

ARTICLE 3

"Everyone has the right to life, liberty and security of person."

- Article 3 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948



Murder Victims' Families for Human Rights

Newsletter 3 • Fall/Winter 2006

Terrorism Victim Asks: Would My Story Contribute to a Death Sentence?

Over 200 people were killed, and 5,000 injured, when two bombs exploded in U.S. Embassies in Kenya and Tanzania in August 1998. Abdulrahman Abdalla, nicknamed Jamal, was waiting outside the embassy in Dar es Salaam, Tanzania, while his wife Susan Hirsch, an American anthropologist, ran an errand inside. Susan survived the bomb blast; her husband did not.

Four men were arrested in connection with the bombings, and in the spring of 2001, as the trials were about to be held in New York federal court, two of the defendants were facing the death penalty. As a widow of someone killed by one of the bomb blasts and as a survivor of the blast herself, Susan Hirsch was being urged by prosecutors and FBI agents to participate in the penalty phase of the trial.

"I had been looking forward to attending the trial," Susan told *Article 3* in a recent interview. "At that time, there wasn't the large public discussion about terrorist violence and the loss to family members of victims that there has been since. I was look-

ing to the courtroom as a place where I would learn what had happened in the bombing, because a lot of the information had been classified up to that point. And I was looking for some kind of public recognition for my loss and the losses of so many others who were affected."

What Susan did *not* want to do was contribute to the possibility of a death sentence. A lifelong opponent of the death penalty, she was concerned that telling her story in the context of this legal proceeding would mean doing something other than simply describing her loss and its impact.

"I felt it was disingenuous of the prosecutors to try to convince me to tell my story on the theory that it would give me a sense of closure or honor Jamal's memory," Susan says. "In this context, my story would be used to argue for a death sentence. That would be the purpose that the story was serving, and that was not what I wanted."

Susan declined to testify during the penalty phase, but she did speak publicly about her experience and about her opposition to the death penalty

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Murder Victims' Families for Human Rights

Murder Victims' Families for Human Rights is an international, non-governmental organization of family members of victims of criminal murder, terrorist killings, state executions, extrajudicial assassinations, and "disappearances" working to oppose the death penalty from a human rights perspective.

Membership is open to all victims' family members who oppose the death penalty in all cases. "Friend of MVFHR" membership is open to all those interested in joining our efforts.

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in other contexts, including on National Public Radio. At one point during the trials, a prosecutor argued that a death sentence would be the only way to bring justice to the families of the victims, and the defense, aware of Susan's stance, was able to respond that not all the victims' family members felt that way.

In the end, all four defendants received life sentences in United States federal prison. Meanwhile, Susan Hirsch's book *In the Moment of Greatest Calamity: Terrorism, Grief, and a Victim's Quest for Justice* will be published this fall. A large portion of the book is devoted to Susan's experience of the bombing trials and the way that the death penalty affected her own and others' reactions.

Susan told us that while many people are interested in the fact that she maintained her opposition to the death penalty even after losing her husband in a terrorist attack, some are angry at her implied criticism of the government's response to the bombings, and others, particularly those in the victims' rights movement, object to her raising questions about the role of victims in the penalty phase of a capital trial.

Susan says she understands the victims' community's reluctance to question hard-won rights, yet her experience reminds us of how complex the issue can be for a victim who does not agree with the death penalty. Even when victims are not discriminated against because of their anti-death penalty stance (as Susan makes clear she was not), the question of their willingness to see their story contribute to a death sentence still remains.

Susan, who now works at the Conflict Analysis and Resolution Institute at George Mason University and has joined MVFHR, says she never equated justice with the death penalty. "For me, one aspect of justice was that a powerful institution – a federal court, in this case – would seriously listen to and sort through the story of what happened, and would publicize it. It was also very important to me that the process be fair. Finally, justice involves accountability, which I think involves appreciating one's responsibility for and the implications of what happened. One of the things I found most frustrating about the specter of the death penalty is that it would not allow for the possibility of the individuals coming to a full understanding of what they'd done. In that sense, the death penalty is the opposite of accountability."

