

**An Open letter to the  
Governor of California,  
Gavin C. Newsom**

Office of the Governor of California Gavin C. Newsom  
1303 10th Street, Suite 1173  
Sacramento, California 95814

May 13, 2019

Dear Governor Newsom:

Today is my sixty-fifth birthday, a significant milestone because I've reached retirement age. Therefore, it's only natural that I spend my special day in quiet reflection as I pour over the events of my life thus far. I've carefully contemplated

those matters left unresolved, the worst of which has inspired me to write this letter.

For most of my life, I've resided in Newport Beach, California. In 1994, an employer transferred me from North Georgia to Southern California. I was twenty-four years of age. During my twenties and thirties, career and social opportunities abounded. In short, the California lifestyle was glorious. I couldn't imagine living anywhere else.

By the age of thirty-eight, however, I learned about personal tragedy. During the devastating recession in the early-to-mid nineties, I lost everything I'd built during the course of my career. Impoverished, I struggled to regain my footing. I could sense my vulnerability and that my circumstances made me easy prey. Fortunately, relentless searching resulted in me finding a job. The promise of an income instantly renewed my hope that I could rebuild my life. Instead, the unimaginable happened when a few short weeks after beginning my new job, I fell victim to a home invasion. I was forty years old.

Twenty-five years ago, I worked well into the evening hours on a case for my employer until I was exhausted. Too tired to continue, I placed a short stack of files on the end of the bed beside my feet. Leaning against the wall behind my head, I turned on the television and rested my tired eyes.

Suddenly, a hooded man bounded through my front door, dashing toward me on the bed. Within seconds, he pinned me on my back, angled a knife over my carotid artery, and demanded that I stop screaming. Had I not seized a fleeting opportunity to escape, I would've died that night as had his subsequent victim, Ms. Marie Powell.

The diligence and persistence of Orange County law enforcement and District Attorney's Office led to justice when Eric Wayne Bennett, my assailant, was convicted on all counts, including murder with special circumstances. After hearing arguments in the penalty phase, the jury recommended the death penalty.

Judge Kathleen O'Leary acknowledged the jury's recommendation and set a date for formal sentencing. Like me, she wasn't a proponent of the death penalty. Waiting on the date for sentencing was agonizing for me and it must have been gut-wrenching for her, as well. On the day set for sentencing, Judge O'Leary took the bench. After listening to the victim's statements, she delivered an eloquent decision.

I hung on every word she said. I could hear the hours she'd spent in research and I well imagined her torment as she spent hours drafting her decision. She'd carefully weaved each relevant fact in the Bennett case with existing California law. It was a heavy burden for her because her painstaking analysis led her to a painful conclusion. Bennett's actions met every criterion in sentencing guidelines. In recognition of the jury's recommendation, Judge O'Leary sentenced Bennett to death. She was my hero. As she applied the facts of my attack and the subsequent murder of Ms. Powell to the laws of California, she helped me immensely. I listened to her thorough, thoughtful analysis and achieved an understanding that Bennett earned his sentence under prevailing California law. I walked out of the courtroom, accepting that the judge had correctly applied the law.

Twenty-five years have passed. Bennett remains an inmate in San Quentin while I've not been allowed closure. As each anniversary of my attack comes and goes, my wounds are torn open again and again. When updates from the Department of Justice arrive in the mail, a mere glimpse of the return address sends a wave of nausea through my body. Acute symptoms of posttraumatic stress resurface, which means I'm distraught for days at a time.

My losses following Bennett's attack were catastrophic. I have *never* recovered financially. I've endured many hardships over the last twenty-five years, the result of which is an intense longing for the peace that follows finality.

I voted for you in 2018 for one reason: your experience as Lieutenant Governor under Governor Jerry Brown. Our state is in trouble. That fact is obvious to any person both awake and aware. It's a paradox that California is the sixth largest economy in the world, yet its residents can't find affordable housing. Salaries are much too low to meet living expenses. More and more young people cannot afford college. Hard-working, well-educated Californians are being forced out of the state just to survive.

With my vote, I counted on you to assume the Governor's office in January 2019 aware of the bleakness in our lives. I assumed you would have a foolproof plan to improve the lives of the middle class, the working men and women of California.

However, I'm not seeing any evidence that you're attending to the real issues. Instead, on March 13, 2019, you stood at a podium in front of a microphone that you knew was on. After a reporter asked you a question. I listened to you blurt out on television, "Oh, I'm doing away with the death penalty," with a dismissive wave of

your hand. I didn't see any hint of care or concern about the impact of those few words on someone like me.

Your spontaneous declaration to the press has forced me to reevaluate the assumptions I made when I voted for you. At a minimum, I expected you to understand that your job included executing the laws of the State of California. I witnessed a lack of deference to your duties as though you could make them up as you go along. You spoke without acknowledgement of or compassion for the pain and suffering of the victims of death row inmates. It was of so little importance that – as they say in Hollywood – you threw the line away. The Office of Governor has affirmative duties. The power of the Governor has definite limits. You *cannot* wield power capriciously.

