TRIBUTE TO FRANK ZEIDLER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. KLECZKA. Mr. Speaker, it is with great pride that I rise today in tribute to a man I admire greatly, my good friend, Frank Paul Zeidler, former long-time mayor of my hometown, Milwaukee.

The history books and records at City Hall tell us that Mayor Zeidler served as a Milwaukee County Surveyor, the Director of Milwaukee Public Schools, and as our city's highest elected official from 1948 through 1960.

I would like to stress, however, the many aspects of this great leader that historians may have overlooked, and that the average Milwaukee-area resident may not be aware of. He is truly a gifted man, with many diverse talents and interests.

First and foremost, Mayor Zeidler was, and continues to be, a family man. He and his wife, Agnes, raised six children, who with their many offspring, continue to be Frank's pride and joy.

The former mayor was, and also continues to be, committed to education, demonstrated in his efforts on behalf of local libraries, colleges, museums, life-long learning institutions, and public radio and television stations, to name a few.

But, what Frank Zeidler is most, is a man dedicated to improving the quality of life for all those with whom he comes in contact with in his day-to-day activities. Be it the students he reaches in his college lectures, the attendees at one of the many civic board meetings he participates in, or the Milwaukee resident who just happened into City Hall when the former mayor was there for a meeting, all are graced by his presence.

Mr. Mayor, you are truly a living legacy in Milwaukee. So many of the treasures of my hometown are the way they are because of you and I can truly say that Milwaukee would not be what it is today without your influence over the years.

Mayor Zeidler, on behalf of all Milwaukeeans, past, present, and future, I salute you.

THE EXECUTION OF THOMAS LEE WARD: ''THE DEATH PENALTY IS NOT A SOLUTION''

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STUDDS. Mr. Chairman, earlier this year the House adopted legislation which severely restricts the right of State prisoners awaiting execution to challenge the constitutionality of their convictions or sentences in Federal court. If this legislation becomes law, it will increase the likelihood that persons who are unjustly convicted will be put to death.

Given the apparent willingness of this House to embrace such a result, I wish to share with my colleagues a powerful and sobering article which appeared in the Boston Sunday Globe on June 4, 1995. It is an account of the execution of Thomas Lee Ward, a death-row prisoner in Louisiana, written by David A. Hoffman, a Boston attorney who represented him, without fee, through 9 years of appeals in the effort to secure a new trial.

Mr. Hoffman's tribute to his client is one of the most moving and persuasive statements I have ever read on the evils of the death penalty. His client, an indigent 59-year-old African-American man, was executed by a criminal justice system that denied him a fair trial and them chose to take his life rather than admit its mistake. As Mr. Hoffman writes:

> Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. . . . [O]ur legal system does not have any reliable means of sorting out who deserves death and who does not. As a result, the people on death row are often there simply because, as in this case, they did not have enough money for ''dream team'' lawyers or even competent lawyers. Or they had prosecutors who, as in this case, withheld evidence. Or, as in this case, the courts announced new principles but refused to apply them to people who had already been tried. This case leaves me more convinced than ever that, because we lack the wisdom to know who should live and who should die, our legal system should not be in the business of killing people.

The case of Thomas Lee Ward is not an isolated occurrence. As the number of executions continues to increase, and as new barriers are imposed on post-conviction appeals, such stories will be commonplace.

Two weeks from now, on August 17, the Commonwealth of Pennsylvania is scheduled to execute Mumia Abu-Jamal, an African-American radio journalist convicted 14 years ago of killing a police officer at a routine traffic stop. Mr. Abu-Jamal alleges that his conviction was obtained through police intimidation, a false confession, the suppression of evidence, and the incompetence of his counsel. He is seeking a new trial before the very judge who oversaw his conviction 14 years ago. According to the New York times, the judge has been ''openly contemptuous of the defense'' throughout the hearing, declaring at one point in the proceedings, ''Objection is over-ruled, whatever it was.''