See p. 12 for an excerpt from Susan Hirsch's forthcoming book.

Opposing the Death Penalty in Wisconsin

In May, Wisconsin lawmakers narrowly approved placing a referendum on November's ballot that will ask voters whether the death penalty should be enacted for cases involving a first-degree homicide conviction that is based on DNA evidence. Wisconsin has not had the death penalty since 1853, but some lawmakers have tried repeatedly over the past twenty years to reinstate it, including Senate President Alan Lasee, lead sponsor of the current bill.

Although the referendum is non-binding, pro-death penalty lawmakers say they hope to use a positive vote to promote passage of a death penalty law in Wisconsin. Passage of the referendum would also be an enormous setback to moratorium and abolition efforts in other states.

Members of MVFHR have joined other anti-death penalty activists in forming a "No Death Penalty Wisconsin" coalition and are doing victim-to-victim outreach and organizing to ensure that victims who oppose the death penalty are part of the discussion about possible reinstatement.

Victims' Family Member Lawmakers Lead the Opposition

Lawmakers who are family members of murder victims led the opposition to the referendum by speaking out against it during the floor debate in May. Representative Amy Sue Vruwink (D-Milladore) showed a photograph of her cousin Forrest, who was murdered in 2004, as she argued against the referendum. Representative Bob Ziegelbauer (D-Manitowoc), whose sister Mary was murdered in 1983, urged his colleagues not to place a death penalty referendum on the ballot just weeks after Steven Avery will stand trial for the 2005 murder of Teresa Halbach. This high-profile trial will take place in Rep. Ziegelbauer's district, and he said a death penalty referendum would create "a supercharged political environment" that would divide the community and focus unwanted publicity on the victim's family.

Representative Jennifer Shilling (D-LaCrosse) is the daughter of Richard and Lynn Ehlenfeldt, who were murdered in Palatine, Illinois in 1993 in a case

that became nationally known as the "Brown's Chicken Massacre." Rep. Shilling said during the Wisconsin floor debate, "For some survivors of homicide, the thought of executing someone adds to the pain. Nothing gives me chills more than the thought of a carnival atmosphere that I would see surrounding executions."



Representative Jennifer Shilling

Reaching Out to Survivors

As we work to oppose reinstatement of the death penalty in Wisconsin, one of our messages is that there are other, better ways to reduce violence and to help survivors in the aftermath of murder. Wisconsin MVFHR member Debra Fifer's 22-year-old son, Kirk Bickham, Jr., was killed three years ago, and since then she has worked to reduce violence and assist survivors in several ways. With two other mothers of homicide victims, Debra founded Mothers Against Gun Violence, which promotes responsible gun ownership through stricter gun control laws. Debra is Chair of the Wisconsin chapter of the Million Mom March. She speaks to young people about the experience of being a crime victim; for example, last fall she addressed young men who are part of a juvenile justice program.

Debra reaches out to family members of homicide victims in Wisconsin, not only to invite them to join her in working to reduce violence but also to commemorate those they have lost and urge the public not to forget those lives. This past April, Mothers Against Gun Violence created an exhibit and held a ceremony in the Capitol Rotunda remembering victims of homicide.

"If the death penalty could bring my son back, then sure, I'd be all for it," Debra says. "But that's not how it works, and in fact I believe that just as citizens do not have the right to take someone else's life, the state should not have that right either. States that have the

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death penalty are not crime-free, and it's already been proven that the death penalty is not a deterrent to crime. We do not need the death penalty in Wisconsin."

Theresa Matthews' 23-year-old son Ishmal was murdered in 2002, and, like Debra, she has been active in efforts to reduce gun violence in

Wisconsin. Theresa is also the organizer of a local event that she calls Day of Peace, held each year on her son's birthday. Members of the community, homicide detectives, and members of the fire department and the sheriff's department come together to enjoy a peaceful

day in memory of homicide victims.

