

## **Panel Discussion following the film “No Tomorrow” in St. Louis**

Sponsored by AFSC St. Louis and Missourians for Alternatives to the Death Penalty

Moderated by Margaret Phillips

St. Louis Historical Museum, September 29, 2010

***Sheila Suderwalla, MSW, is an expert in teens in foster care and a long-time AFSC regional and local committee member from St. Louis.***

Risa [the murder victim featured in the documentary] is one example of what happens to our children when they leave the foster care system. With no disrespect to her foster family – she was in fact very blessed to have her foster parent – the fact remains that foster care is temporary, it’s a temporary placement. Risa went into her own apartment, and we heard her saying in the film that she was getting very nervous about her prospects. What happens when she leaves foster care?

And unfortunately, despite the amazing resiliency, the amazing strength, the amazing intelligence that our children have, the fact remains that statistically the children who age out of foster care – and in the United States, it’s an average about 20,000 children a year – the fact is that the statistics are horrendous as for their success. Now their success is again not based on their individual qualities, it’s based on resources. It’s based on that human need for connection, permanency and sense of belonging.

I think Juan Chavez [the man convicted of Risa’s murder] was an example of someone who should have been in foster care. And I agree that in many ways we as a society failed him. He probably had a very parallel life to Risa, who was in foster care. He was not [in foster care]. I think he also, like many of our children who do age out of foster care, they seek a sense of belonging. And unfortunately when they don’t get that in a positive sense, through family, they will seek it in inappropriate ways to gain a sense of belonging.

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***Dennis Fleming is a murder victim’s family member and author of “She Had No Enemies”***

After seeing “No Tomorrow,” it brought back a lot to me. I know that my 18-year-old sister was murdered by a serial killer. We didn’t know he was a serial killer until he’d been on death row for quite a while. I guess if you want me to address the pain when it first happened.... There was a major case squad formed, 25 detectives and I think the FBI was involved. I have four brothers, and I think they all felt the same way I did. I was afraid that one of [the law enforcement personnel] would come across him before maybe I did or one of my brothers, because I wanted to rip his heart out and chew it up and spit it in his face. That’s how angry I was.

They did catch him in 10 days, he got the death penalty, and in 1995 I witnessed his execution. Not out of a sense of revenge, but rather that he was the last one in the room when my sister died; I felt like I needed to be there when he died. Six years before his execution, he began to reveal these other

murders. He'd had time to think about his fate and he wanted to clear his conscience. He was interviewed by someone in Florida who spent six years traveling between Florida and Missouri to interview him and got another 30 rapes and murders out of him. And he was still coming up with these things right up until the time they executed him.

And what bothered me about the whole thing was he had a history of severe mental illness. I wrote a book about my sister's death and its effect on my family. When I went to revise the book, I started looking into the killer himself and I found this history of mental illness – it's pretty striking. It's not surprising at all that a fellow like this is out there doing that. The number of times he went into mental institutions and came out and committed crimes and went into prison and came out, and went back into mental institutions – back and forth and back and forth. I got the idea that both of these systems really failed him. Plus, in reviewing this situation, I could see that one institution was passing him on to another. And I think they failed him long before he committed 30-plus rapes and murders.

The anger I felt at the very beginning...with a little bit of time, I started to think about what we would gain from executing him. I thought his case should be studied more. It's like killing the dog without finding out what rabies is. We didn't do that with dogs, we found out what rabies was. There's always hope that we can make society a little better.

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***Rex Friend is an immigration attorney and peace and justice activist from Oklahoma. Rex served six years on AFSC's Central Regional Executive Committee.***

One of the cases that I worked on that I want to talk about involved a youthful offender convicted of capital murder, Scott Hain. It was time to end the execution of juveniles who committed capital murder. And I filed a brief on behalf of the religious community in Oklahoma with the United States Supreme Court, along with primary defense counsel, that the cruel and unusual punishment standard required that there no longer be execution of juvenile offenders who committed capital murder. And science had evolved at that point so that it was possible to do color photos of the brain showing the lack of maturity and executive functioning in the brain. People not yet in their mid-20s. Unfortunately, the Supreme Court had not made it to that point and Scott Hain was executed in Oklahoma a few years back.

The very next case of a juvenile defender did end the execution of juvenile offenders not yet 18 when they committed capital murder. The reason I bring this up is that this young person [in the film], Juan Chavez, was just over 18, and it's ridiculous to consider that a person is conclusively eligible to be executed if they make it to their 18<sup>th</sup> birthday. And by contrast, if they haven't made it yet, that they are mandatorily ineligible. It's a hard and fast line. It's like saying that if someone's IQ is 69, they can't be executed. But if it's 71, they can. The difference is so slight, but it's the difference between life and death.

