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CONSENT CALENDAR

November 29, 2005

To: Honorable Mayor and
Members of the City Council

From: Councilmember Kriss Worthington

Subject: Oppose the execution of Stan "Tookie" Williams on December 13, 2005

RECOMMENDATION:

That the Berkeley City Council oppose the execution of Stan "Tookie" Williams on December 13, and that the Berkeley City Council urge Governor Schwarzenegger to grant executive clemency to Mr. Williams.

BACKGROUND:

Who is Stan "Tookie" Williams?

Stan was the co-founder in 1971 of the Los Angeles Crips gang. In 1981 he was convicted of murdering four people during two robberies and sentenced to death row at San Quentin State Prison. Stan deeply regrets his gang involvement but has always maintained his innocence of these crimes.

Nobel Peace Prize Nominee

While on death row, Stan has written 9 highly-acclaimed children's books that educate young people to avoid gangs, crime and incarceration. He has also worked to end gang violence through his peace protocol and Internet Project for Street Peace, an international peer mentoring program. Stan has saved the lives of over 150,000 youth, as reported by them, their parents, teachers and law enforcement officials in their emails to Stan (tookie@tookie.com). He has recently published his memoir, *Blue Rage, Black Redemption*, which has been nominated for a James Madison Book Award. His work has resulted in multiple nominations for the Nobel Peace and Literature prizes. This summer Stan's work was even recognized by the President of the United States when he received a presidential award for his volunteer work to help youth. Stan's story was also recently made into a television movie, "Redemption: The Stan Tookie Williams Story," starring Academy Award winner Jamie Foxx. The movie was honored by the Sundance and Cannes Film Festivals, and was nominated for a Golden Globe and other prestigious awards.

Saving Stan, Saving Our Civil Rights

Stan, like many prisoners, experienced racism in the criminal justice system. His prosecutor kicked off three

African-Americans from serving as jurors in Stan's trial, resulting in Stan being convicted by a virtually all-white jury (no African-Americans; one Latino; one Filipino; ten Caucasians). This prosecutor made numerous racist remarks during the trial, comparing Stan to a "Bengal Tiger" in the San Diego Zoo whose natural jungle "habitat" was the equivalent of South Central Los Angeles.

The California State Supreme Court had twice censured this same prosecutor for equally discriminatory behavior. Indeed, a member of the California Supreme Court at that time made the following statement about that prosecutor:

...I believe that we must place the ultimate blame on its real source – the prosecutor. It was he who unconstitutionally struck Black prospective jurors. The record compels this conclusion and permits none other... This prosecutor knew that such conduct was altogether improper. The trial court told him as much. And so did we... This court attempted to teach this same prosecutor that invidious discrimination was unacceptable when we reversed a judgment of death because of similar improper conduct on his part. He failed - or refused - to learn his lesson. The result is another reversal – and another costly burden on the administration of justice.

On October 11, 2005, the U.S. Supreme Court rejected Stan's appeal to investigate the racism and discrimination at the heart of his case, as well as Stan's innocence issues. This denial established as "case law" for the entire nation the right of prosecutors to exclude jurors on the basis of race and to denigrate minority defendants in front of white juries.

The ruling is a frontal attack on the civil rights of all Americans.

Will the State Execute a Nobel Peace Prize Nominee?

An execution date has been set for Stan Tookie Williams: December 13, 2005. In November 2005 his attorneys plan to file another Federal Habeas Petition that presents new evidence of innocence. At the same time a clemency team of lawyers (composed of lawyers from two prestigious international law firms: New York City's Curtis, Mallet-Prevost, Colt & Mosle LLP, founded in 1830, and the 500-attorney firm of Howrey Simon Arnold & White LLP headquartered in Los Angeles), has been formed to prepare a clemency petition for California Governor Arnold Schwarzenegger's consideration. That clemency petition will be submitted to the Governor of California by the beginning of December 2005.

Why Stanley Tookie Williams Should Receive Clemency

Clemency is a request for mercy. In the United States it is a request for a Governor (only a Governor can grant clemency) to not impose the death penalty, but instead to impose an alternative sentence: Life without the possibility of parole. So clemency does not mean freedom for the prisoner. It means that the person will spend the rest of his life in prison unless he can later prove innocence through further appeals.

