A TIGER BY THE TAIL: THE MOTHER OF A MURDER VICTIM GRAPPLES WITH THE DEATH PENALTY.

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As the title suggests, I have been grappling with the issue of the death penalty for quite some time. In some ways, I have struggled with the question all my adult life. I had no strong motivation to settle on a position, however, until my daughter was murdered. That began the struggle in earnest, and it precipitated my desire to find out more about this aspect of our culture. I wanted to learn more about the death penalty in order to base my position on more than my visceral reaction to my daughter’s murder. This desire to learn more didn’t happen immediately, though, and that’s the story I want to tell. But first, I will recount the experience of those few days in which my husband and I gradually came to know that someone had killed our daughter.

I. MY DAUGHTER’S DISAPPEARANCE

Cathy was missing for five days prior to our finding out what had actually happened to her. At the beginning of those five days we tried hard not to admit to ourselves that the worst had happened. After all, murder isn’t the first thing that enters your mind – it’s too horrible – and several circumstances combined to keep us from facing the truth. We knew that Cathy was pregnant and engaged to be married, but, up to that point, there had been no talk of any plans for the upcoming ceremony. This knowledge, coupled with a call that we received the first night she disappeared, enabled us to delay the situation’s inevitable harsh reality.

The call was from one of the boys who had killed her. He proceeded to tell Cathy’s brother, Steve, who received the call at the home that he shared with Cathy and her daughter Ami, that she needed some time away and not to look for her. Based on that conversation, we attempted to calm ourselves with the idea that she was undergoing some difficult soul-searching in regard to
her impending marriage and pregnancy. We thought perhaps that either she or her fiancé had developed some second thoughts about the marriage and that she needed time to herself to make some decisions. Naturally, we thought her chosen method of just disappearing was irresponsible, but better to believe her irresponsible than harmed, apparently.

Even though we continued to try very hard to convince ourselves that what the caller said was true, we didn’t really believe it. I recall a conversation my husband, John, and I had that evening in which I told him that the feeling in the pit of my stomach wasn’t anger, but fear – the same fear that had been there for most of the day. Cathy’s five-year-old daughter, Ami, had called around 8:00 that morning, saying that she had awakened and found she was in the house alone. Ami said her mother had never returned home from dinner with a friend the night before, and her uncle must have gone off to work very early in the morning without realizing that he was leaving her alone upstairs in the house.

I dressed hurriedly and got to the house as quickly as I could – it was almost 30 minutes away from my home. When I arrived I called my son Steve to ask him what he knew about Cathy’s departure the night before and her apparent failure to return. He agreed to call all her friends in order to see what he could find out. After feeding Ami breakfast and dropping her off at pre-school, I drove to my mother’s house to celebrate her birthday, realizing that it would provide at least a degree of distraction; I didn’t want to disappoint my mom after promising to spend her birthday with her. I still find it ironic that November 18th, my mom’s birthday, is also the date of Cathy’s death, so I never really think of it that way. Instead, I consider the day we were visited by the police officer confirming her death as the actual day of her death, November 22, 1986. Though it helped a little to play games with my mom, helping make her birthday more
special for her, the entire day was quite stressful. Steve called one friend after another and found out nothing that was reassuring for us.

Sometime around 6 o’clock that evening Steve received the call that Cathy had just gone away to think about some problems she was having. Even though it didn’t really ring true, we made an effort to continue believing it through the next few days; that is, until the night of November 20th, when we received another call, this one from the police in Greenville, Texas, a small town outside of Dallas. They had picked up two fifteen-year-old boys in Cathy’s car and were holding them in custody. One of them, a boy named Gary, had been recognized by the officer as someone who was supposed to be in a youth facility in the Houston area, so he brought him in and ran a check on the registration of the car. It was the registration that led him to contact the authorities near us. They also found Steve’s calling card on the floor of the car and then called him.

