

Approved: 2-3-94  
Date

## MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Clyde Graeber at 1:30 p.m. on January 25, 1994 in Room 313-S of the Capitol.

All members were present except:

Committee staff present: Mary Galligan, Legislative Research Department  
Lynne Holt, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Greg A. Packer  
Attorney General Bob Stephan  
Jo Ann Riley  
Dale Edwards  
Suzanne James  
Bob Fairchild  
Carla J. Stovall  
Cedric Moege, United We Stand  
The Reverend John Rath, Faith Lutheran Church  
Representative Marvin E. Smith  
June Scofield  
Gerald Shoaf  
Orville E. Johnson  
Warren C. Martin

Others attending: See attached list

The Chairperson opened the hearing on HB 2578 which would reinstate capital punishment in Kansas. Proponents will be heard today and Opponents will be heard on Wednesday and consideration of amendments on Thursday and final action to move the legislation to the Floor of the House for final consideration.

Mary Ann Torrence, Revisor of Statutes, gave a briefing on HB 2578 (See Attachment #1)

Representative Greg A. Packer testified in support of HB 2578 stating capital punishment is a punishment deserved by criminals convicted of inhuman, vicious, merciless acts. Representative Packer stated opponents like to debate cost, rehabilitation and deterrence. Often these facts are distorted, giving incomplete statistics and personal inferences. (See Attachment #2)

Robert T. Stephan, Attorney General, testified supporting HB 2578, stating society has an obligation to protect the life of law-abiding citizens and individuals who have a right to life, liberty and the pursuit of happiness. Government should have at its disposal all constitutional prerogatives to punish and deter predators from taking human life in the commission of a felony or by premeditation.

Attorney General Stephan further stated although a felony murder does not always possess the element of premeditation, it has the same characteristics. The murderer has made a conscious decision to commit a robbery, a rape, burglary or some other felony crime and in the course of carrying out that crime takes the life of an innocent human being. The thought process is virtually the same as that of the premeditated murderer. (See Attachment #3)

Dale Edwards testified as a proponent for HB 2578, stating the death penalty would deter crime - there are no repeat offenders.

Mr. Edwards further stated he was here on behalf of Mrs. Jo Ann Riley whose husband was kidnapped and brutally murdered leaving her a widow with two fatherless children. (See Attachment #4)

Jo Ann Riley testified supporting HB 2578, stating her husband was murdered March 1, 1993. Mrs. Riley stated there had been delay after delay regarding this case. Governor Finney wants the people of the state of Kansas to have a say in the laws. she is trying to give us back our rights to a referendum. That means we can get signatures, pass our own laws, make the criminals accountable for their crimes. If the majority says so, we can even get the death penalty. (See Attachment #5)

Suzanne James, Victim/Witness Coordinator in the Shawnee County District Attorney's Office and the survivor of two murder victims. Ms. James asked the committee to report out favorably and vote for HB 2578 and also carefully study and then enact even more comprehensive reforms, including funding, to overhaul the criminal justice and correction systems and victim assistance programs. Recommend the necessary statutory changes to make both capital punishment and all sentences for violent crimes swifter, lengthier and correspondingly more effective and less expensive. (See Attachment #6)

Bob Fairchild, Kingman, Kansas, testified in support of HB 2578. Mr. Fairchild's daughter, son-in-law and two grandchildren were murdered in November, 1993. In the middle of the night there was a knock of their door and the son-in-law answered the door and was immediately shot, the daughter ran to the telephone and was shot thru the heart, the grandson ran out from his bedroom and had his head blown off. The gunman being out of bullets, beat the granddaughter to death in her bedroom. After the entire family was destroyed, the assailant filled the house with propane and burned the house to the ground. Mr. Fairchild provided signatures of 21,000 plus supporting the death penalty.

Carla J. Stovall testified as a proponent for HB 2578, stating it is time to reinstate the death penalty in Kansas. The death penalty is the appropriate sentence when someone has taken the life of another human being after premeditation or during the course of committing another inherently dangerous felony. (See Attachment #7)

Representative Marvin E. Smith testified in support of HB 2578, stating at present there are a few citizens that do NOT respect human life and are willing to threaten, intimidate, and even KILL to satisfy their goals of intimidation, robbery, burglary, rape and, yes, even murder. These individuals are predators upon peaceful and law-abiding Kansans. Many of these individuals' parents were hoodlums and/or ex-convicts and have broken most, if not all, of the Ten Commandments. (See Attachment #8)

Cedric Moege, Legislative Chairman for United We Stand American, Shawnee County Chapter, testified in support of HB 2578, stating the cost of imprisonment for 40 years or life vs. executive. Good authority indicates \$30,000 per year to keep a felon in prison times 40 years equals \$1.2 million, not factoring in inflation which will raise the cost of a hard 40 year sentence to \$2 to \$3 million. Costs in death sentence trials by reducing the number of lawyer enriching appeals and other tactics designed to increase remuneration for those involved. 80% of Kansans want a death penalty regardless of cost involved. (See Attachment #9)

The Reverend John Rath, Faith Lutheran Church, testified that there are differences of opinion in the ministry about supporting the death penalty. Reverend Rath stated he had pastored two families that lost loved ones thru murder. These families have to wait months for trials and go thru many appeals ... it goes on and on. The loved ones suffer forever. Society needs to be protected from these murderers as they have no regard for human life and it is felt that capital punishment will deter murder and therefore supports HB 2578.

June Scofield testified supporting reinstatement of the death penalty for Kansas. Her daughter and boyfriend were brutally murdered in 1992. Over crowding of prisons could be eliminated and less taxing applied to homeowners if the death penalty is reinstated and stiffer sentences for criminals. (See Attachment #10)

Gerald Shoaf, Wichita, Kansas, testified in support of HB 2578 stating that capital punishment is a deterrent. (See Attachment #11).

Orville E. Johnson, testified in support of HB 2578 stating there has been proof that fear of execution works as a deterrent to murder. (See Attachment #12)

Warren C. Martin, retired parole officer, stated he supported HB 2578. (See Attachment #13)

The Chairperson announced that hearings would be held for opponents to HB 2578 on January 26 in the Supreme Court Room.

The meeting adjourned at 3:10 PM

The next meeting will be January 26.

Date: 1/25/94

FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Donna Schneeweis	At	Topoka Ks
Harbuz Skarna	NCADP	Topoka Ks
Jim H. H. H.	observer	Topoka Ks
Pat Voyles	" - victim	Wichita
Sammy Viles	" - "	Topoka
John Fairchild	" - victim	Kingman, Ks
Carolyn Fairchild		Kingman Ks
Cory Carvalho	Page for Hochhauser	Frankforton, Ks
Megan Carvalho	Page for Hochhauser	Frankforton Ks
Ryan Carlin	Page for Hochhauser	Frankforton, Ks
Warren E. Martin	Self	Junction City Ks.
Paul Chappell	Self	Pittsburg, Ks
Brenda Chappell	Concerned citizen	Pittsburg, Ks.
John H. H.	Metro News	Topoka
JARED S. MAAG	KBI	Topoka, Ks

Date:

1/25/94

## FEDERAL and STATE AFFAIRS COMMITTEE

NAME	ORGANIZATION	ADDRESS
Jane M. Scofield	Victim	3908 NW 37th Ter. Topeka 66618
Marian Thorne	Victim	2734 SE Bennett 66605
Joan Jones	FRIEND OF 4 VICTIMS	RRI BOX 31 LANGDON, KS 67583
Mel Cathey	BIDS	304 LSOB
Rebecca Daniels	parent of Page.	523E 29th Pittsks 66702
Linda Russell	"	605 E 29th Pittsburg, Ks.
Orville E. Johnson	SELF	TOPEKA, KS
Jim Senecaut	Citizen	Girard/Ks
Jason Senecaut	Page for Bob Grant	RR2 Box 8 Girard, KS
Ryan Vogts	Page for Bob Grant	Girard, KS
PHILIP HURLEY	PATRICK HURLEY & CO.	800 KANSAS SH 1120



## MEMORANDUM

To: House Committee on Federal and State Affairs  
From: Mary Torrence, Assistant Revisor of Statutes  
Date: January 25, 1994  
Re: Provisions of House Bill No. 2578

