



TURNING WHEEL

Journal of the Buddhist Peace Fellowship

Winter 1999 \$4.00

The Great Matter of Life and Death: **Buddhist Perspectives on the Death Penalty**



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- **Voices of Death Row Inmates and Victims' Families**
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FROM THE EDITOR

Why devote an issue of *TW* to the death penalty? I doubt that many of you need to be persuaded of its injustice.

But you may be as I was: against the death penalty, without thinking very much about it. In editing this issue, I educated myself. I learned appalling facts. Such as the fact that the United States is the only country in the world that currently executes juveniles. We also execute the mentally ill and the mentally impaired.

I learned that the choice of which crimes to prosecute as capital crimes is often made according to the needs of politicians' careers, aided by the media that makes its millions by serving up bloody stories. Not infrequently, when the public has been roused to a frenzy by a horrific crime, the political pressure to convict the perpetrator is so great that there isn't time to find the person who actually did it. A poor person of color with a criminal record and no resources will do, especially if he can't read very well. Such prisoners are actually being executed!

I'm not sure I really believed this before November, when I went to a conference in Chicago on wrongful convictions and the death penalty (see page 28). Seventy-five people wrongfully sentenced to death have been exonerated and released. In Illinois, in particular, there has been increased public awareness of the possibility of mistakes. Two young boys, only seven and eight years old, were recently arrested for the murder of another child. There was great outcry at the atrocity of the murder and even pressure to try the boys as adults. Then it turned out that they were completely innocent of the crime. Though not a capital case, it was a high-profile example of the mistakes our legal system can make, especially when the desire for revenge takes over, and there is now a bill in the Illinois state legislature for a moratorium on the death penalty.

I'm not saying that the only thing wrong with the death penalty is that it can make mistakes. Much more basic, more obvious, is that it violates the first precept: not killing. And under our laws, the worst kind of murder, murder in the first degree, is premeditated. The state is guilty of murder in the first degree.

At the conference, there were many anti-death penalty lawyers and other professionals, people who have some access to the halls of power. I was encouraged by their work, and reminded that we *can* change the laws, and that it takes a lot of public dialogue to do so. We need to raise the issue, over and over again.

State executions are clear manifestations of interconnectedness. We are literally paying for them. Last summer I myself hired killers to strap a man to a table and shoot poison into his veins. I don't know exactly how many of my state tax dollars went toward the execution of Thomas Thompson; it might have been \$1, it might have been \$50, but it was real money, not abstract theory.

It's hard for me to imagine what it would really be like to live in a prison cell waiting to be killed by my own government. Jarvis Masters, a writer I have come to know and care about, makes it real in his piece on page 21. He looks at the guards who bring him his dinner and wonders which one will take him to the death chamber, if and when that time comes.

The death penalty is connected to all of the violence in our society, so as we work for alternatives to the death penalty, we work for alternatives to violence. And the more we understand how deeply unjust is the administration of this punishment, the more we can contribute to the growing public debate. Wearing my sweatshirt that says: "Not in my name. Abolish the death penalty," I might start some conversations in the supermarket checkout line. I like the fact that people opposed to the death penalty call themselves abolitionists. That word has a proud history. Let's all become abolitionists. ❖ —Susan Moon

Coming themes for *Turning Wheel*:

Spring, 1999: **Feminism & Buddhism**, deadline: Jan. 11, 1999.

Summer, 1999: **Class**, deadline: April 10, 1999.

Fall, 1999: **Pilgrimage**, deadline: July 12, 1999.



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THE DEATH PENALTY

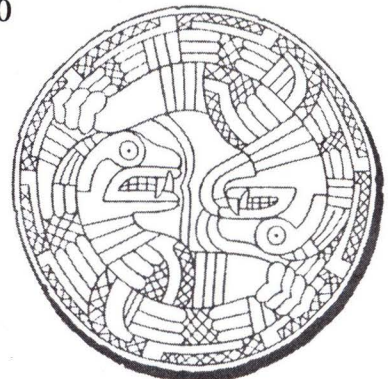
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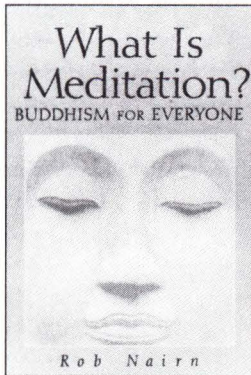
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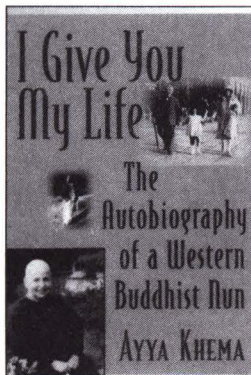
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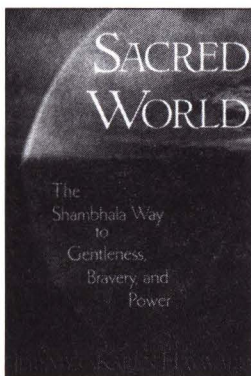
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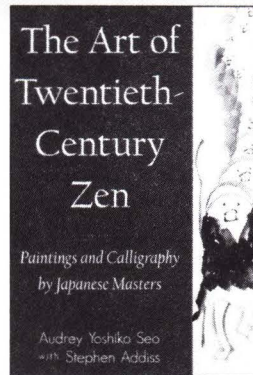
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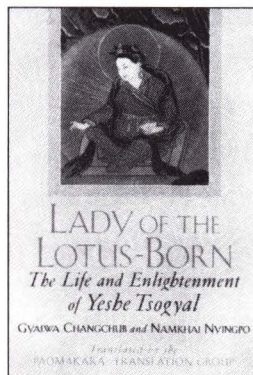
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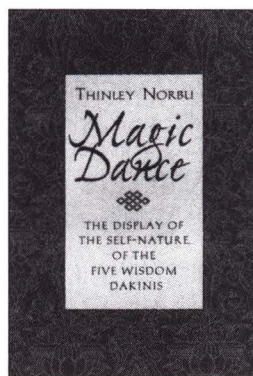
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READINGS

The Death of David Chain

One of the bravest arenas of nonviolent activism going on in the U.S. these days is in the diminishing forests of our country. Activists, many of them in their early twenties, are putting their bodies on the line, to increasingly hostile responses, including harrasment, threats, bombings, pepper spray swabbed in the eyes of peaceable protesters (at least one of them Buddhist), and most recently, a death.

Twenty-four-year-old David Gypsy Chain was martyred last month when a logger felled a tree which crushed his skull. His affinity group took a video just an hour before he was killed in which you hear a logger threatening the group with a "tree coming this way," and saying he wished he'd brought his pistol out to the forest.

Chain and his affinity group were trying to see that the law was upheld as they tried to stop the logging of trees until the California Department of Forestry could arrive to certify that the logging operation was legal. While the logger was hostile before Chain's death, when he realized that the tree he felled had killed Chain, he knelt and cried. The suffering is being endured by all sides in this controversy.

Julia Butterfly Hill, a young woman of 24, perseveres in her twelfth month atop Luna, a 1000-year-old redwood, near the town of Stafford in Northern California. She exemplifies spiritually based nonviolence, combining her love of the forest with a strong understanding of the current political aspects of the forest controversy. Besides shattering tree-sit records, Julia has shown love and nonviolence to her adversaries and her comrades alike. During a 10-day siege by company security trying to starve her out of the tree, she responded to their obscenities, blaring horns all night long, and threats, with songs and words of love. She is a present-day example of soul force, speaking truth to power, and shining a light from her redwood aerie. As all those who engage in nonviolent civil disobedience find out, the experience changes one as much as one changes the world through the experience. She writes from her tree home: "All life is created in love, and thus all life is connected. True balance is found in this connection. With love, all beautiful things are possible."

His Holiness the Dalai Lama spoke to people in Northern California in a phone call in 1997 in which he said, "It is said that whoever destroys a tree commits a thousand murders... the rapacious cutting of timber, the destruction of the Rain Forest and other forest areas can only be defined as a threat against human existence on this planet and a crime against the continued existence of

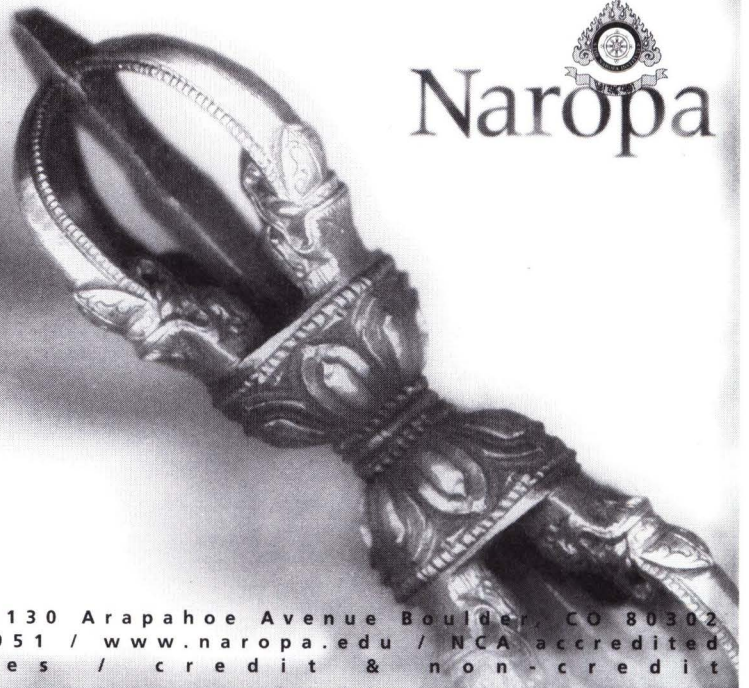
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the human race. Therefore I call upon you who are in positions of authority in these corporations, syndicates, and consortiums, to stop this action which harms all beings—now at this very moment, to stop your actions. I call upon all of you who are employed in this destruction to cast aside your sharp axes and other implements and to resign your position with these corporations ...please for the sake of your happiness and the happiness of all sentient beings, heed these words.”

Pacific Lumber, the company that David Chain’s affinity group was monitoring, has recently lost its logging license due to numerous violations. Perhaps the California Department of Forestry heeded the words of His Holiness. —*Margaret Howe*

Suing the Gun Industry

In our issue on weapons, Lyn Dix wrote about her son Kenzo’s death when he was accidentally shot by his best friend, another 15-year-old, who did not realize there was a bullet in the chamber of his father’s Baretta pistol.

Lyn and Griffen Dix, Kenzo’s parents, with the help of the Center for the Prevention of Handgun Violence, in Washington, DC, sued Baretta in Alameda County Superior Court. They asked that a jury find Baretta partially liable for Kenzo’s death because their product does not include safety features such as an obvious indicator warning that there is a bullet in the chamber, lock-

ing mechanisms, or adequate warnings that it might be loaded. The jury was shown how the company markets such weapons for family protection, featuring photos of mothers with their children, implying they are good to have around children.

After a weeks-long trial, however, the jury voted 9-3 *not* to find Baretta liable. Though the suit was unsuccessful, it was among the first of many future attempts to use the courts to educate public opinion on the dangers of guns in the home, and the irresponsible design policies of the gun industry. The suit was widely noted in the press, and the Dixes’ efforts will remain a landmark in the struggle for regulation and restriction of guns.

—*Melody Ermachild Chavis*

“Re-educating” Tibetan Monks and Nuns

[Our friend Eva Herzer, of International Lawyers for Tibet, sent us the following report from the Newsletter of the Tibet Society/United Kingdom, Autumn 1998.]

The Chinese authorities in Tibet say that they are close to a successful conclusion to their “strike hard” campaign, the program of “politically re-educating” Tibet’s 46,000 monks and nuns, the most systematic attack on Tibetan thinking since the cultural revolution. Sue Lloyd-Roberts has traveled to Tibet and to India to assess its impact and has spoken to His Holiness, the Dalai Lama about this latest attack on him.

“That myriad things come forth and experience themselves is awakening.” — Master Dogen

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The monasteries of Lhasa are among the most visited sites in Tibet and in the past the authorities have been keen to maintain an aura of normality there, if only for the sake of the skeptical tourist. Today they are ghost towns.

At Sera, I was told that the 800 monks were "on retreat." At the newly-rebuilt Ganden monastery (it was destroyed during the cultural revolution), I counted 12, a fraction of the pre-Chinese-invasion population. We clattered around an empty Drepung like explorers entering an ancient, abandoned city. The only activity here was a layman at work reprinting religious texts to eliminate references to the Dalai Lama, our guide explained.

...Even two years ago, it was possible to film "monk crowds" with ease. Today it is a question of "spot the monk."...

"We were at our prayers at the nunnery when the Chinese burst in," says a nun describing the scene from the safety of her new home in India. "They said, simply, 'If you criticize the Dalai Lama, it's OK. If you don't, you will be thrown out of the nunnery. If none of you criticize the Dalai Lama, then the nunnery will be closed.'"

The government of the TAR (Tibetan Autonomous Region) says it has now completed the re-education of 30,000 of Tibet's 46,000 monks and nuns. The process involves ridding the religious houses of any pictures of the Dalai Lama and then eradicating him from their loyalties and daily prayers. They are taught that their spiritual leader is a "splittist," determined to divide the motherland. Furthermore, they are required to acknowledge the Beijing-appointed Panchen Lama and denounce the eight-year-old reincarnation appointed by the Dalai Lama.

...Another nun tells of resistance being met with violence. "We nuns refused to write or say anything bad about the Dalai Lama. Some of us were led away. Our hands were tied behind our backs and we were driven away to prison where we were punished and beaten mercilessly."

The Chinese would argue that Tibet's monastic orders had it coming to them. It has consistently been the monks and nuns who have been at the forefront of political dissent in recent years in Tibet. Monks and nuns outnumber civilians in the political section at Drapchi prison....

Tibetans are perplexed by this new, bitter attack on the Dalai Lama. It could be, they say, that after four decades of religious and political persecution the Chinese are frustrated by the Tibetans' continuing loyalty to their exiled leader and by their unabated enthusiasm for independence. By attacking the figurehead, they hope to put an end to unpatriotic sentiment for good.

Many monks and nuns I spoke to believe the campaign is also tied up with the conflict over the Panchen Lama, a war over loyalties which the Chinese are determined to win. By winning the battle of succession over the Panchen Lama, the Chinese believe that they will be

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able to influence events when the Dalai Lama dies. His Holiness, ever the pragmatist, has pre-empted this by ruling that his reincarnation will "almost certainly" be born outside any area under Chinese rule....

The "Strike Hard" campaign has added hundreds of new refugees to the already hard-pressed settlements in northern and southern India. Some arrive literally starving.

...All the monks and nuns left in Tibet have already or will soon have signed documents denouncing the Dalai Lama as a condition of staying on in monastic orders. More than ever, the focus of religious life and correct observance has moved from Tibet to India. The Dalai Lama's brother, Thubten Jigme Norbu, once warned that the aim of the Chinese is to reduce the Tibetans in Tibet to museum items to be gazed upon by the puzzled tourist. With the spiritual heart being ripped out of Tibet, that prophecy is now being realized.

A Hundred Heroines

We recently learned from Martin H. Petrich, Executive Secretary of INEB (International Network of Engaged Buddhists) in Thailand, that our Buddhist activist colleague Stella Tamang, founder of INEB/Nepal and INEB Executive Committee member, has been selected as one of 100 Heroines honored for her courageous work for women's rights.

To quote from the letter that Stella received, "We are pleased to inform you that you have been selected as one of 100 Heroines honored for your courageous work for women's rights. This 100 Heroines Award recognizes and celebrates your outstanding contribution toward achieving equality for women.

"The 100 Heroines Project was initiated by a group of women in Rochester, New York, U.S.A., in celebration of the 150th anniversary of the first women's rights convention held near Rochester in 1848.

"Several hundred women from all over the world were nominated for the Awards in recognition of their ongoing global efforts for equal rights and opportunities for women. One hundred of these nominees were selected as Heroines based on the following three criteria:

- First, they act courageously to achieve equal rights and freedom for women.
- Second, they risk their social acceptance, financial security, health, or even their lives on behalf on women.
- Third, they serve as role models for women and girls."

The 100 Heroines Planning Committee hopes to raise up to US \$1,000 for each Heroine, to use in support of her work. We congratulate Stella for this honor and hope that the award will encourage her to continue in her important work for the rights and well-being of women, children, and others. ❖



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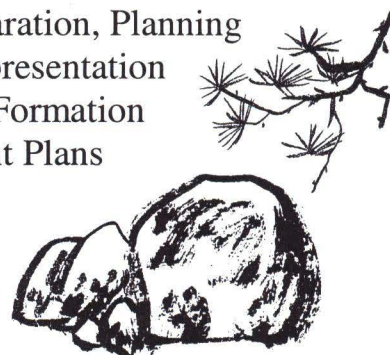
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CORPORATE KARMA

by Stephanie Kaza

“Death penalty” is not a phrase that comes up very often in environmental discussions. There are moments, though, when you as an environmental activist would like to personally sentence a particularly egregious corporate polluter. The death penalty, however, seems to belong primarily to the one-on-one realm of crime and violence against human beings. One person does a Very Bad Thing to another person and another person rules that they must pay for the deed with their life.

Given that the death penalty is applied to people, and that corporations are granted the legal rights of persons in many respects, why not apply the death penalty to corporations? What if corporations were under threat of death if they did Very Bad Things to people or other beings? How would a corporate death penalty work? Let's look at three aspects of the death penalty as it is usually perceived in American society today. First, it is thought to be “just,” a fair punishment for the scale of the crime. Second, it is seen as a deterrent, sending a message: this kind of act is Not Okay At All. Third, the punishment is so absolute and final that it presumably eliminates the source of the trouble.

So what scale of corporate crime might merit the ultimate penalty? For what cause would it be just and appropriate to say: “That's it, Company X, your life is over.” Though I am no lawyer, from my limited understanding it seems that most bad things done by corporations are punished by fines, some more severe than others. What could possibly be considered bad enough to end a company's existence? From a Buddhist perspective, I'd evaluate corporate acts in light of the karma they accrue, i.e. how much suffering they create in a chain of cause and effect. For example, in the chemical disaster of 1984 in Bhopal, India, the Union Carbide plant released poisonous fumes that killed thousands of people sleeping in their homes. Was this not Very Bad, especially for the people of Bhopal? Closer to home, we could look at the impacts on old-growth redwood stands of Charles Hurwitz's corporate raiding of Pacific Lumber Company in northern California. Upon takeover, Hurwitz doubled the rate of cutting and continued his crime spree by draining over half the pension fund, using the rest to invest in the insurance company that financed the original purchase. Was this “take the money and run” move the corporate equivalent of aggravated assault? Deliberate, intentional killing of many redwoods, setting up a long chain of other deaths—salmon, spotted owls, marbled murrelets, and even now to include human beings (see Readings, page 5)—is *that* enough for the death penalty?

What about the suffering caused by corporate mergers and buyouts? From 1935 to 1989, over four million small farms were sold off or gobbled up. The top 10 “farms” are now international agribusiness corporations—Tyson Foods, ConAgra, Gold Kist, Perdue, Cargill. Each make \$300 million to \$1.7 billion annually from farm products sales. Are their profit-motivated buyouts not multiple robberies in disguised form? And then there are the spin-offs from industrial scale pesticide and fertilizer use—poisoned soils, tumors in waterfowl, algae blooms, the list goes on. High breast cancer rates are now linked with high spray zones; sterility among male farm workers is now well documented. Labor abuse, poisoning, sickness and death—How much is Bad Enough? Who takes the stand for these karmic acts? And whose suffering counts? Only humans? Which humans? Plants and animals, too?