Steve explained why we had not reported Cathy missing or her car stolen so far, which the officer understood. At that point, however, the officer suggested that we needed to call the local Harris County authorities and do both. At this time I finally called her fiancé, Willis, while Steve called the police. Willis told me that there had been no trouble whatsoever in their relationship, but that he had been so busy that week that he had not talked to her in a few days. He didn’t think it strange they hadn’t spoken because it happened from time to time due to their demanding schedules. Willis was an emergency room physician on 12-hour shifts and Cathy divided her time between her daughter, a part-time job, and a computer training school she attended. After I explained to him what had happened, he came over and spent the rest of the evening with us as we tried to gather courage from one another, knowing at some level that this was not going to end well at all.
I had spent as much time as possible trying to distract Ami during that whole time. It helped me as well to spend as much time as I did with those I considered my closest friends, since I had really needed them that week. My main coping strategy in any crisis is to enlist the help of friends, especially those who would listen to me and offer unconditional strength and support. Because of this need to distract Ami and gain strength from friends, I followed through on previous plans to attend a Saturday morning event with some friends. Though I was so stressed out by this time that I could not enjoy myself, it did occupy my time and keep Ami from asking too many questions that I couldn't answer. We were gone most of the day and were not there, unfortunately, when the officer arrived to give us the news of our daughter's death.

Immediately after Steve reported Cathy as missing and the car stolen, two officers were dispatched from the Harris County Sheriff's Department to Greenville to question the two boys in custody. Within a few hours of their arrival there, at least one of the boys had confessed to raping and killing Cathy in the early morning hours of Tuesday, November 18th. But it would not be until Saturday, November 22nd, that a police officer would visit us to tell us the horrendous truth. After the written confession from one of the boys, the police sent two more officers to Greenville to bring back the boys in separate cars, giving them no time for further collaboration. Gary, the one who had thus far not offered more than an oral confession, was taken to the area where they had left Cathy to provide identification of the body, the location of the gun used to kill her, and to connect him to the crime. Only after locating and identifying both Cathy and the gun did the sheriff's office send someone to our house to notify us. Sadly, my poor husband was there alone when it happened.
II. THE DREADED NEWS ARRIVES

The doorbell rang around 1 o’clock that afternoon, according to my husband. He answered the door, and, seeing the police officer, said, “Oh, no.” The officer promptly said, “Yes, I’m afraid so.” He came in and only stayed about 30 minutes, just long enough to see some pictures of Cathy and thus be comfortable calling in the identification so that we would not have to do it. He also waited until John placed calls to our oldest son and to a close friend of ours he knew I would want there when I returned to the tragic news. The news quickly traveled to many of our friends and by the time I returned several hours later, there were so many cars in our driveway that I knew before I drove up that our Cathy was gone. I waited in the car for John to come out and tell me what happened – I knew he would come out when Ami ran into the house and signaled my return. I just couldn’t hear the words in front of a bunch of people, even though they were people I loved. I remember his telling me like it was yesterday. Some things never get easier, and those words – “It is the worst you can imagine” – are still difficult to ponder today.

We made it through the first few days with the help of family and friends. There is no way to express to them, even today, how much they meant to me. Those early days and several months to follow, were marked by a feeling of emptiness deep down inside. I remember the sadness, certainly, but the emptiness was like a hole opened up in the middle of my soul. That would become the principal dimension of grief I would experience for about two years, and the primary one I still recall, all these years later.

In addition to the compassion and support offered by my friends, two things were especially helpful for me in those early days following Cathy’s death. And both were quite pivotal in my journey the next few years, including the grappling I have done over the issue of the death
penalty. One of them was going to a homicide survivors’ support group for about a year, and the other was reading bereavement literature. They worked together for several months, but then they began to diverge in my mind and send me differing messages. I wasn’t sure what was going on for awhile, but a conversation with my husband on the way home from one of the meetings provided a clue. John said to me, “Where do they get the energy for all that anger and bitterness?” His question surprised me because I was wondering the same thing without being conscious of it. I had to admit that I didn’t know either, and for the first time, I realized why I had become so uncomfortable going to the meetings after receiving so much help there initially.