### Crimes Subject to Death Penalty

#### All first degree murder

- Premeditated murder (intentionally and with premeditation)
- Felony murder (in commission of, attempt to commit or flight from an inherently dangerous felony)
- Inherently dangerous felonies
  - Murder in first degree
  - Murder in second degree
  - Voluntary manslaughter
  - Kidnapping
  - Aggravated kidnapping
  - Robbery
  - Aggravated robbery
  - Rape
  - Aggravated criminal sodomy
  - Abuse of child
  - Certain felony theft
  - Burglary
  - Aggravated burglary
  - Arson
  - Aggravated arson
  - Treason
  - Felony under Uniform Controlled Substances Act
  - Criminal discharge of firearm at dwelling, occupied building or occupied vehicle

### Persons not Subject to Death Penalty

- Person under 16 years of age at time of crime
- Person found to have significantly subaverage general intellectual functioning to extent that substantially impairs capacity to appreciate criminality of conduct or to conform conduct to requirements of law

### Procedure for Imposing Sentence

- At time of arraignment, prosecuting attorney gives notice of intent to ask for death penalty
- If death penalty requested and defendant is convicted, separate sentencing proceeding is conducted before jury (or judge, if jury trial waived)
- If defendant is convicted and death penalty wasn't requested or jury doesn't impose death penalty, sentence is "hard 40"

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- Jury may impose death penalty if it unanimously finds one or more statutory aggravating circumstances that are not outweighed by mitigating circumstances
- Aggravating circumstances limited
  - Defendant was previously convicted of felony in which defendant inflicted great bodily harm, disfigurement, dismemberment or death
  - Defendant knowingly or purposely killed or created great risk of death to more than one person
  - Defendant committed crime for the defendant's self or another for purpose of receiving money or thing of monetary value
  - Defendant authorized or employed another to commit crime
  - Defendant committed crime in order to avoid or prevent lawful arrest or prosecution
  - Defendant committed crime in especially heinous, atrocious or cruel manner
  - Defendant committed crime while serving sentence of imprisonment on conviction of felony
  - Victim was killed while engaging in, or because of victim's performance or prospective performance of, victim's duties as witness in criminal proceeding
  - No others
- Mitigating circumstances not limited
  - Defendant has no significant history of prior criminal activity
  - Crime was committed while defendant was under influence of extreme mental or emotional disturbances
  - Victim was participant in or consented to defendant's conduct
  - Defendant was accomplice in crime committed by another and defendant's participation was relatively minor
  - Defendant acted under extreme distress or under substantial domination of another
  - Defendant's capacity to appreciate criminality of defendant's conduct or to conform defendant's conduct to requirements of law was substantially impaired
  - Defendant's age at time of crime
  - At time of crime defendant suffered from post-traumatic stress syndrome caused by violence or abuse by victim
  - Any others found by jury

#### Review and Appeal

- Death sentence is subject to automatic review by Kansas Supreme Court
- Court determines whether sentence was imposed under influence of arbitrary factor and whether evidence supports jury's findings regarding aggravating and mitigating circumstances
- Court may enter any orders necessary

#### Execution

- Execution is by lethal injection
- To extent practicable convict is allowed to make anatomical gift
- Execution is postponed if convict is found to be pregnant or insane

**GREG A. PACKER**

REPRESENTATIVE, FIFTY-FIRST DISTRICT

6542 S.W. 27TH

TOPEKA, KANSAS 66614

(913) 271-7245

OFFICE:

STATE CAPITOL, 181-W

TOPEKA, KANSAS 66612-1504

(913) 296-7636

1-800-432-3924



TOPEKA

HOUSE OF  
REPRESENTATIVES

## COMMITTEE ASSIGNMENTS

MEMBER: ECONOMIC DEVELOPMENT  
LABOR & INDUSTRY  
LOCAL GOVERNMENT

Good afternoon, Mr. Chairman and committee members. I am one of thirty-one legislators sponsoring House Bill 2578.

Capital punishment is a punishment deserved by criminals convicted of inhuman, vicious, merciless acts. This state has an honored principle of supreme law--our laws are unconditional and must be abided by. It is time the safety of this supreme law is returned to Kansans because Kansans are demanding it. Polls in Kansas show voter support of capital punishment in the 80th percentile. Returns from the survey of my district showed voter support in the 90th percentile. Kansas voters--the people you and I represent--are ready for this action.

The capital punishment issue is a widely debated topic. There are numerous factors which can be linked to this bill, and it is often difficult for opponents to address them all accurately. Today I will confront three areas that capital punishment opponents like to debate. These are cost, rehabilitation, and deterrence. Often these are argued with distorted facts, incomplete statistics, and personal inferences. Opponents habitually take these issues and run with them. I am here today to stop them in their tracks and clarify the issues.

It is easy to stand here and testify to the committee with information that sounds good, information that strengthens an argument, even if that information is inaccurate or possibly fabricated. For example, on February 27, 1987, in the Kansas Senate Federal and State Affairs Committee, testimony was given that, according to research that remained unnamed, at least one in twenty persons has been executed by mistake since 1900. However, according to the Library of Congress' Legislative Reference Service, there has never been a case of executing an innocent person in this country. Rather, many innocent people are slain by escaped or paroled murderers who have not been executed. Fellow legislators, remember: facts are backed by studies and people's opinions are shadowed by prejudice. **Please ask that all facts be backed up and opinions be held to just that.**

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## COST

In previous opponent testimony regarding cost, fellow legislative members, legislative research, and other testifiers have attempted to cloud the subject by escalating the cost so high it is totally unreasonable. I implore you as a committee to require anyone submitting cost figures during the next two days of testimony to ask where the numbers came from and how they were derived. Remember--true figures won't lie, but liars will figure.

Cost analysis of the death penalty is difficult. It is difficult because every study on this subject includes certain criteria and excludes other. Many opponents use numbers for possible capital punishment cases that are ludicrously high for the Kansas population and crime rate. For example, you can take the cost to prosecute twenty people and arrive at a figure around \$3 million. If you then figure only one penalty of death in the first eight years, it can put the cost of this execution around \$3 million. However, this overlooks the nineteen people still in the system. This method is often used to arrive at outrageously high cost figures for a single execution.

A 1993 Duke University study, The Costs of Processing Murder Cases in North Carolina, is the most recent, complete and highly regarded study available. Its objective is to provide useful estimates to legislators and criminal justice officials. Today I submit to you cost information from this study.

The Duke University study assesses that the state saves \$166 thousand in prison costs for every case that results in an execution rather than life imprisonment. Compared to a non-capital trial resulting in a first degree murder conviction and 20 year prison term, an entire capital trial including execution will only cost \$329 thousand dollars. Therefore, the extra cost per capital punishment execution action is \$163 thousand.

In the past, no one figured the plea bargaining benefits to capital punishment. Capital punishment increases plea bargaining effectiveness with murderers eligible for the death penalty. For example, the case of Kansas City serial killer, Bob Berdella (Kansas City Star, February 1, 1993). Berdella tortured and mutilated several victims and then buried the body parts in his back yard and the walls of his home. Berdella escaped Missouri's death penalty by plea bargaining to a life sentence. His plea



bargain included Berdella providing Missouri authorities with information on burial sites and evidence. This saved the state of Missouri tens of thousands of dollars in investigation costs. This plea bargain savings is never alluded to or figured in to capital punishment cost analysis.

## **REHABILITATION**

Another argument offered by opponents is that prisoners scheduled for execution are possible rehabilitation candidates and could perhaps eventually contribute to society. My response is this: the contribution they make to society is a negative one. Most criminals executed under capital punishment are repeat, habitual offenders (Why Capital Punishment, 1972). The following two stories are about criminals, supposedly rehabilitated, that lashed out against society.

Allen Pruitt was arrested for the knife slaying of a newsstand operator and sentenced to life imprisonment. Thirteen years later, while in prison, he was charged with fatally stabbing a prison doctor and an assistant prison superintendent, but was found not guilty by reason of insanity. Three years later his first conviction was overturned on a technicality by the Virginia Supreme Court, thus forcing the state to re-try him. He was again found guilty, but only given a 20-year sentence instead of life. Because he had already served eighteen years and had some time off for "good behavior", he was released. One year later Pruitt was arrested and charged with the murder of two men in South Carolina.