Now imagine if there were some kind of clearly stated death penalty for corporations. Wouldn't this send a message to other corporations that certain things are Not Okay At All? Right now corporations tend to play by the rule “get away with what you can,” justifying their actions in economic terms. But with the Ultimate Threat on the horizon perhaps they would be more careful. Even so, who would then be the ones to pass judgment on Company X? Multinational corporations do not seem to answer to anyone; many are bigger than most national economies. To enforce such a death penalty, states would have to take back their original licensing powers for corporations. (A citizens' movement to do just this is under way.) And how would such a death be administered? What would be the “humane” equivalent of the lethal dose? Perhaps legal disenfranchisement or public disposal of the assets.

The economics of such extreme penalties are worth considering. Right now corporate polluters and resource raiders are costing the planet billions of dollars in lost species, soils, habitats and toxic waste. If the worst of them were put out of business, living beings might stand a chance. This makes long-term economic sense in terms of sustainability of life-support systems. But of course, our current laws and trade agreements, written with the help of some of the worst environmental criminals, maximize short-term economic gain. Can we afford to keep them in business?

Looking directly at the suffering caused by corporations is one way to consider the appropriate judgment for their actions. After all, corporations have standing as individuals under the law. So much depends on what these Big Giants do; it is difficult to imagine any legal threat that would reign them in sufficiently to behave better. It's worth exploring though—unchecked corporate murder and other crimes are taking a heinous toll on our life systems. Would a death penalty make any difference? What do *you* think? ♦

KUYA

by Diane Patenaude Ames

In 10th-century Japan, the imperial court in Kyoto was decadent beyond belief. Exquisitely kimonoed ladies-in-waiting, with their teeth intentionally blackened and their hair down to the floor, wrote great classic poetry about everybody's obsession with sex. Although curiosity occasionally moved these ladies to take guided tours of farms to see how rice was grown, they were more at home in Buddhist temples, watching priests in gorgeous silk robes perform esoteric ceremonies almost no one understood. Apparently they would watch until they got bored and then leave for another assignation.

As for the peasants, they literally lived in holes, practically untouched by civilization and ignored by everybody save the tax collector. Thus it always created a sensation among them when a strange holy man clad in a deerskin robe and carrying a staff topped by a deer's antler strode into the local marketplace, proclaiming that the peasants, too, could hope for eventual rebirth in Amida Buddha's Pure Land if they would simply chant the *nembutsu*, Amida's name. Kuya (903-972), as he came to be known, would then hold veritable Buddhist revival meetings at which crowds of peasants would chant the sacred syllables in unison, to the

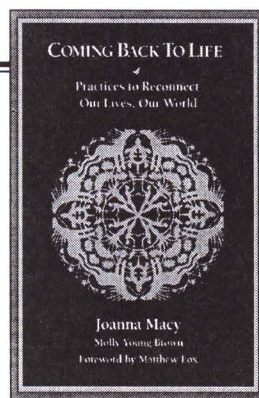
accompaniment of drums, bells, and ecstatic dancing. Not content to bring spiritual hope to remote villages, he set out to bring economic hope, as well, organizing communal projects to construct desperately needed roads, bridges, and wells, and distributing the alms given to him by well-to-do Buddhists to the sick and the destitute. In time people began to call him the Ichi no Shonin, which means "Saint of the Marketplace."

Kuya's origins are obscure. He first appears in the records as a man in his 20s who had already been a *hijiri* (unofficial, semilegal Buddhist holy man devoted to evangelism and good works among the common people) for some time. At some point he undertook self-administered religious vows at the provincial temple in Owari Province (now Aichi Prefecture) and took the religious name Kuya. After that he studied Buddhist scriptures at a temple in Harima province (now Hyogo Prefecture) and undertook a long ascetic retreat spent in practices expressing devotion to the Bodhisattva Kannon. Then, after a period of missionary work and social welfare projects in the then-remote provinces of northeastern Honshu, he went to Kyoto and finally took formal monastic vows in 948. This enabled him to found a temple, now known as the Rokuharamitsuji, which still enshrines a famous image of Kannon that he made to implore that bodhisattva to stop an epidemic. It was at this temple that Kuya died chanting the *nembutsu* in 972, to the grief of all Japan. ❖

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THE FAMILY MEETING

by Mushim Ikeda-Nash

*Live in joy,
In health,
Even among the afflicted.*

*Live in joy,
In peace,
Even among the troubled.*

The Dhammapada, trans. Byrom

Chris, Joshua, and I sat down on the floor of our small Oakland apartment. Aware of the heavy tension clouding an upcoming trip to visit to my mother-in-law, I had requested a family meeting. This meeting was held some years ago, one of many we have held before that time and since. When we have a family meeting we don't answer the phone or listen to music, and we sit in a circle, or at the dinner table. The purpose of the meeting can be to share feelings and offer support, to brainstorm options, or to decide upon a path of wise action. Any family member can convene a meeting, and we continue sitting together until we reach consensus.

"How do you feel about going to see Nana?" I asked Joshua, who was around five years old at the time.

Josh's eyes filled with tears. "Nana doesn't look at me, she doesn't talk to me, she just sits and smokes cigarettes," he said angrily. "I think they (Chris's parents) like me, but I don't think they love me."

My heart broke in the silence that followed his outburst. I felt enraged and powerless. My mother was dying of cancer, and I wanted my son to have another grandma who cared about him. I struggled with the reality that love and bonding have to happen naturally, and sometimes people are not ready. Because Chris's mother appeared to be depressed most of the time, it was hard to know how much of her lack of interest was personal to us. Josh and I are Asian racially, and Chris is white. I had once asked Chris if he thought his mother might be more responsive if we had a second baby, a biological rather than adopted grandchild who might look more like a Nash. After some thought, Chris had said, "I think so." I should mention also that my Japanese American side of the family was not without its racial biases.

Finally, Chris said, slowly and sadly, "I think you're right, Joshua. I don't think they love you."

I had expected my husband to make excuses, defend his parents. Instead, he had supported our son's painful observation. Oddly, however, the heavy feeling in the air began to dissipate. Though we hadn't been able to produce a pretty picture of our situation, we had been real and honest with one another, providing a foundation for trust and further action. My anger softened as I reflected that my in-laws, divorced for many years,

were the people who had raised my husband, and shown him how to be generous and kind. They had suffered and made mistakes, and they had taken joy in their children as well. Now they were elderly people struggling separately with increasing limitations and isolation. Could my husband, son, and I plant the seeds for more openness, more love, even though these seeds might not grow?

After talking, we all agreed that it would be best if only Chris went to visit his mother. He was prepared to talk with her about why our family didn't feel welcomed and included in her life. A potential confrontation made us anxious, but we decided it was better than going on with the pretense that everything was fine. In fact, Chris

My anger softened as I reflected that my in-laws were the people who had raised my husband, and shown him how to be generous and kind.

later reported that his mother listened carefully to him, but didn't say much. Chris, Josh, and I felt good—we hadn't made any dramatic breakthroughs, but we also hadn't gone on pretending that everything was all right.

We reserve family meetings for important issues that are especially troubling; they are rare events, since our day-to-day communication resolves most things. Now Josh is nine, and he is accustomed to having a voice in all our major decisions, although Chris and I ultimately hold responsibility for making sure the decision is wise. As a family, our joy and peace depend on how we treat one another.

I think of this each night, when it's time for Josh's bedtime ritual. He playfully calls out, "Special request!" and Chris and I stop what we are doing to gather on his bed for a group hug. Whether the day went well or badly, whether we laughed or wept, each night we gather to say "I love you," and to return to the sense of home we create together. ♦

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SEEKING EVIL, FINDING ONLY GOOD

by Melody Ermachild Chavis

Hefting box after box, I recently moved all of my old death penalty case files, some of them nearly collapsed into shapeless heaps of cardboard. I felt the weight of all the investigation reports I have written for trials and appeals over twenty years, since capital punishment was brought back to California by popular vote. Heaving it all into my new storage space, I had the depressing thought, "This is my life. From age 35 to 55, this room-sized tower of paper is what I have done."

Now, there are 512 people sentenced to die in California, ten of them women. The men are all in San Quentin; the women are kept separately at Chowchilla prison in Southern California. The prison bus brings another man to death row at San Quentin about every two weeks. There isn't enough space any more in the visiting room for all the families. Every hour and a half the guards make everyone leave, and then they bring in a new group.

Many people suggest that the answer to the crowding on death row is to speed the executions. And they will come faster now, as appeals have been limited by Congress and the courts, but even if one person were

killed every day, it would still take 18 months to kill them all, even if nobody new were sentenced.

Each of my dozens of boxes has on it the name of a person who was a defendant in a capital case. Many of them were sentenced to prison terms, but not to death; a few were acquitted and went home; and several dozen are living on death row.

The system is so capricious that if someone were to read all of my murder case files and try to guess which ones got the death sentences, they could never do it based on the facts.

As far as I know, every former client of mine is still alive. The execution of one of them is a bridge I have not yet crossed, and I have no more idea of how I will react when it happens than I know how I will meet my own death—with some kind of composure, I hope. I always wonder if the execution of someone I know well will be what finally causes me to quit my job.

I've come close a few times. Death verdicts at the end of long trials so devastated me that I was hardly able to work for weeks afterwards, so bitterly flattened have I felt by such defeats, so worried about the young man I'd gotten to know well, sent up to live among the condemned.

It was the fifth execution in California since the



resumption of the death penalty in 1978, the death of Thomas Thompson in the spring of 1998, that has so far been the hardest for me. He was convicted of raping and killing a woman, but many questions emerged about the case: whether the sex had been consensual, whether in fact the woman's former boyfriend could have killed her. I've worked on trials where less reasonable doubt than this resulted in acquittal. Even a number of prosecutors asked that Thomas Thompson be given a hearing. He wasn't my client—I didn't even know him, but each time I went to the prison, I saw him, spending his last visits with his wife, sister, and nieces and nephews, and I'll always remember him that way.

San Quentin memories for me are associated with the smell of the place: the disinfectant inmates futilely swab onto the broken linoleum, and the odor of stale vending machine popcorn laced with rancid fake butter. After twenty years, a breath of San Quentin can still get me down, wear me out, and give me a headache.

In the end, the push to execute Thomas Thompson gained so much momentum that the court refused a stay because of some procedural errors that had been made during the appeals process.

No one had yet been executed in California with the case against him in such disarray. It hit everyone on death row hard, and made the reassurances of legal workers like me sound hollow.

I was so low that evening that for the first time, I couldn't go to San Quentin to join the demonstrators singing and praying at the gate. I couldn't face the television lights, the caterwauls of the pro-death crowd.

People don't realize how hard it is to win appeals. New trials are hardly ever granted, no matter how poorly the original trial was conducted.

One attorney who is a good friend told me he felt the same. He left his office to go to the prison that night and found himself driving home instead, too heartsick to stand at the gate waiting for the midnight hour. I had vowed to go and vigil at every execution, and I hadn't expected ever to break that promise, but instead I arranged to babysit my grandchildren, bathing them and reading them stories to comfort myself.

People don't realize how hard it is to win appeals. New trials are hardly ever granted, no matter how poorly the original trial was conducted. When Thomas Thompson died, I couldn't imagine how my work could possibly save the life of any of my clients, when even his life couldn't be saved. I felt useless, like I was wasting my time, and my life.

At such times, I ask myself: What is it I'm trying to do anyway? I pick up the newspaper and read that a hur-

If the government kills a man to assuage the pain of a victim's loved ones, why not let the victim's family kill him themselves?

Why not kill him by torture?

ricane killed thousands in the Caribbean—yet I work with teams of other legal workers to save one person who may have taken life himself. What is the sense of all my effort? Wouldn't it be better to simply feed children or send medicines where they are needed?

The next time I went to the Zen Center, there on the altar was a white card with Thomas Thompson's name on it, next to the cards of others who had died and were being remembered. I was surprised to see it, and I thought, "Here is a place where people care about this person's life." No one said anything about it to me, but just the knowledge that the card was there changed something for me. It gave me back some confidence, and I began to give myself a talking-to, as I have done so many times over the years, about why I do this work: Comparisons don't help, I tell myself. It's good to send medicine and it's good to fight the death penalty. My colleagues and I don't work to raise up one life over another; we work against a law that empowers our government, in all its folly, to murder a human being. The small white card on the altar says it best: one life is worth honoring.

A person has to honor her own life to keep going in any hard struggle. I have to try to treat myself gently when I see that my courage isn't steady. I watch my spirits die down and flare up like a campfire on a rainy night. One moment I feel frightened by the hatred aimed at my clients and all of us who defend them. The next, my heart burns bright again for this job.

In the summer after Thomas Thompson died, I was able to prove that many—not all—of the crimes one of my clients had been convicted of were actually done by another man, something no one had suspected. Pleased with myself, I noticed how satisfying it was to bring to light the sloppy work of a bunch of gung-ho Deputy Sheriffs. I wish I could say that what I found out will guarantee my client a new trial, but no. All his lawyers can do is submit my proof to the court and hope they think it matters. Amazingly, they could easily call it "harmless error," and if they do, I'll once again have to face the frustration of doing my best and losing anyway.

At such times, I go back to my inner pep talks: It's good to choose a thing and do it for a long time, I lecture myself. A cause needs people loyal to it, to build it steadfastly over years. Just do it, like meditation. Like sitting down in the middle of everything without asking why. Think of a woman who sits in a tree, fighting for a forest. When it's cut down, she doesn't give up. She

goes on and fights for the next stand of trees.

Over and over, I have the same experience: I get a new case, and start by reading a stack of police reports and news reports about the crime and arrest of my client. I am shaken, even horrified and frightened. "How will I meet this man?" I think. "How will I establish any connection with such a person?"

When I started out in this job, at my first meeting with a new client I used to wonder, "Is he guilty?" I thought I should work harder for people who weren't guilty. As I learned more about the U.S. Constitution and the body of living law that has grown up around it, I became more committed to the justice of every person having the best possible defense team, and I saw how my personal integrity depended on my doing my own best job for everyone. Our adversarial legal system mandates that

we legal workers find defenses for our clients whether or not they've committed crimes, and I do my best to contribute to at least showing mitigating circumstances. In the end, I've come to feel that all death row defendants are wrongfully sentenced, because I've been able to witness first-hand how wrong the system is. The kind of help I give doesn't change, whether my client denies everything, confesses, or is innocent. In fact, I've realized that innocent people don't need my personal support as much as "guilty" ones, because when a person has really done something very bad, he or she needs help the most.

At first, my new client might seem guilty of something terrible. But that first impression gets complicated as the story of his life unfolds. I go out to interview witnesses, and in the listening, I become a witness. I find some more people who are "guilty," too—perhaps parents whose love failed.

As I work, the guilt in my client which seemed so solid begins to come apart in my hands. All I can find in the end are causes and conditions in an endlessly tangled web. Investigating any life, one sees how currents coming from very far away can meet within a person: echoes of a long-ago massacre, hurts barely spoken, then a dark street, a shout, a bullet—a lethal moment.

Does this mean that responsibility lies nowhere? No. We are each responsible for what we set into motion. Yet we can never isolate one current of karma from the

ocean of creation.

I think our idea of "deterrence" as the answer to aggression is a legacy of war. For 50 years, our minds have been trained in this way of thinking, a kind of infrastructure of dualistic thought that has not yet been disarmed.

Now we have identified "criminals," who are really our own nation's children, as our enemy, and we are impoverishing ourselves to build prisons instead of schools and universities. A powerful financial and industrial complex is rising up around prisons that will be as difficult to dismantle as the missile systems are.

If I have learned anything, it's that people must be treated with exquisite individuality. The more we classify people and warehouse them in groups—"prisoners," "mentally ill," "condemned"—the less we can see who they are and be of help.

I keep a quote from Suzuki Roshi taped onto my computer: "To realize that things are one is a very sympathetic understanding. But how to treat things one by one, each in a different way, with full care, that, I think, is your practice."

"Full care" might sound utopian. But in the lives of my clients, those lost moments when even a *little* care might have gone a long way leap at me off the pages of school records, juvenile hall files, and medical reports.

New understandings are being reached about human behavior, yet so little of this new knowledge informs our judicial system. We know much more now about what children need and how they grow than we knew when I began this work. And every day we find out more about the things that can go wrong. I could make a long list: the neurological damage done to a fetus by exposure to alcohol and other drugs and a host of substances such as lead; brain damage and chemical imbalance and genetic defects of all kinds; drug-induced psychosis; learning disabilities; and above all, the effects of trauma. These are the kinds of deficits from which nearly all of my clients suffer. Many have not one, but multiple diagnoses such as these.

Yet it's as if the world of behavioral sciences and psychology and the world of jurisprudence and corrections exist on separate continents, drifting apart on a sea of ignorance.

I'm interested, when I meet a new client, in the



question, "How did this human being come to be sitting before me in this cell?"

At the end of the investigation, I still have questions: "What can be done to help him now? How can he live out the remainder of his life in the most safety, doing the least harm? How can he still serve his life purpose? Can he perhaps do some good?" These are questions which our society wants to answer with a needle of poison.

The most disturbing idea abroad now is that the executions are done for the satisfaction of the family members of murder victims. We hear politicians crying for speedier executions, saying, "This victim's family has waited too long for justice." This is vengeance, pure and simple. This is not the rule of law, as we understand it, even in our flawed democracy. The law is supposed to mete out justice, not retribution. If the government kills a man to assuage the pain of a victim's loved ones, why not let the victim's family kill him themselves? Why not kill him by torture? Such an idea leads to hands chopped off for theft, and the like, as is done in some countries.

The voices of those families who do not want their loved one's killer to die are drowned out. And there are those families. I've met a woman who regularly visits her son's killer on death row. Somehow they began to correspond, and she realized he is not so different from her own son, so that now she has taken him in as one of her own.

How does grief heal? I wouldn't presume to know how murder victims' families feel. But I know that their grief is not always lessened by an execution. Sometimes the real mourning begins afterwards, when the execution, sadly, has not brought back the one they lost. Perhaps some people's minds are eased because one part of the story has come to an end, but we cannot, as a society, go down the path of vengeance.

Many death penalty proponents believe that evil infects people like my clients, who must therefore be extinguished.

This view is reinforced by the opinions of some forensic "experts" who come to court as prosecution witnesses with mechanistic check lists by which they "diagnose" people as "sociopaths." As if children who wet the bed, harm animals or set fires are somehow "born" to be killers, without asking why the circumstances of his life might bring a child to do such things. These "experts" talk about sociopaths while they ignore the pathology of society.

All during my childhood, my mother and I were at war. When she lost control of herself, as she often did, she screamed at me that I was evil. And so I thought it must be the evil in me that caused my mother to slap and kick me, pound my head against the floor, slash at my face with a knife. As I grew, I came to believe in return that my mother was evil, because I couldn't imagine anything that could cause her to do such things except the devil.

It's been clear to me for some time that I've undertaken my long investigation of evil because of the violence in my background, violence I know I share with so many others.

For 20 years I have searched for evil, and nowhere have I found it. I find causes and conditions aplenty, and I have found something I wasn't looking for: inexhaustible quantities of love.

Suddenly, in every case—and it always comes as a surprise—I find someone giving love against all odds, someone reaching out where it seems nothing but hatred prevails, someone finding it in themselves to forgive against storms of bitter anger. These are often unexpected people, unsung heroes and heroines who want no thanks: a man's long-ago juvenile hall counselor who comes to testify; a former special education

*I long to share with my clients what they
can never have in a prison:
time with children, time with trees.
Time under the open sky.*

teacher, retired with a bad heart, who flies on three airplanes to get to the trial to ask jurors to spare her former student's life.

Love, I have seen, *is* a force alive in the world.

By the time I scattered my mother's ashes gently into the Pacific, I had learned something about causes and conditions, forgiveness—and love.