"A lot of people thought that I would want the person who did this terrible thing to my son to be executed, but that's not what I want," Theresa says. "We keep our hope that the person will be found and held accountable, but who are we to say a life for a life? That's

not what Ishmal would want. We don't need the death penalty in Wisconsin. We have enough violence, and I don't believe the death penalty would have prevented my son's murder. To me the death penalty is just legalized murder, and I'm not for that."



Debra Fifer with her son's favorite belongings



Theresa Matthews participating in a ceremony commemorating Wisconsin victims of homicide

MVFHR Board Member Wins Victim Activist Award

At this year's National Organization for Victim Assistance conference, which was held in Florida, MVFHR Board member Bill Jenkins received the Edith Surgan Victim Activist Award, which is given annually to victims who "demonstrate a life of commitment after their victimization to promote rights and services that help change the lives of victims." (Edith Surgan, whose daughter was murdered in 1976, advocated for the establishment of victim services, victim compensation laws, and the victims' rights laws which are now common throughout the United States.)

Bill has worked on behalf of victims since his 16-year-old son William was shot and killed in 1997. His book *What to Do When the Police Leave: A Guide to the First Days of Traumatic Loss* is used by victim assistance programs, police departments, funeral homes, and clergy throughout the United States. Bill trains victim service professionals, members of law enforcement, and attorneys in issues concerning the needs of victims, and he is an active member not only of the National Organization for Victim Assistance but also of the National Center for Victims of Crime, Parents of Murdered Children, Compassionate Friends, and Fight Crime: Invest in Kids.

As a board member of MVFHR, Bill is also an outspoken activist against the death penalty. "Because victim activists know me as someone who works for victims' rights and victims' needs," Bill observes, "we start out with that common bond. Then when they find out that I am opposed to the death penalty, they don't immediately dismiss me as someone who doesn't care about victims. Instead, they are more open to hearing why I hold that view."

Organizing Victims in New York

In May, MVFHR formalized an agreement with New Yorkers Against the Death Penalty (NYADP) to provide expertise, training, and logistical support as they reach out to and organize victims around the state. MVFHR's Renny Cushing and Kate Lowenstein are working regularly with NYADP's new Victims' Outreach Coordinator, Marie Verzulli. Marie's 29-year-old sister, Catherine Marsh, was one of eight women murdered by a serial killer in 1998 (see Marie's statement in Victims' Voices, p. 9).

"It's wonderful to work with people who share a common bond," Marie says of her work with MVFHR. "It's valuable to talk with people who have experience organizing victims to oppose the death penalty, and to hear what has worked and what hasn't. So often, victims are afraid to speak out, but when they do, their voices have such an impact. We want to help victims where they are, not

where people think they ought to be, and we want to let them know that every voice matters."

NYADP Executive Director David Kaczynski wrote in the group's June newsletter, "To my knowledge, NYADP's ambitious plan of an organized victim community working against the death penalty is a first among state anti-death penalty coalitions anywhere in the country. ... Although NYADP has benefited immensely from victim family involvement in the past, all too often we've called upon victims only when we needed them to testify at hearings, to write an op-ed piece, or to fend off public cries for the death penalty a day or two after some shocking murder. As grateful as I have felt toward victim family members who answered our call, I've also felt uncomfortable thinking that perhaps we were using victims to meet our needs without reflecting on how NYADP could meet any of theirs. As much as politicians,

including DAs in capital cases, give lip service to meeting the needs of crime victims, the truth is that victims are too often exploited to meet others' agendas, and then they are just as quickly dropped and forgotten. I didn't want NYADP to exploit victims in the same way."

We are pleased to be working closely with our colleagues at NYADP in the effort to keep the death penalty from being reinstated in New York. (After the state Supreme Court ruled New York's death penalty law unconstitutional two years ago, the state has been essentially death penalty-free, but the risk of new legislation or a new judicial ruling still remains. As well, the federal government continues to seek the death penalty for federal defendants in New York, though no death sentences have yet resulted.) We know that work in New York is critical to the abolition movement in the U.S. and internationally.

