

## VICTIMS' FAMILIES AND THE DEATH PENALTY

**Testimony to the  
Subcommittee on the Constitution, Civil Rights and Property Rights  
Committee on the Judiciary  
US Senate**

**February 1, 2006**

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I am the mother of a murder victim and I serve on the board of directors of Murder Victims' Families for Human Rights (MVFHR), a national non-profit organization of people who have lost a family member to murder or state execution and who oppose the death penalty in all cases. There are MVFHR members in every state.

Discussions of the death penalty typically focus on the offender, the person convicted of murder. My focus, and the focus of those whom I am representing through this testimony, is on the victims of murder and their surviving families.

Losing a beloved family member to murder is a tragedy of unimaginable proportions. The effects on the family and even on the wider community extend well beyond the initial shock and trauma. The common assumption in this country is that families who have suffered this kind of loss will support the death penalty. That assumption is so widespread and so unquestioned that a prosecutor will say to a grieving family, "We will seek the death penalty in order to seek justice for your family." A lawmaker introduces a bill to expand the application of the death penalty and announces that he is doing this "to honor victims." A politician believes that she must run on a pro-death penalty platform or risk being labeled soft on crime and thus unconcerned about victims.

As a victim's family member who opposes the death penalty, I represent a growing and for the most part under-served segment of the crime victim population. Along with the other members of MVFHR, I have come to

believe that the death penalty is not what will help me heal. Responding to one killing with another killing does not honor my daughter, nor does it help create the kind of society I want to live in, where human life and human rights are valued. I know that an execution creates another grieving family, and causing pain to another family does not lessen my own pain.

My daughter Shannon was 23 when she was murdered in 1998 by a serial rapist in Philadelphia. Shannon had grown up in Maryland, graduated from Duke University, and was finishing her first year of graduate school at the Wharton School of Business. Shannon was home by herself, up late studying for her final exams, when the assailant pried open a balcony door on her second floor apartment and attacked her as she was preparing to take a bath. We would ultimately learn that in the same neighborhood, this assailant had broken into at least four other apartments and sexually assaulted single white female residents in the 11 months prior to Shannon's death. Although the Philadelphia police now claim they had linked the prior four cases, they had not warned the community of the danger that lurked there for young women like our daughter. It was not until some nine months after Shannon was dead that the police would notify the community that she was killed by a serial attacker who might still be prowling in their neighborhood. He would attack again in August 1999 in Philadelphia. Although it took the Philadelphia Police more than 17 months to successfully process the DNA evidence in these various cases, all six were ultimately linked.

From late August 1999 until late September 2001, we would hear nothing more of this stalker, rapist, and murderer. Then it was announced that a DNA link had been made between Shannon's case and a series of sexual assaults that had taken place in Fort Collins, Colorado during the spring and summer of 2001. The assailant struck again in early April 2002 in Fort Collins. Following their own leads, those provided to them by the Philadelphia police and even outside entities including an intelligence unit at the U.S. State Department, Fort Collins police arrested Troy Graves on April 23, 2002. Ultimately he pled guilty to assaulting, raping, and killing Shannon. He also pled guilty to 13 other sexual assaults in the two state crime sprees.

My husband and I were both raised in homes with a deep-seated religious faith. We were both raised in households where hatred was never condoned and where the ultimate form of hate was thought to be the deliberate taking of another person's life. The death penalty involves the deliberate, premeditated killing of another human being. In carrying forward the principles with which my husband and I were raised, and with which we raised our daughter, we

cannot in good conscience support the killing of anyone, even the murderer of our own daughter, if such a person could be imprisoned without parole and thereby no longer a danger to society.

No one should infer from our opposition to the death penalty that we did not want Shannon's murderer caught, prosecuted, and put away for the remainder of his life. We believe he is where he belongs today, as he serves his prison sentence, and we rest assured that he will never again perpetrate his sort of crime on any other young women. But killing this man would not bring our daughter back. And it was very clear to us that killing him would have been partly dependent on our complicity in having it done. Had we bent to this natural inclination, however, it would have put us on essentially the same footing as the murderer himself: willing to take someone else's life to satisfy our own ends. That was a posture we were not willing to assume.

