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New York State Assembly Death Penalty Hearings; Collection

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M.E. Grenander Department of Special Collections & Archives

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Summary Information

Repository:	M.E. Grenander Department of Special Collections & Archives
Title:	New York State Assembly Death Penalty Hearings Collection
ID:	apap206
Date [inclusive]:	1965-2006
Physical Description:	1.4 cubic ft.
Physical Location:	The materials are located onsite in the department.
Language of the Material:	English .
Abstract:	The Death Penalty in New York Testimony Collections gathers the testimonials given by 137 witnesses to several committees of the New York State Assembly having to do with sentences involving the death penalty.

Preferred Citation

Preferred citation for this material is as follows:

Identification of specific item, series, box, folder, New York State Assembly Death Penalty Hearings Collection, 1965-2006. M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, State University of New York (hereafter referred to as the New York State Assembly Death Penalty Hearings Collection).

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Administrative History

The Death Penalty in New York Testimony Collection was collected as part of a partnership between the Capital Punishment Research Initiative (CPRI) at the University at Albany's School of Criminal Justice and the University at Albany Libraries. The CPRI, headed by Professors James Acker and Charles Lanier, donated this material in an effort to provide researchers with full coverage of the hearings.

As explained in *Death Penalty in New York, A Report on Five Public Hearings* (pages 1-4), the New York State Assembly Standing Committees on Codes, Judiciary and Correction held a succession of public hearings in December 2004 through February 2005 on the death penalty in New York in reaction

to the June 24, 2004, decision by the New York Court of Appeals to strike down the New York's capital punishment law enacted in 1995. The decision, rendered in *People v. LaValle*, struck down New York's "deadlock" instruction provision, which had been proposed by Governor Pataki and passed by the New York State Senate in 1995. The "deadlock" instruction provision ordered juries to be instructed that they give one of only two sentencing options, death or life imprisonment without the possibility of parole and that they be further instructed that in the event of a jury deadlock that the defendant would be sentenced to a minimum of 20-25 year and a maximum of life imprisonment. It was the decision that jurors might feel coerced into choosing the death penalty to avoid the court deciding to give a defendant a minimum 20-25 year sentence.

When the New York Court of Appeals struck down the "deadlock" provision it completely forbade the operation of the death penalty. However, the Court did agree that life without the possibility of parole was a fair alternative sentence. The decision by the New York Court of Appeals left the New York State Assembly the charge to enact legislation that would reinstate the death penalty, modify the death penalty, or abolish the death penalty. The committees acknowledged that the death penalty in New York had been ineffective. The committees recognized that in the ten years since the law was enacted more than \$170 million had been spent in pursuit of death penalty cases, yet no one was executed. In total, four sentences were struck down by the New York Court of Appeals, one sentence was converted to life without parole, and two cases were still in the sentencing process. The committees noted that numerous death row exonerations due to DNA testing had been occurring in the previous ten years and also observed a change in public opinion. The New York State Assembly Standing Committees on Codes, Judiciary and Correction decided that it would formally review New York's death penalty law including its history, the needs of defendants, and the wishes of constituents.

The committees heard oral testimony from 146 witnesses and read written testimony from another 24 witnesses, both of which combined to more than 4,000 transcribed pages. The documents in this collection, however, do not give an indication of the New York State Assembly Standing Committees on Codes, Judiciary and Correction's final decision about capital punishment in New York State. However, the Death Penalty Information Center (<http://www.deathpenaltyinfo.org>) indicates that the Assembly did vote to eliminate the death penalty on April 12, 2005. To read the text of Bill A00851, which repeals the death penalty in New York State, see the laws on the New York State Assembly's web site (<http://assembly.state.ny.us/leg>).

