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

Board hearing. On the phone that night, she told Thomas she had thought the courts would stop the execution. Thomas ended the conversation abruptly; he had no use for her remorse.

We watched the 10 o'clock news: ''Time is running out for death row inmate Thomas Ward as he waits for word from the US Supreme Court. A vigil of death-penalty protesters continues at the governor's mansion.'' We watched the report on the Simpson trial—a study in contrasts. Thomas' lawyers were no dream team; his trial lasted a day and a half. We speculated on whether O.J. did it alone or with an accomplice.

All evening long, a guard from the prison's ''tactical'' squad sat by us, listening to every word and keeping a log of Thomas' phone calls and activities. Thomas seemed used to this intrusion, but I finally lost my patience and asked him to back off so that my client and I could talk privately. With squadrons of guards surrounding Camp F (the ''death compound'' at Angola), there was little risk that we were going to hatch an escape plan. The guard slid his chair to the corner of the tier, but kept his eyes riveted on Thomas.

One of the guards brought in a tub of butter pecan ice cream, which we dished out into Styrofoam cups—the only thing either of us had eaten in many hours. Thomas, a diabetic, had been on a low-fat, no sugar diet—until today. ''Do you want to write a statement?'' I asked. ''The warden seems to think your death will have more meaning if you make a statement.'' Thomas shrugged his shoulders and said, ''You know how I feel—you write it.'' I typed out a statement on the laptop computer I had brought with me from Boston. Thomas studies it through the bars, dodging his head back and forth so that he could read the screen. He suggested a few changes, and then said it was OK:

''The warden has asked me if I would like to make a final statement. I do not wish to do so. I have asked my lawyer to inform the press as follows: I am leaving the world at peace with myself and with the Almighty. I feel remorse for the things that I did. I hope that young people today will learn that violence is not an answer. I hope that the legal system learns that lesson, too. The death penalty is not a solution.''

One of the guards summoned me to take a phone call at 10:45 p.m. It was my office. The Supreme Court had turned down the appeal. The governor had decided against commutation. A spike of disappointment shot down my spine. I thought I was prepared for this news. I was not. I was convinced that our claim for a new trial was both legally and morally compelling. I felt betrayed by the courts.

All emotion drained from my face as I returned to the cellblock to share the news with Thomas. He was quiet. He nodded his acknowledgment that we had reached the end of the road. He took off two rings and handed them to me. ''I want you to have these,'' he said. ''One of them is my wedding band. The other is just a trinket I picked up years ago in California.'' I told him I would give the wedding band to Tarsha (Linda and Thomas' oldest child) and keep the other ring myself.

At 11 p.m., the warden returned. I gave him a copy of the statement, and he shook my hand and thanked me. The statement obviously had more meaning for him than for Thomas. One of the guards told me I had to leave because prison rules permit lawyers to stay with their clients only until an hour before execution. I asked for a few more minutes with Thomas. Under the bulldog gaze of the officer, Thomas and I stretched our arms through the bars and gave each other as much of a hug as the bars would allow. We said our good-byes as we held each other, and then I left the cellblock.

A deputy warden told me that I would have to leave the building and the prison complex. I asked him what would happen between 11 p.m. and midnight; he said that, according to prison regulations, only a ''spiritual adviser'' could remain with Thomas until midnight. Since Thomas had declined to meet with the prison chaplain, he would be alone for that hour. The chief warden stepped into our conversation and asked if I felt I could be Thomas' spiritual adviser. He pointed out that Thomas considered himself an Israelite (an African-American Jew) and I was Jewish (I had mentioned that to the warden when he brought up the subject of Christianity). I said I felt I could do that. Neither of us was fooled by this collusion. He did not want Thomas to be alone.

I returned to the cellblock, but conversation did not come easily that last hour with Thomas. He withdrew as we talked about death. He wondered what was on the other side. He felt confident that something better lay ahead. He told me he had lived a long life—unlike his brother, who was stabbed to death on the streets of Harlem at age 26. He said he had not begged the Pardon Board to spare his life because his diabetes was causing him to lose sensation in his extremities, and he did not wish to spend his life as an amputee in prison. He said he had seen such inmates in the sick bay, and he described the way they were treated by the guards as monstrously degrading. He said he was ready to go.