A Florida prisoner who committed two murders received pardon for each, and then showed how much he had been "reformed" by murdering twice more.

I do believe that some people can be successfully rehabilitated. However, I do **not** believe that habitual and repeat offenders fall in this category.

## **DETERRENCE**

Opponents devise countless figures to prove that deterrence is not a by-product of the death penalty. In all reality, concrete statistics of this information are almost impossible to get. Who knows how many have decided not to kill for fear of being killed? Because capital punishment has not been used with any degree of consistency in recent decades, it is quite

impossible to statistically evaluate its deterrent potential with any degree of accuracy.

We do know that robbers in California have testified to using toy guns, empty guns, or simulated guns during robberies rather than take a chance of killing someone and facing the death penalty in their state (California Senate Judiciary Committee, 1960). We know that in one state an escaped convict released kidnapped hostages at the neighboring state line because it had the death penalty for kidnapping and he didn't want to risk his life (Why Capital Punishment, Benson and Lee, 1972). These stories prove that criminals think about it.

The United States Supreme Court has issued an opinion stating, "The death penalty undoubtedly is a significant deterrent." In fact, courts have consistently recognized the death penalty serves a valid social purpose by deterring murders. These findings are based on the fact that deterrence is a fundamental purpose of criminal punishment. The greater the punishment, the greater the deterrence. Therefore, theoretically the death penalty is a greater deterrent than life imprisonment.

Two specific examples of its deterrence capability caught my attention during my research. The death penalty existed in England until the mid 1960's. After it was repealed, England endured many more murders, rapes and violent killings in London. In fact, two years after the death penalty was recalled, England had more violent crimes than ever experienced in its 2000 year history (United Press, 1967).

Another example occurred here in the United States. Resulting from the Supreme Court decision to invalidate the death penalty in 1967, a rush of police ambushes occurred. Between 1968 and 1971, forty-nine police officers were ambushed. Before this, when capital punishment still existed in 1966 and 1967, not a single officer was ambushed (Uniform Crime Reports, 1971).

We can go back and forth, hypothesizing whether or not capital punishment is a deterrence. One fact remains that cannot be debated: the most compelling, undisputed proof of deterrence is that once executed, a killer is forever deterred from killing again.



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

**Statement of  
ROBERT T. STEPHAN  
Attorney General  
Re: House Bill 2578  
Before the House Federal and State Affairs Committee  
January 25, 1994**

I am here today to speak in support of the provisions of House Bill 2578 that provide for the application of the sentence of death for the crime of first degree murder. There is no joy derived from such support, but only sadness that there is any necessity to speak to the issue. Life is a precious gift and society has an obligation to protect the life of law-abiding citizens and individuals who have a right to life, liberty and the pursuit of happiness. Government should have at its disposal all constitutional prerogatives to punish and deter predators from taking human life in the commission of a felony or by premeditation.

Capital punishment cannot be discussed in a vacuum as if inanimate objects are involved. Real people whose life was prematurely ended through a criminal act have a right to be protected.

There isn't anyone attending this hearing today who are not aware of the brutal slaying of Stephanie Schmidt. Stephanie was 19 years of age on July 1, 1993. On that day she was in the company of friends who were celebrating her birthday. Stephanie was a student at Pittsburg State University, who was loved by all who knew her. She had the smile of an angel and was as gentle as a warm summer breeze. Stephanie had every right to look forward to a long and productive life, but that was not to be.

Stephanie decided to leave her friends and go home. While at Pittsburg State University she worked part-time in a restaurant and met another employee whose name was Donald Ray Gideon. He was at the bar where the party was being held. He offered to give her a ride home, and being a trusting person, she accepted. Gideon drove to a secluded rural area and violently assaulted Stephanie. That wasn't enough for this predator. He proceeded to choke Stephanie until she died. Gideon left Stephanie's body in a remote area of Cherokee County where her remains were ravaged by the elements.

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It is time to say to murderers who pretend to be a part of the human race that they had an option. The Gideons of this world sit as a judge and jury over the life of innocent people and make a conscious decision as to whether they should or should not take a life. Society should also be accorded the right to proceed as judge and jury within the confines of the law and constitution to decide upon an appropriate penalty. The murderer should not be the only one to have the power over life and death. The decision of a murderer is arbitrary and without consultation. At the very least his or her fate should be determined in a deliberative manner by a jury.

In addition to premeditated murder, a jury should have the right to determine an appropriate sentence if there is a felony murder. Although a felony murder does not always possess the element of premeditation, it has the same characteristics. The murderer has made a conscious decision to commit a robbery, a rape, burglary or some other felony crime and in the course of carrying out that crime takes the life of an innocent human being. The thought process is virtually the same as that of the premeditated murderer. As testimony to my assertion, I would invite anyone to tell the surviving wife or husband of a person who was killed as they clerked in a convenience store by an armed robber that that murderer is any different than someone who had carefully planned the taking of human life.

Allow me to suggest that if there is a doubt, let that doubt be resolved in favor of the innocent who were subjected to a death penalty without benefit of law.



I am Dale Edwards, 1228 N.W. 62nd St., Topeka, Kansas 66618. I am here as a proponent for the death penalty. The death penalty does deter crime, there are no repeat offenders. I am here in behalf to Mrs. Riley, whose husband was kidnapped and brutally murdered leaving her a widow with two fatherless small children. If the two youths who murdered Mr. Riley are executed, you'll see a big crowd of opponents, wailing and weeping, and probably not one could name the victim. Mr. Riley's company set up a trust fund for the family, probably not one of these people contributed. I did because I cared and am here today because I care.

In 1936, I was hired by the government to serve in the Navy to protect this country from without. I served 12 years regular Navy and 24 years reserve. Lawmakers, local, state, and federal are hired to protect the country from within. You have failed badly. People don't trust the government to protect them. People feel the laws favor the criminals. Crime has risen by leaps and bounds. You must be listening to the wrong people. The social service professionals do not have the answer. The Brady Bill only helps the criminal and hurts the law-abiding citizen. You have disarmed the public. You can't use a gun to hold a criminal if he is stealing or vandalizing your property. You have taken the discipline out of the home and schools.

In Shawnee County, we spent \$1,600,000 for the public defender's office for trials, appeals, and delays. It is our tax money that has made Dunn and Pfannenstiel free today. The defendant's lawyer after hearing the guilty verdict against one of Mr. Riley's murderers commented he didn't know what to say to a 18 yer old. He should have said young man when you murder some one, you pay the price. Instead society will pay his price because he stated he would probably appeal. Why should he? The man received justice. Did Mr. Riley? How many times do we have to pay his legal expenses? How many times will he be allowed to commit a crime such as this? When the opponents of the Death Penalty REWARD a criminal with the hard 40, he has free room, board, medical services, and entertainment. With crowded prisons, someone is bound to parole him. If not, if released at 60 years of age, how will he make a living with no trade or experience living on the outside. He has a very good chance of going right back in, because the outside will be rough on him. Of course, he will have to commit a crime for that to happen.

But for the grace of God, anyone of you could be a victim as Mr. Riley. Your family could be like Mrs. Riley, a widow, and your children fatherless. Is society going to provide for them their rights, their room and board and medical services?

THINK IT OVER!

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## Citizens, take back government

**R**emember me? I'm Jo Ann Riley, and my husband was murdered March 1. My children's father was murdered March 1.

The animal who pulled the trigger and left him in a snowy field and confessed to the murder with absolutely no remorse whatsoever is sitting in jail, after an extended stay in Larned. He has received a psychiatric examination paid for by the state. He gets three meals a day, a roof over his head, a place to sleep, entertainment and who knows what else. This was eight months ago!

I have to tell my son that Daddy won't take him to any more baseball games. I have to tell my daughter Daddy won't walk her down the aisle on her wedding day. I have to see the turmoil in their lives daily. My husband will never get to see his children grow to be adults. He will never get to hold his grandchildren. Worse yet, his grandchildren will never know just what a caring man he was.

I have no husband to hold me in his arms when things get tough. I have no husband with which to talk things over at the end of the day. I have no husband to help me raise our children.