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Scope and Contents

The Death Penalty in New York Testimony Collection includes testimony given to the New York State Assembly Standing Committee on Codes, Assembly Standing Committee on Judiciary, and Assembly Standing Committee on Correction, on December 14, 2004, January 21 and 25, 2005, and February 8 and 11, 2005. The collection includes testimony from 137 witnesses, including officials from grass roots organizations, practicing lawyers, law professors, concerned citizens, religious leaders, former inmates, and families of victims. The collection also includes the Public Hearing reports for each day of hearings, recorded verbatim; a copy of the 1965 Committee for the Revision of the Penal and Criminal Legal Code

Special Report on Capital Punishment; and an amicus brief ("friend of the court"), *People v. McCoy*, filed by Stewart F. Hancock.

This collection lacks biographical information about most of the witnesses, as well as the New York Assembly Committee members. It also lacks a comprehensive timeline for the final decision of the New York State Assembly Committee.

Related collections in the M.E. Grenander Department of Special Collections and Archives can be found in the subject guides for the National Death Penalty Archive and Criminal Justice and Prisons.

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Arrangement of the Collection

The collection is organized into the following series:

- 1 Series 1 - Witness Testimony, 2004-2005
- 2 Series 2 - Hearing Reports, 1965-2005

Series 1 is arranged chronologically by date of hearing and alphabetically by name. Series 2 is arranged chronologically.

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Administrative Information

Publication Statement

M.E. Grenander Department of Special Collections & Archives

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Processing Information

Processed in 2006 by Sean Heather McGraw.

Access

Access to this record group is unrestricted.

Copyright

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Acquisition Information

All items in this manuscript group were donated to the University Libraries, M.E. Grenander Department Special Collections and Archives, by Charles Lanier, of the School of Criminal Justice, the University at Albany, SUNY.

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Controlled Access Headings

- Death Penalty
- Death Penalty
- Capital punishment
- New York
- Testimonials
- Hearings
- Articles
- New York (State). Assembly

Collection Inventory

Witness Testimony, 2004-2005

Physical Description: 0.5 cubic ft.

Arrangement

Arranged chronologically by date of hearing and alphabetically by name.

Scope and Contents

This series contains copies of handwritten testimony and the original typewritten testimony of 137 witnesses, including published articles submitted as testimony by University at Albany School of Criminal Justice professors, James Acker and Charles Lanier. Other witnesses include: Dr. Alice Green, Albany human rights activist; Hon. Robert Morgenthau, District Attorney of New York County; Bill Babbitt, brother of executed death row inmate

Manny Babbitt; David Kaczynski, Executive Director of New Yorkers Against the Death Penalty and brother of Unabomber Ted Kaczynski; Robert Meeropol, son of Julius and Ethel Rosenberg; and Bishop Dominick Lagonegro of the Archdiocese of New York. A complete list of witnesses can be found in the Box and Folder List.

Title/Description	Instances	
Witness Testimony A-F, 2004 December 15	Box 1 (1-Witness Testimony, 2004-2005)	Folder 1
Bill Babbitt, Family Member of executed death row inmate Manny Babbitt		
David Baldus, Professor of Law, University of Iowa College of Law		
Robert Blecker, Professor, New York Law School		
Camille D'Arienzo, Co-Founder, The Cherish Life Circle, Brooklyn		
James E. Fitzgerald, Minister for Social Justice, Riverside Church, New York City		
Eric M. Freedman, Hofstra University		
Witness Testimony G-Z, 2004 December 15	Box 1 (1-Witness Testimony, 2004-2005)	Folder 2
Isaiah S. Gant, Federal Capital Resource Counsel		
Ernest Shujaa Graham, Campaign to End the Death Penalty		
Madison Hobley, Exonerated Death Row Prisoner		
Dominick J. Lagonegro, Auxiliary Bishop of the Archdiocese of New York		
N. J. L'Heureaux, Executive Director, Queens Federation of Churches		
Robert M. Morgenthau, District Attorney, New York County		
Russell Neufeld, Defense Attorney		
Patricia J. Perry, Family Member of Police Officer		
Barry C. Scheck, Co-Director, Innocence Project		
S. Jean Smith, The Cherish Life Circle, Brooklyn		
Thomas P. Sullivan, Ryan Commission, Jenner & Block		
Christina Swarns, NAACP Legal Defense Fund		
Witness Testimony A-H, 2005 January 21	Box 1 (1-Witness	Folder 3