People ask me how being a student of Buddhist teachings helps me in my work. Practicing meditation has opened me more to my clients. Sitting, I've had to sit with the violence inside of myself, so that I no longer feel myself so separate from people in prison. My self-image has loosened a lot, and I'm not so attached to who I think I am as I pass through the prison gate. I go in less as a do-gooder, more as an ordinary suffering human being.

The fact is, my work and the teachings are in a constant dialogue; Buddhist practice helps my work, and my work helps my Buddhist practice because it wakes me up to my life.

I've taken the risk of caring about my clients, and as I do so, I see the world through their eyes. I long to share with them what they can never have in a prison: time with children, time with trees. Time under the open sky. Because I go into prisons, I'm grateful for those simple priceless things in my life.

I began this work filled with a sense of drama about death, hyper-aware that my clients were going to die. Over the years, a number of the attorneys I worked closely with have died, leaving our clients living on death row, and that has changed my perspective. When I say goodbye at the end of a prison visit, I am aware

that although my client is condemned, and the prison is a very dangerous place, with high rates of murder and suicide, I could easily be the one to die first. I've realized that both the man I'm visiting and I need to wake up to our deaths, regardless of which side of the bars we are sitting on.

Whenever I chant, "Dharma gates are boundless, I vow to enter them," I picture San Quentin's gate.

Before I was a Buddhist student, San Quentin got me down, and I didn't like going there. Now I try to make each trip to death row a pilgrimage—sad, but spirit-opening.

As I drive over the San Rafael bridge, I see Mt. Tamalpais, the mountain many call the Sleeping Lady, at rest over the prison, her green, brown, purple, blue clothes changing moment to moment with the light. Morning and night, she wraps herself in a white shawl of fog. The men inside the prison can't see that they live at the edge of water on the skirt of a sleeping mountain.

Beside the parking lot at San Quentin is a little cove on the bay, a crescent between the western foot of the gray steel bridge and the prison. Wood scraps and bits of trash drift in and out on the gentle slap of the water against a beach of algae-covered rocks. Neither the birds nor the tides that swoop into that cove and swirl

out alter their rhythms because of anything that goes on inside the prison walls above, not even an execution.

As I sit on a log, breathing out the prison, I remember the last midnight vigil I attended at San Quentin's gate. As the lethal injection was done, we drew our little crowd close. In silence, each of us reached out to those around us. Through my coat, I felt the press of a comforting hand on my back between my shoulder blades. My fingers found the warmth of a stranger's hand. The Pastor who ministers inside the prison began a prayer: for the executed man, and his family, for the victims and their families, and for the prison staff who had to carry out this act. Then she added a prayer for the legal workers. "This is not about winning or losing," she said. "This is about doing our very best, every day."

Sometimes I forget that my life in this struggle is not mine alone; we who oppose the death penalty are connected, as if we stood close enough to touch all the time. My life in this job is not a dusty box of papers after all. It's my *life*, shared with others.

I've renewed my vow to go to the gate for every execution. ❖

Melody Ermachild Chavis is a private investigator, a writer, and a Zen practitioner. Her book Altars in the Street (Belltower) is now available in paperback for \$12.

BUDDHIST PERSPECTIVES ON THE DEATH PENALTY

by Damien Horigan

Introduction

There is a global trend against capital punishment. Most nations in the developed world and an increasing number of nations in the developing world have officially abolished the death penalty. Similarly, there is an abolitionist movement in the realm of international law.

However, matters are quite different in the United States where the United States Supreme Court permitted the resumption of executions by the states in 1976.

As Mr. Justice William Brennan once pointed out: "At bottom, the battle [over the death penalty] has been waged on moral grounds." Taking this statement from Brennan as a cue, it is useful to look at religious perspectives on the death penalty.

In the broad Judeo-Christian tradition, biblical passages have been quoted by retentionists and abolitionists alike in support of their respective positions. It is particularly striking that so many Christians support capital punishment. After all, Jesus remains the world's most famous executed criminal defendant.

Very little has been written regarding Buddhist views on capital punishment, and so I offer the following perspective on the death penalty in the context of Buddhist thought and history.

The Precepts

A logical starting point would be Buddhism's most basic set of training rules known as the five precepts. These basic rules of good conduct are for all Buddhists, lay or ordained.

The very first and arguably most important precept is the training rule of abstaining from taking life. The four others are: abstaining from taking what is not given; abstaining from sexual misconduct; abstaining from false speech; and abstaining from intoxicants.

Abstaining from the destruction of life encourages the development of compassion (*karuna*) for all beings. Moreover, Buddhism teaches that all sentient beings (*sattva*) possess what is known as Buddha-nature (*buddhata*) and can eventually realize enlightenment (*bodhi*). Hence, Buddhism is universalistic. Everyone has great spiritual potential waiting to be unleashed, no



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DEPRAVED THEY MIGHT LOOK.

matter how depraved they might look.

All life is to be treasured. It matters not how lowly such life may seem. Treasuring the lives of those who, in many cases, have not valued the lives of others is an act of spiritual courage. This notion supports nonviolence/non-harming (*ahimsa*) and leads to the advocacy of such wholesome causes as world peace and vegetarianism. Taking a strong stance against the death penalty is a logical outgrowth of any religion or philosophy based upon nonviolence.

Another aspect of *ahimsa* is the notion of karma, or "action." At the risk of over-simplification, there is good as well as bad karma. We are influenced by karma from the past and we create new karma in acts of free will as we live our lives. Killing is simply bad karma.

The Dhammapada

One of the most important religious texts in Buddhism is a poetic collection of aphorisms known as the *Dhammapada*. The title means roughly "Path of Dhamma." The term *dhamma* can be translated in any number of ways depending upon the context. "Law" and "religious teachings" are among some of the approximate meanings of this key concept.

The initial verses of Chapter 10 of the *Dhammapada* speak of killing: "Everyone fears punishment; everyone fears death, just as you do. Therefore do not kill or

cause to kill. Everyone fears punishment; everyone loves life, as you do. Therefore do not kill or cause to kill."

In the final chapter of the *Dhammapada*, we find a related passage: "Him I call a Brahmin who has put aside weapons and renounced violence toward all creatures. He neither kills nor helps others to kill."

Janasandha-Jataka

This jataka is a story said to be told by the Buddha to the King of Kosala. It tells the tale of a certain Prince Janasandha, the son of King Brahmadatta of Banaras:

Now when [Prince Janasandha] came of age, and had returned from Takkasila, where he had been educated in all accomplishments, the king gave a general pardon to all prisoners, and gave him the vice-royalty. Afterwards, when his father died, he became king, and then he caused to be built six almonries.... There day by day he used to distribute six hundred pieces of money and stirred up all India with his almsgiving: the prison doors he opened for good and all, the places of execution he destroyed....

Abolition of the death penalty is a regular theme in Buddhism, as we shall see below.

Rajaparikatha-ratnamala

The Rajaparikatha-ratnamala or "The Precious Garland of Advice for the King" is a treatise attributed to the famous South Indian Buddhist philosopher Nagarjuna (2nd or 3rd century C.E.). In this work on

Buddhist statecraft, Nagarjuna gives King Udayi of the Satavahana Dynasty advice on a variety of matters. Here is how Nagarjuna handles capital punishment:

*O King, through compassion you should always
Generate an attitude of help
Even for all those embodied beings
Who have committed appalling sins.*

*Especially generate compassion
For those murderers, whose sins are horrible;
Those of fallen nature are receptacles
Of compassion from those whose nature is great....*

*Once you have analyzed the angry
Murderers and recognized them well,
You should banish them without
Killing or tormenting them.*

Banishment or exile has been employed as a form of sanction in various pre-modern Asian legal systems. Indeed, banishment has also been employed at times in the West. Although banishment obviously entails psychological and physical hardships, it is certainly to be preferred to death. Moreover, it can protect the convicted defendant from the possible wrath of friends or family of the victim.

Avatamsaka-sutra

An unusual, treatment of capital punishment comes from the lengthy *Avatamsaka-sutra*. This sutra tells of a bodhisattva named Sudhana who visits various spiritual teachers seeking guidance.

One of the teachers, King Anala, lives in an indescribably beautiful palace in a far off, magical land; yet, he does have a crime problem. To keep the populace in line, he conjures up frightful images of prisoners on whom he passes judgment and then has brutally executed or otherwise severely tortured.

In reality, the King does not harm anyone, because the prisoners as well as the penal officers are all just illusions. As the King explains to the seeker, these magical projections are meant to be acts of compassion to get actual people to give up evil.

Admittedly, the passage could be literally construed to support capital punishment for its supposedly deterrent effect, but the central notion of compassion is more important here. It must be remembered that this is an especially mystical text.

Muga-Pakkha-Jataka

This jataka, said to be told by the Buddha to his monks, illustrates that punishment can affect those who impose it as well as those being directly punished. The *Muga-Pakkha-Jataka* makes this point graphically. The story revolves around the young prince and only child of King Kasiraja, Temiya.

Temiya is an extremely sensitive child. One day, when he is only a month old, he is playing with his

father, the King. The King is called upon to judge four robbers. He sentences the first to be whipped a thousand times, the second to be imprisoned in chains, the third to be killed by a spear, and the fourth to be impaled. Overcome by the karmic consequences of his father's actions and fearing what would become of him if he did the same after succeeding to the throne, Temiya refuses to speak or otherwise act like a normal child for the next sixteen years.

Finally, Temiya solves his dilemma by becoming a recluse and converting the royal household and many others [to the spiritual life]. This story parallels the life story of the historical Buddha who grew up in a palace, but renounced the world in order to seek spiritual truth.

Angulimala-sutta

The final text I will mention deals with the power of rehabilitation. The Angulimala-sutta is a part of the Majjhimanikaya, or Medium Length Discourses, of the Pali Canon.

Angulimala is a much-feared robber and murderer. His name means "Garland of Fingers," because he wears a necklace made of the fingers of his victims.

Understandably, the locals are all afraid of Angulimala. The Buddha, who is staying in the area at the time, insists on heading alone down the road where Angulimala is believed to be hiding. He manages to convert Angulimala and ordain him as a monk.

Meanwhile, the King, urged by the public, heads out with a large entourage to find the evil Angulimala. He meets the Buddha and explains his situation. The Buddha shows him the reformed Angulimala living peacefully as a monk. The King is amazed that the Buddha was able to change Angulimala.

This points to the idea of rehabilitation. Obviously, rehabilitation and capital punishment are mutually exclusive concepts. Rehabilitation enables the convicted criminal defendant to realize his or her mistakes and to attempt to avoid them in the future. In Buddhist terms, a rehabilitated offender, even a murderer, remembers his or her Buddha-nature. For society, reforming a wrongdoer means regaining a productive member who can somehow contribute to the general welfare.

Buddhist Rulers

Some Buddhist rulers did away with the death penalty. An early Chinese pilgrim to India, the monk Fa-hsien (337?-422?), writes of an abolitionist Buddhist king:

The king [of Mid-India] governs without decapitation [i.e., capital punishment generally] or (other) corporal punishments. Criminals are simply fined, lightly or heavily, according to the circumstances (of each case). Even in cases of repeated attempts at wicked rebellion [i.e., treason], they only have their right hands cut off....

Throughout the country the people do not kill any living creature, nor drink intoxicating liquor, nor eat onions or garlic.

Hye Ch'o, an eighth-century Korean monk, made a pil-

grimage to India similar to Fa-hsien's, about three centuries later. He, too, describes Buddhist kings in central India who rule without resort to the death penalty:

"Everyone fears punishment; everyone fears death, just as you do. Therefore do not kill or cause to kill." — The Dhammapada

"The national laws of the five regions of India prescribe no cangue [wooden yoke], beatings or prison. Those who are guilty are fined in accordance with the degree of the offense committed. There is no capital punishment." Hye Ch'o found an almost identical situation in West India: "Here there is no cangue, beating, prison, capital punishment, and similar affairs."

A similar situation in another ancient land is described by the sixth-century Chinese pilgrims Sung Yun and Hui Sheng:

[W]e entered Ouchang country (Oudyana). On the north this country borders on the Tsung Ling mountains; on the south it skirts India.... The king of the country religiously observes a vegetable diet.... After mid-day he devotes himself to the affairs of government. Supposing a man has committed murder, they do not suffer him to be killed, they only banish him to the desert mountains, affording him just food enough to keep him alive. After examination, the punishment is adjusted according to the serious or trivial character of attending circumstances.

Early Japanese Emperors

Pre-modern Japanese governments were often harsh on prisoners. Even today Japan retains the death penalty. But there was a time when Japan did not have the death penalty. In 724 AD, Emperor Shomu, a devout Buddhist and follower of the Kegon School, forbade the use of the death penalty. This was during the end of the Nara Period (715-794). Likewise, there were very few executions during the Heian Period (794-1185).

Dalai Lama XIII

Thubten Gyatso, the Thirteenth Dalai Lama (the predecessor of the current Dalai Lama), struggled to modernize Tibet and to maintain the country's sovereignty against the British and later the Chinese. He also reformed Tibet's feudal legal system. Among the changes was the abolition of the death penalty by about 1920. Before that time the Dalai Lama would avoid any direct involvement in cases of capital punishment because of his religious role.

Capital Punishment and Human Rights in Officially Buddhist Nations

Today, most Asian countries with large Buddhist populations have secular governments, but there are four nations in which Buddhism is the state religion: Bhutan, Cambodia, Sri Lanka, and Thailand. Bhutan follows Vajrayana Buddhism; the other three all follow Theravada Buddhism. How do these modern governments approach the issue of capital punishment?

Currently, of the four nations, only Cambodia has clearly eliminated the death penalty, in a reform in 1993.

Capital punishment remains on the books in Bhutan and

Thailand alike, but the kings of both countries have been following a policy of commuting death sentences. Official executions have not taken place in either country for a number of years. Hopefully, the governments of Bhutan and Thailand will each see fit to formally outlaw capital punishment in the near future.

Sri Lanka stands out as the most disappointing of the four. The Sri Lankan government actually appears to be increasing the use of executions. Such practice is hard to justify from a Buddhist point of view.

Conclusion

An abolitionist stance on capital punishment finds strong support in Buddhist thought and history. Compassion fosters a deep respect for the dignity of all forms of life. The lives of convicted criminal defendants do have value.

Society should strive to rehabilitate all prisoners to enable them to awaken to their inherent potential for goodness and spiritual growth. One cannot rehabilitate a dead inmate. Furthermore, retribution, which would arguably be the strongest reason for retaining the death penalty, is not in keeping with the compassionate spirit of Buddhism.

It is significant that Buddhist teachings speak against capital punishment, because Buddhism is a world religion. Buddhism has had a profound impact on the major civilizations of Asia. Moreover, Buddhism enjoys a modest yet growing presence in the United States and elsewhere outside of Asia. Finally, an American Buddhist perspective on the death penalty can help inform the ongoing debate surrounding capital punishment among Americans, much as Gandhian *ahimsa* has positively influenced some Christians and non-Christians in the United States to strive for racial harmony and social justice. ❖

[A longer version of this article, "Of Compassion and Capital Punishment: A Buddhist Perspective on the Death Penalty," was previously published in *The American Journal Of Jurisprudence* (Vol. 41, Notre Dame Law School, Natural Law Institute, 1996. Thanks to the author and the Journal for permission to reprint. The complete text with footnotes is available at: ccbs.ntu.edu.tw/FULLTEXT/JR-PHIL/damin2.htm

Damien Horigan is an attorney and a college instructor in Honolulu, Hawaii. Although aware of Buddhism from his childhood in Hawaii, it wasn't until his late teens that he felt seriously drawn to it. He is most comfortable with the Korean Buddhist tradition which mixes Zen, Pure Land, and other elements.

A PLEA FROM DEATH ROW

Following are excerpts from a letter to Texas Governor George Bush, from condemned killer Karla Faye Tucker:

Honorable Governor Bush,

I come to you as an individual seeking commutation of my death sentence, sharing with you what I hope you will use in making your decision. Please know that as I share I am in no way attempting to minimize the brutality of my crime. It obviously was very, very horrible and I do take full responsibility for what happened the night of June 13, 1983. I know that the choices I made, to do drugs and other things, led up to my actions that night.

When I was apprehended and put in jail I [lied] about what had happened. I denied doing anything. It wasn't until about three months after I had been locked up that I finally admitted that I murdered Deborah Thornton and Jerry Dean. It was when a ministry came to the jail and I went to the services, that night accepting Jesus into my heart. When I did this the full and overwhelming weight and reality of what I had done hit me. I began crying that night, for the first time in many years, and to this day tears are a part of my life.

As I remembered details of my crime I actually felt the pain I had inflicted on others. I realized the depth of sin and evil and violence I was in. I realized that human life was precious and valuable and I had gone out and with my own hands taken two lives.

If you decide you must carry out this execution, do it based solely on the brutality and heinousness of my crime. But please don't do it based on me being a future threat to society (one of the two questions that had to be answered in my trial in order for a death sentence to be issued), because I am definitely no longer a threat to our society, and in fact I believe I am a positive contributor to our society and helping others.

When Peggy Kurtz contacted me in 1984, and told me she had forgiven me for what I did to her brother, it changed my life so drastically and grounded me so

solid in my walk with the Lord. At a certain point she asked me to share certain things with her about what happened that night. It was the least I could do for her, and I wanted to do this for her, to help her heal in some way. I would do anything for her that she asked.

I see people in here in the prison where I am who are here for horrible crimes, and for lesser crimes, who to this day are still acting out in violence and hurting others, with no concern for another life or for their own life. I can reach out to these girls and try and help them change before they walk out of this place and hurt someone else.

I know from experience that people tend to listen more quickly to someone who has been where they are... There are people I can reach that drug counselors can't reach. Just as there are people I wouldn't be able to reach but one of you on that board could.

I am asking you to commute my sentence and allow me to pay society back by helping others and helping to

I can't bring back the lives I took. But I can, if I am allowed, now help save lives.

prevent crimes and suicides. I can't bring back the lives I took. But I can, if I am allowed, now help save lives. That is the only real restitution I can give, and I am willing to do that in any way someone may ask it of me.

I made a horrible, horrible mistake, and I will pay for it for the rest of my life. But I am asking you anyway to allow me to continue the ministry that God has blessed me with in the restoration and inner healing of lives. It is an honor to be able to do this, and it is also a great responsibility that I take very seriously. I do it because I know what was given to me fourteen years ago when I did not deserve it. I know how this changed my life so completely that it is hard to recognize me in old pictures. I know that if this kind of love and forgiveness had the power to transform my life so completely for the good, it can be done in others.

It doesn't mean we are taken out of the circumstances or no longer held accountable for what we did. It just means that a person can change. I pray God will help you believe all that I have shared and will help you decide to commute my sentence to life in prison.

Sincerely,
Karla Faye Tucker
Death Row #777

Karla Faye Tucker was executed by lethal injection on February 3, 1998. ❖



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DEAD MAN LIVING

by Jarvis Masters

Not long after the movie *Dead Man Walking* was shown in theaters all over the country, I felt under my skin that I wanted to see it too. Living on San Quentin's death row made my prospects very unlikely. I wanted to watch the film to see if I could somehow get an up-close glimpse of what being executed would actually be like if it comes. Maybe a movie like this had an inner truth beyond those I was experiencing every single day by being "on the shelf" on death row. If I could see this movie projected onto the back wall of my cell, maybe I could imagine those last frightening hours, minutes, and the tick of the last seconds, and in my own way prepare for what the human psyche goes through in confronting death by execution.

Months after the movie left the theaters a friend sent me a copy of the screenplay of *Dead Man Walking*.