Stanley Tookie Williams deserves clemency. From a 9-by-4 foot cell he has undertaken extraordinary work to serve humanity in his effort to reverse the destructive legacy of the Crips youth gang. If Governor Schwarzenegger grants clemency to Stanley Tookie Williams he will have made an historic move to diminish youth violence in this country and abroad because of the powerful work that Stan would be able to continue to do, using his credible voice to reduce the presence of street gangs throughout this nation and around the world. Even the 9th Circuit Court of Appeals wrote an unprecedented conclusion to its September 10, 2002, ruling about Stan. The Court concluded that Stan was doing "laudable" work that made him "worthy" of consideration for clemency. To that end, Stan has:

- Saved the lives of over 150,000 youth who were either preparing to join a gang or got out of a gang, based on

the testimonies of tens of thousands of emails received by Stan at tookie@tookie.com from kids, parents, teachers, librarians and even law enforcement officials

- Written nine highly acclaimed anti-violence, anti-gang and anti-drug books for elementary school students (*Tookie Speaks Out Against Gang Violence*, a series of eight books) and middle school children (*Life in Prison*, a book that deromanticizes incarceration) that are in schools, libraries and juvenile correctional facilities throughout the nation and around the world. *Life in Prison* was honored by the American Library Association.
- Written his autobiography, *Blue Rage, Black Redemption*, for high school students and imprisoned adults to inspire them and to demonstrate to them how they can rehabilitate themselves no matter the difficulty surrounding their life circumstance. *Blue Rage, Black Redemption* was recently nominated by Frederick Douglass IV for a James Madison Book Award.
- Written the “Tookie Protocol for Peace: A Local Street Peace Initiative,” which provides step-by-step instructions for how a community can create peace – block by block, neighborhood by neighborhood, city by city. Nearly 200 Crips and Bloods in Newark, New Jersey, for example, signed a truce document based on Stan’s peace protocol one month after downloading that sample peace treaty from his website (www.tookie.com). Until then, those Crips and Bloods had been responsible for 32 gang-related deaths during the first four months of 2004. By May 2004, after signing the truce document, the murder rate in Newark, New Jersey, dropped significantly. The Deputy Mayor of Newark, Ras Baraka, credits Stan’s work as playing a significant role in the lessening of violence in his city. Reformed gang members in other states, such as Indiana, have also reported their successful use of Stan’s peace protocol to secure treaties that stopped gang violence in their communities.
- Written letters to incarcerated youth that have been used as counseling and learning tools by juvenile correctional officers. The letters are available for free on his website
- Provided live mentoring via telephone to the principals of the 23 most at-risk elementary schools in the Chicago Public Schools during an in-service training session about Stan’s work. The session was so successful that the Chicago Public Schools decided to create a curriculum around Stan’s *Blue Rage, Black Redemption* book and his other work. That curriculum was launched in September 2005 within those 23 schools. It is proving to be so successful with students that there is a waiting list to become a participant.
- Provided live mentoring to at-risk youth via the telephone by calling schools, a Bay Area juvenile correctional facility and communitybased after-school programs serving troubled youth
- Provided live mentoring to very high-risk youth who visit him at San Quentin State Prison
- Recorded anti-gang Public Service Announcements (PSAs) that have been played on radio stations throughout the United States and Canada. A British station is preparing to air his PSAs
- Assisted in the creation of an award-winning movie made about his life, “Redemption: The Stan Tookie Williams Story,” starring Jamie Foxx. The movie is being sold in DVD format globally – in, for example, the Netherlands, New Zealand and Iraq to U.S. soldiers fighting there. The movie of Stan’s life is proving to be so inspirational that it, too, is saving lives. (See emails at www.tookie.com.)
- Been nominated five times for the Nobel Peace Prize – once by a member of the Swiss Parliament and four times by a growing list of eminent professors from the United States and Europe. He has also been nominated four times for the Nobel Prize for Literature by William Keach, Professor of English Literature from Brown University.
- Received from President George W. Bush a 2005 Presidential Call to Service Award for his volunteer efforts to help youth

FINANCIAL IMPLICATIONS:

NONE

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