

Timeline

June 23, 1975 – Michael Anderson is arrested for the murder of Al Respondek. He is eventually convicted and sentenced to life in prison.

March 25, 1993 – Mary Respondek writes a letter to Judge Michael Sapala asking for a new trial for her son, Michael Anderson, saying that her husband, Al Respondek, was abusive.

Autumn 1995 – Michael Anderson goes on a 66-day hunger strike in prison and nearly starves himself to death.

April 18, 1996 – Judge William Colette rules that the state may not force Michael Anderson to accept unwanted nutrition or medical treatment. Anderson's case is argued by the ACLU (see Vocabulary).

Important People

Anderson, Grace – Michael Anderson's wife, who married him while he was in prison. She contends that Michael only confessed to the crime in order to gain clemency.

Anderson, Linda – Michael Anderson's attorney on his appeal case. (Not related to Michael Anderson.)

Anderson, Michael – Michigan man convicted of the murder of his stepfather. His attempts to win a new trial consistently fail, and he wants to starve himself to death.

Colombo, Robert – Judge at Michael Anderson's trial. He appointed Richard Lustig to be Anderson's attorney,

Denefeld, Paul – Attorney with the ACLU (see Vocabulary) who supports Michael Anderson's right to die.

Ghannam, Jeff – Reporter who covered Michael Anderson's case for the *Detroit Free Press*.

Haas, Charles – Michael Anderson's attorney during his trial. His lack of competence, which he himself admits, is the key to Anderson's seeking a retrial.

Kulick, Thomas – Michigan attorney who represents the Michigan Department of Corrections and opposes the ACLU's argument that Michael Anderson has the right to refuse food.

Levin, Charles – Justice of the Michigan Supreme Court who questions whether Michael Anderson got a fair trial.

Lustig, Richard – The attorney originally appointed to defend Michael Anderson. Mary Respondek instead turns the case over to Charles Haas.

Respondek, Al – Michael Anderson's stepfather and victim of the homicide. Member of the Ku Klux Klan (see Vocabulary) and former Navy boxing champion with a reputation for being violent and abusive.

Respondek, Al, Jr. – Al Respondek's son, who argues that his father was not a violent person.

Respondek, Mary – Michael Anderson's mother and Al Respondek's wife. She eventually commits suicide.

Sapala, Michael – Judge who turns down Michael Anderson's plea for a new trial. He replaced Judge Colombo after Colombo's retirement.

Vocabulary

ACLU – American Civil Liberties Union. Civil rights organization founded in 1920 by a group that included Clarence Darrow, Jane Addams, Helen Keller, John Dewey, and Felix Frankfurter. The ACLU, which often takes on unpopular and controversial cases, defended Michael Anderson's right to refuse nourishment and medical treatment.



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New conditions bring new choices. Today, advances in technology and changing social norms force us to confront ethical issues that rarely arose in the past. Sophisticated medical devices can keep a patient alive in ways that were once impossible. But what if a patient—or a patient's family—doesn't wish these mechanisms to be used? Another concern involves the end of life—who decides when it occurs? If a terminally ill person chooses to die, does that person deserve medical assistance? Or how far can a child go when he believes his parents are abusive? Very often, such delicate questions must be decided in court. LANDMARK TRIALS OF MODERN ETHICS explores some of these remarkable cases.

MICHIGAN V. ANDERSON: A RIGHT TO LIFE OR DEATH

The complex and fascinating case of Michael Anderson sheds light on two of the more important issues in the criminal justice system in the United States today. The first concerns an accused person's right to an attorney. Virtually no one questions that right, and attorneys are appointed for people who cannot afford them. But what about the right to a *competent* attorney? There are cases on record of persons being wrongfully convicted – and even sentenced to death – partly because their attorney mishandled their trial. In the case of Michael Anderson, even his attorney admitted that he did a poor job of defending him, and yet Anderson has failed to win a retrial. The second issue is that of a prisoner's right to die. Some persons who are sentenced to life in prison contend that a life sentence is a crueler punishment than death and would prefer to die rather than live out their lives behind bars. Do they have the right to die? Michael Anderson argues that they do and that, if he likes, he may refuse food and starve himself to death. Some ethicists would agree, maintaining that the state can only limit a person's conduct when it presents harm to others, whether or not it presents harm to that person himself. Others would argue that by allowing Anderson to do that, the state is abetting suicide.



