

THIS DAY IN HISTORY: JAN. 27, 1984

Singer Michael Jackson is treated at a Los Angeles hospital after his hair caught fire during a freak filming accident.

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## Snail's pace for justice study

### DEATH PENALTY FOES PLACE HOPES IN PANEL

By Howard Mintz  
*Mercury News*

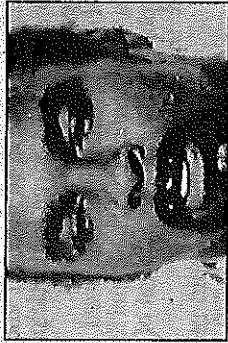
Last week, the members of a little-known state commission huddled in private in San Francisco to consider how to move forward with a long-promised study of California's criminal justice system.

Perhaps fittingly, it was one day after 76-year-old Clarence Ray Allen became the state's first death row inmate executed this year.

In recent months, advocates of a moratorium on executions in California have pinned their hopes on the commission. They argue that the state should stop executing death row inmates while the group — a blend of prominent law enforcement officials, victims' rights advocates, death penalty opponents and others — finishes its work over the next two years.

### Misplaced hopes

But relying on the commission's work to suspend or abolish the death penalty in California may be a misguided strategy. The death penalty is only a sliver of the commission's focus. And it is far from clear that its final recommendations will do the moratorium movement much good, according to com-

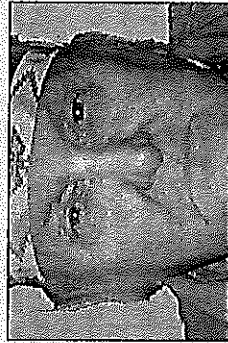


**Williams**  
Gang founder executed.

Kamp as the new chairman. Santa Clara University's Gerald Uelman, an expert on the state's justice system, is expected to take over as executive director, according to commission members.

Moratorium supporters already suffered a setback last week when a key Assembly committee refused to approve legislation to suspend executions, probably sidetracking the bill for this year. But the death penalty debate has resurfaced in California as the state appears to be picking up the pace of executions and its death row — at nearly 650 inmates — continues to bulge. In addition to Allen, the state put Crips co-founder Stanley Tookie Williams to death last

"The purpose of the commission is not just to deal with the death penalty."



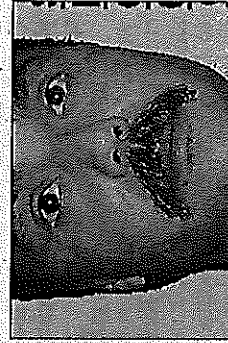
**Allen**  
First to die this year.

ing the commission's work to push their cause.

"We think it's reasonable until they report back to the Legislature," said Assemblywoman Sally Lieber, D-San Jose, a co-author of the most recent moratorium bill, which was shot down in committee Jan. 19. "If you have a moratorium, people don't get released from prison. We don't lose anything by waiting another two years."

### Looking for flaws

The Commission on the Fair Administration of Justice was formed in late 2004 to examine potential flaws in California's overall justice system, with a particular emphasis on the reasons behind wrongful convictions. It was modeled in part after an Illinois commission that studied the reasons behind a spate of death row exonerations in that state. But the California legislation that created the commis-



**Morales**  
Feb. 21 execution date.

"I don't see it as within our charter to carry that," Streeter said.

Added another commission member who asked not to be identified: "I don't think there is anybody on the commission right now who thinks that the study we're embarking on has anything to offer concerning a moratorium."

At this point, the group has yet to study anything because the legislation that created it did not provide funding for its work. But officials have secured more than \$500,000 in private funding to get the project moving in the coming months, and the commission appears on the verge of adding some star power to its roster with Van de Kamp and Uelman.

"I hope we can make sound, practical recommendations that will improve the justice system," Van de Kamp said after his appointment.

In the meantime, death pen-

... OF THE COMMISSION'S FOCUS. And it is far from clear that its final recommendations will do the moratorium movement much good, according to commission members and others familiar with the panel's mission. In fact, more than a year after being established, the commission is only now identifying what to study and securing the funding it needs to examine California's sprawling justice system.

"I don't know how productive it is going to be to hitch ... to the commission when the purpose of the commission is not just to deal with the death penalty," said San Mateo County District Attorney Jim Fox, a commission member who opposes the moratorium. The group also this week received new leadership when the Senate approved former Attorney General John Van de

"The purpose of the commission is not just to deal with the death penalty."

— SAN MATEO COUNTY D.A. JIM FOX

month, and is preparing for the possible Feb. 21 execution of Michael Morales for the 1981 slaying of a 17-year-old Lodi girl.

As each execution approaches, death penalty foes have urged the Legislature to approve a moratorium. Death penalty supporters say a moratorium is unnecessary, and both Gov. Arnold Schwarzenegger and Attorney General Bill Lockyer have already said they oppose halting executions. Lockyer is a member of the commission.

But backers of a moratorium have been hoping to gain momentum — and they keep cit-

the reasons behind a spate of death row exonerations in that state. But the California legislation that created the commission did not expressly call for a review of this state's death penalty.

Jon Streeter, a San Francisco lawyer and interim chairman of the commission, said the group will study a range of issues that touch all corners of the justice system — the use of informants, the reliability of witness testimony, the quality of legal representation and coerced confessions.

The commission must report its findings to the Legislature by next year. But while it will probably suggest reforms that would apply to death penalty cases, the commission is unlikely to tackle the question of whether the state ought to have a death penalty.

I hope we can make sound, practical recommendations that will improve the justice system," Van de Kamp said after his appointment.

In the meantime, death penalty opponents remain hopeful the commission's work will expose flaws in the death penalty system, even if the group does not propose getting rid of capital punishment.

"What does the commission do for us?" asked Lance Lindsey, executive director of Death Penalty Focus, a leading anti-death penalty group. "It gives us an opportunity to put a process in place that begins to shine light on every aspect of the justice system. The death penalty may not be abolished, but there definitely will be reform legislation."

Contact Howard Mintz at [hmintz@mercurynews.com](mailto:hmintz@mercurynews.com) or (408) 286-0236.

# WestValley

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### MISSING PROFESSOR FOUND

A motel clerk in Pennsylvania's Poconos read the Mercury News online and cleared up a mystery for San Jose police. PAGE 2B

### JUSTICE STUDY DELAYED

An obscure criminal justice commission formed in 2004 is only now deciding what to study and how to pay for its work. PAGE 5B