

LEGISLATIVE RESOLUTION PRESENTED TO CELESTE FITZGERALD FOR THE NEW JERSEYANS FOR ALTERNATIVES TO THE DEATH PENALTY

Sen. Robert J. Martin
Sen. Raymond J. Lesniak
Celeste Fitzgerald

SENATOR MARTIN:

It is now my pleasure to introduce a colleague from the Legislature. I thought that I served a long time before I retired. I served twenty-three years, but Senator Lesniak has been in the Legislature since I believe 1776? Anyone who knows the New Jersey state government knows that Ray is the go-to guy. He has certainly been that for me and is just an amazing person who is able to get things done, and as you will hear later, he had an instrumental role in the repeal of the death penalty. Senator Lesniak, please come up.

SENATOR LESNIAK:

Thank you, Senator Martin. I have my own presentation to make because when the Governor signed the repeal of the death penalty, I recall saying that it is not often that we vote our conscience in the Legislature, and we should do it more often. The person who just introduced me voted with his conscience in the Legislature his entire term. [Senator Martin,] I'm going to take this opportunity to present you with a copy of my book.¹ It says: "Senator Martin, you're my hero." Our colleague and friend—but not always right, often, most often, wrong,—Senator

¹ RAYMOND J. LESNIAK, *THE ROAD TO ABOLITION: HOW NEW JERSEY ABOLISHED THE DEATH PENALTY* 51 (2008).

Cardinale was railing during the debate on the moratorium.² He was railing about one of the fellows on death row, and he said: "Who thinks this horrible person shouldn't die?" Senator Martin stood up and said: "I don't think he should die. No one should be put to death by the State." That is Senator Martin. Give him a hand. By the way, it is true that I have been in office for thirty-one years.³ When I first ran, I could not even vote for myself—I was underage.

The one thing that is somewhat troubling is that it took so much here in New Jersey to get this done, to have only the bare majority in the Senate,⁴ but on the other hand, we were the first and we are not going to be the last and the reason is Celeste Fitzgerald. The Senate of the State of New Jersey is pleased to salute Celeste Fitzgerald, a highly esteemed member of her Garden State community who will be honored during the luncheon at Seton Hall University School of Law on April 14, 2008, in grateful recognition of her exemplary efforts in winning public and political support for the elimination of the death penalty in the State of New Jersey.

CELESTE FITZGERALD:

Thank you, Senator Lesniak. Thank you, Senator Martin. I do not know if Assemblyman Caraballo or Senator Bateman are here. Thank you. And you are my heroes as well. I accept this resolution on behalf of the thousands of members of New Jersey for Alternatives to the Death Penalty (NJADP).⁵ Since the abolition

² See Act of Jan. 12, 2006, ch. 321, 2006 N.J. LAWS 2165 (imposing a moratorium on all executions in the state and creating a study commission to examine the flaws in New Jersey's death penalty system).

³ See New Jersey Legislature, Senator Raymond J. Lesniak, <http://www.njleg.state.nj.us/members/BIO.asp?Leg=61> (last visited Jan. 22, 2009). Senator Lesniak was elected to the General Assembly in 1978.

⁴ Jeremy W. Peters, *With Senate Vote, New Jersey Nears Historic Repeal of the Death Penalty*, N.Y. TIMES, Dec. 11, 2007, at B1. Approval in the Senate was considered the biggest obstacle to the repeal bill's passage, as Democrats held fifty of the eighty seats in the General Assembly. Three Senators abstained from the vote (Democratic Senators Ronald Rice and Sharpe James and Republican Senator Walter Kavanaugh), and the legislation was passed with a bare minimum of votes, 21-16. See *id.*; see also *Panel IV: The Final Act—Repeal: Marshaling the Votes*, 33 SETON HALL LEGIS. J. 161, 171-73(2008).

⁵ "The goal of New Jerseyans for Alternatives to the Death Penalty (NJADP)

bill passed,⁶ many people asked the same question: "How did New Jersey do it?" The answer is simple. This proud moment came about because New Jerseyans across the state spoke up for justice. These voices included more than sixty family members of murder victims who shared with others the worst thing that ever happened to them in order to make New Jersey a better and more just place.⁷ These voices included men and women who had been wrongfully convicted who taught us about the necessity of courage in the face of unmanageable loss. These voices included some who once favored the death penalty and changed their minds, and others who have always opposed executions. They include Republicans, Democrats, and Independents. They were voices of law enforcement, clergy, and lay persons. All of these people came together to shatter old myths and expose the truth about a broken system that was causing nothing but harm. Lawmakers rightfully took note of their numbers, their passion, their diversity of perspectives, and the anonymity of their conclusions. In short, the power of their collective voices for justice overcame the rhetoric of fear. While this resolution bears my name, there were many, many people standing behind me to make this happen. It is impossible to recognize everyone who contributed to this moment, but please allow me to point out a few. First, it is my absolute honor to work with the most incredible Board of Directors, our executive committee of the NJADP. John, Lorry Post, our founder, the incredibly talented consultants, Michael Murphy. Peter McDonough took our media work to new levels. Jim Harkness, who was with Riker Danzig and was the Republican lobbyist and is now executive director of the Senate minority office. Also, Kevin [Walsh] and the Gibbons firm. The Gibbons firm is incredible. There is no way that this would have happened without the talented and dedicated lawyers of the Gibbons firm—that includes

[was] to win public and political support for the elimination of execution as a form of punishment in New Jersey. It is [its] conviction that the death penalty is by its nature unjust in application and immoral in principle." New Jerseyans for Alternatives to the Death Penalty, <http://www.njadp.org/> (last visited Jan. 22, 2009).

⁶ Act of Dec. 17, 2007, ch. 204, 2007 N.J. LAWS 1427 (codified at N.J. STAT. ANN. § 2C:11-3 (West Supp. 2008)).

⁷ See Letter from New Jersey Homicide Survivors for S-171 to New Jersey State Legislature (2007), in *THE ROAD TO ABOLITION*, *supra* note 1, at 51, 51-55; *Public Hearings Before New Jersey Death Penalty Study Commission* (2006), available at <http://www.njleg.state.nj.us/legislativepub/pubhearings2006.asp>.

Judge John Gibbons, Claudia Van Wick, Larry Ustroek [phonetic], David Filippelli, and David Pascrell. David Filippelli is brilliant and he coordinated the lobbying effort and did it masterfully. We couldn't have done it without the Davids and without the Gibbons firm and the hard work they put into this. Finally, I would like to acknowledge the men and women of the Office of Public Defenders, and also all of the criminal defense lawyers in the state who work so hard. You are truly my heroes and without a doubt, we could not have done our work if you had not done yours. In closing, I would just like to say what an honor it has been to work on this citizen campaign. Thank you.