

Matters of life and death

By Lindsey Erdody, Published: March 9, 2013 9:27PM

It was the middle of the night, Sept. 9, 1986, when Ben Griffith's phone rang.

Chris Griffith, Ben's youngest brother, had been working as a physical therapist for the Missouri state government.

He'd gone to a fish hatchery that day to teach a program on proper lifting techniques. After the program, Chris left with a friend – a safety officer – for a local shooting range.

When they got to the range and climbed out of the car, they noticed two bodies in the next vehicle over. Dead bodies.

The safety officer was immediately shot, before the two men even had time to panic. Chris Griffith ran. He was shot twice in the back, a third time in the head.

Chris died at 38.

About a week after the murders, Donald Reese was arrested.

Reese was eventually found guilty and executed in 1997 by lethal injection in Jefferson County, Mo.

Ben Griffith, who was 30 when his brother was killed, grew up opposing the death penalty. He even signed a letter when he was 5, pledging his support to a bill awaiting the governor of Iowa's signature.

"That's the first thing I remember about the death penalty," Griffith said.

His family agreed that Chris Griffith also would have been against the death penalty and asked the judge in the case to sentence Reese to life without parole. Reese was sentenced to life without parole for Chris Griffith's death, but was sentenced to death for the other three murders.

In 1997, Reese was executed by lethal injection in Jefferson County, Mo.

Ben Griffith, now 58 and on the board of directors for the Kentucky Coalition Against the Death Penalty, decided it was time to speak out.

"The main thing that I believe is that I am responsible for ending a cycle of violence in the world," Griffith said. "Everybody is actually part of that and needs to carry that responsibility."

CAPITAL PUNISHMENT

The use of the death penalty in the United States dates back to the 1600s.

There have been times when it was used for more offenses than murder; times states voted to outlaw it and then reinstated it; times it was argued to be unconstitutional; times the method of execution has been changed.

During the 1930s, the number of executions reached a record high, averaging 167 per year.

But after that, the numbers dropped from the 1940s to the 1970s. And on June 29, 1972, the U.S. Supreme Court voided 40 death penalty statutes and suspended the death penalty for 629 death row inmates.

The decision didn't last long though.

In 1976, the death penalty was reinstated when the Supreme Court ruled in *Gregg v. Georgia* that death penalty laws are constitutional and the death penalty itself is constitutional under the eighth amendment.

After that, it didn't take long for states to begin reenacting their death penalty laws, and today 33 states, including Kentucky, still enforce the death penalty.

But support and enforcement of capital punishment appears to be declining. Only nine states executed inmates in 2012, which is the fewest number of states in 20 years. Kentucky last carried out an execution in 2008.

In a 2011 survey of Kentucky voters, 62 percent supported a temporary halt to executions.

During the current legislative session, Rep. Carl Rollins, D-Midway, introduced a bill to abolish the death penalty and replace it with life imprisonment.

And that's exactly what Ben Griffith wants to see happen.

"I think you really have to question the death penalty," Griffith said. "What is the right way for society to deal with the threat – is it to take someone's life or is it to take them out of society?"

PROBLEMS EXIST

In 1997, around the same time Reese was executed, the first person was executed in Kentucky since the death penalty was reenacted in 1975. Only two other people have been executed in the state since then.

Griffith saw it as the perfect time to start publicly talking about why people should oppose the measure.

He contacted the Kentucky Coalition to Abolish the Death Penalty and started speaking at various events. He went on a weeklong tour in Ohio with others with similar views, hoping to talk to as many people as possible about the subject.

He's spoken to murder victim's families and has stayed actively involved with the coalition since joining, becoming a board member about eight years ago.

Talking about the death penalty is uncomfortable for most people. Griffith understands that.

“There’s just a small percentage who are interested in keeping the death penalty and a small percentage of us who are really interested in abolishing it,” Griffith said. “And then there’s just a huge percentage in the middle that would rather not think about it.”

He believes people should start thinking about it because, in his opinion, the benefits of eliminating the death penalty far outweigh any negatives.