I've been involved in delay after delay regarding this case. Other murder cases are moving on. For some unknown reason, the attorney feels his client needs a little time.   
The only time they gave my husband was one horror-filled hour riding in the trunk of his car.

The system is allowing this 16-year-old to sit there on our tax money and get treated like royalty. Do you want your tax money to pay for that? I don't. Wake up people! You and I are paying for the attorney, the housing and all the other luxuries a criminal is allowed. The court system protects the criminals, not the victims. Once a criminal hits the system, the victim's rights are history.

One hour from now, each and every one of you could be in my shoes.

Gov. Finney wants the people of the state of Kansas to have a say in the laws. She is trying to give us back our rights to a referendum. That means we can get signatures, pass our own laws, make the criminals accountable for their crimes. If the majority says so, we can even get the death penalty.

We voted for the politicians who make our laws — the laws that let an animal like the one who killed my husband take delay after delay. Let's let our legislators know we want to take control of things so the criminals won't have more rights than the victims.

Get the riffraff off the streets. Reinstate capital punishment. Let the punishment fit the crime.

Crime in this city is out of hand! Because we do not have swift, severe punishment, the criminals make a mockery of the system. It's time folks, time to make the changes. If our legislators won't, then we must. — Jo Ann Riley, Topeka.

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## Testimony in Support of H. B. 2578

January 25, 1994

Suzanne James  
Shawnee County District Attorney's Office  
Topeka, Kansas 66603  
(913) 233-8200 Ext. 4330

My name is Suzanne James and I appreciate the opportunity to testify in support of H. B. 2578. I am the Victim/Witness Coordinator in the Shawnee County District Attorney's Office and the survivor of two murder victims. In December of 1989 my elderly mother and stepfather, Nancy and Lester Haley, were kidnapped, tortured and brutally murdered by Tyrone Baker. Inmate Baker won't be eligible under *present* Kansas law for parole until the year 2089 — hopefully long after his death. While Baker unfortunately can never receive the appropriate penalty of death for his crimes, as a taxpayer I have the right to let you know how I want my tax dollars spent on criminals. My taxes helped pay for his defense and today, along with many other citizen-victims' taxes, help pay for his and other murderers' legal appeals and the costs to guard, house, feed, clothe, medicate, educate and entertain him. It seems to me some violent crimes are so heinous, so profoundly evil that the perpetrators have forfeited any claim to live among and be supported by the rest of us.

You have heard and will hear many logical and emotional arguments during these hearings and legislative session both pro and con about reinstating capital punishment. I expect tomorrow you will hear that the death penalty is fiscally irresponsible, isn't a deterrent to crime, isn't humane or civilized, that we should concentrate our correction resources toward rehabilitation rather than execution and that the same end can be achieved through a wider application of the 'Hard 40' law. While I emphatically favor making the 'Hard 40' apply to more violent offenders, I suggest to you that the do-gooding rehabilitation/humanitarian approaches so popular in the 1970's and still favored by some today have been thoroughly discredited by the very criminal element they were

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intended to preserve and rehabilitate. The fact is that the recidivism statistics quite clearly demonstrate that the overwhelming majority of violent criminals cannot be rehabilitated.

Any thoughtful discussion of reinstituting the death penalty must include major *habeas corpus* reform, if not this year then next year. We need reform to reduce the number of post-conviction appeals and the length of time they require to resolve. The high cost of administering the death penalty is directly attributable to the long appeal process and lengthy incarceration period from conviction to execution. Any meaningful anti-crime measures must include constitutionally-acceptable *habeas corpus* reform to decrease appeal costs in all criminal cases in order to achieve more effective punishment capital or otherwise.

Until speedier punishment is restored, any arguments about capital punishment as a deterrent is speculative at best and perhaps irrelevant. The execution of a violent offender that takes 8-12 years or more to carry out renders the whole deterrence argument hypothetical because we won't know the impact of the death penalty on deterrence until *habeas corpus* reform happens. One thing we do know now, however, is that the death penalty ensures that a particular murderer will never kill again. *Habeas corpus* reform would not only make the administration of the death penalty less expensive and swifter, but it would significantly relieve our overburdened judicial system of many criminal legal appeals of doubtful merit. The death penalty would in reality only affect a very small but extremely dangerous percentage of criminals while *habeas corpus* reform would affect *all* criminals.

We do not live in the perfect world of a 'civilized society'. Topeka alone had 24 murders last year and 4 to date this year, numbers hardly indicative of a 'civilized society'. Murderers and the methods they use to torture and kill their victims are neither civilized nor humane. We consider the use of lethal drugs a 'humane' way of destroying our pet dogs and cats so I cannot understand what is 'inhumane' about eliminating through lethal injection those who murder without without

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reason or conscience. Murderers and other sociopathic violent criminals are increasing at a staggering rate. We must quickly relinquish any misguided notions some of us may have from an earlier, less criminally violent time in our history that *anyone* can be rehabilitated and that all lives are equally valuable except, perhaps, in the eyes of God. As traditional family structure and values disappear and substance abuse increases, the result is an alarming growth of an unrehabilitable, sociopathic criminal class who kill senselessly with no remorse *whatsoever*, and they are getting younger and more barbarian every day. I think it is very difficult for those who are not intimately acquainted with the criminal justice system to truly comprehend the mindset of those who kill for fun and profit, and it is this group who with the best of intentions frequently work to prevent significant improvements in the criminal justice system. Rehabilitation programs, which are now inmate-optional anyway under sentencing guidelines, have been shown over and over again to be completely ineffective with hardcore, sociopathic criminals who contribute nothing but human misery to society.

Quite frankly, I am terrified by some in the Legislature who suggest longer sentences and wider use of the 'Hard 40' as an alternative to capital punishment. Many legislators proposing this are the same people who in 1992 voted for the retroactivity provisions in the sentencing guidelines which by the end of July, 1994 will have freed more than one-third of our prison population and which has already caused murderers, rapists, child molesters and other violent criminals to be released much earlier than the Parole Board would have paroled them. The retroactivity disaster only reinforces my belief that what the Legislature does this year can easily be undone next year or in ten years. Whenever our current prisons become overcrowded, the Legislature could decide like Texas did not to build more prisons and begin allowing murderers with so-called life sentences to be released after serving only 7 or 8 years or less. It is travesty that crime and punishment are treated as just another *political* issue in legislatures across the country rather than the *life and death* issues that they really are. There is no guarantee that the smoke and mirrors fraud of

sentencing guidelines perpetrated on the 1992 Legislature won't happen again. At *any* point in the future, the Legislature could be convinced to vote for legislation that frees the worst of the worst criminals either intentionally or unintentionally. If recent history is any teacher, I adamantly believe this is the very best argument for capital punishment.

Even though I've always supported the death penalty for certain crimes, I most probably would not be employed where I am today or be here testifying had the world unfolded as I believe it should have. I would instead be with my mother who most likely and ironically would have celebrated her 74th birthday today had she not been a victim of a teenage sociopath who the system allowed to be free when he should have been either hospitalized or incarcerated at the time he murdered 3 people.

I ask each of you to not only report out favorably and vote for H. R. 2578 but also to *carefully* study and then enact even more comprehensive reforms, *including funding*, to overhaul the criminal justice and correction systems and victim assistance programs. Please support H. R 2578 *and* recommend the necessary statutory changes to make both capital punishment and *all* sentences for violent crimes swifter, lengthier and correspondingly more effective and less expensive.

Thank you.

TESTIMONY OF CARLA J. STOVALL  
HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
HOUSE BILL 2578  
January 25, 1994

IT IS TIME! It is time to reinstate the death penalty in Kansas. I have believed in the appropriateness of the death penalty since I was a high school student and read In Cold Blood. Hanging seemed like a natural consequences for the two men convicted of murdering the Clutter family.

As a prosecuting attorney, my belief in the death penalty grew stronger. Especially after this crime -- two criminals went to the home of an elderly couple who owned a jewelry store in Pittsburg and pretended to want to asphalt the long driveway of the couple. When the homeowner said "no," one of the men shot him and forced his way into the house. The 70 year-old woman came from the kitchen, was thrown face down on the floor of her foyer, had a rug draped over her head and was shot in the back of her head, close range, execution style.