I awakened in the wee hours of a cold night planning to read the script while death row slept like a troubled Dead Sea. The silence gave me the quiet to hear each page read itself, showing me detailed images. In my mind's eye, I was watching it. As I read, in an almost surreal and frightening way I became the condemned. Then I also became the Warden and his team of executioners who all had a job to do, and we were going to make sure it would be done right. I was also Sister Helen Prejean, whose faith gave her strength and who prayed for humanity. Fitting into the shoes of everyone involved made me suddenly realize at my very depths that capital punishment is not a machine that runs by fuel or electricity alone. Even living here, I hadn't seen the human face of it. I realized I had thought of the gas chamber and the lethal injection apparatus as contraptions. Suddenly, I became almost frozen in fear, thinking that the same guards who could cheerfully chat with me about the Superbowl, or even those who have actually sought my help and advice about keeping their own troubled teenagers away from

drugs and peer pressure, could one day be the very guards assigned to carry out my execution.

I had known, of course, that officers I knew participated to some extent. In the Spring of 1998, in the weeks before the execution of Thomas Thompson, I had been shocked to see guards I knew acting stony-faced while escorting him to his last visits with his family. These are people who talk to me every day about something. And the night Thomas Thompson was killed I had been shocked to see officers I know and like on tele-

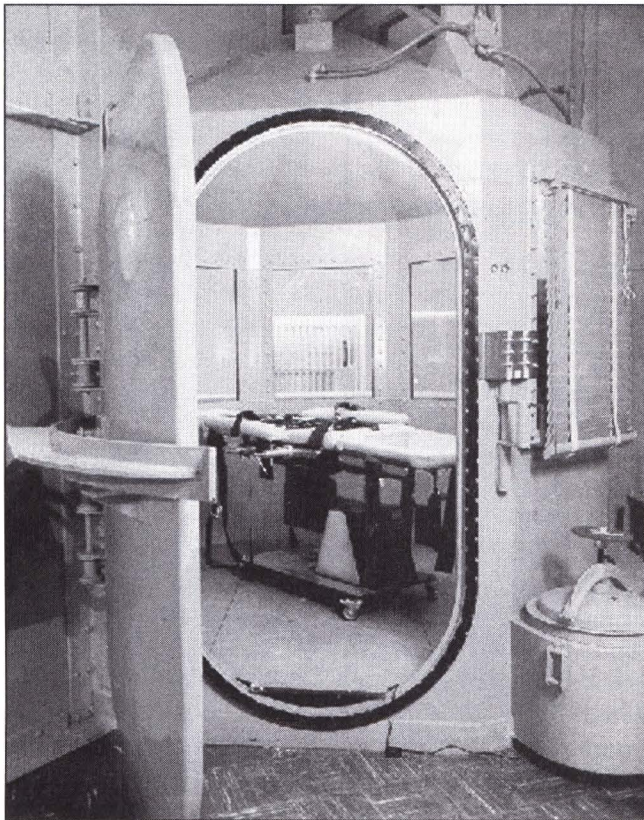
vision. They were outside holding batons, overseeing the demonstrators who were vigiling in front of the gate of San Quentin.

I put down the screenplay. I stared at the dark back wall of my cell, where the movie had been "playing," and wrestled with this horrifying possibility. Who among all the many guards I have come to know, the men and women I chat with out in the visiting area with my family, friends and attorneys, are the ones who will have the gruesome assignment of extracting this human being from a death cell, either peacefully or forcibly, and escorting him into the death chamber? Which ones will look into the Warden's eyes, waiting for the nod to begin the execution?

I think of guards who have even talked about taking me trout fishing if I ever get out of prison—men I've come to know over many years in spite of how much this system and prison culture discourages such relationships. Could these same guards, on another cold night like this one, under cover of darkness, instruct me to step up to my cell bars, and then say, "Jarvis, Hey, Buddy, it's that time."?

I stood up to stretch a bit. Looking across the tier to the fenced window in the wall opposite my cell, I rested my arms on my bars. They were so cold. I had no idea what I would want. Would it actually be worse to have a friendly guard come for me? Why would I want some gung-ho s.o.b. to come? But would a friendly guard hurt more?

I watched another day beginning with more on my



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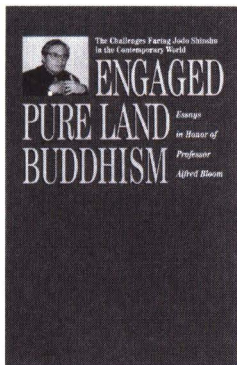
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mind than I'd ever expected from this movie. I distracted myself by trying to guess the time. I figured I probably had less than half an hour of *Dead Man Walking* left, and I thought I could finish it and still have time for a few minutes of my morning meditation before the sounds I call "prison reveille" began. That's the rusty creak of the wheels on the food cart, followed by, "Lights on, lights on, gentlemen! If you want to eat, stand by your bars." The thick steel doors at the end of

I became almost frozen in fear, thinking that the same guards who could cheerfully chat with me about the Superbowl...could one day be the very guards assigned to carry out my execution.

the tier crash as the cart comes in, and at the same time, there's the suction roar of dozens of toilets flushing.

I still wanted to take my time reading, not speed through the fragile minutes slipping towards the execution scene. It would happen in these last pages.

In no time, I was back in the last gripping scenes. Sister Prejean, frustrated, sees a prison nurse, goes up to the nurse and asks, "Are you the one who will do it?"

I looked up from the page in my hand to see a woman standing in front of my cell. "So, you aren't meditating this morning, huh?" the smiling nurse asked. I freaked. I had not heard her come onto the tier. For long seconds, I stared into the familiar smiling face of the nurse who stops by my cell every morning to say hello and tell me the time. But now for a moment the ground shook beneath me as I became uncertain whether I had all this time been returning a smile to my executioner.

"Gee, you look ill," said the nurse. "Are you well today?"

"Oh, yes, I'm fine," I answered, taking a deep breath.

"Well...well you let me know if you ever need anything, okay?" she said softly.

"Okay, I will. Thank you," I said, feeling relief as she walked away. Then I jumped up and pressed my cheek into the corner bars and peered down the tier after her, to make sure she was gone.

I never have finished reading *Dead Man Walking*. ❖

Jarvis Jay Masters is a frequent contributor to *Turning Wheel*. He is an African American on death row in San Quentin Prison, where he writes and practices Tibetan Buddhism. His book, *Finding Freedom: Writings from Death Row*, (Padma Publishing) is available from the BPF office for \$15 postpaid. Jarvis can be contacted c/o San Quentin Prison, P.O. Box C-35169, Tamal, CA 94974.

WHAT KIND OF BUDDHA IS THIS?

A personal experience with judicial execution in America

by Kobutsu Malone

Writing about the death penalty is, for me, an exercise in recalling the most shocking and brutal experience of my life. For the last six years, I have been involved in prison activism, teaching Zen in prisons, and corresponding (via the magazine of the Engaged Zen Foundation, *Gateway Journal*) with hundreds of prisoners in the American prison systems. In 1996, I served as spiritual advisor to one of our correspondents, Jusan Frankie Parker.

Jusan Parker was the first death row prisoner to write to us, in March 1996. He was a Buddhist practitioner with a truly outstanding grasp of the Buddha's teachings and a remarkable personality. The Engaged Zen Foundation conducted two international letter writing campaigns to two Arkansas governors, begging for clemency on his behalf. We petitioned to have his death sentence commuted to a sentence of "Life in Prison Without the Possibility of Parole." The petition process continued until he was executed on August 8th, 1996. I was present with him when, as we chanted the three refuges together, poison was injected into his body. He died in a matter of minutes.

My experience with Jusan put me in a position that few people ever have to deal with: witnessing the judicial execution of another human being. Before coming into contact with Jusan, I held an intellectual opinion in opposition to the death penalty—but in truth, I never really thought about it. Standing by Jusan as his friend, as his brother, changed me in a profound way.

I learned a lot about judicial execution during the last few months of Jusan's life. My most shocking realization was just how petty and political the process of extinguishing a human life can be. As I mentioned, in Jusan's case we dealt with two different governors. Governor Jim Guy Tucker was under federal indictment and at trial for Whitewater-related charges when I first heard from Jusan. While under indictment he signed a death warrant for Jusan, setting his execution for May 29th, 1996. On May 24th, he granted Jusan a reprieve and re-set his execution date for September 17th, 1996. On May 28th,

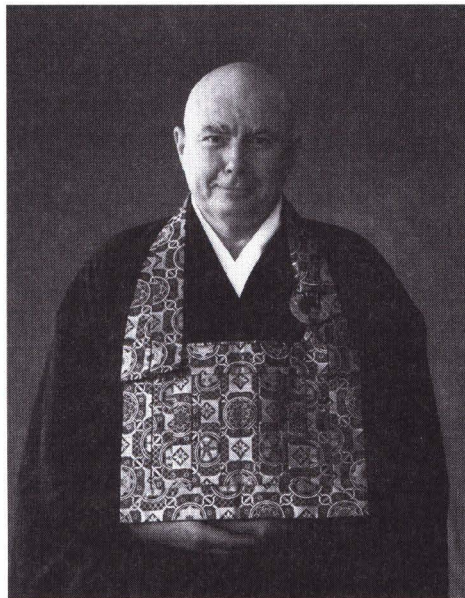
Governor Tucker was convicted of two federal felonies and announced that he would resign as governor on July 15th. At the time, I hoped that Governor Tucker, himself a felon and destined to leave office in disgrace, might be amenable to granting Jusan a reprieve as a departing act of mercy.

According to Arkansas statute, the governor is required to act on any reprieve at least 30 days before leaving office. When June 15th, the deadline date, passed without a new death warrant being issued, we knew that all of the appeals to Governor Tucker had failed. We immediately turned our attention to petitioning Lieutenant Governor Reverend Mike Huckabee, who would soon be governor.

At 2 PM on July 15th, in the Arkansas State Capitol Building, instead of resigning as he had announced in May, Governor Tucker's aide announced that he was going to take a leave of absence rather than resign. Within minutes the capitol was in chaos; calls for impeachment were voiced. Finally, Governor Tucker relented and just before 7 PM, Lieutenant Governor Huckabee was sworn in as governor. Within a week, Gov. Huckabee issued his first official proclamation—a death warrant for Jusan that advanced his execution date from September 17th to August 8th. This totally unprecedented action cut six weeks off Jusan's life.

At this writing, there are over

3500 American citizens under death sentence in the United States. We are approaching the 500th execution to take place since the reinstatement of the death penalty in 1976. In the 22 years since, it has become obvious to legal observers that the newly formulated death penalty statutes have failed to achieve just and consistent application of the death penalty. In February of 1997, the American Bar Association concluded that the death penalty is "a haphazard maze of unfair practices" and for the first time in the Association's history called for a moratorium on capital punishment. Some of the unfair practices noted were: the lack of competent and effective counsel for the accused; the racial factors that affect death penalty prosecution; the execution of mentally ill and mentally retarded people; and the use of the death penalty against children in some states in violation



Kobutsu Malone

of international human rights agreements. (Of the 38 states that have the death penalty, only fourteen have a minimum age of 18 [at the time of the crime]. Four use 17 as the minimum age, and the other 21 jurisdictions have set a minimum age of 16.)

The political aspects of the death penalty are by no means limited to the actions of a governor for career advancement and aggrandizement. The governor is actually only the last link in a long political chain. The initial link of the chain is forged at the beginning of the death penalty process, with the discovery of a suspected capital crime. A law enforcement agency is the first party to become involved in providing an initial opinion as to the possible events that have taken place. Somebody decides what evidence to collect. Some of it might be quite concrete, some perhaps not so clear, and some perhaps conjecture. An investigator decides which of this evidence is to be presented to the prosecutor. The circumstances surrounding the crime, the public's attitudes toward the crime, the current political rhetoric about crime, the place of occurrence and the nature of the crime scene are factors which enter into the decision-making equation. The racial and social standing of the suspects are all factors.

When evidence is presented to prosecutors, additional factors enter into the picture. In most situations the prosecutor is an elected official. It is not uncommon for politically ambitious attorneys to start their careers working as prosecutors. Zealous prosecutors may take every opportunity to speak with the media, calling news conferences or holding press briefings in high-profile or sensational cases. The association of the prosecutor's name with an apparent attempt to appear "tough on crime" conveys a political message. A prosecutor can draw public attention by choosing specific cases to prosecute with particular vigor, while placing less emphasis on more mundane cases. And there are few cases that a prosecutor is likely to handle which garner as much media attention as a death penalty case. For a prosecutor who might be seeking re-election, a higher office, or judgeship, taking on a death penalty case directly before election time can be of tremendous political advantage. Prosecutors have been known to personally take death penalty cases around election time that they would customarily allow assistant prosecutors to handle.

Aside from political considerations, prosecutors are also faced with financial considerations when proceeding with a capital case. A death penalty case always requires more preparation time, more research, more trial time and substantially more funding than a case involving a less serious penalty. A prosecutor's decision to push (or not to push) for the death penalty can part-

ly hinge on the financial and human resources at his or her firm's disposal. Thus the application of the death penalty sometimes hinges on factors that have nothing to do with the seriousness of the crime or the guilt or innocence of the accused.

At trial, a whole new layer of opinions, decisions, and attitudes are introduced into the process. Now the accused, his attorney, a judge, and a jury, with their accompanying human natures, are added to the mix. The vast majority of those accused of capital crimes are indigent, can't afford private counsel, and will have a court-appointed representative. Depending on the venue of the trial, the choice of a defendant's legal counsel may rest in the hands of the presiding elected judge.

A judge might choose an outstanding attorney for a defendant, or an attorney fresh out of law school who just squeaked by the bar exam and has no courtroom experience whatsoever. Obviously, the judge's choice in such matters could spell the difference between life and death for a defendant. The judge's choice in representation is influenced by

many factors. For example, the judge could have been a former prosecutor; in all likelihood he or she knows and works with the prosecutor on a regular basis; they could be golfing buddies; the prosecutor could belong to the judge's political party and be up for re-election. Or the choice of a defense attorney could rest on such a mundane circumstance as which page happened to open in the judge's Rolodex. The possibilities are endless.

In 32 of the 38 states with death penalty statutes, judges are elected, and the success of a candidate for a judgeship depends entirely on public perception. Judges as well as prosecutors are highly sensitive to the public's perception of their decisions. Although a judge takes an oath when entering office to uphold the Constitution, he or she may be faced with a choice between vigorously upholding the Bill of Rights on behalf of an accused murderer, or winning the next election. It may be easier to ignore some facts at trial in order to appear "tough on crime" for one's constituents.

Since the reinstatement of the death penalty in 1976, all death penalty trials in the United States are bifurcated, that is, divided into two phases: a guilt phase (where a defendant is found guilty or not guilty) and a sentence phase (where those adjudged guilty are sentenced to be executed or to a lesser penalty.) Juries in death penalty cases are required to be "death qualified." That is, in the jury selection phase of the trial potential jurors are asked if they are willing and able to convict a person of a capital crime or hand down a death sentence if they feel it appropriate. Any juror who expresses doubt about being able to take part in a proceeding that might

Last year, the American Bar Association concluded that the death penalty is "a haphazard maze of unfair practices" and called for a moratorium on capital punishment.

What kind of Buddha is this? What kind of Buddha is this? What kind of Buddha is this?

result in the taking of a human life is automatically excluded from serving on a capital case jury. "Death qualification" also selects for other values besides being willing to judge an individual who might be sentenced to death. People who support the death penalty are likely to be more inclined to hand down harsher sentences than those who don't support the death penalty. Death penalty supporters may be more in sympathy with police and prosecutors than with the defense. The net result of "death qualification" in capital juries is that juries in death penalty cases are deliberately stacked against the defendant more than in any other judicial proceeding in the United States.

The seriousness and finality of the death sentence demands careful judicial review, and the courts take this responsibility seriously. There are three levels to the appeals process for a person convicted of a state capital offense: the state appellate courts, the federal circuit courts, and finally the United States Supreme Court. Appeals might take a decade or more to wind through the various courts. During this time the convicted felon will be housed in a maximum security prison, most likely in a segregated "death row" with others awaiting execution.

The last resort in most, but not all, death penalty states may be an appeal to the governor for clemency. Such appeals are rarely granted, particularly since the death penalty has figured as a major factor in gubernatorial races. New York Governor Mario Cuomo lost to George Pataki in 1995 based primarily on Pataki's attack on Cuomo for vetoing death penalty legislation during the 12 years he was governor. In the present social and political climate a governor would probably commit political suicide by granting clemency to a death row prisoner.

Many of our present social values concerning crime, punishment, and particularly the death penalty seem to have arisen since the collapse of the Soviet Union. Public opinion since the fall of "the evil empire" has shifted from being concerned that elected officials are "soft on communism" to concern about them being "soft on crime." Having witnessed the collapse of our historical "common enemy," we now find ourselves turning our attention to a new "common enemy": our own citizens who stand accused and convicted of crimes.

In spite of falling crime rates, the unbelievable rate of incarceration of American citizens (presently over 1.8 million Americans are behind bars), and the ever-increasing evidence of the psychopathological nature of crime, many Americans have a mean-spirited attitude toward those accused of crimes. And on the whole, the American people are poorly informed about criminal justice and death penalty issues.

The premises that punishment is an effective remedy in dealing with crime, that punishment is a deterrent to

future crime, and that vengeance and retribution are acceptable public policy are widely held values in the United States. American Buddhists are products of the society that holds these values. So for some Buddhists, the thought of questioning the notion of punishment may never have arisen, because punishment is so deeply embedded in our society. But the choice to deliberately walk on the path of awakening involves constant and profound questioning of every facet of our lives, including our responsibility to society as a whole. I trust that some of the information presented here about the death penalty will prompt my fellow Buddhists to investigate the death penalty in greater depth.

As a Rinzaï Zen Buddhist priest and a death row chaplain, I must ask myself, when faced with a human being who is about to be executed, "What kind of Buddha is this?" Jusan Frankie Parker wrote an after-death statement less than two hours before he was executed. I read his statement aloud at the press conference that followed his execution. Read his statement and ask yourself, "What kind of Buddha is this?"

*The Death House, Cummins Prison, Varner, Arkansas
August 8th, 1996 7:22 PM. After-Death Statement:*

For eight years I have worked on kindling a small light of compassion out of deep remorse for the pain I have caused. This flame is now extinguished. I pray that through some miracle, this light may be rekindled in the heart of another who experiences deep and profound remorse. Saul of Tarsus was one such spirit. I pray that others who have committed heinous crimes may find the spark that I have kindled an inspiration and spread the flame of compassion to illuminate the entire universe, so that all beings may realize the fundamental compassionate nature that resides in all of us.

*Thank you,
Jusan Fudo Si-Fu Frankie Parker*

[Executed by The State of Arkansas at 9:04 PM, August 8, 1996] ❖

Kobutsu Kevin Malone is a Rinzaï Zen priest and mechanical engineer who has practiced Buddhism for 30 years. In 1992, he established the Dharma Song Zendo in the infamous Sing Sing Prison in New York, and in 1996 founded the Flowering Dogwood Zendo in the Adult Diagnostic and Treatment Center, a state prison for repeat sex offenders in Avenel, New Jersey.

Kobutsu cofounded the Engaged Zen Foundation (EZF) in 1994. It supports Buddhist meditation groups and zendos in prisons, and provides prisoners with dharma instruction, books, and publications. Gateway Journal (circ. 3000) is the only magazine in the world dedicated to contemplative meditative practice behind bars. For more information about EZF and Gateway Journal, contact Engaged Zen Foundation, PO Box 700, Ramsey, NJ 07446-0700. Tel: 201-236-0335.

Website: <http://www.xwinds.com/ezf/gateway.html>.

THE RACIAL ASPECTS OF CAPITAL PUNISHMENT

by Michael Ross

"The evidence shows that there is a better than even chance that race will influence the decision to impose the death penalty: A majority of defendants in white-victim crimes would not have been sentenced to die if their victims had been black."

So wrote the late U.S. Supreme Court Justice William Brennan in a dissenting opinion in which he criticized the Court majority for continuing to uphold a "capital sentencing system in which race more likely than not plays a role."