At 11:41 p.m., the warden arrived with the phalanx of guards who would accompany Thomas to the death room. I would be permitted to walk by his side until we reached the witness room. I was not on the approved witness list, and I had no desire to be.

We marched out of the cellblock, past a row of guards. No one spoke. As Thomas was marched through the witness room, I waited in an adjacent cinderblock room with a few guards while the state did its work. I typed out my own statement to give to the press. I hoped the press would be outside the gate, but I feared I would lose my composure if they were.

At 12:11 a.m., the warden, several guards and a lab-coated official walked single file out of the death room. Everyone stood up as they walked by, except me. I could not. A lawyer for the prison system stopped at my chair and said, ''He handled it well. He was OK.'' I thanked him for telling me and left.

The press talked with the warden in his office as the guards ushered me out of the prison gate. There was no one to give my statement to. The night and a dark road lay ahead. I leave my statement here as a small tribute to a client and friend:

''Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. Mr. Ward, who was poor and an African-American, did not receive a fair trial. My colleagues and I have worked for nine years, trying to get Mr. Ward a new trial. But the bottom line is that no matter how fair a trial he received, our 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.''

RECOGNITION OF REAR ADM. RAY R. SAREERAM

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HANSEN. Mr. Speaker, I rise today to recognize and honor Rear Adm. Ray R. Sareeram, Supply Corps, U.S. Navy, as he prepares to retire on October 1 1995. Rear Admiral Sareeram is completing over 33 years of dedicated service to the Navy and our Nation.

A native of Sacramento, CA, Rear Admiral Sareeram graduated from Sacramento State College and was commissioned through Officer Candidate School in 1962. He subsequently earned a masters of business administration degree from the University of Michigan, and is a graduate of the Industrial College of the Armed Forces.

Currently, Rear Admiral Sareeram is the director, Supply Programs and Policy Division, Office of the Chief of Naval Operations. Admiral Sareeram has distinguished himself in one of the most crucial flag-rank logistics billets in the Navy. His leadership and vision has been instrumental in maintaining the high state of readiness our naval forces rely upon to meet the global commitments with which they are tasked.

Rear Admiral Sareeram's other tours ashore have included command at the Naval Supply Center in Oakland, CA, and at the Ogden Defense Depot in the great State of Utah. Admiral Sareeram served as fleet supply officer, U.S. Pacific Fleet during the Desert Storm conflict. He also served as deputy chief of staff for supply, Commander Task Force 73 in the Philippine Islands. Other tours include service at headquarters, Naval Supply Systems Command, Washington DC; Navy Ships Parts Control Center Mechanicsburg, PA; and, service in Saigon during the Vietnam war.

Rear Admiral Sareeram served at sea as supply officer aboard U.S.S. *Kenneth D. Bailey,* a destroyer based in Mayport, FL; as assistant supply officer on U.S.S. *Sylvania*, a fast combat stores ship out of Naples Italy; and as supply officer on board U.S.S. *Emory S. Land,* a submarine tender based in Norfolk, VA.

Admiral Sareeram's decorations include the Defense Superior Service Medal, the Legion of Merit with one Gold Star, the Bronze Star, the Meritorious Service Medal with three Gold Stars, and numerous unit and campaign medals.

Rear Admiral Sareeram is a dynamic and resourceful naval officer totally committed to excellence. A visionary, Admiral Sareeram has led the way in downsizing and streamlining operations without degradation of service to the fleet. His efforts have ensured our naval forces readiness levels are at historic highs even during these times of budget reductions.

Mr. Speaker, Ray Sareeram, his wife, Cathy, and their three children have made many scarifies during his 33-year naval career. It is only fitting that we should recognize their many accomplishments and thank them for the many years of service to our country.