Mr Chairman, people who commit heinous crimes should pay for what they have done. But when we condone the execution of defendants who have been unjustly convicted, it is we as a society who pay the price.

[From the Boston Sunday Globe, June 4, 1995]

''THE DEATH PENALTY IS NOT A SOLUTION''

(By David A. Hoffman)

On May 15, at 11:41 p.m., I said good-bye to 59-year old Thomas Lee Ward, my client for the last nine years. Thomas was an inmate on death row at Angola Penitentiary in Louisiana. Half an hour later, Thomas was dead from a lethal injection administered by prison officials.

I spent the day with Thomas, as my colleagues and I spent many days with him during the last nine years. This time, however, instead of focusing on our appeals and legal theories, we talked about his family. We looked at dozens of family photos he had received from relatives during the 11 years he was on death row. Thomas has 14 children and almost that many grandchildren. We spent two hours constructing a family tree.

While we talked, we waited for word from the US Court of Appeals and the US Supreme Court, where his last round of appeals was being considered. We also waited for word from the state Pardon Board, which had scheduled a vote for the afternoon. Earlier in the day, I had met with the governor's chief legal counsel and urged commutation regardless of the Pardon Board's decision. My colleagues in Boston filed the last set of papers with the Supreme Court and stayed in close touch with the courts.

Thomas was not optimistic about the outcome. He had long ago made his peace with the fact that his trial was botched by a court-appointed lawyer who had not properly investigated the case. Thomas never denied killing his father-in-law. However, he resented the fact that the jury convicted and sentenced him without hearing evidence about the family quarrel that led up to the shooting. The prosecutor withheld that evidence, and argued for the death penalty on the grounds that Thomas was a child molester and lifelong criminal. His lawyer never told the jury that most of the charges against Thomas in those other cases were dismissed or dropped. The jury sentenced him to death because they believed Thomas was an evil man who had premeditated the murder. Both beliefs were unfounded.

By supper time, our appeals had almost run their course. The phone rang: The Pardon Board had voted 3–2 against commutation, and the Court of Appeals 3–0 against hearing the case, with one judge expressing misgivings about the result. Thomas shook his head gently as the news registered. As an African-American with no money, he had never believed that his appeals would be taken seriously.

Separated by the bars at the front of his cinderblock cell, we leaned toward each other and went back to the family photos. In one, his 80-year-old mother presides over 153d Street in Harlem, wearing a dashiki; in another, his daughter Tarsha looks out from her office desk in San Diego. Tarsha had written a moving letter to the Pardon Board to no avail. One photo surprised me: It showed Thomas without the knit skullcap and graying beard he had worn for as long as I had known him.

The prison warden arrived to supervise the arrangements for executing Thomas. He asked if there were anything he could do to make things easier—food, access to the phone, a chaplain, anything. Thomas asked to use the phone. While he called his mother, siblings and children, the warden confided to me that this was his first execution and that, as a Christian, he found it difficult. He wanted it to go smoothly and asked me how Thomas was feeling. What a question! Resisting the impulse to say something impertinent, I told him that, considering the circumstances, Thomas was at peace with himself and handling the pressure well. The warden asked me how I was doing, and for the first time, I felt the tears well up. I had kept a lid on my grief and anger all day, but the warden had inadvertently pried open the vessel. I reminded myself that, as Thomas' lawyer, I was supposed to act professionally. I looked away and said, ''I feel like I am losing a friend.''

The warden asked me if Thomas wished to make a final statement of some kind. He wanted Thomas' death to have some sort of meaning. I said I would discuss it with Thomas later. My mind was focused on the slim chance that the US Supreme Court or the governor would intervene. Two days before, a federal district court judge had denied Thomas' request for a new trial, but had written that he was ''gravely troubled'' by the case. The judge suggested that he would have granted a new trial but Supreme Court precedent stood in his way. Thus, we waited for the court to speak.

Thomas' wife called. Linda Ward had testified against him at trial and at the Pardon