of the death penalty in Maryland!
Citizens of faith, youth, community organizers, peace and justice activists - anyone interested in working to repeal the death penalty in Maryland - contact Statewide Organizer Rion Dennis for details (riondennis@mdcase.org or (301) 779-5230)

29-July 2

"Starvin' For Justice" 13th Annual Fast and Vigil to Abolish the Death Penalty

On the steps of the US Supreme Court
Fast begins at 12:01 am on June 29th, and ends on July 2nd, 2006--the 30th anniversary of the Gregg v. Georgia decision which upheld the new death penalty laws written after the 1972 Furman decision struck down the death penalty in the US. (www.abolition.org/starvin13.html)

12

Montgomery County Citizens of Faith Meeting

Church of the Resurrection, 3315 Greencastle Rd, Burtonsville, MD
Come be a part of the Montgomery County repeal resolution campaign, meetings with local legislators, and organizing faith communities!

SEPTEMBER

12

Maryland Primary Elections

Don't forget to vote!
Don't know your legislators? Visit www.mdelect.net to find out who represents you!

16

Witness and Action: Christian Responses to the Death Penalty

Mount St. Marys University, Emmitsburg, MD
One-day conference will provide panels and workshops to promote reflection and dialogue on Christian responses to violence and punishment. Parishes are encouraged to have pastors and adult and youth leaders attend. Stay tuned to www.mdcase.org or call (301) 779-5230 for more details as the event develops.