Only one of the two was convicted. He admitted he and the other had already been responsible for the death of another elderly woman in Missouri. Since being imprisoned he was involved in the death of an inmate at Lansing. The death penalty was the appropriate penalty for murdering the woman in Pittsburg.

Alice did nothing to deserve being murdered on the floor of her home. I saw her after the murder--and I still see her at night before I go to sleep. Do you know what someone looks like after they've been shot to death? With their skulls blown open? Or a with a gaping hole in their chest? Picture it. No, it isn't pretty. Murder isn't pretty -- and, dammit, punishment for murderers shouldn't be pretty either.

There is a man currently incarcerated in a Kansas prison -- at least he was when I left the Parole Board and I hope to God he still is -- that I want to tell you about. He and his colleague were driving late at night and saw 3 teenagers walking home. They picked them up, with the promise of having a beer. When they stopped far out in the country, one man took the girl aside and raped her. The other man took one of the boys, sat on his chest and forced him to perform oral sex upon him repeatedly, and then, still sitting on top of the boy, stabbed him 47 times in the chest. This man forfeited his right to live when he took the young boy's life.

Of course, the tragedy which has gripped this state since last summer, is the murder of Stephanie Schmidt. Her murderer was a convicted rapist, who was released after serving every day of prison time the state could require him to serve. He raped once in April and then raped and murdered in July. He recently did an interview with a small paper in Pittsburg. He said that he thought

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he'd be sent to El Dorado maximum security prison and I quote "...because they thought he couldn't escape from there. But he said he could and would--and that he would commit the same crime again." The death penalty is the only real way to protect our citizens from people like this revolting animal.

I do not espouse the deterrent effects of capital punishment, although there are those that do. I do not advocate it because it is more cost effective than housing convicted murderers for their lifetimes, although fiscal conservatives point to that rationale.

I am a proponent for the death penalty because it is the appropriate sentence when someone has taken the life of another human being after premeditation or during the course of committing another inherently dangerous felony. It is that simple. Please give Kansas juries the option of imposing the death penalty when they feel it is appropriate. Please.

I want to take the liberty to encourage you not to amend out a significant part of this bill that will help to protect the public. We know that not every inmate convicted of 1st degree murderer will receive the death penalty if this bill becomes law. Your bill would require all 1st Degree Murderers, who do not receive capital punishment, to remain in prison 40 years. That is a vast improvement over the practice over the last decades wherein a defendant sentenced to "life imprisonment" became eligible for parole in 15 years -- or after 40 for those few that receive the Hard 40. This is a huge step in the right direction. I personally would ask you to go one step further and make a sentence of "life imprisonment" mean life imprisonment with NO parole eligibility ever! If that cannot happen -- then please pass this bill with this important requirement.

Keep in mind, as the law is now and will be without further modification, an inmate who becomes eligible for parole will appear before three randomly chosen members of the Parole Board to be considered for release. Whether or not he is released has always depended on what three members of that particular Parole Board heard his case. Such an arbitrariness is not sound. Plus, the quality of your Parole Board is only as good as the quality of the Governor's appointments to the Parole Board.

If you do not make a sentence of "real" life imprisonment and, thereby, allow inmates to continue to be eligible for parole, then please require all 5 members of the Board to vote on the release of a 1st degree murderer. I would ask that you require a unanimous decision before such an inmate could be released. If you are too afraid of prison overcrowding to do that, then please require a 4-1 vote before release can occur. That will help ensure the safety of the public.

I urge you to vote in favor of HB2578. Thank you for your attention.



MARVIN E. SMITH  
 REPRESENTATIVE, FIFTIETH DISTRICT  
 JACKSON AND SHAWNEE COUNTIES  
 123 N.E. 82ND STREET  
 TOPEKA, KANSAS 66617-2209  
 (913) 484-3417  
 CAPITOL—ROOM 115-S  
 TOPEKA, KS 66612-1504  
 (913) 296-7646



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 CHAIRMAN: GOVERNMENTAL ORGANIZATION  
 & ELECTIONS  
 MEMBER: EDUCATION  
 TRANSPORTATION  
 JOINT COMMITTEE ON ADMINISTRATIVE  
 RULES & REGULATIONS

January 25, 1994

## HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

HB 2578

Mr. Chairman and Members of the Committee:

Thank you for scheduling a hearing on HB 2578 and providing opportunity to testify. I support HB 2578 and strongly believe that a large majority of Kansans want this proposal enacted in statute for Kansas this year.

At present we have a few citizens that do NOT respect human life and are willing to threaten, intimidate, and even KILL to satisfy their goals of intimidation, robbery, burglary, rape and, yes, even murder. These individuals are predators upon peaceful and law-abiding Kansans. Many of these individuals' parents were hoodlums and/or ex-convicts and have broken most, if not all, of the Ten Commandments. They have broken many of the state's laws and have only received a "slap-on-the-wrist". They know very well that Kansas does NOT have the ULTIMATE sentence of capital punishment. They also know that they will have a court-appointed defense that is equal to or better than what their VICTIMS are provided.

They know their chances of being caught in criminal activity are minimal. They know that PLEA BARGAINING is advantageous. They know that if they are convicted and sentenced, they will soon be back on the streets. They are CONs and proud of it!!

I voted for the "Hard 40" because it was the best proposal that year. I knew the "Hard-40" would put our guards and correction staff in more jeopardy and also other inmates within the institutions. But, now, I'm disappointed to learn that many are NOT even charged or sentenced for the "Hard 40".

In this very capital city of Kansas, the violent crime rate per capita is one of the highest in the nation. The punks, hoodlums, and gangs are destroying peace and tranquility for law-abiding citizens. They are making a mockery out of laws and the judicial system.

Many older Kansans and, yes, every generation fears that they will be victimized. Many people are prisoners in their own homes and fear to venture out. Kansas needs to declare war on criminal activities with penalties equal to the crime. It's time we take back our streets, neighborhoods and communities from criminals. It's time that victims' rights are exalted at the altar of justice.

I would urge the committee's favorable action on HB 2578.

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District Representative — Retired  
Aid Association for Lutherans

3045 Kentucky — Ph. 913-266-8922  
Topeka, KS 66605

FREE ADVICE given on TAXES, GOVT., GOLF,  
HUNTING, FISHING, GARDENING, ETC. ETC.

Mr. Chairman - Members of the Committee:

I am Cedric Moege of Topeka, Legislative Chairman for United We Stand American, Shawnee County Chapter.

I would like to address some issues that rise when the Death Penalty is considered.

1. Cost of imprisonment for 40 years or life vs. execution. Good authority indicates \$30,000 per year to keep a felon in prison times 40 years equals \$1.2 million, not factoring in inflation which will raise the cost of a hard 40 sentence to \$2 to \$3 million. We can reduce costs in death sentence trials by reducing the number of lawyer enriching appeals and other tactics designed to increase remuneration for those involved. 80% of Kansans want a Death Penalty regardless of cost involved.
2. The issue of deterrence will be a point of contention today and tomorrow. We maintain that statistical studies on non-deterrence are defective. For the most part, they take into consideration only homicides and not the other crimes which are punishable by death. There are no accurate figures on capital murders of the 1st degree which are premeditated. Certain homicides are misinterpreted as accidental deaths or suicides. Not all homicides are reported. No one has been able to conduct a survey to determine how many times individuals may have contemplated commission of a crime punishable by death and have abandoned such a course of action because of the deterrent effect of the punishment. Seldomly enforced laws become ineffective measures for controlling human conduct. Maximum deterrence is achieved through a speedy trial with consistent punishment. Reformation and rehabilitation of offenders have become important goals of criminal justice, however, some studies like the Goodell Report indicate rehabilitation is not feasible for segments of the criminal population.
3. On fairness of application of the Death Penalty, from 1930 to 1966, 3,857 persons were executed and 2,065 or 53% were minorities.

Mr. Justice Powell stated in *Furman v. Georgia*, 408 U.S. 447, (1972): "The root causes of the higher incidence of criminal penalties on 'minorities' and the 'poor' will not be cured by abolishing the system of penalties. Nor, indeed, could any society have a viable system of criminal justice if sanctions were abolished or ameliorated because most of those who commit crimes happen to be underprivileged. The basic problem results not from the penalties imposed for criminal conduct but from social and economic factors that have plagued humanity since the beginning of recorded history, frustrating all efforts to create in any country at any time the perfect society in which there are no 'poor,' no 'minorities,' and no 'underprivileged.'"