The question of racial discrimination in death penalty prosecutions has prompted a fierce, ongoing debate. In fact, racism was one reason why now-retired U.S. Supreme Court Justice Harry Blackmun decided to

Killers of whites are far more likely to be sentenced to death than killers of blacks.

openly deplore the continued use of the death penalty in this country, stating: "I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed. It is surely beyond dispute that if the death penalty cannot be administered consistently and rationally, it may not be administered at all."

There is much evidence to show that race is an important factor in determining who will be sentenced to die for a crime and who will receive a lesser punishment for the exact same crime. Extensive research on capital sentencing patterns over the past 20 years has repeatedly found that racial influences, whether conscious or subconscious, deeply permeate decisions of life and death in both state and federal courts throughout our country.

One clear demonstration of this is the makeup of the current death row population. According to the NAACP's quarterly publication, "Death Row, USA," as of January 1, 1998, 1380 (41 percent) of all death row inmates in America were black, despite the fact that blacks comprise only about 12 percent of the national population. In many states, blacks condemned to death outnumber whites condemned to death (See Sidebar: "Black Majorities on Death Row").

While comparisons of the racial composition of death row inmates clearly reveal racial bias, of far more significance is the racial disparity found when one examines the race of murder *victims* in death penalty cases. Here we find compelling evidence that even today the death penalty is reserved mainly for those who murder "whites only."

Between 1976, when the death penalty was reinstat-

ed after a brief moratorium, and January 1, 1998, 435 death row inmates were executed for the murder of 583 victims. In fact, 482 (83 percent) of those victims were white and only 72 (12 percent) were black, even though there is nearly an equal number of black and white murder victims every year. Furthermore, while 130 black death row inmates have been executed for the murder of whites, only seven white death row inmates have been executed for the murder of blacks (a 20-1 ratio).

Numerous studies have been conducted to try to quantify the actual extent of racial disparity in capital cases. One of the earliest was a study done in the late '70s by William Bowers and Glenn Pierce, both from Northeastern University. They compared statistics from all criminal homicides and death sentences imposed in Florida, Georgia, Texas, and Ohio. Death sentences in those four states accounted for 70 percent of all death sentences imposed nationally at that time. They found that although most killers of whites were white, blacks who killed whites were disproportionately more likely to receive the death sentence than any other group.

In Florida and Texas, for example, blacks who killed whites were, respectively, five and six times more likely to be sentenced to death than whites who killed whites. And among black murderers in Florida, those who killed whites were 40 times more likely to get the death penalty than those who killed blacks. No white murderer in Florida had ever been sentenced to death for the murder of a black up through the period studied. (A white man sentenced to death in 1980 for killing a black woman was the first white person in that state to ever be sentenced to death for the murder of a sole black person and he has yet to be executed).

Several other studies, conducted in a variety of capital punishment states, have arrived at the same conclusion: Killers of whites are far more likely to be sentenced to death than killers of blacks.

In the early 1980s, a study was conducted in Georgia by Professor David Baldus, who sought to discover why killers of white victims in that state had received the death penalty approximately 11 times more often than killers of blacks.

He found that the two most significant points affecting the likelihood of an eventual death sentence were the *prosecutor's decisions* on (1) whether or not to permit a plea bargain and (2) whether or not to seek the death penalty after a capital conviction. He also found disturbing evidence that black victim cases were far more likely to result in pleas to manslaughter, and upon a murder conviction the death penalty was less likely to be sought when there was a black victim.

Perhaps most disturbing was Baldus' finding that the levels of aggravation in murders involving black victims

had to be substantially higher than those involving white victims before prosecutors would even consider seeking the death penalty. Similarly, a study done by Michael Radelet and Glenn Pierce, "Race and Prosecutorial Discretion in Homicide Cases," found a tendency by many prosecutors to "upgrade" cases with white victims and "downgrade" those with black victims. Another study reported: "Since death penalty cases require large allocations of scarce prosecutorial resources, prosecutors must choose a small number of cases to receive this expensive treatment. In making these choices they will favor homicides that are visible and disturbing to the community, and these will tend to be white-victim homicides." (Gross and Mauro, "Patterns of Death: An Analysis of Racial Disparities in Capital Sentencing and Homicide Victimization.")

In 1987, the U.S. Supreme Court examined the issue of racial discrimination in the death penalty in the landmark case of *McCleskey v. Kemp* to determine if Georgia's capital punishment system violated the Equal Protection Clause of the Fourteenth Amendment. The Court demanded a seemingly impossible (and, for many observers, a clearly unfair) level of proof: the defendant was required to show either (1) that the decision makers in his particular case had acted with a discriminatory intent or purpose, or (2) that the Georgia state legislature had enacted or maintained the death penalty statute because of an *anticipated racially discriminatory effect*.

The Court, by a narrow 5-4 majority, concluded that statistics alone do not prove that race entered into any one particular case of capital sentencing. They noted that: "Despite McCleskey's wide-ranging arguments that basically challenge the validity of capital punishment in our multiracial society, the only question before us is whether in his case...the law of Georgia was properly applied."

In a dissenting opinion, Justice John Paul Stevens noted, "The Court's decision appears to be based on a fear that acceptance of McCleskey's claim would sound the death knell for capital punishment...If society were indeed forced to choose between a racially discriminatory death penalty (one that provides heightened protection for whites) and no death penalty at all, the choice mandated by the constitution would be plain."

It is interesting to note at this point that two of the justices who in 1987 voted with the majority to uphold the death sentence now believe that they made the wrong decision. Both former Justices Lewis Powell and Harry Blackmun have now stated publicly that they should have voted with the minority. That would have made the decision 6 to 3 in favor of McCleskey, which would have effectively outlawed capital punishment as racially biased, and therefore in violation of the Equal Protection Clause of the Fourteenth Amendment.

We cannot continue to live with the illusion that capital punishment works in the perfect, unbiased manner that we desire. While we may wish otherwise, race plays

an indisputable part in our capital punishment system. The overwhelming evidence is not speculative or theoretical; it is empirical.

The figures vary slightly from state to state, but the underlying conclusion remains the same: the murder of a white person is worth greater punishment than the murder of a black. This is clearly unacceptable and can no longer be tolerated. As Justice Brennan once wrote: "We have demanded a uniquely high degree of rationality in imposing the death penalty. A capital-sentencing system in which race more likely than not plays a role does not meet this standard."

Those who favor the abolition of the death penalty do not advocate the release of convicted murderers into society. Society has the legitimate right to be protected from violent individuals. The choice is not between the death penalty and unconditional release, but between the death penalty and meaningful, long-term sentences. ♦

Michael Ross been an inmate on Connecticut's death row since June 1987. He is currently under a stay of execution pending the resolution of the appeals process. He expects to be executed by the new millennium.

Black Majorities on Death Row

Black inmates constitute absolute or near majorities on death rows in the following states, according to the 1998 edition of the NAACP's "Death Row, USA":

- Louisiana—52 (72%) of 72 death row inmates are black. Blacks make up 36% of the state population.
- Mississippi—34 (54%) of 63 death row inmates are black. Blacks make up 36% of the state population.
- North Carolina—99 (50%) of 197 death row inmates are black. Blacks make up 23% of the state population.
- Virginia—21 (51%) of 41 death row inmates are black. Blacks make up 19% of the state population.
- Illinois—104 (63%) of 165 death row inmates are black. Blacks make up 15% of the state population.
- Maryland—14 (82%) of 17 death row inmates are black. Blacks make up 25% of the state population.
- New Jersey—7 (47%) of 15 death row inmates are black. Blacks make up 15% of the state population.
- Ohio—87 (49%) of 179 death row inmates are black. Blacks make up 10% of the state population.
- Pennsylvania—130 (61%) of 213 death row inmates are black. Blacks make up 10% of the state population.
- Blacks fare no better with the federal government. Of 24 death row inmates confined for federal crimes (U.S. military and U.S. government jurisdictions), 15 (63%) are black.

WRONGFUL CONVICTIONS

by Susan Moon

It's hard to write a report about a conference and not be boring. But I'm bound to try, because I was recently lucky enough to attend a conference in Chicago, at Northwestern University Law School, on "Wrongful Convictions and the Death Penalty," which really opened my eyes and inspired me. So I *have* to tell you about it!

There must have been at least 1,500 people at the conference, mostly lawyers and law students as far as I could make out, and others who work on the issue: investigators, social workers, journalists, psychologists. And among all these people were 30 special guests who came from the other side of the fence, so to speak—30 of the 75 men and women in this country who have been convicted of a capital murder, sentenced to die, served time on death row, and then released when evidence of their innocence came to light. One man lived 21 years on death row for a murder he didn't commit.

Another came within 14 hours of his execution. All during the course of the conference, with its many concurrent sessions, in a classroom designed to look like a courtroom, the wrongfully convicted told their stories one by one.

I heard Muneer Deeb tell how he came alone from Jordan to Texas and entered college as an engineering student. (In reconstructing his story from my notes, I may not be 100 percent accurate, but the general picture is right.) He had no friends or family in this country, but he began to make some acquaintances, including a deputy sheriff who frequented the same bar he did. When a brutal triple murder took place in Waco, Texas, the deputy sheriff, looking for advancement, promised to find the murderer. He didn't like Arabs, and so he chose Muneer Deeb to be the murderer. Mr. Deeb was brought in for questioning, passed a three-hour polygraph test showing "no deception at all," and was released. The deputy sheriff was fired, for his bungled investigation. Angry, he told Mr. Deeb he'd get

him yet. The deputy got a job as a prison warden, went to work making deals with inmates willing to point the finger at Mr. Deeb, and months later, Mr. Deeb was pulled from the classroom and arrested again. His family in Jordan offered to help with money for his defense, but he said no, he couldn't possibly be found guilty since he was innocent and didn't even know the victims. But his court-appointed lawyer was just out of law school, was a drug addict, and the jury laughed at him when he spoke.

The prosecution, to explain the fact that Mr. Deeb was far away in another town when the murders happened, said that he hired a killer to murder his ex-girlfriend. And to explain the fact that he didn't know the victims, they said that the hired killer murdered the wrong woman by mistake, and then murdered the two witnesses. On the testimony of jailhouse informants, Mr. Deeb was found guilty and sentenced to death. On death row, he decided to do his own appeal. He figured



San Quentin State Prison Lethal Injection Table

he couldn't possibly do any worse for himself than the court-appointed lawyer had done. He didn't know English very well yet, so with the help of three English dictionaries he studied in the prison law library, 10 hours a day for nine months. Then he wrote an appeal brief, 120 pages long, and sent it to the judge. He heard nothing for months. He wrote another appeal brief of 60 pages, and sent that to the judge, and he waited some more.

In the meantime, he took a college correspondence course. He wanted to finish his college degree. A guard asked, "What do you want to go to college for? You're going to die." He replied, "If I get a good education, maybe God will give me a good job in heaven." And he told us, as we sat in that law school classroom, "Maybe my body wasn't free, but I was free."

Finally, years later, the appeal judge granted him a new trial. This time he accepted help from his family to hire a skilled attorney, and in his second trial, the jailhouse informants did not testify and he was acquitted,

after eight years on death row. This was not the end of his suffering. It had been a high-profile case, and the media doesn't bother to redeem a person's reputation. Mr. Deeb was a pariah in Texas, and had to move to another state, to take up a new life.

He told this story in a measured voice, as if making an effort not to fall apart, to hold back from bitterness. Someone in the audience asked him how it felt to tell his story; was it hard for him to go back over all this suffering? He said that when he was released he made a vow to tell his story whenever he had the opportunity, on behalf of all those he left behind in prison who didn't have the chance to make their voices heard.

The high point of the conference for me was a plenary session one afternoon, in a huge auditorium, in which the 30 wrongfully convicted people introduced themselves to us in a beautifully designed ritual which I would have expected more from Buddhists than from lawyers. One by one, they came out on the stage and up to the microphone. "I'm Dale Johnson, from Ohio. I was accused of a murder I did not commit. I was sentenced to die in 1982 and released in 1990. If the state of Ohio had its way, I would be dead today." The name, the state, and the dates changed; the refrain was the same. "If the state of Florida had its way, I would be dead today." "If the state of Texas had its way, I would be dead today." After each person introduced himself or herself, he or she was handed a sunflower, put it in a vase, and sat down. As the bouquet of sunflowers grew and the 30 chairs on the stage filled, the sense of awe grew. All these lives were almost taken by the state. More accurately, all of these lives *were* taken by the state, were crushed and mangled by the state, but the people before us took them back. That they had been able to reclaim their lives even a little; that they were not silenced, but had the courage to come forward into the spotlight, stigmatized as they were, and speak, not on their own behalf, for they were now released, but on behalf of all those left on the death rows of this country—this was inspiring and humbling.

Two were women, the rest men. About half white, half people of color, most of those black. One of the two women was the last to come to the mike. She said her name, her state, her dates, and we waited for her to sit down, but she continued to stand at the microphone, silent, clearly overcome with emotion. Then she added, in a broken voice, "My husband was not so lucky. When the evidence of our innocence came to light, he had already been executed."

When they had all introduced themselves, and the 30 chairs on the stage were filled, and there were 30 sunflowers standing up in the vase, the audience rose in a standing ovation.

I could imagine a position that says: yes, it's a terrible tragedy that innocent people can be sentenced to death. Therefore we must exert ourselves more fully to make sure that capital trials are fair and that the people who are executed are not innocent. But this was not the gist of the conference. The whole point was that the administration of justice is so skewed, especially in capital cases, that the only way to make sure there are no executions of innocent people is to have no executions at all. The wrongfully convicted who told us their stories gave the lie to the whole system: If this can happen, the system is rotten. The particularities of their stories demonstrated the injustice that everybody faces: the jailhouse snitches, the racism, the false confessions extracted by mental or physical torture, the difficulty of getting adequate legal representation, the political nature of the prosecution. Whether somebody commits a heinous crime or not, they do not get a fair trial. Mistakes cannot be corrected. There was complete solidarity among the wrongfully convicted, not only with each other but with those they had left behind. They wanted the death penalty abolished, and they were committed to using their freedom to speak out to that end.

From literature that was distributed at the conference I have chosen several of the case synopses of the 75 "wrongfully convicted." These cases demonstrate a number of recurrent themes. Notice in particular the use of jailhouse informants, torture of suspects to get confessions, and inadequacy of counsel, and on the positive side, the importance of DNA evidence to prove innocence, and the effectiveness of investigative journalism.

**The 13 jurisdictions
that do not have
capital punishment!**



**Alaska
District of Columbia
Hawaii
Iowa
Maine
Massachusetts
Michigan
Minnesota
North Dakota
Rhode Island
Vermont
West Virginia
Wisconsin**



**Rolando Cruz, Illinois. Convicted
1985; Released 1995.**

Mr. Cruz was sentenced to death (together with Alejandro Hernandez) for the kidnapping, rape and murder of a 10-year-old girl. The case against him was built on the testimony of two detectives that Mr. Cruz had told them about a "vision" he had, and that he had accurately described facts of the crime. The detectives had never taken notes about this supposed incriminating statement, had not arrested Mr. Cruz based on the statement, and had never told anyone about it for more than 18 months. Nonetheless, based on this evidence and testimony from some jailhouse infor-

mants, Mr. Cruz was convicted and sentenced to die. Several months after the trial, a man named Brian Dugan was arrested for a similar rape and

*"If the state of Texas had its way,
I would be dead today."*

murder of a little girl. In the course of plea negotiations, Dugan told the authorities that he had committed several murders—including the one for which Mr. Cruz and Mr. Hernandez were on death row—and he provided detailed accurate facts about each crime. Mr. Cruz was given a new trial, but his lawyers were not allowed to inform the jury about all of the compelling evidence proving that Dugan had acted alone in the rape and murder of the girl. Moreover, the prosecution presented the testimony of a new group of jailhouse informants, one of whom claimed that Mr. Cruz admitted to doing the crime with Dugan. A jury again convicted Mr. Cruz and he was again sentenced to death. This conviction, too, was later overturned. Prior to the third trial, DNA evidence excluded Mr. Cruz and Mr. Hernandez as the rapists, and pointed toward Dugan. During the third trial, a Lieutenant in the Sheriff's Department took the stand and admitted that he had lied about the "vision" statement. Mr. Cruz was acquitted and set free. In the aftermath of that trial, a special grand jury issued criminal indictments against three former prosecutors and four sheriff's deputies, charging them with perjury, obstruction of justice, and conspiracy to frame Mr. Cruz. These defendants are set to go on trial in January 1999.

Johnny Ross, Louisiana. Convicted 1975; Released 1981.

Mr. Ross was sentenced to death for a rape he was alleged to have committed when he was 16 years old. The trial—which lasted just three hours—included the prosecution's claim that Mr. Ross had signed a confession after the victim had identified him. Mr. Ross, by contrast, consistently maintained that he had signed a blank piece of paper after he was beaten by his interrogators. On appeal, the conviction was upheld, although the death sentence was vacated and Mr. Ross was sentenced to a term of years. Several years later, tests revealed that the blood type of the rapist positively did not match Mr. Ross's blood type. Based on this new evidence, Mr. Ross was released.

Gregory Wilhoit, Oklahoma. Convicted 1987; Released 1993.

Mr. Wilhoit was convicted of murdering his wife and was sentenced to death. The key evidence against him was forensic testimony that a bite mark on the victim came from Mr. Wilhoit's teeth. The defense counsel who represented Mr. Wilhoit at trial came onto the case just three weeks prior to the trial and never bothered to interview the experts that prior counsel had told him would refute conclusively the prosecution's case. After

the conviction and death sentence were returned, new counsel came in and presented the court with evidence from 11 respected forensic odontol-

ogists who had all concluded that bite marks on the victim could not have come from Mr. Wilhoit. The defense also showed that Mr. Wilhoit's trial counsel had been in a severe accident one year before the trial and had suffered significant brain injury. Moreover, at the time of the trial, his lawyer was severely abusing alcohol and prescription drugs. On retrial, the jury acquitted Mr. Wilhoit of all charges.

Dennis Williams, Illinois. Convicted 1979; Released 1996.

Mr. Williams, along with three other men now known as the "Ford Heights Four," was convicted of a double murder and rape. Mr. Williams and Verneal Jimerson were both sentenced to death for the crime. Mr. Williams was charged based on the statement of a witness who claimed to have seen him near the scene of the crime, and the statement of Paula Gray, a 16-year-old retarded girl, that she held a Bic cigarette lighter for more than 30 minutes as each of the four men raped and murdered the victims. Shortly after telling this to the police, Paula Gray admitted that this statement was a lie and that she had seen nothing. As a result, prosecutors charged her in the crimes as well. On appeal, the Illinois Supreme Court reversed Mr. Williams' conviction based on ineffective assistance of counsel by his trial lawyer who had since been disbarred. In...retrial, Paula Gray testified again that she saw Mr. Williams and others commit the crimes. Mr. Williams was again convicted, and Paula Gray was released. Many years later, she would again recant her testimony and explain that she had been threatened and coerced by the police. In the meantime, police notes that had been withheld from the defense showed that the police had received a significant lead just days after the murder from a witness who had seen the killers leaving the scene of the crime. The police never followed up on the lead because they had already committed themselves to charging Mr. Williams and the others. Following up on these notes, journalists interviewed the identified suspects and obtained admissions from two of the real killers, who made it clear that the Ford Heights Four had nothing to do with the crimes. The admissions of these men were corroborated when DNA testing excluded each of the Ford Heights Four and implicated one of the rue killers. The Cook County State's Attorney dismissed all charges against Mr. Williams and his co-defendants, and obtained convictions of the actual killers. Apologizing to the men for what they had been put through, the State's Attorney explained that this case is a "glaring example" of the system's fallibility. ❖

CONDUCT UNBECOMING

The Tangled Legacy of a Good Soldier

by Dan Hallock

Inside a sturdy building, women are caring for little children. A sudden, searing blast rips the morning air, annihilating hundreds of people and leaving many injured beneath the concrete rubble. Long strands of reinforcing rod, once embedded in the walls and ceilings of the structure, splay outward from a gaping hole—exposed, gnarled, grotesque. Shock gives way to numbed disbelief. Sobs fill the air as rescue workers begin a frantic search for survivors and try to comfort friends and relatives of the dead. Inside, charred silhouettes have captured forever the last motions of children's hands. Outside, a grieving father whispers: "They were all so beautiful, so intelligent. But now..." All that remains of the building is a ghastly tomb.

