

ELLEN ROGERS

A voice in the dark

BY VICTORIA LEWIS ■ CONTRIBUTING WRITER

Ellen Rogers, a tall woman with straight, shoulder length red hair and clear green eyes, greets me at the door of her snug home on a quiet residential street. We sit at the dining room table that doubles as her work space and she calmly tells stories that are at once horrific and hopeful.

A death penalty mitigation specialist on capital defense teams since 1996, Rogers has conducted mitigation investigations for 33 aggravated murder cases, most of them death penalty cases. Rogers' job is to find and present evidence as to why her client should not be put to death. That evidence may include mental or psychological problems, addiction or trauma.

Aggravated murder cases rarely go to trial. In an effort to avoid the death penalty, the defense may present mitigating facts in a settlement conference in which a judge meets with the prosecution and the defense.

The goal of the defense is to get the client the best sentence possible given the facts of the case. Frequently, the defense is in the position of trying to negotiate life without parole or life with 30 years, anything but death.

Rogers' clients are violent, damaged people who have done unspeakable things, sometimes to children. Someone is grieving the death of each one of these victims every minute of every day, while her clients, the people who killed them, are still alive.

And to keep them alive, Rogers learns everything she can about what led her client to commit the nightmarish acts of torture, abuse, mutilation and murder most of us can't even imagine. Her investigations aren't about establishing guilt or determining punishment. Her job is to find out what happened to this person that led him or her to commit crimes that make us wince and instinctively turn away rather than even think about them. But these people weren't born monsters. They became who they are for many reasons. Rogers looks for those reasons.



PHOTO BY JOE GLODE

Victoria Lewis: I spoke to a criminal defense lawyer about mitigation specialists and one of the first things he mentioned was their curiosity. Would you say you're curious?

Ellen Rogers: I am curious. I grew up in a large family in Eureka, Calif. In those days you could go to the park and go off by yourself. I would go all over the place. I'd ask myself, why are trilliums only out during this time of year? Why won't my brother eat the mud pie I just made and so carefully decorated for him? Now I ask myself, when I'm investigating a case, was it prenatal substance abuse, a developmental delay, child abuse or neglect, what else could it be? Always, always what else could it be?

V.L.: Looking at your resume it's clear you've gone from one

challenge to the next. Clinical supervisor of Edgefield Children's Center, clinical supervisor of Parry Center for Children, mental health specialist for Polk County Mental Health, co-director of the Living - Dying Project, working with people with a life-threatening diagnosis. It doesn't let up.

E.R.: I have chosen a path that has been challenging. I worked with people with AIDS in the Bay Area in 1984 when everybody was just dying. I didn't have to do that. I worked with severely traumatized children. The other day I was thinking maybe I should have gone to work for a bank. But my father was the hardest working man I ever met. He died at 53 partly because of the way he worked. I didn't come from a family with a lot of money or a lot of resources. I had to take care of myself from an early age. I like to work. I'm in a field that is never boring. I've had great teachers. I've learned so much from the other people in this field.

V.L.: You must talk to a lot of people.

NOTHING
makes me **MORE**
HOPEFUL

than discovering
another human being to admire.

— ALICE WALKER —

The Nothing More Hopeful series originates from a workshop taught by Martha Gies. "I remembered my friend Sr. Rosarii Metzgar once telling me she believed all the terrible news with which we are daily battered must surely be offset by small and unseen acts of good." Gies resolved to enlist some writers who would hunt down and write those stories.