After I passed the California Bar Exam in 1991, I swore an oath before obtaining my license to practice law. Like the oath you swore, I repeated the words “I will] faithfully execute the laws of the State of California.” I understood those words to mean *all* laws of the state, whether or not I agreed with them, whether or not the application of those laws weighed on my conscience. During the twenty-eight years that have followed, I respected, complied with, and applied each and every law.

Governor, I expect you to act, as well, in accordance with the oath you swore and the duties you assumed. You swore to faithfully execute the laws of the State of California as California's chief executive officer.

Many articles were published after your spontaneous, televised announcement that you're “doing away with the death penalty.” Amid the back-peddling by your pundits and the attempts to spin your message and reframe your intentions, I've only read one explanation that sounds plausible. The reporter wrote that you have high expectations of placing the death penalty issue on the California ballot in 2020. In spite of the election outcomes in 2012 and 2016, you believe that recent polling of Californians is predicting a majority vote against the death penalty.

I voted against the death penalty in both elections. However, the majority of the California electorate voted to uphold it in both elections (2012 and 2016.) Although I was profoundly disappointed by the result, I accepted the decision. After all, Californians fully exercised their rights and voted in a free, democratic election. The electorate spoke in a voice loud and clear. I faced the consequence. Regardless of my personal views, Bennett's execution would proceed.

I'm unaware of any provision in the State of California that grants the governor the power to act contrary to the decision of the people in a free election. In fact, it's very disturbing that you think you have that power. Although your level of confidence about the 2020 election is impressive, you must be aware that voting history in California is against you. History favors the likelihood that California voters will once again vote to maintain the death penalty.

If that's the outcome, do you have a Plan B? How do you plan to provide closure to victims like me? I've read articles that claim you've also ordered the dismantling of the death chambers. Are you providing yourself with a built-in, convenient excuse? That is to say, on November 7, 2020, might you answer questions about executions in California as follows: "I can't execute anyone because I dismantled the death chambers in 2019."

If that is your plan, all you will have accomplished is a delay of executions until your term of office expires. As governor, you won't have brought any measure of peace or resolution to the victims of death row inmates. In fact, you will only prolong the agony of waiting, which translates to you'll be causing them more harm. As we wait out your term in office, each of us will be living in a kind of limbo until your successor announces his or her views and decision on the issue.

While I'm packing for my move, my mind ruminates over another comment you made during that March 13, 2019 news bite: "I can't have it on my conscience. DNA tests are proving people innocent all the time." Governor Newsom, my assailant confessed to the charges against him (even before he had to). His defense attorneys placed his confession on the court record. Even more responsive to the objections you aired on television is the fact that DNA evidence proved Bennett's guilt. For these reasons, Bennett's name isn't one to be written under the column heading, "Those executions that may disturb my conscience." What of these cases? Why aren't you willing to execute the laws of the State of California as to those death row inmates who confessed to crimes such as murder with special circumstances?

In several days, I'll be joining the number of Californians who are moving out of state to find affordable housing, which, for me, is neither sudden or unexpected. Headhunters with national firms began informing me over two decades ago that the ratio of income to cost-of-living in California is one of the worst, if not *the* worst, in the United States. "I don't know how people in California do it," one recruiter said in disbelief.

More and more Californians feel crushed in a vice of rising costs. Besides housing costs, there's a myriad of expensive goods and services, including gasoline. I drove across the Southern part of the United States twice in 2019. Headed east, gasoline prices dropped dramatically once I crossed the California state line. It's a conundrum when you consider the size of the oil refining industry in California.

The effective date of my layoff, April 30, 2019, fell two weeks prior to my sixty-fifth birthday. Statistics show that ageism in the workplace is an epidemic in California. As much as I wished I could live in denial, the combination of these factors led me to one inescapable conclusion: I must relocate to survive.

It boggles the mind when I consider that with two upper graduate degrees, law licenses in two states, and excellent performance in my jobs, California has allowed conditions to escalate such that I'm forced to leave the state. I've strived to be an asset to California. I fought for the American dream. I thought my contribution would make me a valued resident. I want a governor in office who'll address the crisis in California, who'll turn the present inhospitable environment for workers like me back into that glorious land that I remember from my youth.

I'm facing my last days in California with real melancholy, which is heightened by the fact that I'm leaving the state without closure to the worst experience of my life. Packing has given me considerable time to think. More often than not, I ask myself the same three questions: (1) Did you value my vote? (2) When you learned you won, did you consider the confidence I placed in you and your ability to lead? (3) Do my hardships weigh on your conscience?

Very truly yours,

Pamela Braswell