Online Gallery of Victims' Stories

We are developing an online gallery of victims' stories that can be used to connect with others and to gather material for lawmakers, public presentations, researchers, members of the clergy, and anyone else interested in learning more about the range of experiences of victims' family members and family members of the executed and their myriad reasons for opposing the death penalty.

Each page of the gallery features a photo of the victim, a photo of the family member(s), a paragraph about what happened and the outcome of the legal case, a paragraph about the family member's work against the death penalty, and a paragraph of direct quotation from the family member about his or her reasons for opposing the death penalty. You can browse by name or by location. As the gallery grows, we anticipate making it possible for visitors to browse by other categories, such as families of law enforcement.

Participating in the gallery is an easy way to add your voice to the growing group of victims' family members speaking out against the death penalty. Visit www.murdervictimsfamilies.org (click on "Victims' Stories") and let us know if you or someone you know would like to be included.

Children in Families of the Executed

Since the last issue of *Article 3* was published, we have been interviewing family members of the executed around the United States as part of the next phase of MVFHR's "No Silence, No Shame: Organizing Families of the Executed" project. We plan to release a report on International Human Rights Day (December 10th) that will examine several aspects of these families' experiences within the context of human rights.

One of the issues we are paying particular attention to is the effect of executions on children in the families of those executed. As Robert Meeropol – who was 6 years old when his parents were executed – said at No Silence, No Shame's opening ceremony last October, "As far as I know no one has studied how the execution of an immediate family member impacts children. We don't even know how many children have an immediate family member on death row in the United States today. Worse, we don't know the effect that having a parent executed will have upon their impressionable lives, and the cost society may pay for that impact."

In addition to publishing our own report, we are hoping to submit articles to other publications about this specific issue. Here are a few excerpts from our interviews:

Pam Crawford's granddaughter Callie was 8 years old when Pam's brother, Ed Horsley, was executed in Alabama. Pam told us that Callie, at 19, is still struggling with nightmares and unresolved questions: "She asks, 'How can it be wrong to kill somebody but right for the state to kill?' She has nightmares that she is trying to reach Uncle Ed and he's running from her, or she's calling to him but she can't get to him because there's a wall between them."

Wendy Bradley, whose father Jerry McWee was executed in South Carolina two years ago, told us, "The whole family is punished by the death penalty. You always try to think about how you could have prevented it. Even a child thinks that. You take that on – did we misbehave in a certain way? Did we do something that led to this?"

Christina Lawson, whose husband David Martinez

was executed in Texas last year, described how her two children, who were 10 and 9 at the time of their father's execution, continue to struggle to make sense of what happened. "I remember having to explain to them that people didn't believe Daddy should live. My son didn't talk about it, but my daughter began to make statements like, 'They're going to kill him because he killed somebody, so when they kill him, who do we get to kill?' There are days when it's raw. One day she told me she had a hard time being in school because she felt like everyone was guilty of murdering her dad, all the people of Texas were guilty."

Desiree Babbitt, whose father, Manny Babbitt, was executed in California in 1999, said, "I always felt like my father raised me from prison. I loved him and felt his love for me. There were a lot of secrets in the family, and although I knew my father was in prison, no one told me that he was facing a death sentence until I was 20 and the whole family was going to California to beg for his life before the pardon board. I spoke at the hearing and talked about what my father meant to me, and everyone seemed to be listening. I thought we had saved him, but we didn't. Sometimes I think that if I had understood the truth earlier, I might have been able to do more. I wish people could understand how much it hurt me that he was executed."



Desiree Babbitt with her uncle Bill Babbitt in Texas last October

Calendar

Virginia Journey of Hope, October 13-29, 2006. For information: www.journeyofhope.org, 877-9-2-4GIVE.

The National Coalition to Abolish the Death Penalty annual conference, October 27-29, Fairfax, VA. For information: www.ncadp.org, 202-331-4090

World Day Against the Death Penalty, October 10, 2006 (events in many locations), and the Fourth World Congress Against the Death Penalty, February 1-3, 2007, Paris. For information: www.worldcoalition.org

The Death Penalty in Cases of Domestic Violence

Last November, Rose, Sarah, John, and Janet Syriani met with North Carolina governor Michael Easley to plead for the life of their father, Elias Syriani, who was facing execution later that month. "If this execution is carried out, we'll have two parents murdered," Rose said.