In the early days following Cathy’s death, attending the meetings of other families of homicide victims had been beneficial in several ways. These people knew the pain we were experiencing for they had been down the same road as we were on, so they listened to us with compassion. They knew that the criminal justice system is not really designed for the comfort of victims’ family members; it is designed to deal with the perpetrators. Its personnel often do not understand how some of their procedures are demeaning and detrimental to us, and how often we feel that justice simply is not done. They would be there to help us through the process of trials and the inevitable postponements of trials, they made clear immediately. It was a refuge for me and I was profoundly grateful. I heard their protestations of how wrong it was that the age of the boys would prevent their getting the death penalty, and even got caught up in that frenzy for a short time. This was enormously therapeutic for me. That is, in the beginning.

III. THE JOURNEY TOWARD HEALING

I had been working on healing – by reading about it as well as by talking to a therapist. I was actively grieving, knowing that this would benefit Ami, who was living with us and depending
on us for emotional support. We had sought the advice of a child psychologist the minute we knew that Cathy had been killed. I knew that, if the worst had happened and we had to tell a five-year-old that her mommy was dead, I would have no idea how to do it appropriately. Because of that, John and I had already discussed calling someone the night before the officer came to the door. The psychologist’s advice to us was to model appropriate behavior and provide her with as much security and stability as we were able to provide under the circumstances. If she didn’t see what grief looked like, she wouldn’t know how to interpret her own feelings, and thus Ami wouldn’t know how to express them.¹

Due to my own emphasis on healing and the support I was receiving in that area, I was feeling ill at ease with the high level of bitterness that I continued to observe at the support meetings. That it was understandable was obvious to me, but it also seemed that many people were not moving forward in their lives, whatever that meant to me in that first year. The main difficulty I saw, however, was that the level of anger seemed to permeate their lives, and I wondered if that was inevitable for a homicide survivor. I didn’t want my life to always be about this anger and bitterness and it bothered me that it might. I realized that I might need to leave the support group in order to heal and find a way to live the rest of my life.

I have looked back on that experience many times trying to articulate what I saw and felt that compelled me to withdraw after finding so much support there for months. It is still difficult to put into words, but I need to do that in order to do justice to the group and yet, to enable victims’ assistance personnel to see what might be a problem for some survivors. My experience is not the same as everyone else’s but it is still an important point of view, I think. It is essential to

¹ I learned years later that a five-year-old needs a great deal of help in coping, for children this age are often at risk for later emotional instability, even when the appropriate coping assistance is provided. I, therefore, was doubly glad that we had sought professional advice.
value the experiences of all victims and to see, also, that we need to focus on what victims need as well as what they want, especially in those early days following a crime. As I have studied more over the years about grief and all its dimensions, I have wondered many times how kind it is—and how ethical it is—not to encourage some degree of moving on toward healing in homicide survivors. This encouragement obviously has to be offered with respect and subtlety, but I believe it needs to be initiated in some way to prevent some of what I have seen over the years.

First of all, there was a great deal of talk about the unfairness of the system and how it favored criminals. I had heard this many times before, but I wasn't absolutely sure that it was true. Another thing that bothered me was the parole blocking. At many meetings, we signed petitions to block the paroles of people we didn't know anything about except that they had committed murder. I began to question this practice: was it necessary to know more than that? Were there mitigating circumstances? Is it good moral practice to blindly sign a petition that hurts another human being without knowing more? I wondered if there could be another way to facilitate this support group that was more focused on healing but also addressed the needs of those who were new to the group and required help getting through the criminal justice system. I thought of some models of self-help groups that divided themselves into newcomers and long-time members. I often wondered if that approach might not be more beneficial to those who remained in the group for a long time.