Justice Powell has suggested, moreover, that many crimes of violence are committed by professional criminals who willingly choose to prey upon society as an easy and remunerative way of life. Moreover, the terms "poor," "minorities," and "underprivileged" are relatively inexact. They often convey subjective connotations which vary widely.

~~Retentionists~~ contend that statistics accumulated since 1930 do not reflect the dramatic changes which have resulted in desegregation and the selection of juries in relatively recent years. Persons of racial minorities are no longer as extensively excluded from jury service as previously. Poll tax laws and other discriminatory statutes against the poor have been declared unconstitutional. Persons who do not believe in the death penalty no longer are automatically excluded from jury service. Substantial restrictions concerning the use of confessions and the right to counsel upon arrest have resulted in greater protection for minorities, especially in the case of the poor and the uneducated.

SEE BACK SIDE!

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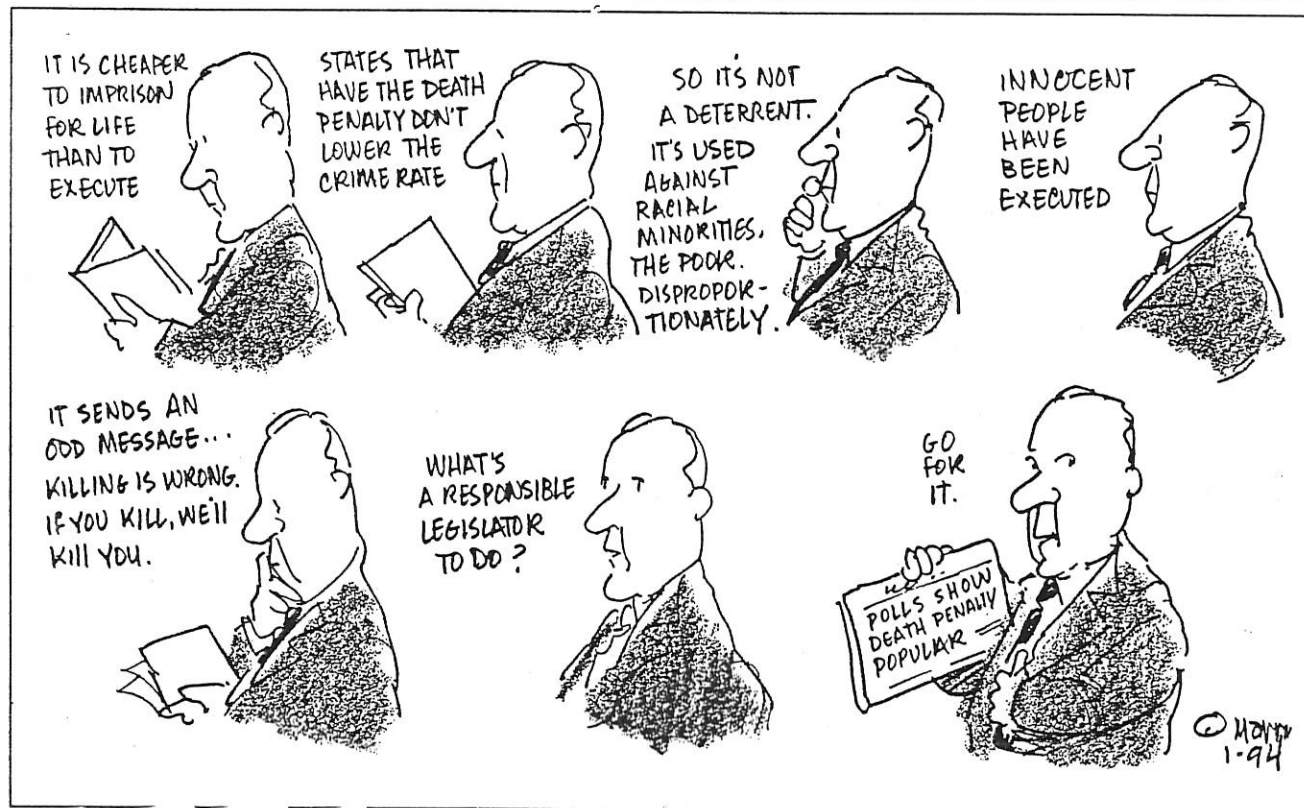
Government has the authority to apply the Death Penalty. Gen. 9,6 says, "Whoever sheds the blood of man, by man shall his blood be shed." 100 plus years ago the USA "Man's" blood was shed by the gun of vigilantes. We prefer the power of the sword wielded by a just government.

If the Death Penalty is enacted into law in Kansas, I would like to see the Media and Demonstrators barred from the execution site because they were also not present when the victim was murdered. I think it's called equal time.

When Cain killed his brother Abel, we are told in Gen. 4,15, that God put a "mark" on Cain so all would know he was a murderer. If opponents of the Death Penalty will get a branding iron and brand an "M" on the forehead of all who commit murder, we will forego the Death Penalty.

The Topeka Metro News

Friday, January 21, 1994





- Genesis 9:6 = "Whoever sheds the blood of man, by man shall his blood be shed made man in His own Image." God
- Genesis 21:12 = "Whoever strikes a man so that he dies shall be put to death."
- Leviticus 24:17 = "He who kills a man shall be put to death."
- Numbers 35:20,21 = "And if he stabbed him from hatred, or hurled at him, lying in wait, so that he died, or in enmity struck him down with his hand, so that he died, then he who struck the blow shall be put to death; he is a murderer; the avenger of blood shall put the murderer to death, when he meets him."
- Deuteronomy 19:11-13 = "But if any man hates his neighbor, and lies in wait for him, and attacks him, and wounds him mortally so that he dies, and the man flees into one of these cities, then the elders of his city shall send and fetch him from there, and hand him over to the avenger of blood, so that he may die. Your eye shall not pity him, but you shall purge the guilt of innocent blood from Israel, so that it may be well with you."
- Acts 25:11 = "If then I am a wrongdoer, and have committed anything for which I deserve to die, I do not seek to escape death; but if there is nothing in their charges against me, no one can give me up to them. I appeal to Caesar."
- Romans 13:1-5 = "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgement. For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer. Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience."

## LUTHER'S LARGE CATECHISM, 5th Commandment, Article 73 &amp; 74:

73. "This commandment is simple enough. We hear it explained every year in the Gospel of Matthew 5:21. There Christ interprets it in brief to be a prohibition of murder, either by the hand or by word, or by thought of the heart; by sign or gesture, by help or counsel. It forbids anger, except - as said before - to those who act in the place of God - in the capacity of parental or civil authority. Anger and reproof and punishment are the prerogatives of God and His representatives, to be exercised upon those who transgress this and other commandments.
74. "The occasion and need of this commandment is the wickedness of the world and the wretchedness of this life. God, in the knowledge of these, placed the commandments as a defense of godly people against the wicked. In the case of this commandment, as in every other, there are various temptations to transgress. We must live among many people of evil intent toward us, giving us reason to be their enemies. For instance, a neighbor, envious of our home, our wealth, our God-given advantages, gives vent to his irritation in malicious words. The devil incites many enemies, who wish us neither temporal nor spiritual welfare. In response to their enmity, anger, pain and revenge arise in our own hearts. Evil speech ensues between us and our enemies, followed by blows resulting in calamity and death. To forestall such an issue, God, as a loving father, by this commandment intervenes and settles the quarrel for the safety of all. Briefly, God's purpose here is to have all persons protected, set free and enabled to live peaceable lives in the presence of injustice and violence of all men.

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LUTHER'S LARGE CATECHISM, Article 74 (continued):

This commandment is likewise a wall, a fortress of defense, about our neighbor to protect him in his liberty and to guard him from bodily harm and suffering."