Testimony,
2004-2005)

Xavier Amador, Columbia University		
Ursula Bentele, Professor, Brooklyn Law School		
Colleen Brady, Legal Aid Society, New York City		
Chloe Breyer, Associate Minister, St. Mary's Episcopal Church		
Jeffrey Fagan, Professor, Columbia University		
Bennett L. Gershman, Professor, Pace University Law School		
Marc A. Gruber, Reform Jewish Voice of New York State		
William E. Hellerstein, Professor, Brooklyn Law School		
Clare Laura Hogenauer, Attorney		
Ron Honberg, Legal Director, National Alliance for the Mentally Ill		
Witness Testimony I-Z, 2005 January 21	Box 1 (1- Witness Testimony, 2004-2005)	Folder 4
Christine Japely, Assistant Professor, Norfolk Community College		
Jeffrey Kirchmer, Association of the Bar of the City of New York		
James S. Liebman, Professor, Columbia University School of Law		
Evan J. Mandery, Assistant Professor, John Jay College of Criminal Justice		
Jim Morgan, Convenor, Vigil to End the Death Penalty, Brooklyn		
Michael B. Mushlin, Professor, Pace University Law School		
Michael J. Palladino, President, Detectives' Endowment Association, Inc.		
Robert Perry, Legislative Director, New York Civil Liberties Union		
Bettina B. Plevan, President, Association of the Bar of the City of New York		
Dorit Radzin, Advocacy Associate, Human Rights Watch		
Edward Rodriguez, Associate Professor, Seton Hall University		
Sundiata Sadiq, 1st Vice President, NAACP, Ossining Chapter		
William F. Schulz, Executive Director, Amnesty International USA		

Ron Stalling, Retired Officer, Uniformed Division of U.S. Secret Service		
Robert J. Walker, Brethren Church		
Patricia Webdale, Mother of Murder Victim		
Hal Weiner, Convenor, St. Saviour Chapter Episcopal Peace Fellowship		
Evelyn Wyfka, Sister to Sister, Human Rights		
Witness Testimony A-M, 2005 January 25	Box 1 (1-Witness Testimony, 2004-2005)	Folder 5
James R. Acker, Professor, School of Criminal Justice, University at Albany, SUNY		
John H. Blume, Cornell University Law School		
Linda Chidsey, Clerk of Yearly Meeting, New York Religious Society of Friends		
Richard C. Dieter, Death Penalty Information Center		
Samuel J.M. Donnelly, Professor, Syracuse University School of Law		
Sonia Ivette Dueno, Racial Economic & Gender Justice Fellowship Reconciliation		
William J. Fitzpatrick, Onondaga County District Attorney		
Diane-Marie C. Frappier, Concerned Citizen		
Stephen P. Garvey, Cornell University Law School		
Bruce Grieshaber, Parent of Murder Victim		
Janice Grieshaber, Parent of Murder Victim		
Michael C. Green, Monroe County District Attorney		
Stewart F. Hancock, Jr., Retired Justice, New York State Court of Appeals		
Bishop Howard J. Hubbard, Roman Catholic Bishop of Albany		
Debra Jaeger, Sister of Murder Victim		
Sheri Lynn Johnson, Cornell University Law School		
David Kaczynski, New Yorkers Against the Death Penalty		
Kathryn M. Kase, Texas Defender Association		
Ruth S. Klepper, Executive Director, Interfaith Impact of New York State		
Karen E. Mallam, Poughkeepsie Religious Society of Friends		