American hearts and minds have been saturated...with images and reflections surrounding the Oklahoma City bombing; of that particular place and date—the Alfred P. Murrah building, April 19, 1995—when 168 people lost their lives in the single largest mass murder in American history, and the wrenching trial of Timothy McVeigh. One would think we've seen and heard enough, and indeed we have...

The scene described above happened across the world from Oklahoma City, in a building called the Amariyah Shelter. In the early morning hours of February 13, 1991, U.S. Desert Storm forces unleashed a devastating air attack on the city of Baghdad. Hundreds of women and children, who had been living in the Swedish-made shelter for weeks, huddled together against the terrifying thunder of explosions outside. During the "surgical strike" on the city, supposedly intended to destroy strategic military targets only, a spiral bomb struck the roof of the shelter dead center, boring a hole through six feet of cement and multiple layers of steel rod. In the pandemonium that followed the initial blast, some made their way through one set of steel doors, only to find the outer doors still locked. Four minutes after the first explosion, a second firebomb missile plunged precisely through the opening, struck a water tank, and incinerated nearly 1,200 women and children in a flash of heat and steam. Both bombs were made in Texas...

The Timothy McVeighs of this nation—and there are

more of them—are not created in a vacuum. They are raised from little children; their characters are shaped and formed through many experiences and contacts with other people and institutions. The impact we have on one another can be profound, yet we have all but lost the sense of collective responsibility for one another's lives.

McVeigh is a Gulf War veteran. I have been through boot camp in the Marines and spent months aboard a nuclear submarine in the Atlantic, and I know something about the kind of "character building" the U.S. military is interested in. I will never forget the question posed by my gunnery sergeant in a moment of remarkable vulnerability as we stood alone in a darkened office, my knee swathed thickly in bandages from an injury in training: "Son, you know there's a rhyme and reason to all of this, don't you?" I truly believe, in that moment, he wanted to know. My reeling mind took a quick inventory of the preceding months—the incessant screaming, the chanted obscenities,

"McVeigh was a good soldier," said a sergeant in his Army infantry unit. "If he was given a mission and a target, it was gone."

the emotional wrecks of fellow plebes, the early-morning machine-gun fire that set targets ablaze from the sheer friction of so many bullets, the breaking of spirit to foster unquestioning obedience to orders, the incitement to find release in promiscuity and debauchery, and the ever-present mantra to kill, and kill well. It was the first and last time I ever denied a "gunny" to his face. It has been said that the Army's hardest job is not to get raw recruits to risk death, but to break down a visceral reluctance to kill people they don't know and don't hate. The result is a society in which millions of people have been taught to cross a line.

Fragments of McVeigh's experience in the Gulf have come to light. "We were falsely hyped up" to kill Iraqi troops, he told *Spin* magazine in an interview, "and we get there and find out they are normal like me and you...War woke me up. War will open your eyes."

"He was a good soldier," said James Ives, a sergeant in McVeigh's Army infantry unit. "If he was given a mission and a target, it was gone." Members of McVeigh's unit remember him hitting an Iraqi from 1,100 yards with a 25-mm cannon: "His head was there one minute and it was gone the next." Though many soldiers suffered emotionally from the Gulf War's carnage, McVeigh reportedly "took it in stride," and even photographed many dead Iraqis. Some accounts say he

actually buried Iraqi soldiers alive in trenches, using the Bradley fighting vehicle he manned. When he got home, he told his aunt about the killings, boasting that "after the first time, it got easy."

Who among us would not be deeply scarred by such

The message we gave this twisted young man was loud and clear: "You did good. It is good to kill, kill and kill well."

an experience? Who among us would not recognize the crying need to help such a person toward normalcy again? Instead, we decorated McVeigh as an Army hero: showered him with medals, including a Bronze Star and the coveted Combat Infantry Badge. The message we gave this twisted young man was loud and clear: "You did good. It is good to kill, kill and kill well."

But wait a minute, Timothy McVeigh...We forgot to tell you something. We forgot to say that it is only good to kill *certain people* well; people who are...well...not American.

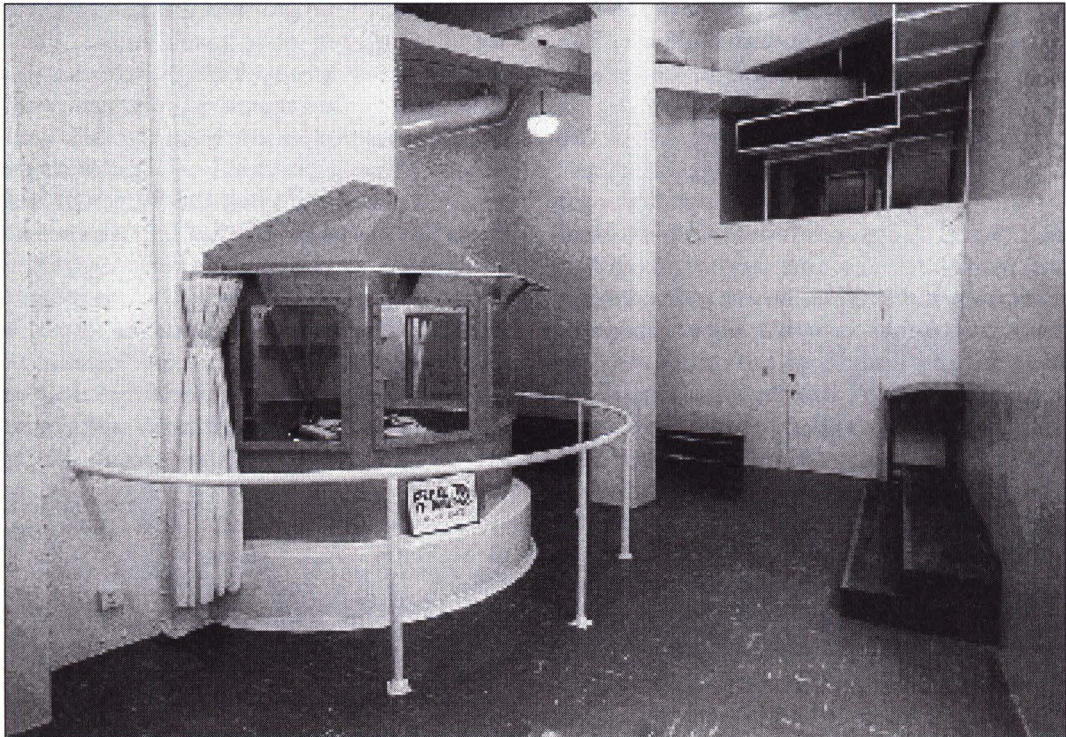
Perhaps McVeigh's hatred against the "system" is not entirely misplaced. Is American pain the only genuine pain, the only poignant pain? Does the pain of Mohammad Ahmed Khader, a Palestinian professor at the University of Baghdad, who lost his wife and four

daughters in the Amariyah Shelter blast, move us? How about Raida, the mother who lost all nine of her children in the shelter bombing after she left them to do the family's laundry? And what about the family of the Iraqi soldier whose head was there one minute and gone the next? On a much larger scale, are we moved at all to consider that the equivalent of seven Hiroshima bombs showered down on the country of Iraq, and that U.S. sanctions still in effect are directly responsible for the deaths of 1,000,000 Iraqis, most of them young children?

...There are many similar questions we could ask, and must ask, ourselves if we ever hope to begin to grasp the deep issues at hand. The death penalty handed down to Timothy McVeigh should lead us not to self-righteous hand-washing but to self-examination—as a nation and as individuals. The stone-cold face of Timothy McVeigh is the face of us all. We must learn to become appalled once again, at the insanity and hypocrisy of our detachment from one another; from all the peoples of this suffering world. ❖

Dan Hallock, a former Marine, lives at Woodcrest Bruderhof in Rifton, NY.

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THE HARD WORK OF RECONCILIATION

by Sam Reese Sheppard

My teacher, Maurine Myoon Stuart Roshi, said it was time for me to take my practice to the world. Heartened, but saddened, I would spend less time in the zendo and more in the prison visiting room, with those on death row or with others lost in the morass of "doing time."

Months passed by. I spoke out for alternatives to the death penalty, a significant step for me in the light of my own history. I have joined forces with those in opposition to the death penalty, but prefer to talk about positive action, as part of the struggle for world-wide human rights.

And I made my prison visits. I looked forward to the March sesshin, but Maurine died before we could meet again. I would have to take my practice out in the world without her great guidance.

Some say that the greatest meditation is the meditation upon death.

The United States was birthed in a crucible of violence, through the horrors of slavery, the near genocide of the native population, and the hangings of women, young and old, in New England. Our national psyche bears scars from all of this, but little do we talk of the shame of our American past. We look little into the face of death. Ignoring the legacy of the lynch mob, we push death down to the nether world of ignorance and fear, thus coming to believe in death as a punishment.

If we learn about death, if we accept the greatest transition in life, we will lead better lives.

*The prosecutor asked a jury to condemn
my father to death, to execute him.
I call this terrorism.*

On the Fourth of July, a month and a half after my seventh birthday, my mother was murdered in her bed. She was four months pregnant, and died in a halo of blood. Such an atrocity is no excuse for the public to lose control, to be manipulated into the hysteria of the lynch mob. Every year, criminal cases turn into huge public sensations that generate large amounts of money for the media industry and are used as stepping stones for lawyers and politicians to further their careers, at the same time that they cost taxpayers millions of dollars. (The death penalty costs 90 million dollars a year in

The pop psychology that says that victims' families can find "closure" trivializes a difficult, lifelong journey.

California, in prosecution and maintenance, and eats up many hours of court time.)

In my own family's case, public hysteria was whipped into a frenzy by the media. My father, a young physician, was arrested. Five months after my mother's death, in a trial by newspaper, he was convicted of murder. The prosecutor asked a jury to condemn him to death, to execute him. I call this terrorism. Fortunately for me, he was *not* sentenced to death, but to life in prison.

Evidence of my father's innocence continued to come to light, and 12 years later, in a fair trial, he was found not guilty. But by that time his life was in shambles and he died four years later, of liver damage caused by malnutrition in prison, drinking, and most of all, a broken heart.

After my mother's death, the adults in my life lived in fear and shock. No one sat down with me to look me in the eye and talk about murder and death, to cry with me, to help me realize and finally accept this tragic loss in my life. I simply refused to believe it. I thought I saw my mother; I heard her call me. At odd times I would cry, for no apparent reason. As I matured, I traveled the depths of unresolved grief and trauma.

I belong to a group called Murder Victims' Families for Reconciliation. I prefer the word "reconciliation" to the word "forgiveness" because people associate forgiveness with release from responsibility. Reconciliation demands hard work from all concerned. Our group knows the death penalty to be a cruel charade, used in the politics of division and fear. We know that finding equilibrium in a hurt and hurting world takes both internal work and outside action. We need people with religious and spiritual knowledge. We need a therapeutic community to work with the victims' families. When will our country and our communities own up to the problem of violence and its aftermath? It is our problem!

One popular rationalization for the death penalty that we hear from politicians is that it offers closure and healing to the victim's family. Yet violence to relieve past violence only perpetuates more violence. Great teachers in many traditions, Buddha and Christ included, have told us this for centuries. Executions are bad for mental health, both personal and public. The pop psychology that says that victims' families can find "closure" trivial-

izes a difficult, lifelong journey.

We need people who can step up and take the hands of the families of both victim and offender.

If you want to put your faith to the fire, please sit down and listen to the harrowing tales that the victims' families have to tell. Offer a hand to hold or a shoulder to cry on to the parent who has lost a child to senseless murder. And this offering must be similar to the practice of *zazen*: without agenda, without judgment. (Contact Parents of Murdered Children, or other crime victims groups in your area.)

Often the families of the victim and the offender receive similar treatment from society. People do not want to be around them because they do not want to be exposed to their deep pain.

There is great power in deep grief. The political process exploits this power for its own ends, turning grief into soundbites for the evening news, to feed the monster of violence.

How can we become more humane? Reconciliation must extend far beyond the victim and the offender. Often the families of the victim and the offender receive similar treatment from society. People do not want to be around them because they do not want to be exposed to their deep pain.

We live in a country where children can get cheap handguns on the street, where they can see 20,000 murders on T.V. by the time they are 18, where they are old enough to be executed before they are old enough to vote or join the Army. How do we reconcile with these forces?

The death penalty symbolizes all that is wrong in our country—the classism, the racism, the failure of our health care system to treat the mentally ill and the mentally challenged, the willingness to try to solve our social problems by military means. We must find the heart to sit with one another in peace and to share the pain of violence. We who are the victims' families need the eyes and ears of other compassionate human beings to help us look into the mirror, to reflect our souls back to us. We all need to see the futility of adding to the pain and violence in our world by the use of the death penalty. ❖

Sam Reese Sheppard lives in Oakland and travels all over the country speaking out for alternatives to the death penalty. He is a Zen practitioner. With Cynthia Cooper he is the author of Mockery of Justice, a book about his mother's murder and his father's unfair conviction for that murder, in a case that was highly sensationalized in the 1950s, and was the basis of a popular television show and recent movie called The Fugitive.

IN PURSUIT OF HEALING

by Bill Lucero

All mortals born cannot avoid dying; after reaching old age there is always death: such is the nature of living beings. As ripe fruits are early in danger of falling, so mortals when born are always in danger of death. Yet in whatever manner people think a thing will come to pass, it is often different when it happens. He who seeks peace should draw out the arrow of lamentation, complaint, and grief; then he will be blessed.

—The Gospel of Buddha, edited by Paul Carus

For the past 21 years I have lobbied, witnessed, and spoken out against the death penalty. I don't do this because I'm a "bleeding heart." My opposition to capital punishment arises from personal loss, gradual resolution of my pain, and a desire to help others to get beyond their own personal suffering.

One Tuesday evening in 1972, my grandfather called to tell me of my father's murder in Santa Fe. Dad had married his fourth wife a few months earlier. Their rela-

Healing is more likely to occur as the result of forgiveness than of vengeance.

tionship was extremely emotional and unpredictable. On that Tuesday, Dad walked into the kitchen to find her contemplating suicide, holding a gun to her head. Reflexively, he threw his hot cup of coffee at her in an attempt to disarm her. She turned the gun toward him, fired once, and the bullet struck him in the chest. She was found not guilty of manslaughter, due to temporary insanity. The judge confined her to a mental institution for two years, whereupon she was released to the custody of her parents.

What happens to a person when a loved one is murdered? We might think we know how we would feel, but until such a moment arrives, we haven't a clue. Many people assume that survivors experience rage and a desire to "get even" with the killer, and there are some who do. My grandfather was one who could not get beyond his anger. A year after the trial he died of heart failure, but I believe it was really his unfulfilled desire for retribution that wore him down. As for me, I fell into a state of depression and repressed grief that lasted for many years. With the help of therapy and Buddhist practice, among other things, my thinking processes

gradually shifted in the direction of hope and reconciliation. And an unconscious, healing mechanism was at work that to this day I still don't understand.

My father and I experienced a varying distance in our relationship. We hadn't spoken for several months before his death. My grief at his death was greatly intensified by my own guilt over our unfinished business and unresolved issues.

When I married, some years before Dad's death, I told my wife I thought having children was a totally selfish act and that I wasn't about to add to the world's overpopulation. Following Dad's death my attitude changed. A year later, we had a son, and I found myself vowing never to let an opportunity pass for us to spend quality time together. I realized that life was comprised of daily experiences, and my son saw to it that a new discovery was made each day.

Years later, I met a woman named Marie Deans, whose mother-in-law had been brutally murdered by an escaped convict. We talked at length about the futility of trying to overcome grief through retribution. Marie and I, along with other survivors (we didn't like to refer to ourselves as "victims") established Murder Victims' Families for Reconciliation (MVFR). Our purpose was to educate the public about the folly of the death penalty, and to bear witness to the fact that healing is more likely to occur as the result of forgiveness than of vengeance. At the time I had been questioning my Unitarian rationalism, and I was increasingly intrigued by Taoist and Buddhist traditions. Thus, I wanted to focus on getting past anger as a step toward a more meaningful life.

Several years ago, I arranged for Sister Helen Prejean to speak to legislators and the public at an MVFR event in Topeka. I had seen and admired the way Helen conversed with victims' families who favored the death penalty. On that day in Topeka, she facilitated a meeting between Reverend Bob Keller and myself. Bob's 12-year-old daughter had been raped, sodomized and murdered three years earlier, and he was struggling with the legal proceedings relating to his daughter's murder.

Bob was the local chapter president of Parents of Murdered Children (POMC), and he invited me to a meeting. Most of the members acknowledged that healing is made more difficult by lengthy capital punishment trial appeals, exposure to the media, and exploitation of their suffering by district attorneys. Though consensus regarding executions was not reached, a meaningful dialogue took place, and respect grew between members who were pro- and anti-death penalty. Knowing I was Buddhist, Bob asked me if I would have difficulty reciting the Lord's Prayer at the end of the meeting. I replied, "absolutely not," and then belted out "... as we forgive those who trespass against us," during the recitation, causing him to smile despite his typical solemnity.

Eventually Bob and three other POMC members eloquently witnessed against the resumption of executions before the Kansas Legislature. Nevertheless, a limited capital punishment statute was eventually enacted in the state, and as I write, three prisoners await execution on Kansas' death row. I'm saddened that in all this time, we, who call ourselves civilized, can't find a better means to deal with crime and murder.

I now work with the state's most violent juvenile offenders. I teach them Conflict Resolution and Stress Management techniques, using Hatha Yoga and meditation. Some youths are put off by it; others tell me their lives have been transformed by the practice they have developed. I continue to see hundreds of misdirected young people passing in and out of the gates of the Juvenile Correctional System. The best I can do is try to give them a glimpse of a gateless gate and work for the day all beings are free of suffering. ❖

Bill Lucero is a husband, father, psychologist, Kansas Coordinator of Murder Victims' Families for Reconciliation and a member of the South Wind Temple of the Kwan Um School of Zen.

Monday Mornings

*We sit behind bars together,
aware of slamming steel, shackling,
and the swinging door
of our one breath.*

*Inside the locked gates
of his world
I adjust his posture.*

*He says:
"When I meditate, it's like
I'm not in jail."*

*Later:
"There is, deep inside me,
a good person."*

*I listen, vowing
not to judge this young man
for the worst thing he ever did:
the cutting out of his wife's tongue.*

*We sit together like this
every Monday morning.*

—Martha de Barros

THE KARMA OF THE DEATH PENALTY

by Rev. Ho Bang William Edwards

As a Buddhist minister, I see the term “death penalty” as an oxymoron. How is death a penalty?...When people are tortured to death, this can definitely be viewed as a “penalty.” But is death by itself a penalty? And if it is, just who exactly is it that gets penalized?

Let’s take this idea of death as a punishment apart and analyze it. Buddhist doctrine in all three of the major Buddhist traditions (Theravada, Mahayana, and Vajrayana) believes that the aggregates—forms, feelings, perceptions, mental formations and consciousness—which all come together to form the individual, fall apart at the point of death. If this truly is the case, what is there left to punish? Can you punish the dead? Hardly.

The bad karma of the perpetrator’s crime is already created and is something that he or she will have to deal with at the time of karmic fruition of the act.