I remember one meeting in particular where a counselor or psychologist came and talked to us about grief and its many dimensions and layers. I found it enormously interesting and beneficial. Afterwards, however, at the coffee bar, members were very critical of the presentation, saying that no one could possibly understand the nature of their grief unless they
had experienced the murder of a loved one too. All that the speaker had offered was totally rejected as unrelated to them and their experiences. I believed then, and still do, that this reaction was a form of denial. They were “stuck” in the early stages of their grief, and seemed to need to stay there in order to find any meaning in their lives at all, so any suggestion that they would move beyond anger at some point was to be rejected. Denial can be very protective in the early period of one’s grief, and most of us go through some degree of denial. I know that I did in those early days and weeks, primarily in my inability to fully experience the reality of Cathy’s death and the ensuing pain. It is not necessarily adaptive, however, for the denial to last forever.

I have realized over the years that there are those who can no longer find any meaning in the world after the murder of a loved one, especially a son or daughter. The psychological literature has a lot to say about this search for meaning that many of us endure, and how it can serve to make us new people in some ways.\footnote{See Davis, Nolen-Hoeksema, and Larson 1998; De Vries, Lana, and Falek 1994; Nerken 1993; Edmonds and Hooker 1992; Schwartzberg and Janoff-Bulman 1991; Gray 1988; Thompson and Janigian 1988; Maniaci 1982; Craig 1977.} I have found this lesson to be true for me, that the search for meaning has been an integral part of my life. That search has led me down a very different path, however, from the one found by many homicide survivors. I am still not certain why, at that time, it felt so wrong to try to bring about something good by doing something hurtful to others (blocking paroles), especially when such a good case could be made for murderers not deserving any consideration. I understand this sentiment better now, but I didn’t then and for a long time afterward.

IV. A NEW AWARENESS

It began to dawn on me why such negativity seemed wrong when I took a course on death and dying some time later. I had returned to college almost a year after Cathy’s death, wanting
to find meaning in doing grief counseling and educating others about grief and loss. I reasoned that both grief counseling and helping educate others had been truly beneficial for me and I wanted to offer the same to others. I especially wanted to educate others about grief so that they would not remain as ignorant of so many issues as I had for most of my life, such as how to communicate with those who had lost a loved one. I had been so ignorant of just that one issue. It seemed obscene that one must endure the death of a child in order to know how to speak to others about their losses and provide understanding and patience in the face of the unspeakable. I wanted to help offer people that insight without their having to go through what I had.

In one of our reading assignments for the class, there was some material listing “Factors Favoring Violence” (DeSpelder and Strickland 1987: 384). Eight factors were identified, but the one that jumped out at me was the first one: “Anything that physically or psychologically separates the potential killer from the victim.” I knew that when I was willing to sign those petitions it was because I had separated myself from the inmates psychologically — they were “fundamentally different from [me]” (DeSpelder and Strickland 1987: 384). They were not really human beings, deserving of any respect. After all, they had killed people! When I blindly accepted the fact that the system favored criminals over victims, I was acting on this notion of separateness. When I began to be uncomfortable with the idea of acceptance without any critical inquiry, I was beginning my journey away from that idea of total separation. It would be a long journey, and I would have a number of stops along the way.

The first of these stops was about three years after Cathy’s death, when I was presented with an opportunity to find out more about the death penalty. Until that time, my perceptions had been primarily emotional ones, and my support for the death penalty had waxed and waned depending on whom I had talked to last. Numerous people I had encountered had assumed that
my support for the death penalty would be strong and unwavering, which had bothered me. I wondered why this was such a simple matter for some people but not for me. I thought it was time I took a more critical look at the issue, rather than simply accepting what I had heard from others, especially others in the victims' group I had attended.

Interestingly, the opportunity to do this exact research came in another class I took while working toward my bachelor's degree. In this class – Perspectives on the Present – we studied a number of political, historical, and philosophical issues affecting our world, many of them fraught with controversy. Among the books we could choose to review was The Death Penalty in America, Hugo Adam Bedau's anthology of arguments for and against the death penalty. Here was my chance to explore the topic adequately, I thought, since the book contained a line of reasoning for both sides of the debate. It also included, at the end, some stories of real people who had been charged with and convicted of capital crimes. Those accounts were especially powerful examples of why the death penalty was such a wrong-headed idea.