Marguerite Marsh, Family Member of Murder Victim		
Carolyn McCarthy, United States Representative, D-NY, 4th Congressional District		
Bishop Jack M. McKelvey, Episcopal Diocese of Rochester		
Russell Murphy, Professor, Suffolk University School of Law		
Witness Testimony N-Z, 2005 January 25Undated	Box 1 (1-Witness Testimony, 2004-2005)	Folder 6
Roy Neville, Member, Board of Directors, National Alliance on Mental Illness, New York State		
Lillian Roberts, Director Labor Union, District Council 37, New York City		
Lillian Rodriguez-Lopez, President, Hispanic Federation		
George Rosquist, Executive Director, Freedom Now		
Stephen Saloom, Policy Director, Innocence Project		
Ajamu K. Sankofa, New York City Chapter of Physicians for Social Responsibility		
James Coy Sheehan, Priest, Archdiocese of New York		
Stephen Singer, Co-Chair, Criminal Courts Committee, Queens County Bar Association		
Scott Turow, Attorney		
Eugene G. Wanger, Michigan Committee Against Capital Punishment		
Women's Bar Association of the State of New York		
Jonathan D. Zimet, Supreme Court, New York County		
Witness Testimony A-L January 25 and February 8, 2005 2005	Box 1 (1-Witness Testimony, 2004-2005)	Folder 7
Robert K. Corliss, Associate Director for Criminal Justice, National Alliance on Mental Illness, New York State		
Rudy Cypser, CURE-NY		
Hazel N. Dukes, President, New York State NAACP		
Louise de Leeuw, Poughkeepsie Monthly Meeting of the Religious Soc. of Friends		
Jose A. Garcia, Policy Analyst, Puerto Rican Legal Defense and Education Fund		

Alice Green, Executive Director, Center for Law and Justice, Inc.		
Samuel R. Gross, Professor of Law, University of Michigan		
Jeff Frayler, President, New York State Association of PBAs, Inc.		
Richard Harcrow, President, New York State Correctional Officers & Police Benevolent Association		
Evan Kelley, Capital Punishment Seminar, Fall 2004		
Charles S. Lanier, Co-Director, Capital Punishment Research Initiative, University at Albany, SUNY		
Alexander Lesyk, Northern Franklin County Public Defender		
Witness Testimony A-F, 2005 February 8	Box 1 (1-Witness Testimony, 2004-2005)	Folder 8
Gary Abramson, Legal Aid Society of Orange County		
Barbara Berry, Tompkins County Coalition Against the Death Penalty		
Geoffrey Black, President, New York State Council of Churches		
William Bowers, Professor, Capital Jury Project, Northeastern University		
Ann M. Brandon, League of Women Voters of New York State		
Sean M. Byrne, Executive Director, New York Prosecutors Training Institute		
Dominic Candido, Clerk, Matinecock Monthly Meeting, Religious Society of Friends		
Robert M. Carney, District Attorney, Schenectady County		
Scott Christianson, Author		
Cheryl Coleman, Former Albany County Assistant District Attorney and former Albany City Court Judge		
John Dunne, Former New York State Senator and Assistant Attorney General for Civil Rights at the U.S. Department of Justice		
Witness Testimony G-Z February 8, 2005 2005	Box 1 (1-Witness Testimony, 2004-2005)	Folder 9
Wanda Goldstein, Restorative Justice Group, Unitarian Universalists, Kingston		
Jonathan E. Gradess, New York State Defenders Association		

Daniel B. Hahn, Director, Lutheran Statewide Advocacy		
Lee Haring, Religious Society of Friends, Oswego		
Raymond A. Kelly, Jr., New York State Association of Criminal Defense Lawyers		
George H. Kendall, Senior Counsel, Holland & Knight		
John Marsh, Unitarian Universalists for Alternatives to the Death Penalty, Utica		
Robert Meeropol, Rosenberg Fund for Children		
Anita Paul, Religious Society of Friends, Schenectady		
John Restivo, Exonerated Death Row Prisoner		
Ronald J. Tabak, New York Lawyers Against the Death Penalty		
Marsha Weissman, Executive Director, Center for Community Alternatives		
Michael Whiteman, Former Counsel to Governors Nelson Rockefeller and Malcolm Wilson		
Barbara Zaron, Reform Jewish Voice of New York State		
Witness Testimony February 11, 2005 2005	Box 1 (1- Witness Testimony, 2004-2005)	Folder 10
Catherine M. Abate, Former New York State Senator, Commissioner of Corrections		
Myron Beldock, Lawyer for Yusef Salaam		
Bell Gale Chevigny, Professor Emerita, Purchase College		
Stephen Dalsheim, Superintendent (ret.), Sing Sing and Downstate Correctional Facilities		
George R. Goltzer, Board of Directors, New York State Association of Criminal Defense Lawyers		
Mark Green, Former New York City Public Advocate, President New Democracy Project		
Linda Guillebeaux, Free Mumia Abu Jamal Coalition, New York Chapter		
Bianca Jagger, Goodwill Ambassador for the Fight Against the Death Penalty		
Darryl P. King, Darryl King Defense Committee		
William Mordhorst, Concerned Citizen		
Lawrence C. Moss, Democratic State Committee		