If it is punishment that we are seeking for the criminal, wouldn’t it be more of a punishment to put that person in prison for life? After all, the person would have to deal with the fact that he is in confinement for the rest of his natural life because of the crime he perpetrated.

There is another consideration here. If we are all interconnected, aren’t we as judge, jury, prosecuting

attorney, defense attorney, witnesses and executioner all getting entangled in the murderer’s karma? What is our intention? Remember, in Buddhism the kind of karma that we are concerned about is the karma created by intention. If it is vengeance we are seeking, as opposed to trying to heal a sick situation so that it won’t be repeated, are we not just part of the problem?

From the Buddhist perspective, what would be the effect of throwing the murderer into the death state without first trying to reform that person? Mightn’t we just be putting off the inevitable repetition of another such murderous crime at some point in the future, when this person, the murderer, once again takes physical form? Wouldn’t it be more prudent, from the Buddhist perspective, to put this person in prison for life in order that he could work through his karma and develop in a manner that would enhance him spiritually, so that when he was reborn in the future he would be an asset to human society rather than a threat?

Another concern is the family of the murder victim. If a family loses a loved one through the act of murder, more than anything that family seeks closure to a horribly painful chapter in their lives so that they can move on. Is the death of the murderer a means to that end? Will the death penalty bring closure? Maybe it will, maybe it won’t.

Let’s say for instance a mother is murdered and leaves behind a son. If the murderer is put to death, the son will never have a chance to confront him (as many victims do these days) and have his closure: “Do you realize what you have done to my life?” He will be denied this part of the healing process. In addition, the murderer will not have karmic closure either; he will never have to deal with the pain he caused in the son’s life.

The recent revival of capital punishment is a barbaric detour in the evolution of our human society. And I suggest that it has an adverse effect on our children. If we want our future generations to have reverence for the lives of others, it is imperative that our government pave the way by holding human life in high regard, even the lives of murderers. We are better off as a society putting murderers in a 24-hour controlled environment where they can’t be a threat to themselves or anyone else. Taking the life of another human being in the pursuit of justice is itself a foolish and reprehensible act. ❖

[This article is excerpted from a longer piece.]

Rev. Ho Bang William Edwards is secretary to Ven. Bhante Chao Chu of the Los Angeles Buddhist Union, and one of the editors of the temple magazine, Common Sense. He is also secretary of the order of Buddhist Ministers, a nonsectarian organization of lay ministers. He lives in Monrovia, California, with his wife and two children.

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DEATH BLOSSOMS

by Mumia Abu-Jamal

(The following excerpts from *Death Blossoms* are reprinted by permission.)

Editor's introduction: As many of you know, Mumia Abu-Jamal is an African American journalist who has been on Pennsylvania's death row for 16 years. He is a prisoner of conscience, who has been harassed by the F.B.I. ever since he joined the Black Panther party as a teenager, became lieutenant minister of information for the Philadelphia chapter, and began to speak out against institutionalized injustice. Later, Mumia was a member of the revolutionary MOVE organization in Philadelphia, which was fire-bombed by the city's own "law enforcement" officials in 1978. Eleven members of the MOVE family died in the bombing—men, women, and children—including MOVE's founder, John Africa, and 61 houses were destroyed.

In 1981, Mumia was arrested for the murder of a police officer, and in 1982, represented by an ineffective court-appointed lawyer in a trial riddled with inequities, he was convicted and sentenced to death. He now has skilled legal representation from Leonard Weinglass and his team, but he has lost several appeals. The governor is expected to sign his death warrant soon. (To find out what you can do to help Mumia, contact: www.mumia.org/)

*Mumia has continued to write and speak out, insofar as possible. In 1995, *Live From Death Row* was published, followed by *Death Blossoms* (Plough Publishing) in 1997. I highly recommend both books for their eloquence and their spiritual and political insights.*

*Mumia is not a Buddhist; he follows the teachings of John Africa, MOVE's founder. I didn't know anything about these teachings, or the principles of MOVE, until I read Mumia's work. While Buddhism is not an avowedly revolutionary religion, I am struck by the connections with John Africa's teaching, and *Turning Wheel* seems a good place to publish some of Mumia's words about his faith. —SM*

Life's Religion

Religion has often been less a force for liberation than a tool of oppression—an impetus for civil unrest, warfare and genocide...

If religion has had no impact on the shedding of blood (has it done anything other than aid and abet it?) then why the need for it?...

We live in a world of megadeath, on land reddened by its original peoples' blood, and saddened with the tears of unwilling captives. We missionize and maim,

westernize and rob, torture and starve our fellow humans around the globe. We kill each other, but not only that, we abuse the Earth, our common mother.

We kill animals so as to be able to eat the dead. We make of our rivers, lakes, and seas, cesspools of leaden lifelessness. We pillage and burn our forests, then seek to determine why the raped earth beneath them dries into desert. We violate the mountains and line our pocketbooks with the sum of their gleaming ore. We poison our air.

Is our "God" the god of man alone? Can a Creator-God really bring into being creatures whose sole function is to serve the interests of themselves? Or is such belief really a smokescreen...for the unholy greed that has brought our environment to the brink of destruction?...Do alligators live solely to be skinned for expensive shoes and luggage? Don't they—doesn't every life form—have an intrinsic right to exist?

It is time to recognize, as do increasing awakened numbers, that the old split-brain approach that perceives man's existence in a vacuum dooms humankind, and species uncoun- ted, to oblivion.

We are in need of a religion of Life that sees the world in more than merely utilitarian terms. A religion that reveres all life as valuable in itself; that sees Earth as an extension of self, and if wounded, as an injury to self.

We need a religion that recognizes the interdependence of man

and this world; which sees that the atmosphere surrounding our globe is the same air we breathe, and part and parcel of our lungs—that the Earth's water is no different from the saliva in our mouths...

John Africa found such a faith and taught its simple, clear ways to others. In keeping with his natural simplicity, he called that faith Life. "Revere life," he taught: "Protect life, move in harmony with life." Founding the MOVE organization on these life-affirming principles, he imbued his followers with an indomitable will to practice them and proclaim them to the world.

He explained to them the worth and power of unity, the relevance and necessity of natural law, and the meaning of resistance and rebellion against a system bent on global self-destruction.

He taught that Earth cannot be a mere way station for the next world, to be fouled, spoiled, or ignored.

Community

"Revolution is not a *word* but an *application*; it is not *war* but *peace*; it does not *weaken*, but *strengthens*.

We are in need of a religion that reveres all life as valuable in itself; that sees Earth as an extension of self, and if wounded, as an injury to self.

Revolution does not cause *separation*; it generates *togetherness*.” —John Africa, *Strategic Revolution*

For millions, perhaps billions of us, life is a search, a journey of seeking for that which we found unfulfilled in our youth. We search for love; we search for family; we search for community. And in so doing, we seek the completion of Self in others, in the larger Self where similar selves are united in commonality—in community.

As we search and grow, we find that modern life, with its bursting balloons of materialism, leaves us more and more empty inside; “things” that once seemed to fill us now fail to bridge the gaping chasms in our psyche. Our inner selves are pulled in too many ways at once—by the demands of work here, and social obligations there, the pressures of financial need (or the lesser burdens of wealth), public responsibilities, the needs and wants of our private sphere—and finally they break, atomized, meaningless.

The dominant social ideology of the hour is a perverse individuality hammered into our consciousness by myth and legend. It ignores the historical verity of community—of groups striving to move the social order forward. It ignores the reality that people working together are the only viable solution to any social problem.

As human beings, we are at root social creatures. Outside the bonds of our familial and social relations, we cannot truly live. Our very sanity depends on them. We are birthed in and into community. Community defines who we are. It is not the individual self *per se*, but its place in the broader social network of human society that defines our identity and gives our life meaning.

...Can there truly be a religion of one? What political action can be effectively undertaken by a lone person? Doesn't every step toward economic progress require at least some level of social agreement—some willingness to put aside antagonisms—for it to function? Doesn't education, especially as it is presently constituted, consist largely of teaching youth how to play by the rules of the broader social order?...Doesn't it teach them how to acquiesce, not how—or even whether—to transform the status quo?

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And what of a circumstance in which the status quo is unfair or oppressive? Such can be said to have given rise to a community of resistance, known as the MOVE organization, which, in the words of its legendary founder John Africa, has as its *raison d'être* total liberation:

The MOVE organization is a powerful family of revolutionaries, fixed in principle, strong in cohesion, steady as the foundation of a massive tree...

The reformed world system cannot teach love while making allowances for hate, peace while making allowances for war, freedom while making allowances for the inconsistent shackles of enslavement.

John Africa founded and forged a remarkable family, a small but potent community of resistance that took Life as its creed and fought to protect the lives of all the living, even animals like dogs and cats.

Everyone is born into the family of their flesh; here was one of choice, commitment, and faith. It was a family embattled, but a family nonetheless. It lives, grows, and thrives today. Long live John Africa's revolutionary family!

A Write-up for Writing

On June 3, 1995, one day after being served with a death warrant, I was served with a “write-up,” a misconduct report for “engaging actively in a business or profession,” i.e., as a journalist. So strongly does the State object to me writing what you are now reading that they have begun to punish me, while I'm [already]

*Clearly, what the government wants
is not just death, but silence.*

A “correct” inmate is a silent one.

in the most punitive section that the system allows, for daring to speak and write the truth.

The institutional offense? My book, *Live from Death Row*. It paints an uncomplimentary picture of a prison system that calls itself “correctional” but does little more than corrupt human souls; a system that eats hundreds of millions of dollars a year to torture, maim, and mutilate tens of thousands of men and women; a system that teaches bitterness and hones hatred.

Clearly, what the government wants is not just death, but silence. A “correct” inmate is a silent one...In this department of state government, the First Amendment is a nullity. It doesn't apply...

As you read this, know that I am being punished by the government for writing *Live from Death Row*, and for writing these very words. Indeed, I've been punished by the United States government for my writing since I was fifteen years of age—but I've kept right on writing. You keep right on reading! ❖

BUDDHISTS LIBERATE THE LIVING

by Lora Grindlay

On the last Sunday of every month, Virginia Kapoor puts a bucket in a black garbage bag and goes shopping in Vancouver's Chinatown.

She eyes glass tanks brimming with live seafood. She's looking for a healthy crab. One with no broken limbs. One that looks like it's got some life left in it after spending who knows how long in the tank.

Kapoor puts the chosen one—and some of the salty water from the tank—in her bucket and covers it with the bag. Holding the creature gingerly in front of her, she walks the two blocks to the Gold Buddha Sagely Monastery on East Hastings Street.

It is there—in the unadorned, pale-yellow temple quietly existing amid the painful social ills of the downtown east side—that Kapoor will liberate the crab in her bucket. She'll be joined by about 20 other practicing Buddhists and the temple's 30 Buddhist nuns in a ceremony intended to bring her good karma and compassion for the living.

"It's a certain fellowship with people who have a love for mankind and everything that's living and breathing," said Kapoor, 53, who also volunteers for an animal-rescue group. "I think all beings are longing for happiness, and we should extend compassion to all."

Throughout the half-hour ceremony the animals—clams, angel fish, goldfish, lobsters—are in oxygen-fed tanks at the temple's altar. The Great Compassion mantra is recited, the creatures blessed with a willow branch, and a verse is read to transfer virtue from the ceremony to all living beings. Then they are loaded into an old Datsun pickup and driven to the shores of Burrard Inlet. Under gray clouds and rain, three monks burn incense sticks and recite Buddha's name as the tanks are overturned and the sea creatures liberated.

Serlina Huang, a 23-year-old Vancouver bank teller, has been practicing Buddhist teachings for about four years. Once a month, she and her 25-year-old husband, Wilson Huang, donate \$10 or so to a temple fund to buy the animals for release. Serlina stood back last month as the three tubs of animals were released. At every Liberate the Living ceremony, she's struck with the feeling that she's crossing paths with someone she's known in the past—someone who may have committed sins and slipped into a lower realm of existence.

"There's so many fish, so why do you have a connection with these particular fish?" she contemplated out loud. "You've maybe had a past with them. You have met them before. You free them and they will free you."

Her husband has a more straightforward reason for

liberating the living. He said: "What goes around comes around."

Brian Ruhe, a teacher with the International Buddhist Society in Richmond, explained that there are six realms in Buddhist cosmology. The lowest positions are the animal realm, the ghost realm, and the hell realm. One wins a human birth because of efforts made in a past life to preserve life. To liberate the living is to earn merit.

"The idea is to extend your compassion to the lower realms instead of just to human beings," he said. "The Buddhists are looking for any creative way to manifest compassion. I bought a crab and released it at a beach," Ruhe said. "You are liberating them from death. I let this crab go and I watched him walk away."

Buddhist nun Heng Cheng, 48, is usually moved to tears by the ceremony. "It's as if I'm liberating part of myself," she said. "Whatever wholesome deed you create always comes back. The merit and virtue comes back."

Not all the animals released will thrive, but Cheng insists their mortality is not the point. "The point is we are giving them a chance. It's a chance they wouldn't have if they stayed in one of those containers in Chinatown." She said most westerners don't understand the principal of cause and effect. "But most people understand kindness and compassion. Everybody has a conscience." ♦

[Reprinted from *The Province*, 7/13/1997]

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DEATH PENALTY FOCUS CONFERENCE

Most of us who read this journal would say we are “against the death penalty.” But what if your partner or child or parent was murdered? Would you still be against the death penalty? That’s when the rubber meets the road. On October 8-10 of this year, Death Penalty Focus organized an historic conference in San Francisco, bringing together about 130 religious leaders from various faiths, all united in their desire to bring an end to the death penalty in this country.

I was particularly affected by a panel with four members of Murder Victims’ Families for Reconciliation. Each had experienced the horrible pain of having a family member be murdered—a brother, a granddaughter, a daughter, a mother. Each of the people went through their own personal hell, and yet in the face of that, each declared unequivocally their opposition to the death penalty. They said they knew it would not bring the loved one back. One person said that the death penalty is offered to murder victims’ families by prosecuting attorneys as a panacea that will ease the unbearable pain. But she described this as a deceptive practice: often the families do not feel any better after the murderer is executed. One woman spoke of how she wrote to the man who had murdered her daughter eight or nine years before, and how the process of getting to that point was the very process that allowed her to start reclaiming her life. She has since formed an ongoing connection with this man, who sits on Death Row.

I was also very moved by a workshop on “Restorative Justice”—a model based on Mennonite principles, as well as on traditions found in various indigenous cultures in Canada, New Zealand, and South Africa. An important component is the victim-offender mediation panel, which includes the victim, the offender, both their families, and the community. The idea is that criminal behavior can most effectively be dealt with if all the people affected are brought together to address it. Currently, crimes are considered to be committed against the state, which means that even after “justice” has been done, the people involved are often left dissatisfied and unfinished emotionally. This model recognizes that crimes are committed against people, and it seeks not punishment, but restitution. For instance, tribal leaders in Alaska sent a young murderer from the tribe into exile on an island, according to their tradition; and in California a community decided that young people who had done acts of vandalism needed to repair and pay for the damage. Restorative justice is a complex model, which is being adapted to local cultural needs and used around the world, especially for juvenile crimes. So far the statistics are showing a lower recidi-

vism rate and higher community satisfaction overall.

The conference was both moving and challenging. At the next one I’m hoping to see a larger and more diverse group—more people of color, as well as more Hindus, Moslems, Buddhists, and Jews. ❖ —Diana Lion

Stay Close and Do Nothing: A Spiritual and Practical Guide to Caring for the Dying at Home

by Merrill Collett

Andrews McMeel, 1997, 240 pp. \$22.95, hardcover

Stay Close and Do Nothing is an extremely practical guidebook for anyone interested in hospice work. It is well written and gets down to every last detail you ever wanted to know and will need to know when caring for someone who is dying.

First, author Merrill Collett makes the case for hospice, quoting the statistic that 87 percent of Americans would prefer to die at home. The reality is that 80 percent of Americans die in the hospital, usually under alienating circumstances and often alone. Fortunately, the hospice movement is growing and more and more people in the United States are choosing to have someone close to them, physically, emotionally, and spiritually, as they go through the process of dying.

Who can be a caregiver and what does it take? These questions are fully explored. The “do nothing” of the title turns out to mean being present and listening deeply. While being a caregiver is a big job, it doesn’t require expertise as much as compassion. Anyone can learn the needed skills, and a team of professionals and friends is assembled to support the caregiver as well as the patient.

The process of dying is both ridiculous and sublime. From “Home Skill: Making a Bed with Someone in It” to “The Tao of Eating and Elimination,” from “Beginner’s Mind” to “Caregiver’s Mind,” the reader will find clearly written and flowing instructions to change both the process of dying and our understanding of dying. An excellent list of recommended reading and resources is compiled in the appendices.

Stay Close and Do Nothing is both challenging and reassuring. Here’s a brief passage under the heading of “Making Mistakes.”

Any time we deeply aspire to get engaged with life we become aware of our mistakes, because life includes both perfection and imperfection. Suzuki-roshi described the life of a master as “one continuous mistake.” This means it is one continuous act of accepting life as it is. ❖

—Barbara Hirshkowitz

Collett, formerly a journalist, went into hospice work while living and studying at the San Francisco Zen Center. He has given us a great gift by sharing the wisdom of the hospice movement and his involvement with it. Keep a copy of Stay Close nearby; you are bound to need it sooner or later.

WHAT YOU CAN DO ABOUT THE DEATH PENALTY

In the U.S., the State takes a life in our name each time it perpetuates this abhorrent form of retribution. As the number of executions increases each year, so does our karma as members of this increasingly violent State. For concerned Buddhists, there are many ways to work for the dismantling of this "sanctioned" violence.

1. Think Big

You may not think the death penalty is relevant to the work you are already doing—on economic justice, militarism, conflict resolution, education, etc. But we should make the links between "our" issues and other ones—because the links are there, and we are stronger when we make them. The implications of California spending more money on prisons than on schools, and having almost 4000 persons on Death Row, the implications of the skewed racial and class demographics in the prison population, the Draconian sentencing policies and their social and economic effects on families and communities are wide and far reaching. So keep your analysis broad.

2. Take an Action!

Pick something you can do, and do it soon. All actions make a difference in the great Net of Indra.

- * Begin or join a vigil before a scheduled execution.
- * Begin or join a walk to the prison where an execution is taking place. (There is a walk from San Francisco to San Quentin for each execution. Call Death Penalty Focus for information, see below)
- * Be aware of upcoming executions. Put the name of an executed person on your altar. Include them and their executioners in your lovingkindness meditations.
- * Arrange a special sitting when there is an execution. Let the media know.
- * Join an urgent action network to write letters about specific executions or votes. Write letters to the editor about the death penalty.
- * Make a donation to BPF to send *Finding Freedom* to prisoners or people working in the prison system or Juvenile Hall (see #4).
- * Work with BPF's prison project or other dharma prison groups.
- * Start a correspondence with a prisoner.
- * Vote for candidates who do not support the death penalty.

3. Personal Practice

- * The first precept tells us not to take life. Thich Nhat Hanh's version of the precept asks us to do what we can to stop killing. Aitken Roshi suggests that this precept includes being aware of our own violent thoughts, so that we are no longer blindly at their mercy.
- * Be aware of how we react when we hear of a crime.

How do we feel about the perpetrator? Notice the difference in feelings when the crime is a robbery, a rape, an assault, a massacre. How do we feel if the perpetrator is a woman or a young person?

- * Notice what our mind does when we are hurt or wronged. Are there feelings of entitlement or revenge?
- * Keep a daily awareness of people on the "inside." Remember them as you feel the fresh breeze and smell the flowers that they are deprived of.
- * Remember your own vulnerability and death.

4. Learn.

* *The Fellowship of Reconciliation and the Death Penalty*, an FOR position paper, available for \$1, from FOR, Box 271, Nyack, NY 10960. 914-358-4601.