I took that course in the fall of 1989, a time of great change in the world, including the tearing down of the Berlin Wall in Germany and the beginning of the dismantling of the Soviet Empire as we then knew it. It was also a time of great change for me in terms of breaking down some walls of my own. After reading all the arguments for and against the death penalty, I realized that the only arguments that I could call rational and reasonable, given my knowledge of the social sciences (including scientific methods of inquiry), were those against the death penalty. What really surprised me, though, was the fact that I found most of the arguments supporting the death penalty either somewhat appalling, or especially lacking in the values that are important to me as a compassionate and caring human being. I found the positions put forth
by some of the Christians in the volume to be especially galling; “blood-thirsty” is the term that first comes to mind.

V. OPPOSITION TO THE DEATH PENALTY

I realize that I have a tendency, perhaps, to weigh matters more carefully than some in my position are prone to do. Such a deliberative approach can be considered a virtue in some circles and an impediment to action in others, but I cannot ignore the volumes of evidence against the death penalty as an appropriate response to violent crime. In addition to that first book I read, I have tackled a host of others over the ensuing years (e. g. *The Contradictions of American Capital Punishment*, 2003; *Who Owns Death: Capital Punishment, the American Conscience, and the End of Executions*, 2002; *When the State Kills*, 2001; *Just Revenge: Costs and Consequences of the Death Penalty*, 1997; *Against the Death Penalty: Christian and Secular Arguments Against Capital Punishment*, 1997; *Dead Man Walking*, 1993). Anyone who opposes the death penalty will likely do such reading for a variety of reasons. I am no different from most in that regard. When I look at the issues of deterrence, fairness of application, costs of the death penalty versus alternatives, public support, and execution of the innocent, the death penalty just doesn’t seem effective public policy to me. I will elaborate briefly on those issues, as they were the reasons I came to oppose capital punishment initially, and I have offered to share that journey faithfully and completely. The following five paragraphs appeared previously in *Crime Victims Report*, March/April 2000, under the title “A Reasoned Opposition to the Death Penalty,” and still represent the greater part of my thinking on the above issues, so I have chosen to include them here.

One of these areas of focus is the idea of deterrence, one of the original rationales for the death penalty. According to what I’ve read, I don’t believe
anyone but the most ardent proponents of the death penalty still believe that it is a deterrent at all — there is a mountain of evidence to suggest that it is not. In fact, many researchers have found the opposite to be true: that the application of the death penalty seems to have a ‘brutalizing effect’, if only for a short while. By this, they mean that murder rates tend to go up for a short time immediately following an execution, especially a highly publicized one. Thus, rather than preventing violence, the death penalty adds to the level of violence in our communities (Costanzo 1997; Hanks 1997).

Another argument in favor of the death penalty is that it is cheaper than supporting offenders for the remainder of their lives in prison. This is a popular misconception, and one that politicians and the media choose not to dispel. The entire structure that has to be maintained in order to continue the death penalty is enormously expensive, from beginning to end. This includes the appellate process to attempt to guarantee the proper due process of each person convicted of a capital crime, but is not limited to it. The investigation, jury selection, trial, and security measures maintained within the foundations supporting the death penalty are all extremely expensive, many times more so than life without parole. Some have suggested ending the death penalty and spending the money saved on victims’ assistance programs. In a similar vein, there is a sentence called life without parole plus restitution, in which the offender works to earn money placed in a fund for his victim’s family (Costanzo 1997; Hanks 1997).

An additional argument used by proponents of the death penalty is that the public supports the death penalty overwhelmingly, and most polls do support this statement, at least on the surface. When those polled are given only the two choices of support or rejection of the death penalty for those convicted of murder, they tend by about 75 percent to favor the death penalty, at least in theory. When called upon, however, to assess the death penalty for most murderers eligible for the death penalty, juries tend not to do so. Only in about a third of the cases where it applies do juries call for the death penalty for the convicted murderer. Also, when offered the choice of life without parole or life without parole plus restitution, the 75 percent support for death penalty drops below 44 and 32 percent, respectively. So much for the overwhelming public support for the death penalty (Costanzo 1997; Hanks 1997).