SECULAR WRITINGS: Till Death Us Do Part, by Vincent Bugliosi, 1978; pp. 391, 392:

"Although capital punishment is inferentially sanctioned in three clauses of the Fifth Amendment to the United States Constitution, the strongest argument for it, I feel, is deterrence -- that it may save lives of innocent people in our society. If we can accept the premise that punishment is a deterrent to unlawful conduct, it would seem to necessarily follow that the greater the punishment, the greater the deterrent. Statistics do show that the death penalty is not a deterrent when it is simply on the books but rare; if ever, carried out (the usual situation in the United States the last fifteen years). When capital punishment is carried out, however, there is substantial evidence it does deter some people. Los Angeles law enforcement, for example, has many tape-recorded statements from defendants who, without even being asked, volunteered the fact that they were about to kill someone (e.g., the robbery victim), but decided not to when they thought of the gas chamber.

"There is statistical evidence as well that the death penalty is a deterrent. In the state of California, for instance, between 1953 and 1963, there were nine to twelve executions per year. During that time, the rate of willful homicide per one hundred thousand population remained relatively static. Between 1963 and the present (1978), there has been only one execution, and the rate has risen 67 per cent. To be sure, there are many factors which have an effect on homicide rates, but to suggest that the absence of capital punishment had nothing whatsoever to do with so dramatic a rise, is, I feel, untenable.

"The moral basis for capital punishment, I believe, is that it is a form of self-defense. If no individual can be criticized for killing in self-defense, should a society be termed barbaric for attempting to defend the individuals who comprise it? Rather than being, as many people argue, a negation of life, the death penalty is a reaffirmation of the sanctity of life. We show our reverence for life only if we deal harshly with those who brutally and arbitrarily take it from another."



**PRESENTATION TO:**

**STATE SENATORS &  
REPRESENTATIVES**

**TUESDAY  
JANUARY 25, 1994**

**BY: JUNE SCOFIELD**

*F+SA  
1-25-94  
Atch #10*

HONORABLE REPRESENTATIVES AND SENATORS

MY NAME IS JUNE SCOFIELD TESTIFYING IN SUPPORT REINSTATING THE DEATH PENALTY FOR KANSAS. I HAVE ALWAYS BEEN IN SUPPORT OF THE DEATH PENALTY AND NOW MORE THAN EVER BELIEVE IT SHOULD BE REINSTATED.

MY DAUGHTER, MARY WORKMAN, AND HER BOYFRIEND, JOHNNIE KING, WERE BRUTALLY MURDERED IN HER HOME ON JANUARY 5, 1992; BY MARYS' EX-BOYFRIEND, LARRY STAFFORD.

APPROXIMATELY ONE {1} YEAR PRIOR TO THE MURDER OF MY DAUGHTER AND JOHNNIE KING OUR LIVES WERE THREATENED, HOMES BROKEN INTO, THREATENING PHONE CALLS, CAR ENGINE RUINED {BY SAND IN THE OIL}. WE HAD A RESTRAINING AGAINST LARRY STAFFORD, WHICH WAS WORTHLESS.

MY DAUGHTER AND JOHNNIE KING WERE TO TESTIFY AGAINST LARRY STAFFORD ON THE FRIDAY AFTER THEY WERE MURDERED.

1} THIS WAS ABOUT AN ATTEMPT {ON THEIR LIVES} WITH A SAWED OFF SHOT GUN, BOTH NEVER LIVED TO DO SO.

LARRY STAFFORD HAD COMMITTED MURDER PRIOR TO KILLING MY DAUGHTER. IN THE TOWN OF ATCHISON, KANSAS LARRY KILLED HIS CO-WORKER, KIRBY CLIFTON, ON APRIL 11, 1978.

1} LARRY SHOT THE CO-WORKER IN THE BACK OF THE HEAD. THE BODY WAS FOUND IN HIS PARTIALLY SUBMERGED CAR IN THE MISSOURI RIVER.

A} THE CO-WORKER LEFT BEHIND A WIFE AND FOUR {4} SMALL CHILDREN.

DUE TO PLEA BARGAINING, LARRY STAFFORD WAS OUT OF PRISON IN EIGHTEEN {18} MONTHS.

1} THAT IS NOT ENOUGH TIME FOR TAKING A LIFE.

2} LARRY SHOULD NEVER HAVE BEEN ALLOWED TO HAVE A GUN IN HIS POSSESSION AGAIN.

I FEEL CRIMINALS SHOULD BE TREATED LIKE THE CRIMINALS THEY ARE INSTEAD OF BEING PAMPERED AND GIVEN MORE RIGHTS THAT THE VICTIMS AND THEIR FAMILIES.

MY DAUGHTER NEVER COMMITTED A CRIME AND WAS GIVEN A DEATH SENTENCE WITHOUT A PLEA BARGAIN.

1} SHE WAS DEPRIVED OF EVER SEEING HER ONLY DAUGHTER GRADUATE FROM COLLEGE OR EVER HOLD OR SEE A FUTURE GRANDCHILD.

THIS IS NOT JUST MY FEELINGS, BUT MARYS' FRIENDS, CO-WORKERS AND NEIGHBORS AND FAMILY MEMBERS.

OVER CROWDING OF PRISONS COULD BE ELIMINATED AND LESS TAXING APPLIED TO HOMEOWNERS IF THE DEATH PENALTY IS REINSTATED AND STIFFER SENTENCES FOR CRIMINALS.

NO ONE KNOWS THE LONELINESS AND HURT A PARENT GOES THROUGH WHEN A DAUGHTER/SON ARE MURDERED.

1} THE PAIN NEVER GOES AWAY, IT MAY GET EASIER WITH TIME, HOWEVER, THE PAIN IS STILL THERE DAY IN AND DAY OUT.

THANK YOU FOR THE TIME TO EXPRESS MY FEELINGS.

January 25, 1994

Thank you for the opportunity to express my views here today.

Some people who have had loved ones raped and murdered speak out strongly for the Death Penalty in Kansas and rightly so. Since I have been fortunate to not have experienced such a tragedy in my family, I speak for capitol punishment to convince each of you that it is indeed a deterrent. Sure, I understand it will not prevent a shooting in case of instant passion or an insane person, but it will have a telling effect on overall murder rates. After all, if the penalty for any crime is not severe enough to be a deterrent, then you will never make any headway to reduce crime.

Several years back California had the electric chair type execution for some murderers. At that time a TV talk show host by the name of Joe Pyne had an attorney on his show who specialized in defending criminals who were arrested for various robberies. The death penalty subject came up and here is what this attorney said. He had defended over 60 people in court who were arrested for robbery and assaults, who stated that when they went out with robbery intent, they deliberately took an unloaded gun or a toy gun or a gun that wouldn't fire. They were afraid that if they had a real loaded gun something might go wrong and they would panic and shoot someone then get executed in the electric chair. If this one lawyer had sixty clients of this type, surely there were hundreds more. If this won't convince you then nothing will.

Remember a couple of years ago when Grissum was convicted of killing the 3 women in the Kansas City area. When convicted he stated he killed them in Kansas and not Missouri. He was afraid of execution in Missouri.

Some people say we can't afford capitol punishment because it costs a million dollars to execute a criminal. I'm not sure it does, but it need not cost near that much. I read in this morning's Wichita paper that when these people say it costs millions to execute a murderer, that they figured in the costs of all the other trials for the criminals who were not issued the death penalty. They are purposely distorting the facts. A speedy trial, two or three appeals and if still guilty in 18 months, execute him or her. This crap of keeping a person on death row for 10 years and a dozen or more appeals is not justice anyway you look at it. If a murdered knew that if he killed someone and got caught, that in 18 months he would likely be dead, that's bound to have some effect. Just ask yourself, would this make a difference to you. Now a person can commit murder, get a life prison sentence and be out in 16 years. Quite a difference than looking at being dead in 18 months.

These do-gooders who say the death penalty isn't a deterrent have their head in the sand. Where do they get their statistics except to ask a bunch of people on death row. You cannot get many honest answers from people like that. All you have to do is look at the murder rates since the death penalty was removed.

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Also, some people say the Bible says, "Thou shall not kill". This means you shall not murder. If you want to take "Shall not kill" literally, then you better not kill anything, a snake a bug or a fly. The Bible is full of places where God told people if you do this or that, you die.

Peple say capitol punishment is not reasonable because black people murder more persons than white people do. The economic plight of most black people is such that they are more prone to rob and kill. This needs to be corrected then you could expect crime rates to be almost equal in all races.