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Ku Klux Klan – A secret U.S. organization that advocates white supremacy. Originally founded in Tennessee in 1866, its history is marked by three separate movements – the original organization during the Reconstruction period after the U.S. Civil War; a period of strong growth during the 1920s, when it numbered over 3 million members; and its revival during the 1960s largely in response to the civil rights movement. Al Respondek was a member of the Klan.

Internet Resources

<http://archive.aclu.org/news/18aprarc.html> -- From the ACLU, a news clip on a judge's ruling that Michael Anderson cannot be force-fed. This Web site also contains a large database on the rights of prisoners.

<http://www.skepticfiles.org/moretext/aclu17.htm> – A report on Michael Anderson's case similar to the ACLU story, but with slightly greater detail.

<http://www.innocenceproject.org/> -- Home page of the Innocence Project, a non-profit organization that attempts, through the use of DNA analysis, to defend persons convicted of crimes. Many of the project's clients are persons who, like Michael Anderson, may have been convicted because of the incompetence of their attorneys.

<http://www.truthinjustice.org/> -- Home page of Truth in Justice, a non-profit organization that seeks "to free wholly innocent men and women convicted of crimes they did not commit, and to prevent wrongful convictions by educating the public regarding the vulnerabilities in the U. S. criminal justice system that make these miscarriages possible." Their files contain many cases that, like Michael Anderson's, call into question the fairness of some trials.

<http://www.crimelynx.com/> -- A Web site that calls itself "the criminal defense practitioner's guide through the Internet." A rich source of materials on legal cases.

<http://www.abc.net.au/rn/talks/8.30/lawrpt/stories/s606948.htm> – From Australia, an interesting discussion on "Force-Feeding and the Law."

<http://news.bbc.co.uk/1/hi/uk/493713.stm> – From the British Broadcasting Corporation, another discussion of force-feeding, this one entitled, "When Is Force-Feeding Allowed?"

<http://www.hrw.org/prisons/> -- From the organization Human Rights Watch, material on prisoners' rights.



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Things to Think About

When convicted, Michael Anderson admittedly had what he called a "biker look." Do you think his appearance may have contributed to his conviction? How difficult is it for a jury to judge a person without considering his or her appearance?

Paul Denefeld of the ACLU says that it's unlikely that any judge will give Michael Anderson a new trial because that judge might lose the next election by appearing "soft on crime." Do you think this analysis is fair? Do you believe that judges are prone to decide cases based on their possible political fallout? If so, would you favor appointing all judges (as with Supreme Court justices) to lifetime terms so they will not be subject to political pressures? If not, why not?

If Michael Anderson or his attorney were able to prove that Al Respondek was a violent, abusive husband, do you think that should be a mitigating factor in Michael's sentencing? Was the homicide, in a way, justifiable? Michael Anderson's story has changed several times over the years—sometimes he admitted to the murder, other times he said he is innocent. Does this, in your opinion, cast doubt on his veracity and make it more likely that he is guilty?

Several people involved in Michael Anderson's case now believe that he was protecting his mother, who was the one who actually did the murder. Do you think Mary Respondek committed the crime or do you believe that Michael was the perpetrator?

If you were judging the case of Michael's wish to die, would you support the ACLU's stance that he has the right to deny nourishment or would you favor the prison's argument that allowing him to commit suicide would be the equivalent of furnishing him with a rope to hang himself?

Other Resources

Branham, Lynn S., et.al. *Cases and Materials on the Law of Sentencing, Corrections, and Prisoners' Rights*. West Information Publishing Group, 1997.

Dwyer, Jim, et.al. *Actual Innocence: When Justice Goes Wrong and How to Make It Right*. Signet, 2001.

Knight, Barbara B. and Early, Stephen T., Jr. *Prisoners' Rights in America*. Nelson-Hall, 1986.

Mushlin, Michael B. *Rights of Prisoners*. Shepard's/McGraw-Hill, 1993.

Radelet, Michael L. *In Spite of Innocence: Erroneous Convictions in Capital Cases*. Northeastern University Press, 1992.

Rafter, Nicole Hahn. *Prisons in America: A Reference Handbook*. ABC-CLIO, 1999.

Rudofsky, David. *The Rights of Prisoners: The Basic ACLU Guide to Prisoners' Rights*. Southern Illinois University Press, 1988.

Walker, Samuel. *In Defense of American Liberties: A History of the ACLU*. Southern Illinois University Press, 1999.

Welch, Michael. *Punishment in America: Social Control and the Ironies of Imprisonment*. Corwin Press, 1999.