A really vital area that opponents of the death penalty point to is whether the death penalty is fairly applied. Since the majority of the population of death row are poor and of color, the answer for opponents is that it is not. Proponents seem able to dismiss these two facts, even deny them, but the facts stubbornly remain if one wants to take an honest look at them. There are few if any wealthy people on death row, for they have the funds to seek experienced and competent representation from day one — this is simply not true of the majority of poorer Americans. And though there are numerous attempts to deny the racism omnipresent within our justice system, that bias exists and persists to this day. Only the most intentionally blind among us can ignore it. The reasons for the overrepresentation of African-Americans within the system are complex, but a great deal of it has to do with systemic racism at all levels of the judicial process.

See Bedau 1997: 152-155 for an analysis of this research [not in original article].
Disregarding these two sources of bias in our system is a blot on our national pride and calls our stand on human rights issues into question in the eyes of the rest of the world. Our stand in this area is already suspect since we remain the only nation in the western world still retaining the death penalty (Costanzo 1997; Hanks 1997).

Probably the most important issue for opponents of the death penalty is that there are many incidences of the innocent being executed for crimes they did not commit, as well as many others found innocent just in time to prevent this horrible miscarriage of justice. Very often, these people were not saved by the system itself but by the superhuman efforts of a few special people (Costanzo 1997; Hanks 1997). Errors in arrests and convictions take place every day – the system is run by human beings and it could not be otherwise – but errors can be found and overturned when there is no chance of death having occurred. When the alleged offender has been executed, there is no such chance. How can we ignore this issue so thoroughly as well? (White 2000:1-13)

These are the five issues that originally brought me to a position of opposition to the death penalty. The area I haven’t mentioned yet, however, is the victims’ issue. And I will, in due time. First, however, I want to explain how those initial seeds of discontent, planted in those two courses, gradually began growing within me, because the next leg of my journey was a pivotal one. Though the discomfort was developing, often without my ability to understand fully its origins, it didn’t bear fruit for some time. It took another murder for that to happen – a murder half way across the nation.

VI. My Perspectives on Violence and the Criminal Justice System: Ensuing Changes

I had finished both my bachelor’s and master’s degree and was teaching in a community college. A young woman in South Carolina had been in the news and had become the focus of discussion one afternoon. She, Susan Smith, had originally reported that a Black man had high jacked her car and kidnapped her two toddler sons who were sleeping in their car seats at the time. A week to 10 days of searching had produced no results and the authorities apparently became suspicious and began to question her more thoroughly. It had been disclosed in the media the night before that Susan Smith’s children were not abducted as she had reported to the
police initially, but had instead been killed by her. Some of the students in my class couldn’t
wait to discuss it and wanted to tell me how they would punish her for having killed her two
sons. The methods were varied and inventive, and all quite punitive – the students almost
seemed to be competing with one another for how much they could make her suffer. One very
kind young man, a good student I had really enjoyed during the semester, told us in very
deliberate terms how he would tie her in a car and drive it into the water and watch her die the
same way that she had killed her sons. The expression on his face spoke volumes. I stood there
in horror as this proceeded, slowly shaking my head at the display of raw violence I was
witnessing, and realizing that few, if any, of them would ever associate their behavior with
violence. On that day, violence and its alternatives became the major focus of my work.

Following this experience, I began to think about my previous experiences in terms of
violence. I realized that I was eventually repelled by the parole blocking and negative remarks
about the criminal justice system because both represented responding to violence with more
violence. Were these responses justified? Were they accurate? I simply didn’t know, and it
wasn’t ethical for me to respond that way without more information and a degree of critical
thinking. Others may see it differently, and I respect their right to do so, but I needed to know if
what I did in my daughter’s memory was actually going to reduce the level of violence in our
society or have the opposite effect. It wasn’t morally acceptable for me to act out of
stereotypical thinking or ignorance; I had to know more and I began to look for a way to educate
myself about the issues. Strangely, it was at a church meeting that I found my first source.