When Carlin was governor, he made it well known that he was against the death penalty, but said if the people of Kansas wanted it he wouldn't stand in the way. Then he vetoed a death penalty bill 4 times. At that time a survey indicated that 75% of Kansans favored the death penalty.

An old philosopher once said, "When crime ceases to be profitable, crime will cease". It's up to you people in the Kansas Legislature to make the penalty of any crime tough enough to be a deterrent or else forget it, pack your bags and go home. This goes for money fines, prison time or execution. A policy like this will reduce the need for more fines, air conditioned, color TV, hotel type prisons. A criminal doesn't deserve a more comfortable life in prison than most of the people who pay the taxes to keep him in prison. Prisons should be such that once people get out, they sure won't want to go back.

If you people in the Legislature really want to slow down this rapidly escalating murder rate, you will vote to re-instate capitol punishment in Kansas.

Thank you,



Gerald Shoaf  
2053 Westridge  
Wichita, KS 67203  
91st District



Orville E. Johnson  
2401 Bradbury  
Topeka, Kansas  
913-233-0212

January 25, 1994

PROPOSER OF  
DEATH PENALTY

I THOUGHT THAT I WAS A RARE HARDLINER, but in my travels around the state, I have learned that almost everyone that I have talked with is totally disgusted with murderers only having to spend a few short years in prison before being released, to in many cases, kill again.

Studies have shown that criminals are opportunists. They know well in advance that they will commit a crime if and when a situation presents itself from which they will gain something material or get some perverted satisfaction. This is why they carry firearms. They are watching and waiting for an opportunity.

They do not believe that killing is such a bad thing to do, and our laws reinforce this attitude. Also, they know that if by some remote chance that they are caught, they will not have to serve much time in prison.

Criminals do not regard society as kind and forgiving. They regard us as a bunch of weak, gutless wimps, who deserve to be manipulated and sheared like a bunch of sheep. They are disgusted at us because they feel that, unlike them, we do not have the intestinal fortitude to carry out executions. In interviews, murderers in prison have admitted that if one of their family members was murdered, they would not accept some feeble excuse from the murderer. They would want them executed. Quite basically, they do not have any respect for society (or society's laws) because we do not get tough with criminals. (They don't understand warm fuzzies)

I HAVE SEEN PROOF THAT FEAR OF EXECUTION WORKS AS A DETERRENT!

While serving with the 139th MP Company at Fort Benning, Ga., I was in charge of a number of guard details escorting prisoners to correctional facilities here in Kansas. I was told that numerous prisoners had been lost by other details between Georgia and Kansas, and that I would lose a strip if I allowed a prisoner to escape. My orders were to shoot to kill (no warning shot) anyone who tried to run. I told the prisoners about my orders, and of my intentions not to lose a stripe as I loaded the army .45 cal. automatic pistol in plain sight of them. This they understood. Knowledge of the fact that I was on the USAIC rifle team had a lot to do with it, I am sure. Because of my known skill with a rifle, they probably envisioned being shot through the heart if they tried to escape. No one even attempted to escape! Ever!

It will take 10 to 15 years after the death penalty is enacted to prove that it is a deterrent, but it will be simply because it will "brainwash our youth" that killing is a terrible, intolerable thing to do, and that you can forfeit your own life by killing. Criminals respect this.

The decision of whether or not to re-instate the death penalty is an awesome and solemn decision, a heavy Cross to bear, which you must make and then answer for which to your God. By Testifying today, I share in that decision with you, and I too, must answer to my God for my position. I believe that God is with me.

FUSA  
1-25-94

Atch #12

THE DEATH PENALTY by Warren C. MARTIN 1-25-94.

1. The poor boy.
2. Worked doing Hi-school. JANITOR. WPA. Dairy (Bran to eat).
3. Out of Hi-school & DYNAMITING Oak trees for County.  
To work for State Hi-way at 45¢ per hour. (Boss wages)

1935 Started career with 5 & 10 Store.

May 2, 1942, went to 3,000 acre RANCH

1959 was commissioned by Governor George Docking to the Parole board.

1961 Was hired by Governor ANDerson Parole Board.

Some say that the penalty does not have any effect on MURDER. Death Penalty. I am for persons 14 years up to be subject to ADULT CRIMINAL LAW. For a lot of them know the law better than some police men. NOW they only get their hands patted for MURDER

I am NOT for the penalty for family murders unless it is committed for money or property (Story of the old man from Hutchinson.)

NO one committes MURDER unless they are INSANE or SCHIZOPHRENIA BUT they are responsible for being that way and in most cases they have been playing around with ALCOHOL.

THE ISANE LAW is just a money maker for LAWYERS and Psychiatrit. YOU find them taking sides both for and against they cannot have it both ways.

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I studi/on this beginning before 1942 and read the works of German who spent the so called 40 years on this matter.

— God is Love —

THANKS\*\*\*\*\*

FUSA  
1-25-94  
Atch #13

Here is What the Taxpayers  
PAYING for THE NATIONAL  
EDUCATION ASSOCIATION <sup>8-8-87</sup> ~~Not~~ <sup>For the</sup> Children  
Speaks for itself... <sup>Wem</sup> <sup>9-5-9</sup>

NEA's ultimate goal not education! \_\_\_\_\_

"The ultimate goal of the NEA is to tap the legal, political and economic powers of the U.S. Congress. We want leaders and staff with sufficient clout that they may roam the halls of Congress and collect votes to re-order the priorities of the United States of America."

**Terry Herndon**  
Former Executive Director—NEA

NEA: A Political Striking Force! \_\_\_\_\_

"We are the biggest potential political striking force in this country and we are determined to control the direction of education."

**Catherine Barrett**  
Past President, NEA

Those who Say "NO" to NEA are defeated! \_\_\_\_\_

"We must reorder Congressional priorities by reordering Congress. We must defeat those who oppose our goals."

**Helen Wise**  
Past President, NEA

The power hungry NEA... " \_\_\_\_\_

"We will become the foremost political power in the Nation."

**John Ryor**  
Past President, NEA

Liberal union controls America's schools \_\_\_\_\_

"The union intends to control who enters, who stays and who leaves the (teaching) profession. Once this is done we can also control the teacher training institutions."

**George Fisher**  
Past President—NEA

Political action more important than education! \_\_\_\_\_

"Instruction and professional development have been on the back burner to us, compared with political action."

**Mary Futrell**  
President—NEA

This is the Gal that  
heads the Dept. of  
Education in D.C.

9-3-93 <sup>Wem</sup> 13-2

*The National Education Association...*

## Tearing Down Traditional American Values — *at your expense!*

- ☒ The NEA strongly supports the hiring of homosexual teachers. In fact, the NEA views homosexuality as an "acceptable alternative lifestyle."
- ☒ The NEA believes that union contracts with local school boards should require all teachers to pay dues or fees to the union.
- ☒ The NEA is against merit pay for teachers.
- ☒ The NEA is against voluntary prayer in schools.
- ☒ The NEA is opposed to the use of school facilities after school for voluntary religious meetings.
- ☒ The NEA opposes the tuition tax credit legislation.
- ☒ The NEA opposes any effort to amend the Constitution respecting tax limitations (or balancing) the Federal Budget and the indexing of future income tax revenues.
- ☒ The NEA opposes American support of the anti-Communist forces in Central America.
- ☒ Over 20% of the delegates needed to nominate a candidate at the last two Democratic National Conventions were NEA members.
- ☒ The NEA spent \$2.4 million dollars in 1984 to elect Walter Mondale for President and other liberal candidates for Congress.
- ☒ The NEA won 223 of the 435 Congressional races they financially supported in 1984.
- ☒ The NEA promotes a "unilateral nuclear freeze" in the materials they publish.
- ☒ The NEA is in favor of increased federal funding and control of primary and secondary education.
- ☒ The NEA believes that sex education should be taught without parental choice or review.
- ☒ The NEA is in favor of women being drafted into the military.
- ☒ The NEA is in favor of socialized medicine.
- ☒ The NEA supports the Equal Rights Amendment (ERA).
- ☒ The NEA is in favor of forced busing of school children to achieve a "racial balance."

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If you question what you've just read, we recommend you order a copy of NEA's Handbook. Just send \$10 to: **NEA Professional Library**, P.O. Box 509, West Haven, Connecticut 06516 (\$5 for NEA Members).