Some of the problems with the death penalty, he said, are its expense, given the number of appeals that occur before someone is executed; there are mistakes made that could result in an innocent person being put to death; and the lengthy process is tough on victim families.

He said he personally knows three people exonerated after years spent on death row, which worries him. In Kentucky, one person has been exonerated.

“You have to wonder how many times have innocent people been put to death,” Griffith said. “I think you really have to question the death penalty.”

A recent study, Kentucky Assessment Report on the Death Penalty, done by the American Bar Association, supports Griffith’s claims.

A Kentucky Assessment Team that included former Kentucky Supreme Court justices, attorneys and law professors, conducted the review.

The two-year study uncovered a high error rate in Kentucky death penalty cases – with 50 of the last 78 people sentenced to death having their cases overturned. Other problems cited include inadequate retention of evidence, inconsistent application of the death penalty, unqualified defense attorneys, a lack of data and confusing juror instructions.

The team called for the suspension of all executions until the recommendations were implemented.

Currently, 34 inmates incarcerated in the commonwealth are on death row.

CONFLICTING FEELINGS

Griffith understands families of murder victims supporting the death penalty and wanting revenge. But he says that’s not the right way to deal with the pain.

“For the first two years after that death, I had continual thoughts about killing the guy who killed my brother,” Griffith said. “I’ve murdered this guy plenty of times in my own mind. But is that the right thing to do? No.”

Griffith believes solving violence with more violence isn’t right, which is his main reason for being against the death penalty.

He’s convinced it’s much healthier for murder victim’s families who live in states where life without parole is the ultimate penalty rather than death.

“The reason why is because of the amount of years it takes for the appeals to run their course on the death penalty,” Griffith said. “The hardest part is when things come back up again.”

He said instead of feeling satisfied, most families that have had a loved one murdered feel depressed, relieved or that nothing will fix the fact they lost someone close to them.

“It’s not exactly healthy for any of the families to be going through the process over and over and over again,” Griffith said. “Murder of a loved one will change your life.”

Reese spent 10 years on death row, with appeals along the way.

Griffith’s parents, John and Reva Griffith, who have always advocated against the death penalty, attended the open hearings. Ben Griffith stayed quiet, dealing with his own conflicting feelings.

Ben Griffith’s two older brothers, Tim and Jon, supported the death penalty and wished for a quick and speedy death of Reese, but no member of the family attended the execution.

“The day he was executed, I was just sad and numb,” Griffith said. “I still think about it and that’s basically what I feel.”

He forgave Reese on some level, knowing he had problems with alcohol, his job and his marriage, among other issues.

“I know he wasn’t the happiest individual and I can understand he made bad choices that day. And he regretted his choices,” Griffith said. “Everybody on death row does regret their choice.”

STAYING OPTIMISTIC

While House Bill 48, which would abolish the death penalty in Kentucky, has not received much attention this session, Griffith remains hopeful it can happen someday.

“I’m a glass half full kind of guy,” Griffith said with a smile.

He said when lawmakers start to look at the costs to fix the problems with the death penalty system, they’ll quickly realize it would be easier and more cost-effective to use life without parole sentences for capital offenses.

“To justify the system that’s already been identified as unfair and not working right, it’s hard to justify that system remaining in place,” Griffith said.

So far, 17 states have decided to use another form of punishment for capital offenses.

Michigan was the first state to get rid of the death sentence in 1846. Connecticut is the most recent state to join the list, passing legislation last year, but the repeal was not retroactive so 11 people remain on the state’s death row.

Griffith said if and when the state government starts looking at legislation to abolish the death penalty, the coalition hopes to be a key component to getting it passed.

In the meantime, Griffith, who works as a self-employed piano technician, wants to organize a group for murder victim's families. There's no official organization in Kentucky right now, he said.

He said he would like to see more murder victim families speak out.

"I'm convinced that under this program we call the death penalty it is much healthier for victim families to live in a state where there's life without parole as the ultimate penalty instead of death," Griffith said. "And there's a lot of victim families out there who feel the same way."