It's always hard to work a case when the outcome results in your client being killed. And it takes a lot of energy from defense attorneys who do so time after time. But working on an issue such as this, it's always clear that what we're doing is we're adding one more snowflake to what will eventually be an

avalanche. Just as in the case of Scott Hain, who was not the snowflake that caused the avalanche, but rather the one before the one that did.

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***Norman White is Associate Professor of Sociology and Criminal Justice at Saint Louis University.***

I actually thought that the title of the film is so appropriate from a life course perspective. The work I do looks at how delinquency evolves. There's a great deal of evidence that the level of risk which kids experience in their lives has a significant influence on their involvement in delinquent behavior. Those levels of risk come from – and as I listen to the people in the movie, they talked about Juan, they talked about schools failing him, family issues, they talked about neighborhood, they talked about gang members and peers in community.

They even talked about him as an individual having risk factors in his life that made him more vulnerable for involvement in this behavior. The life course research essentially says this, that there are multiple domains, and the more risks a kid experiences, the more likely they are to engage in problem behavior. Not that it's set in stone, but it increases the probability.

I've been working in the city of St. Louis looking at conditions in a couple neighborhoods. We as a society have created "no tomorrow" for lots of kids. When I say I'm working in the city of St. Louis, I've been taking pictures of buildings falling down and just the lack of caring by those that need to be able to provide healthy, safe environments for children. If you grow up faced with that, if you see that the adults don't have any care – and I'm not talking about the adults in the kids' families, their parents, I'm talking about society in general – if they don't care enough to tear down buildings that are falling down around you. We need to provide better opportunities for the kids. And I call them kids because they are that.

The reason I focus on young people is because I think kids are the most important asset this country has. We waste many lives, there are "no tomorrows" for so many young people. They are willing to die. The levels of violence...to pull a gun on another human being and shoot them, it doesn't have the same relevance. The comment just now about the brain function.... If I think I'm not going to live to be 18, why should it matter to me if you shoot me or I shoot you? That's kind of where we're at as a society. I work with kids in facilities and I know there are kids who do bad things who deserve some punishment. But we have dropped the ball as a society. This was a really powerful movie. I think one reason the panelists haven't talked longer is because we're dumbfounded.

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***David Curry is a professor in the Department of Criminology and Criminal Justice, University of Missouri-St. Louis***

I got interested in gangs because I'd written a book on military service. I met gang members and interviewed them, and I was amazed at how much they were like soldiers in the sense of being willing to dehumanize the opposing gang side and their enemies.

I was born in a coal mining camp in West Virginia, my father was a coal miner. He was unemployed as a coal miner when I was in the third grade. We moved around a lot, over 20 or 30 times. I went to work when I was 14, contributing money to the family working in a fast-food restaurant with a phony work permit saying I was 17.

I was lucky enough with all our moves to go to college when I was 16, and when I was 18 I learned that Army ROTC would pay the rest of my way through school because I was so bright and promising. At age 20, I was commissioned a second lieutenant in the United States Army. At the age of 18, the same age as Juan was when he was on trial, I was learning to use all kinds of weapons and be very comfortable with them, shooting at human shaped targets and learning to lead men and order them to shoot at them.

At age 22, I was a captain in Vietnam in charge of a counter-intelligence team that lived out in the cities and gathered information on Vietnamese from their neighbors, whom we would pay with cigarettes and other black-market goods. Those Vietnamese would be picked up and either summarily executed or assassinated or put in prison.

The red shirt I'm wearing, by the way, is because I worked as a technical volunteer for the "Winter Soldier" investigation for Iraq and Afghanistan veterans against the war, I did a lot of their computer stuff, the walkie-talkie stuff for them.

I think it's wrong to take young people and give them no alternative to develop themselves in life and to become someone and some kind of individual other than killing people. Because it's something that's going to stay with them the rest of their lives, and they'll always think of killing as a solution. Well I think it's wrong for a community to develop so that the only alternative for a young man is to become a gang leader who kills people, in order to develop a sense of identity and meaning in his life.

I also think it's wrong to make us live in a society that sells the idea that we can bring closure to victims who've already suffered horrible events in their lives that are not going to have closure by executing an offender.

Seeing that green [execution] chair reminded me of when I served on the National Academy of Science panel on prisoners rights and research, and part of our adventure and learning process was visiting San Quentin. One of our stops there was in the death chamber with that horribly disfigured dental chair, which is what it was, that they strap people on and painfully administer lethal injection. Which it turns out is a horrible, torturous way of dying.

I was very upset that we had to stick together as a group, because the other pinheads in the group insisted on asking questions for 45 minutes, and I had to look at that chair. And it still makes me disgusted that that chair exists and that we as a society are responsible for carrying out this myth of closure and myth of solution to violence through violence.