

Remarks by Mike Farrell
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New Hampshire Coalition to Abolish the Death Penalty
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It's kind of you to come out this evening. It's thrilling to find myself 3,000 miles from home and in the company of decent, thoughtful Americans who share with me the view that we should not be in the business of killing our citizens. I specify Americans because my work in support of human rights has taken me across the world and in most countries I've found the same to be true. Oddly, one of the hardest struggles for human dignity, for recognizing that the right to life is the fundamental human right, takes place right here at home in our effort to end the use of capital punishment.

Half a century ago, I became involved in a halfway house program that was run by reforming addicts, alcoholics, thieves, whores and other miscreants who were facing the choice of getting straight or dying. Getting straight, to them, meant learning to deal with the truth, tell the truth and live the truth. It was named the Manhattan Project because its founders believed discovery of self was at least as important as the atom bomb. We called it "The House." The fundamental lesson taught there was that basically, all any human being wants in life are three things: love, respect and attention. When young, these people's lives hadn't provided those three things, so they'd learned to cheat, to hustle, to turn themselves into moral pretzels in search of something that seemed like those three things, something that made them feel human, or perhaps feel anything that might fill the hole in their lives.

It's hard to change the way you've lived for years, hard to face the fact that you're lying to yourself. It's scary as hell. Learning to live 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 is hard. But I saw miracles of transformation take place at The House. I saw lost people found, women and men go from dangerous, self-hating losers and leeches to productive citizens. Powerful, tough therapy sessions meant there were failures, of course. Some "split" and ended up back in the gutter, too often dead. But many found their way to understanding and appreciating their own value, which before that point they'd had no idea they possessed. This awakening, this resurrection of a human being, was a beautiful, incredibly moving thing to be part of.

One time at a function there a visiting social worker commented to Ernie, one of the founders, himself a former addict and jailbird, how impressed he was by the rehabilitation of these people. Ernie said, "Rehabilitation bullshit! These people had never been habilitated in the first place."

I think that speaks to a profound understanding. We've created a society wherein many children suffer in misery and virtual invisibility; they are too often products of violent, alcoholic, drug infested, hopeless places sometimes ruled by wretches who were themselves ground to pulp in similar circumstances. Filled with energy and a lust for those things that are missing in their lives, kids act out in the only way they know, the way those who raised them acted out. The only thing that's clear to them is they don't have a chance, and it makes them angry.

So working through my own stuff involved working with others in pain. And, once I began to find my feet the work took me into prisons where we offered inmates a way to get straight with themselves and stay straight, an alternative to going back to the lives that put them behind bars in the first place.

I learned a lot from those thieves and whores and junkies and crooks, people my father would have thought of as social detritus. And I learned more in jails and prisons that crush already wounded souls. It schooled me, opened my eyes and my heart and kick-started a life of investigation and involvement around issues that chew people up.

After a few years of seeing things and people through new eyes, and a lot of luck, life got interesting. One extraordinary break after developing a career as an actor was eventually landing a part in a powerful, very popular television show. Being part of the famous cast of a famous show brought media attention. That, in turn, offered a chance to engage, to get more involved in things that made sense to me.

The show's prominence provided access. Opportunities across the country and then around the world opened up. As a result, welcomed into seats of power as well as prisons, into castles as well as slums, I spent time with people of extraordinary power and some of the lowest, hungriest, most deprived human beings imaginable. And in every instance it became more and more clear to me that what The House taught is true: all human beings

are fundamentally the same, and they all want the same things – love, attention and respect.

Knowing the dehumanization misery creates and seeing it multiplied by our criminal justice system I had long seen its capstone, the death penalty, as the prime example of society's failure, the ultimate insult to human value. Given the chance, I said so, which was not a popular thing to do in the '70s and '80s. But being a member of the cast of an enormously popular television show provided a degree of insulation and I took full advantage of it.