I had gone to a meeting of our local presbytery – an assemblage of some 110 Presbyterian
churches in the Houston area where I live – and was browsing the tables of literature published
by the Presbyterian Church of the USA. I saw a title, Restorative Justice: Toward Nonviolence
(Mackey 1992), and was attracted by the subtitle of the book, as I certainly had no idea what restorative justice was at that point. I took home a copy of the publication and a whole world opened up to me, a world that is still a big part of my life today, especially in terms of philosophy of justice. I immediately learned that I had some very stereotypical ideas about our criminal justice system; those ideas had colored my judgments for many years. I was open to the material in the book, however, due to some vague sense that much of what we did within the system was returning violence for violence. It had seemed to me that we should be able to come up with something better than that, but I certainly didn’t have a clue what that might be.

The next two books I read were Howard Zehr’s *Changing Lenses: A New Focus for Crime and Justice* (1990) and Gerald Austin McHugh’s *Christian Faith and Criminal Justice: Toward a Christian Response to Crime and Punishment* (1978). Although both of these books have overtones of a Christian faith perspective, they also contain a great deal of rational discourse about the manner in which we dispense justice in America. They were ultimately mind-altering books for me, as they continued my education into restorative justice – a way of envisioning crime differently. Zehr’s book provided the background I needed to understand fully this revisioning of crime into harms and violations of people and relationships (Zehr 1990 and 2002). Those operating out of a restorative justice perspective will seek, above all, to find ways to address the harms without creating further harms. This is restorative justice’s greatest strength, from my perspective, for I see such great harm caused by the manner in which we dispense punishment today. I was able to turn away from this reality for many years, but I am unable to do so today. An in-depth exploration of restorative justice is beyond the scope of this work⁴, but

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⁴ I hope anyone at all interested will read one of the numerous works on restorative justice, for it is widely misunderstood, especially by homicide survivors. I would suggest *The Little Book of Restorative Justice* by Howard Zehr (2002), for both its breadth and brevity.
I can say, with complete honesty, that the principles of restorative justice have changed the way I view our system today, including the administration of the death penalty.

McHugh's book gives a history of the prison system in America, along with how the church in its various manifestations has contributed to some of the difficulties evident in today's prisons. Above all, McHugh calls American Christians to look more closely at prison issues and leave stereotypes behind. He encourages them to consider volunteering to serve in some manner inside a prison, in order to see for themselves what goes on there. Since prisoners often see themselves as just as worthless as the public does, he suggests that any attempt to see inmates as human and reach out to them on that basis can have significant effects. The following words leaped out from the page when I read them:

Such a reaching out could take many concrete forms – visits to prison, support before parole boards or in court, contact with a convict's wife and family, volunteering to teach inside prisons [my emphasis], offering jobs to prisoners who are released, etc. The important element is not so much the specific action taken as the genuine concern which it signifies. (McHugh 1978:153)

VII. TEACHING IN PRISON

I knew that Sam Houston State University, where I was teaching part time, offered classes in the prison system, and I inquired whether our department needed another teacher in this program. One of my colleagues suggested I teach my favorite subject, Death and Dying, in prison. He informed me that there was often a need for a philosophy course as part of the curriculum we offered, but none had been offered in quite some time; Death and Dying, as a philosophy course within our university, could fulfill that need.

In 1997, I taught one class at each of two prisons, both near Huntsville, the home of the Texas Department of Criminal Justice, and my life has never been the same. What I saw there took me further down the road to the values I hold today. I presented to the students I taught
there the face of a woman who had endured the murder of her daughter but had come out the other side without hatred for them as criminals. I admit they found this particularly astounding, and I hoped they would reflect on what my actions offered in terms of modeling different behavior from what they normally saw. I treated them with respect, and, on the whole, got it back tenfold. I expected to see human beings and that’s what I saw; people often live up to our best, or worst, expectations of them. I had a good model for the manner in which I taught and how I treated the students; my department head, who had taught in the same prisons for years, had spoken of his experiences in class when I was his student.