The Syriani siblings had been children when their father stabbed their mother, Theresa Syriani, to death in 1990. After years of estrangement from their father, each had recently found a way to re-establish a relationship with him, and they were sure that they didn't want him executed.

The governor rejected the Syriani's plea for clemency, and Elias Syriani was executed on November 18. In a statement that he read on the night of the execution, the Syriani children's attorney, Russell Sizemore, said, "Rose, Sarah, John and Janet Syriani have traveled so far in the process of healing from the terrible wounds of a horrible domestic tragedy that it is nothing short of cruel that their journey would be violently interrupted tonight by another death, a death entirely within our power to prevent. We mourn, and all of the people who have had a chance to meet these four wonderful people mourn, the fact that our society is still so unable to hear the children wounded by domestic violence and so unable to muster the courage to affirm life and support reconciliation."

What happens when the child

of a murder victim is also the child of the person convicted of that murder? What are the costs of executing the offender and victimizing the child a second time? MVFHR is exploring these questions within the context of the "No Silence, No Shame" project, and we recently interviewed Marcus Lawrie, who was 14 when the state of Delaware executed his father in 1999. In 1992, David Lawrie had set fire to his house in a drug-induced rage, killing his wife Michelle Lawrie, two of their young children, and a neighbor's child.

What Marcus wants people to understand is that as horrific as this tragedy was, he did not view the execution of his father as compensation for his multiple losses. "I lost my mom and sisters because of my dad, and that hurts," he says now, "but you've got to understand – by giving my father the death penalty, you're taking my other parent from me." Hard as it may be for society to accept, Marcus did not see his father only as a criminal. He saw David Lawrie as his only remaining parent, and he didn't want to lose him.

"Each time they gave him an execution date, it would touch me a little harder," Marcus remembers. There was a lot that he and his father never talked about directly, but David kept a notebook that he left for Marcus after his death. "He filled up a whole composition book, answering all the questions I

was too scared to ask."

Marcus remembers hopping the back fence at his elementary school in order to escape reporters who wanted to photograph him. He remembers people setting doll babies on fire in the yard of his grandmother's home. He remembers getting into fights with other kids at school. He remembers standing outside the prison on the night of the execution, hearing people screaming in favor of the death penalty.

Marcus's support that night came from people on the anti-death penalty side of the fenced-in protest area. He remembers adults shielding him from reporters and shaking his hand or giving him a hug and telling him they were sorry about what was happening that night. Victims' family members and anti-death penalty activists Anne Coleman and Barbara Lewis, who had been helpful to Marcus and his grandmother for several years, were standing with him that night and remain his close friends today.

Marcus says that at first it was hard to talk much about how either of his parents had died, but as he got older, talking got easier. Now, at 21, he's hopeful that his experience might make people think about the effect of imposing the death penalty in cases of domestic violence. He says, "I think a lot of people would change their minds about the death penalty if they heard stories like mine."

Victims' Voices Around the U.S.

In each issue of Article 3 we like to include a few examples of the ways in which victims' family members are expressing their opposition to the death penalty. Here are some recent examples that have come to us from around the U.S.:

Arkansas:

Betsey Wright regularly speaks to church and civic groups and works to organize death penalty opponents in Arkansas. In May, she published a piece in the *Arkansas Times*, which said in part, "When I give talks about my opposition to the death penalty, somebody always declares that I wouldn't feel this way if somebody I loved had been murdered. Unfortunately, I got put to the test. In February 2005, in Texas, my precious 21-year-old niece, Heather, was tortured, raped, mutilated and murdered. Somebody destroyed her dreams and her life, and destroyed our family's hopes for her. I am desperate for justice. I want the Texas Rangers to find the man who committed this horror. I want him caught so he won't do such a thing to anybody else. I want him found so that Heather's mother can sleep again instead of worrying about her other daughters. I find myself praying that he will just plead guilty because I don't want the hideous things he did to Heather talked about in a public trial. But I don't want him executed. That would be revenge, not justice. I believe the words of the Bible that say revenge is God's, not ours. I shudder at the idea of government imitating this killer by killing him. All the talk about the 'closure' given by an execution is a myth. Heather is gone. Her chair is forever empty, and killing her murderer will not change that."