After a four-year hiatus, the Supreme Court had reinstated the death penalty in 1976. I was working on the show and getting involved in things like fighting a ballot proposition attempting to keep gay people from teaching in our schools. Then a minister from Nashville contacted me. He was fighting the death penalty and had read that I opposed it. He needed someone with visibility to help him stop the blood bath he saw coming. He took me to my first death row at Tennessee State Prison.

I admit to being nervous about confronting what we'd all been told were dangerous, fang-toothed, child-eating monsters. But I found there only men, mostly black and brown, uneducated, frightened, some uncommunicative, others longing to talk, some angry, some despondent, many morose, almost all grateful for a little attention.

That was the beginning of a journey that has taught me a lot about our country, its laws and its criminal justice system.

In Virginia, after working for years to get an innocent man named Joe Giarratano off death row, we finally succeeded in 1991. Today, 26 years later, because legal games and political cowardice prevent a new trial, Joe remains in jail.

I hate this system.

In the early-90s I flew to Oklahoma where an attorney friend couldn't get a meeting with the governor about the impending execution of Robyn Parks. After a pointed press conference we got a last-minute meeting with Gov. Walters to present some facts that should have stopped it. We had the meeting but couldn't move the governor. That meant a drive to McAlester Prison to tell Robyn.

The H-Unit at McAlester is like going into an airlock. It's a house of death. Robyn Parks was a great looking young black man, courageous, gracious, generous. What do you say at a time like that? I'm sorry? We failed. But Robyn was incredible. He thanked me for trying, for caring, and for coming. We tried to find the words. We looked at each other, then Robyn put his hand up on the glass. I put mine up opposite his. He nodded and walked away with the guard.

Oklahoma killed him a few hours later and the lawyer, who stayed with him, called me, saying Robyn asked him to tell me it meant more than I might ever understand that I had cared enough to show up and try to help him.

I hate this system.

Later Amnesty International asked me to come to Utah where William Andrews was waiting to be killed. His mother wanted to make a case for her son with the leaders of the Mormon Church and the governor, but Amnesty had been unable to get a meeting with either.

I got a meeting with some of the Church leadership who claimed to have no power in the situation; it was a matter of law. Then we met with Governor Bangerter. William's mother was an extraordinary woman. As we sat with the Governor she was calm and courteous. She asked in her soft voice – she did not beg – she asked him to spare her son's life. She knew William had taken part in the robbery and deserved punishment, but he was outside the building and didn't know his partner had killed people inside. The Governor sat there, impassive, and said he couldn't second-guess the jury. So I reminded him that after the jury's deliberation a sketch of a gallows with a stick figure hanging from it was found on a piece of paper in the jury room. Scrawled at the bottom was a legend: "Hang the Nigger!" It had been adjudicated, the man said, and he couldn't second-guess the court. He thanked us for coming.

Mrs. Andrews' courage and dignity left a mark on me. We knew the governor would do nothing.

I hate this system.

Later, in Nebraska, I met with Wili Otey, who had spent 15 years on death row maintaining his innocence. He was to be the first to die after they reinstated their death penalty. Amazingly, we met without security. Wili casually strolled down the hall to sit with me. No guard. I was surprised, given the security I had experienced elsewhere. We had a really upbeat conversation and I left to talk to the press, thinking the atmosphere and the attitude meant there was reason to hope. But Walkin' Wili Otey, Harold Lamont Otey, a poet, was electrocuted. And as he was killed, a crowd of Nebraskans outside the walls of the prison screamed "Fry the Nigger!"

I hate this system.

For decades, crossing the country trying to stop this awful machine I've come to see the death penalty as 'the lid on the garbage can.' I believe that once we take that lid off that can, people will have to look into the rotten, stinking, maggot-infested mess that is our criminal justice system and do something to clean it up.

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, eighteen times more in California, than life in prison, and it entraps, savages and sometimes kills the innocent. Some of whom I can name.