In my work with Murder Victims' Families for Human Rights, I have come to know several survivors of people who have been put to death by execution. Seeing the effects of an execution in the family, particularly the effects on children, raises questions for me about the short- and long-term social costs of the death penalty. What kind of message do we convey to young people when we tell them that killing another human being is wrong but then impose the death penalty on someone with whom they have some direct or indirect relationship? Isn't there the possibility that the imposition of the death penalty sends a conflicted message about our society's respect for life? Isn't it possible that the potentially biased application of the death penalty in certain racial contexts distorts the fundamental principles on which this nation was founded? Isn't it possible that the bitterness that arises out of this causes more social problems than it solves?

I remember when, back in 2001, then-Attorney General John Ashcroft decided that family members of the Oklahoma City bombing victims should be allowed to witness the execution of Timothy McVeigh on closed-circuit television. His argument was that the experience would "meet their need for closure." The word *closure* is invoked so frequently in discussions of victims and the death penalty that victims' family members jokingly refer to it as "the c word." But I can tell you with all seriousness that there is no such thing as closure when a violent crime rips away the life of someone dear to you. As my husband and I wander through the normal things that we all do in our daily lives, we see constant reminders of Shannon and what we have lost. Killing Shannon's murderer would not stop the unfolding of the world around us with its constant reminders of unfulfilled hopes and dreams.

Indeed, linking closure for victims' families with the execution of the offender is problematic for two additional reasons: first, the death penalty is currently applied to only about one percent of convicted murderers in this country. If imposition of that penalty is really necessary for victims' families, then what of the 99% who are not offered it? Second, and even more critical from a policy perspective, a vague focus on executions as the potential source of closure for families too often shifts the focus away from other steps that could be taken to honor victims and to help victims' families in the aftermath of murder.

We have chosen to honor our daughter by setting up several memorials in her name – a scholarship at Duke University, and an endowment fund to replace roofs on inner city homes through the Rebuilding Together program in poor sections of our community, to name two. We also believe that we honor her by working to abolish the death penalty, because, for my husband and for me, working to oppose the death penalty is a way of working to create a world in which life is valued and in which our chief goal is to reduce violence rather than to perpetuate it.

Many of my colleagues within Murder Victims' Families for Human Rights have chosen to work for the prevention of violence, through a variety of means. From my perspective, this is the way to be pro-victim.

Following a departmental audit, we learned that in the period prior to Shannon's murder, the Philadelphia police department had been systematically classifying reported sexual assaults and rapes as non-crimes because they did not want the actual level of crime in the city to show up on their federal crime reporting statistics. If the district attorney in Philadelphia had really been out to stop crimes like the one Shannon suffered, seeking disciplinary action against the police involved in the systematic downgrading of reported sexual assaults and rapes in order to hide from the public the extent such crimes would have been far more effective than seeking the death penalty for an assailant already sentenced to life in prison without parole.

We must move beyond vague sentiments about being tough on crime and seeking justice for victims and look closely at what actions would truly prevent violence or help victims heal in the aftermath of violence. Among the policy changes that Murder Victims' Families for Human Rights recommends in this arena are:

Remove time limits on victims' access to resources, such as victim's support and victim's compensation.

End discrimination against victims' family members who have lost loved ones to murder and oppose the death penalty. The Victims of Crime Act should be amended to recognize and validate the position of survivors of murder victims who oppose the death penalty. Current federal and state statutes that predicate the rights and privileges of victims upon the approval of prosecuting authorities lead to a two-tiered system of victims -- those who support the death penalty are good victims; those who do not are suspect.

Finally, we need to create a new paradigm about crime that establishes as a goal an aspiration for healing, for both individuals and society. When the focus is on healing for the victims, instead of blind retribution against the perpetrators, we truly honor the meaning of justice.