Kansas:

As many readers know, the U.S. Supreme Court's June ruling in *Kansas v. Marsh* upheld Kansas's death penalty statute. The challenge had been about the constitutionality of the law's requiring a jury to impose a death sentence when it finds that the aggravating and mitigating circumstances in the

case have equal weight.

Bill Lucero sent us copies of letters that he wrote to Topeka newspapers after the ruling. In the letter that was printed in the *Metro News*, Bill wrote, "When the death penalty is invoked, family members of the victims ultimately are made to incur longer and more painful suffering. Some of those family members may initially favor execution but experiences in other states overwhelmingly demonstrated that no solace is gained from implementing the death of the condemned. Healing only occurs from the support of family, friends, church and community.

When society takes on the role of dispenser of vengeful retribution, then we have merely lowered ourselves to the same level of the individual who committed such heinous acts. Capital cases thus far tried in Kansas have been characterized by jury misconduct, judicial error, arbitrariness in charging and sentencing, inadequate defense representation, withheld evidence, disparity in sentencing, prosecutorial misconduct and racial biases. As a result we have already experienced mistrial, sentence reversal, conviction reversal and post death sentencing plea bargaining, contributing to a financial cost far above providing a life without parole sentence. If we are going to ask our children to learn to respect life, then we need to do better than this. ..."

Vermont:

In June, Vermont imposed its first death sentence in almost 50 years. Although Vermont itself does not have the death penalty, Donald Fell was charged with capital murder under federal law.

Rachel Lawler, Amnesty International's State Death Penalty Action Coordinator for Vermont, told us that the groups who were planning events in protest of the federal sentencing decided to focus their message on "the problems with the death penalty that are pervasive throughout the entire country – more specifically the re-victimization that victims' family members are subject to as a result of

a broken death penalty system. We wanted to take this opportunity to increase the public's awareness of this failure as well as to refute the misconception that all victims' family members want the death penalty to help them heal."

The June 15th Vigil to Remember Victims of Homicide, held in Burlington, included remarks by Marie Verzulli from New York and MVFHR Board member Walt Everett from Pennsylvania. Marie said, in part, "My sister, Catherine Marsh, was one of eight women who fell victim to a serial killer in Poughkeepsie, New York. I had never thought much about the death penalty until the day in 1998 when the District Attorney asked me how I felt. I told him that I had never really thought about it. I couldn't imagine what, if anything, could bring me comfort or lessen my pain and despair, but I knew it wasn't that. The most perverse part of this unfair and costly death penalty process is that the murderer achieves a kind of celebrity while the pain and anguish of the murder victim family members is forgotten or just seems to fall between the cracks."

Washington, D.C.:

Several victims' family members participated in the Starvin' for Justice Fast and Vigil, which was held in front of the U.S. Supreme Court from June 29th (the anniversary of the 1972 *Furman* decision, which found the current application of the death penalty to be unconstitutional) to July 2nd (the anniversary of the 1976 *Gregg* decision, which allowed for the resumption of death sentences in the U.S.). In addition to maintaining a presence outside the court, victims' family members spoke about their experiences and their reasons for opposing the death penalty. They were joined by several people who have been released from death row.

The annual fast and vigil is organized by the Abolitionist Action Committee and co-sponsored by several anti-death penalty organizations and individuals.