Of course, many don't know all the ugly stuff. But those who take a serious look, do. The police and the prosecutors know. They rationalize, they argue, and sometimes they even admit they know the truth, but they say it's the law. It is the law, and that's on us. Laws can be changed. When we learn that they don't work, when we learn that they are in fact 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 losing her or his life pays a price, of course. But what is the price paid by those who do the killing? What is the cost to the society that tells people to kill for them – not the economic cost, which is tremendous, but the moral cost, to all of us.

We forget that at the founding of this nation some powerful, idealistic premises were put forward. We hear a lot about The Founders today, what

they did, what they said, even what they meant. But how many of those 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 late Justice Scalia, his clone Judge Gorsuch (who determined that the horrifically botched execution of Clayton Lockette in Oklahoma was “an unfortunate misadventure) and the other so-called “originalists” who claim to know and cling strictly to what 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.”

We know The Founders, inspired by the Enlightenment, articulated their challenge to the crown gloriously; they derided the “divine right of Kings” and 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, their reach exceeded their grasps. As Franklin suggested, prejudices, passions, errors and selfish views prevailed. In spite of the idealistic vision they articulated, they established a nation where power was vested exclusively in white, property-owning men, many of them slave-holders. No consideration was given to women, the poor, slaves, Indians, the condemned. Great they were for their time, and bless them for what they accomplished despite their limitations. While they lacked the vision to make real what they had made possible, they left this trove of explosively powerful concepts for those who followed. So our job, given the

legacy of the Founders, is to fully realize all they left to us in aspirational form.

They planted the seeds. And once planted those seeds were nurtured in the hearts and minds of slaves, women, natives, the non-white, the poor, the incarcerated, the condemned and the forgotten.

Today some of the Founders' failings have been addressed and remedied, at least in part. Women now vote, but they still struggle for fairness, for recognition, for equality.

The freeing of slaves was certainly not then intended. As great a mind as Thomas Jefferson's was concerned about what he called the "ten thousand recollections, by the blacks, of the injuries they have sustained." So 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 has 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 a new movement: "Black Lives Matter."

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

So today, because they failed, our challenge is to fully realize the ideals inherent in those revolutionary American concepts. Every day, people of good will struggle to fully flesh out the nation those ideals describe. We now know they must be extended to include 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, just mentioned, 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 power the absolute monarch possessed, mandated by God, that allowed the king to take the wife, or the life, of any of those beneath him as 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. Benjamin Rush, who founded the Pennsylvania Prison Society, believed the death penalty had a brutalizing effect 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.

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.

President Jimmy Carter, in his book, “A Call to Action,” said when Governor of Georgia he saw that “the tacit acceptance of bias, discrimination and injustice creates an underlying tendency *toward* violence or abuse in a society.” He said, “if young people in our military (are) called upon to commit unjustified violence, this will influence their thinking and behavior in later life. Think PTSD, Guantanamo, Abu Ghraib and the CIA’s “black sites,” and look at the suicide rate of our troops coming home. Look at what the psychiatric community is now calling “moral injury.”

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.

As the former warden of Oregon State Prison put it, he “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.”

An executive in the Texas Department of Corrections 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 say 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 and young people in the military. It is real and it affects us all. Dehumanization is part of the process 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 that these people have forfeited their sacred right to life is to say “that God made a mistake.”

The Brazilian educator Paulo Friere tells us that to dehumanize another is to dehumanize ourselves. I believe 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.

I believe what follows is the legacy of killing by the state, the death penalty. Today, one in every 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 new study suggests that 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 released last year 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. He says it is torture.

In a poll taken last December 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 in the history 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 which 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, just look at the values expressed by the elected leader of our nation today, whose campaign gave his followers permission to hate. An attitude currently being 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.

Mark Danner, in his new book, "Spiral," says "American exceptionalism, which held the country to be uniquely defined by its founding principles, has come to mean a country that routinely violates those principles while claiming its actions do not undermine the ideals it claims to embody."

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