John Payne, President, New York State Chapter Democrats for Life

Frederic Pratt, Legal Aid Society Capital Division

James A. Rogers, President, Association of Legal Aid Attorneys

Sharonne Salaam, People United for Children

Yusef Salaam, Former Inmate

Liliana Segura, Campaign to End the Death Penalty

Leonara Wengraf, Campaign to End the Death Penalty

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Hearing Reports, 1965-2006

Physical Description: .9 cubic ft.

Arrangement

Arranged chronologically.

Scope and Contents

This series includes the reports from each hearing day, published by the New York Assembly Standing Committee on Codes, Assembly Standing Committee on Judiciary, and Assembly Standing Committee on Correction. The final reports, compiled from the proceedings of all five days of testimony, are also included. The series also includes two amicus briefs, *People v. McCoy* and *People v. Cahill*, filed by Stewart F. Hancock. An amicus brief, a brief filed by "a friend of the court," is filed to advise the court in its consideration of the case. Hancock is a retired Justice of the New York State Court of Appeals and was asked by the group People Against the Death Penalty, Central New York, to file an amicus brief for consideration by the New York Court of Appeals using the cases of the *People v. Cahill* and *People v. McCoy* to demonstrate support for commuting death sentences to life without parole.

This series also includes a published booklet by the Capital Punishment Committee of Michigan about the New York hearings, entitled *A Guide to the New York Death Penalty Hearings, 2004-2005*. This booklet, which lists witness names, was written by Eugene G. Wanger, who also testified. Finally, also in this series is the 1965 *Committee for the Revision of the Penal and Criminal Legal Code Special Report on Capital Punishment*.

Title/Description	Instances	
State of New York, Temporary Commission on Revision of the Penal Law and Criminal Code Special Report on Capital Punishment, 1965, 1965	Box 1	Folder 11
Amici Briefs, <i>People v. Cahill</i> and <i>People v. McCoy</i> , Stewart F. Hancock, Jr., 2003, 2003	Box 1	Folder 12
Amici Briefs, <i>People v. McCoy</i> , Supplemental Brief, Stewart F. Hancock, Jr., 2003, 2003	Box 1	Folder 13
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, December 15, 2004, Part 1, 2004	Box 1	Folder 14

New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, December 15, 2004, Part 2, 2004	Box 1	Folder 15
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, January 21, 2005, Part 1, 2005	Box 1	Folder 16
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, January 21, 2005, Part 2, 2005	Box 1	Folder 17
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, January 25, 2005, Part 1, 2005	Box 2	Folder 1
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, January 25, 2005, Part 2, 2005	Box 2	Folder 2
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, February 8, 2005, Part 1, 2005	Box 2	Folder 3
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, February 8, 2005, Part 2, 2005	Box 2	Folder 4
New York State Assembly Standing Committees on Codes, Judiciary, Corrections, Public Hearing on the Death Penalty, February 11, 2005, 2005	Box 2	Folder 5
The Death Penalty in New York, A Report on Five Public Hearings, New York State Assembly Standing Committee on Codes, Judiciary, Corrections, 2004-2005, released April 2005, 2004-2005	Box 2	Folder 6
Guide to the New York Assembly Death Penalty Hearings 2004-2005, by Eugene G. Wanger, Michigan Committee Against Capital Punishment, 2006	Box 2	Folder 7

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