Wisconsin:

In May, Aleta Reckling Chossek published an op-ed in the *Milwaukee Journal-Sentinel*, in which she told about the 1994 murder of her father and explained that his assailant had faced the death penalty in Illinois. Aleta went on to say, in part, "I offer my perspective as a family member of one who was murdered. The death penalty option brought no peace, no closure to our family. Murder brings out primitive emotions in families. In addition to the grief, there is the natural desire for closure, retribution, justice and, ultimately, peace. ... My four siblings and I were encouraged by the politically ambitious state's attorney to support the death penalty. We could not come to consensus. This issue put additional stress on an already devastating time for us. There are many reasons I oppose the death penalty — some emotional, some practical. But primarily, I oppose the death penalty because it perpetuates a cycle of violence that God sought to end."



Photo by Abe Bonowitz

Murder victims' family members at the U.S. Supreme Court for the annual fast and vigil. Left to right: Christina Lawson (TX), Celeste Fitzgerald (NJ), Bonnita Spikes (MD), Art Laffin (CT), George White (FL), Liliana Caetano (VA), SueZann Bosler (FL), Sam Reese Sheppard (CA), Bill Pelke (AK)

Voices of Victims Opposing the Death Penalty in the Philippines

In June, the Philippines became the first Asian nation to abolish the death penalty. One of the lawmakers voting in favor of abolition was Senator Richard Gordon, whose father, James Gordon, was murdered by an escaped inmate in 1967, and whose niece was murdered by a houseboy many years later.

Senator Gordon said in his co-sponsorship speech that he was voting in favor of abolition “not just to be merciful but to be just. It is so easy to kill a person to bring him to justice, but the lifetime suffering of a nation when it finds out that it has made a mistake is indelible.” The Senator emphasized the need to focus on crime prevention in addition to abolishing the death penalty. “We cannot just sit idly by and abolish the death penalty while at the same time be inattentive to the fact that there are constant killings here in our country and the government does not seem to have the capability to properly investigate these crimes, as well as to stop these killings on the streets,” he said.

Another family member of a murder victim who openly opposed the death penalty in the Philippines was Raydean Salvosa, whose brother was brutally mur-

dered during a robbery. Mr. Salvosa told us that fear and frustration has fueled strong public support for the death penalty in the Philippines. “Because people are afraid of the high crime rates and frustrated by the inefficiency of law enforcement, the death penalty is seen as the answer to their problems,” he explained.

For many years a professor of political theory, Mr. Salvosa had always opposed the death penalty for both philosophical and practical reasons. His brother’s murder challenged those beliefs.

“But in the end, I am still against the death penalty – more so now than ever before,” Mr. Salvosa told *Article 3*. “If executing those men would bring back my brother, I would be all for it. But it doesn’t – it just makes us guilty of the same crime.” Mr. Salvosa is now the Managing Director of the Consuelo Foundation, which supports programs that help abused and street children and juvenile offenders. He asks, “Why not rechannel our efforts into destroying the conditions of poverty, injustice, abuse, and neglect that breed men like those who murdered my brother?”

MVFHR was one of many signatories to a report that was presented to the Human Rights Committee of the United Nations earlier this year. Periodically, the UN looks at whether countries that have ratified the International Covenant on Civil and Political Rights (ICCPR) are in fact in compliance with that treaty. (The United States ratified the ICCPR in 1992.) The procedure for this regular review by the UN is that the state department submits a report evaluating our country’s compliance with the treaty and then non-governmental organizations are invited to submit “shadow reports” which dispute, or provide information not included in, the official report.

The U.S. State Department submitted its report to the UN last October, and then 142 U.S. non-profit organizations and 32 individuals submitted a shadow report detailing many areas in which the U.S. fails to uphold the rights outlined in the ICCPR. The section on the death penalty focused on the execution of the mentally ill, lethal injection as cruel and inhuman punishment, racial discrimination in capital sentencing, death row conditions and their effects on prisoners’ mental health, and the failure to restrict the death penalty to the most serious crimes.

In July, the UN Human Rights Committee held hearings on these reports and then issued findings and recommendations about how the United States should improve in several areas. Regarding the death penalty, the committee criticized the way death sentences in the U.S. are disproportionately applied to minorities and the poor. The committee then recommended that the U.S. “should place a moratorium on capital sentences, bearing in mind the desirability of abolishing death penalty.”