* *Finding Freedom*, by Jarvis Masters, Padma Publishing. Available from BPF office for \$13. Jarvis is a Buddhist on Death Row in San Quentin (see p. 21).

* *Death Blossoms*, by Mumia Abu-Jamal. \$12, from Plough Publishing, Rte. 381 N., Farmington, PA 15437. 800-521-8011.

* *Doing Time, Doing Vipassana*. Video about a Goenka meditation retreat in prison. 52 minutes, \$29.95, from Pariyatti Book Service, 800-829-2748. <www.pariyatti.com>

* *Faith in Action—An Abolition Resource for Congregations*, from Amnesty Int'l (see address below) includes an excellent bibliography of books and videos.

* Most organizations below have newsletters.

5. Work with a Group

Each group working against the Death Penalty or in prisons has a different flavor. Find one that speaks to you. There are now many Buddhist groups working in prisons.

* Religious Organizing Against the Death Penalty. AFSC (American Friends Service Committee), 1501 Cherry St., Philadelphia, PA 19102. 215-241-7130. Seeks to build a coalition of faith-based activists for abolition.

* Nat'l Coalition to Abolish the Death Penalty. 1436 U St. NW, Suite 104, Wash., DC, 20009. 202-387-3890. One of the main organizations working nationally. For \$3 they will send you *The Abolitionist's Directory*, a list of organizations working to abolish the death penalty.

* People of Faith Against the Death Penalty/Death Penalty Focus. 74 New Montgomery St., San Francisco, CA 94105. 415-243-0143. <www.deathpenalty.org> Has speakers bureau, events, conferences. Works against the death penalty in CA.

* Death Penalty Information Center. 1320 18th St. NW, 5th floor, Wash., DC 20036. 202-293-6970. Good source of information and stats.

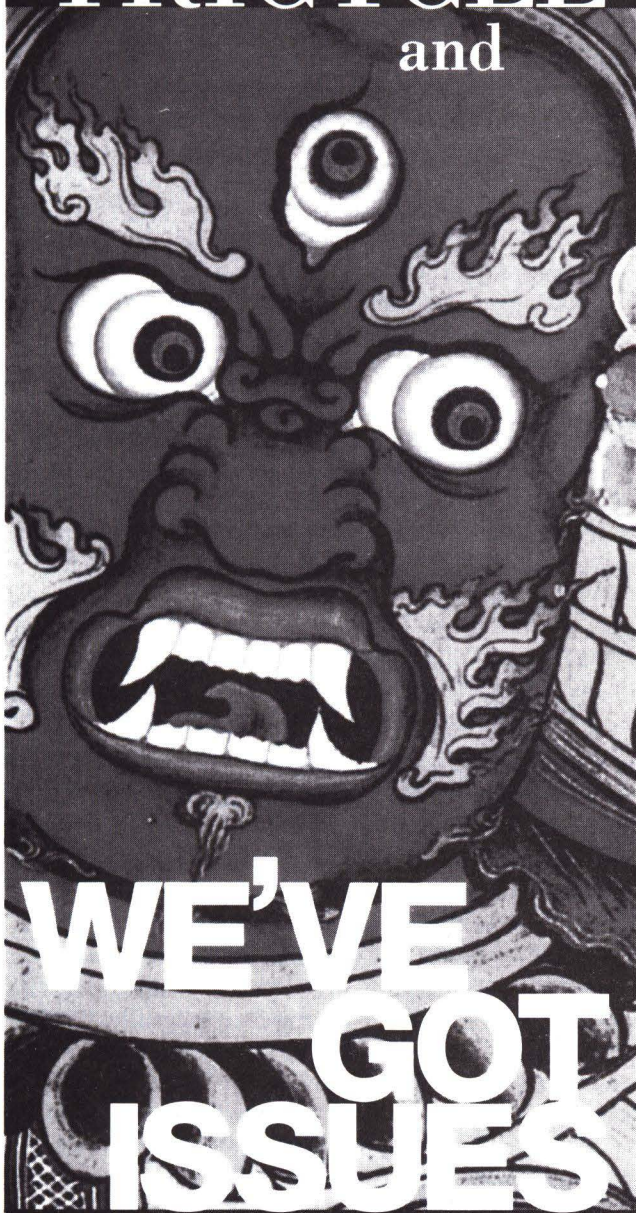
* Alternatives to Violence Project. 713-747-9999. Email: <avpusa@aol.com> Spiritually-based training program for prisoners, empowering them to lead non-violent lives.

* Murder Victims' Families for Reconciliation. 1176

(Continued on following page)

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THE BUDDHIST REVIEW

DHARMA TRANSMISSION

The following news item is reprinted from The Berkeley Zen Center Newsletter. Sojun Weitsman Roshi tells of giving dharma transmission to two people who are at the heart of BPF: Alan Senauke, our Director, and Maylie Scott, Board member, BASE mentor, and chairperson of the Prison Committee.

Congratulations, Alan and Maylie, and thank you for giving yourselves so generously to dharma practice, in ways both engaged and traditional, helping to create new activist models of Buddhist practice, and honoring rigorous forms that are thousands of years old. —SM

On the night of September 15, 1998, Maylie Scott and Alan Senauke received Dharma transmission from me at Tassajara Zen Mountain Center. The ceremony was the culmination of seven days of preparation. During this time, their daily activity included getting up one hour before the wake-up bell and offering incense, chanting, and bows at all the common altars of the monastery. After breakfast they would go to the Zendo and offer incense, sound the big bell, chant the name of one ancestor in their lineage, and make a prostration, repeating this for each ancestor, about one hundred and thirty in all, including the women acharyas.

Each day they worked on copying their transmission documents which they would receive as part of the transmission ceremonies. On the sixth night they received the precept entrustment in a ceremony called Dempo.

Dharma transmission or entrustment is acknowledgment as a fully ordained priest. For a priest there are three steps: Priest Ordination, Shuso or head monk (student) at a practice period, and the third is Dharma transmission, indicating that one can teach independently. Dharma entrustment is not the end, but a new beginning on a more responsible level.

Both Maylie and Alan have taken on a high level of responsibility and leadership over a long period of time. They have given themselves unreservedly to every challenge, allowing problems to be a catalyst for growth. With full awareness of their strong points and weak points, their effort to maintain pure practice is present, moment to moment, with the realization that enlightenment is not some distant goal, but present in every step of the way when practice is wholehearted and sincere. ❖

—Sojun Weitsman

(What You Can Do, continued)

SW Warren Ave., Topeka, KS 66604. 913-232-5958.

* Amnesty Int'l—Program to Abolish the Death Penalty. 600 Pennsylvania Ave. SE, 5th Floor, Washington, DC 20003. <mwilliam@aiusa.org> 202-544-0200. AI has taken on the death penalty as cruel and inhuman punishment. Puts out urgent actions. ❖

—Margaret Howe

BPF ACTIVIST NEWS

BASE NEWS

We have openings for two interns for the Kindness House BASE in Durham, North Carolina. Interns will live and work at Kindness House, home of the Prison Ashram Project founded by Bo and Sita Lozoff, pioneers in spiritually-based prison work. Room and board are provided. Applications are available from the BPF office.

A new BASE group began in San Francisco in October, coordinated by Belinda Griswold and Mary Senchyna, BASE graduates. The Bay Area Prison BASE will begin in January, 1999, coordinated by Terry Stein, BASE graduate.

Community building is a component of BASE that extends beyond the six-month initial contract of most BASE groups. In Boston and in the Bay Area, BASE alumni groups have chosen to continue meeting, to support each other's engagement in action and practice. The Bay Area is now holding monthly BASE community retreats where graduates of all BASE groups in the Bay Area (about 50 people altogether) come together to practice and explore the bridge between practice and action.

The first BASE newsletter for BASE alumni, *Touching BASE*, was published in August. Copies are available on request from the office.



Hiroshima Buddha, after the bombing

CHAPTER & ACTIVIST NEWS

We welcome two new chapters and two new affiliates. The **San Francisco Chapter** arose from an engaged Buddhist group that began meeting late in 1997 at San Francisco Zen Center, sparked by Zen Center's outreach coordinator Paul Haller. After many months of meetings and actions, including providing meals to homeless people in the Tenderloin, accompanying homeless children on outings, and participating in interfaith vigils, the group decided to become a chapter of Buddhist Peace Fellowship. The **Texas Hill Country Chapter** began with two organizing meetings attended by Buddhists of all traditions from three cities: Austin, San Antonio, and San Marcos. Their early activities have focused on consumerism, both domestic and

global, and on analyzing racism on both personal and political levels.

The **Prison Dharma Network**, founded by Fleet Maull in 1989, is a nonsectarian Buddhist support network for prisoners and prison volunteers. It is a new BPF affiliate, and we hope that the BPF prison project and the Prison Dharma Network will benefit from a closer relationship.

The **Buddhist Social Action Network of British Columbia**, another new affiliate, is based in Vancouver. The group, composed of Theravadin and Tibetan practitioners, has met six times and is in the process of choosing their first project.

Many chapters and Buddhist activists have been taking part in **interreligious actions and vigils**. Rosa

Zubizarreta and Lawrence Ellis, co-founders of the **Mindfulness, Diversity and Social Change Sangha** in the tradition of Thich Nath Hanh, provided a Buddhist presence at an October Interfaith Clergy Delegation to the **berry fields of Watsonville, CA**. They went to bear witness to the working conditions of berry pickers and to discuss what actions religious communities can take to support the moral right of workers to humane and just working and living conditions. Members of the **New York and Tassajara Chapters** took part in vigils, at the suggestion of the Fellowship of Reconciliation, to protest the killing of Matthew Shephard in an anti-gay attack in Laramie, Wyoming, in October. These vigils were aimed at raising awareness of the need for **Hate Crime Prevention** laws. Other interreligious gatherings in the San Francisco Bay Area have focused on

housing for the homeless, improving conditions in state prisons, and opposing the death penalty.

BPF Chapters in Australia are active. The **Sydney Chapter** screened a video about the Dhammayietra peace walk in Cambodia at its monthly meeting. The **Melbourne Chapter** has met monthly at the homes of different members, organized a public talk on "Acting in the World from the Heart," a one-day workshop on "Opening the Global Heart," and a two-day workshop and talk with Joanna Macy in December: "Our Living Body, the Earth: A Deep Ecology Workshop." Chapter members value the support they receive from each other and the opportunity to bring their Buddhist practice into a wide range of social issues. ❖ —Tova Gree

DIRECTOR'S REPORT

by Alan Senauke

At Tassajara in September I saw a Zen student wearing a T-shirt with the words, "Worry is not preparation." For someone like myself, for whom worry seems to be genetically imprinted, this is a challenging message. And even more so in recent days. There are urgent reasons to worry—or better yet, to prepare; circumstances that are precarious and mercurial, threatening to turn into danger and harm at any moment.

Once again a military showdown in Iraq seems to have been avoided at the last minute. Can we—you and I—despite our misgivings about Saddam Hussein, insist that we are opposed to bombing and to sanctions, both of which inflict great suffering on the innocent in Iraq? We must let our representatives hear this point of view before we gear up for war again.

Indonesia is on the brink of violent upheaval, something that has happened there before. After Suharto's removal the people are still waiting for democracy and economic justice. The patience of the poor and the students and the always limited forbearance of the military are both wearing thin.

Closer to home, the state of California and the federal government are this week on the brink of a shameful agreement with Charles Hurwitz and Pacific Lumber that could spell the end of the Headwaters forest and its unique and delicate habitat. The so-called "habitat conservation plan" transparently caters to profits and greed, not to sentient beings. Several rounds of public hearings have been held in recent weeks, and now, it seems, we can only pray that the state conservation commission will actually do its job, back off from the agreement, and truly conserve the habitat.

Recently I joined a vigil at the gates of San Quentin prison to mark the scheduled execution of Jaturun (Jay) Siripongs. Jay Siripongs is a Thai national, a practicing Buddhist, who has acknowledged and repented taking part in an armed robbery in December of 1980 in which two people were killed. There is not space here to explain the case fully, but the victims' families, the former warden of San Quentin, the Royal Thai Government, and His Holiness the Dalai Lama all asked in vain for California governor Pete Wilson to commute Jay's sentence to life without parole. Among the several hundred people at the prison gates, 40 Buddhists sat in the steady rain, facing the prison gates, bearing witness to our faith in life. We left after chanting at midnight and learning, to our relief, that a stay of execution was in place. It now appears the stay will last at least until January, when incoming Governor Gray Davis will have a chance to commute the sentence. Jay celebrated the stay by sweeping his tier. Although Davis has stated his support of the death penalty, I'm hopeful that we

can use the next weeks to make the case for Jay's life as well as for all others on death row.

November marked a kind of revolutionary moment for western Buddhists. More than a hundred practitioners from many communities, centers, and temples came together in Berkeley to begin (or, really, continue) a process of healing racism in our sanghas. People of rainbow colors and widely varying privilege spent all day listening to one another. We had no appointed teachers and no formal discussion. Dharmafarers of color spoke of their own painful experience, and European-Americans like myself clarified our own sense of responsibility and took on the task of being allies to others. In small circles of council, without comment or crosstalk, we bore witness to each person's experience of otherness and the wish to promote harmony in ourselves, in each other, and in our communities.

This effort has been a long time coming. It builds on the work of the former Interracial Buddhist Council, and of numerous individuals, teachers, and whole communities that have been facing the challenge of race for years now. It builds on the often overlooked efforts of Soka Gakkai to mark a truly open pathway to Dharma. And, as several participants reminded us, our very practice builds on the tenacity of Asian teachers who brought and continue to bring the teachings of Buddha to the West. ❖

PRISON COMMITTEE NEWS

Mission Statement:

"The Buddha taught one thing: freedom. The mission of the Buddhist Peace Fellowship Prison Project is to work with prisoners and their families, other faith-based organizations, and the public to address the systemic violence within the criminal justice system, and to engage in compassionate action through direct service, education, advocacy and networking."

For the last six months, Diana Lion (now on a well-deserved retreat in Nepal) has been carefully laying the groundwork for the prison program. In November, the national Board meeting approved funding for an ongoing half-time position to coordinate activities of the Prison Project. A job description has been sent out to local sanghas. While it is likely that a Bay Area person will take the job, it is open to all applicants. The deadline for applying is January 15.

A lot of overlapping work continues in the Bay Area. The Prison Meditation Project, composed of more than 20 people working in jails and prisons, meets monthly at San Francisco Zen Center to offer training and support to volunteers. This project has developed a brochure in order to present its work to prison administrators. A Prison BASE Group will begin in January. Each member will do some direct contact prison work as well as networking with other community groups that have a criminal justice focus. ❖ —*Maylie Scott*

ANNOUNCEMENTS & CLASSIFIEDS

HOMELESS AND HOUSED people meet weekly in Berkeley, CA, for meditation and discussion. Volunteers from Berkeley Zen Center and East Bay Insight Meditation facilitate sessions oriented toward stress reduction. Tea and cookies. Mondays, 7:30–9 PM, off the courtyard on the west side of Dana between Durant and Channing. For more info, call 510/548-0551.

HELPING HOMELESS WOMEN AND CHILDREN: You can help by donating personal care items that are greatly needed—toothbrushes, toothpaste, soap, shampoo, hair brushes, combs, and hand lotion—to the Women's Daytime Drop-in Center in Berkeley. Volunteers are also needed to work with the women and children. For more information call: 510/548-6933.

SUPPORT HOMELESS PEOPLE: The Chaplaincy to the Homeless is seeking supporters for its "Community of Compassion," a group of people underwriting monthly rent for Grace House, which seeks to empower adults in their efforts to change their lives. This interfaith program involves homeless people in counseling, volunteer work, job development and community living. For information, write to: 2345 Channing Way, Berkeley, CA 94704, or call 510/548-0551.

SOCIAL CHANGE SANGHA. A sangha for those interested in blending mindfulness practice in the tradition of Thich Nhat Hanh with social change work meets weekly in Oakland. If interested, contact Rosa at 510/534-6302.

A COMMUNITY FOR AGING BUDDHISTS: An ecumenical Buddhist community for those who wish to support Buddhist meditation practices in community during "retirement," aging, and the dying process. CAB is a lay community drawing from condo, co-housing and graduated living center principles. Our center is in the Buddha's Four Noble Truths, and the high desert of AZ. Contact: CAB, 2323 Howe St., Berkeley, CA 94705. CABUDDHIST@aol.com.

THE UNTRAINING is designed to help you "untrain" the subtle programming of white liberal racism. Put your meditative awareness to work for all beings. Ongoing groups: 510/235-6134.

PRISON SANGHA. Theravada group in Michigan requests books, tapes, incense, robes, pictures or posters of Buddha, an altar cloth, and a visit from a Bikkhu. Contact Richard L. Kaufman, #224865, Riverside Correctional Facility, 777 West Riverside Dr., Ionia, MI 48846.

BUDDHIST PRISONER IN TEXAS needs pro-bono legal advice to bring suit against the state of Texas in order to be able to practice Buddhism in prison. He'll do all the research, but he needs guidance. Contact Jimmy Brooks, #715108, 9601 Spur 591, Amarillo, TX 79107.

BISEXUAL BUDDHIST ASSOC. affirming unity, positive self-image, and bisexual identity for those committed to meditation and mindfulness practice. P.O. Box 858, Amherst, MA 01004.

GAY BUDDHIST FELLOWSHIP: sittings, speakers, and discussions every Thursday evening and every other Sunday morning in San Francisco. Classes, workshops, retreats, monthly potluck dinners, and work in Buddhist AIDS projects. Newsletter, with information and articles on topics of concern to gay Buddhists, available for \$15/8 issues. (See inside back cover for address).

PLANET DRUM FOUNDATION'S GREEN CITY PROJECT JOB LISTING. The Green City Project is offering an Environmental Job Listing Service. Every two weeks, we publish a compilation of great internships and job announcements that pass through our office. Jobs range from entry-level to executive director positions. The Job Listing Service is free to businesses and organizations. Simply fax your job announcements to 415/285-6563 and we'll list them until your position is filled. Subscription to the service for those seeking employment is \$15 for 3 months. To subscribe, call our office at 415/285-6556 and request an application form. Get a chance at that dream job!

THE CONCH-US TIMES, the Journal of the Dead Buddhists of America, for those appreciating both Grateful Dead and Buddhist cultures: \$8/yr. Payable to: Ken Sun-Downer, Box 769, Idyllwild, CA 92549.

CAMBODIAN VIDEO. "An Army of Peace," 52-minute video in English, about Ven. Maha Ghosananda and the annual Dhammayietra (peace walk) across Cambodia. Send \$25 check payable to "CPR" to: CPR, P.O. Box 60, Bungthong Lang Post Office, Bangkok 10242, Thailand. Proceeds support CPR—the Committee for Peace and Reconciliation.

PERFECT RETREAT: A-frame on two acres of land adjacent to wilderness. Year-round access, near Pagosa Springs, CO. \$20,000, terms negotiable. Michael: 310/455-0301.

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MIND OVER PAPER! Weekend writing and meditation retreat with Susan Moon (editor of *TW*), April 30–May 2, at Manzanita Village, in the chaparral hill country of Southern California. For info: P.O. Box 67, Warner Springs, CA 92086. Tel: 760/782-9223

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BPF gratefully acknowledges contributions above membership received between July 1 & September 30, 1998.

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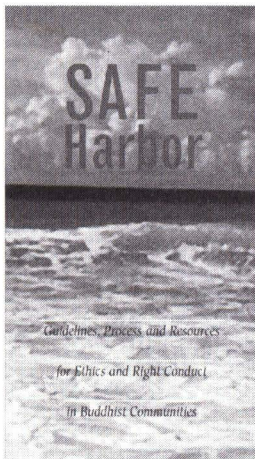
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