We encourage MVFHR members to visit the websites of the U.S. Human Rights Network (www.ushrnetwork.org) and Human Rights Watch (www.hrw.org) for more details and information.

From the President and Executive Director

You're the reason we're not daunted by the challenging days ahead. Sure, we have a lot of work to do — a quick glance through this issue of *Article 3* shows you how busy MVFHR will be until the end of the year. We'll be organizing victims to oppose reinstatement of the death penalty in Wisconsin, publishing our report about families of the executed, adding to our online gallery of victims' stories, and working in so many other ways to spread our message that executing people is a human rights violation that does not honor victims.

We're not overwhelmed by these tasks because we have a great team to work with and because we're confident that once again our wonderful supporters will provide the precious funds we need to achieve our goals. Because of your prior support, when our finance committee met at the end of June to plan our work for the second half of 2006, we saw that we only needed to raise an additional \$14,000 by the end of the year in order to achieve our ambitious goals. We're pleased to report that we have already raised a good portion of that amount. The letter we mailed to many of you in June brought us \$3,000 in contributions, and supporters in Illinois gave over \$2,000 to MVFHR at a fundraising event in July. That means we have just \$9,000 left to raise by the end of the year! So your \$100, \$50 or \$25 contribution will make a real difference.

Tell us you like what we are doing and want us to do even more by sending us your donation today. Use the envelope enclosed with this newsletter or clip the coupon below. All contributions to MVFHR are tax deductible to the fullest extent of the law and will be used to honor victims by abolishing the death penalty, one of the world's worst human rights abuses.

In solidarity, and with gratitude,



Renny Cushing
Executive Director



Bud Welch
President



MVFHR members and friends listen to Robert Meeropol give a talk at a fundraising event organized by Jennifer Bishop-Jenkins, Bill Jenkins, and Jeanne Bishop in July.

YES, I want to support the work of Murder Victims' Families for Human Rights. Enclosed is a check with my tax-deductible contribution of

\$250 \$100 \$50 \$25 Other amount \$ _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

To donate with a credit card, please visit our website, www.murdervictimsfamilies.org

Vicki Schieber, Treasurer
MVFHR – DC Office
2611 Washington Avenue • Chevy Chase MD 20815

As the trial began, I told a friend that my opposition to the death penalty was so strong that it would likely stand in the way of my testifying in the penalty phase. He said, “Well, that’s really it, isn’t it? People always say, ‘If it were *your* family member, you would feel differently. You would want to see them put to death.’ And you don’t feel that.” It was true. With no desire for violent vengeance, I worried that killing the defendants – with all the fanfare of a national execution – would only make me more distraught.

In the trial’s two penalty phases, victims of the embassy bombings would inform the jury about the impact of the crime on their lives so as to influence whether that impact, along with other factors, such as the gravity of the crime and the future dangerousness of the defendant, was sufficient to warrant the death penalty. The prosecution’s account of the bombings in the guilt phase had been satisfying. But I wondered how I would feel if the trial ended without [my husband] ever having been mentioned. Participating in the penalty phase would provide recognition for Jamal, our stories, and the grief his family and I felt. Although routinely depicted as an

opportunity for just such recognition, and also for victims and their family members to experience therapeutic catharsis, victim impact testimony, from a legal perspective, would be presented primarily to convince the jury that the crime was so heinous that it demanded their vote for death.

Given that purpose, I had to ask myself: Was achieving recognition by testifying in the penalty phase worth enhancing the possibility of a death sentence? During the next weeks my confusion over this question generated other hard questions: How solid was my opposition to the death penalty? Was there any merit to the prosecution’s view that I could oppose the death penalty and yet still testify? Was it appropriate for me to refuse to participate, if it would mean that my story and Jamal’s would not be told at the trial? Which was the greater burden: telling our stories in the penalty phase or not telling them?

From Susan Hirsch’s forthcoming book, *In the Moment of Greatest Calamity: Terrorism, Grief, and a Victim’s Quest for Justice*. See story on p. 1.



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