My experiences over the years of teaching in prison have affected me profoundly. I am often glad that I live at least an hour away from the units in which I taught, because it usually took some time for decompression when I left the prison following class. It is both exhilarating and depressing to do the job of prison education, at least from my perspective. I frequently had moments when I believed I saw into the soul of another wounded human being, someone who may have wounded another as well, admittedly, out of ignorance, desperation, impulsiveness, and pain. It wasn’t always rosy, let me hasten to add. There were difficult times also. I remember one class in which two inmates were very disrespectful, although this was rare. One of the other students who knew me from previous classes stayed after class to beg me not to let them drive me away from teaching in prison, as the majority of the men truly appreciated who I was and what I tried to do. Furthermore, prison is a sad and depressing place, when you consider that we keep human beings in cages there, regardless of how much it might be necessary for a time. And, though I imagine that most correctional officers are appropriate in their behavior toward the inmates, I saw a number who were sadistic, I’m sorry to say.
The most healing thing I have done since my daughter’s death is the work I’ve completed in prison, both teaching and participating in victim offender encounters as part of a program called Bridges to Life. Recently, I heard someone who works in the system say, with sarcasm, that she had never met a guilty person in the system. My encounters in prison have been quite the opposite – I only had one inmate ever tell me that he was innocent of the crime for which he had been convicted – and I know from subsequent events that I taught at least one innocent man. I have heard other homicide survivors say the same things I say: the stereotypes leave you with a high degree of anger, but the realities of those we lock up for long periods of time can bring some measure of healing, if one allows it to happen. This is one realization that would be beneficial to homicide survivors – embracing the reality, not the stereotype – for stereotypes feed prejudice.

As I said previously in differing ways, I am strongly in favor of criminal justice reform across the board, which of course includes the ultimate punishment. The strongest reasons for my opposition to the death penalty today are societal, however, rather than the offenders or the issues that changed my opinion originally. My original experiences are simply the background that, I think, will help others understand my current views about this controversial issue, which have evolved over the last fifteen years. While I completely understand the frequent response of homicide survivors to consider the death of the person responsible as the only fitting punishment they will accept, I simply do not see in this reaction what most of them see. I am especially opposed to the death penalty, because for me, capital punishment (1) is not what victims need, and (2) is not worthy of us as a nation.
VIII. MY CURRENT POSITION ON THE DEATH PENALTY

These are highly emotional issues, and not easy to depict in rational terms. The death penalty has enormous symbolic value for many victims and their families. I recall a recent local case, in which the jury did not give the defendant the death penalty, contrary to the fervent hopes of the family of the victim. In the press conference after the sentence was pronounced, a representative of the family said that they had been slapped in the face, or some words to that effect. I confess to remembering the tone much more accurately than the precise words used: they were affronted that he had only received a life sentence of 40 years before he could be considered for parole. I also recall my own reaction to these words, having spent time in several Texas prisons over the years. Forty years in a Texas prison is in some ways a worse sentence than execution, and certainly not the light sentence the victim’s family believed the defendant had been given.

When homicide survivors believe that only a death sentence is true justice, it sets them up for such incredible disappointment if it doesn’t come about, as frequently happens. Very few homicide cases are tried as capital crimes, to begin with, and even in capital trials many offenders do not receive the ultimate punishment. What does this say to most homicide survivors, some 98 percent of them? Your loved one just wasn’t worthy of the ultimate punishment? If the offender does receive that death sentence that the family wants so badly, what then? Years and years go by before it is carried out. Shorten the process of appeal, some say, and I do understand this impatience with the appellate process. I see this response as dangerous; however, considering the number of people who’ve been exonerated in recent years, some of them many years after the original sentence was given.

When the death penalty is finally carried out, many survivors find the execution wasn’t all they hoped – it was too easy for him, they often say. I’m sure it looks easy, considering the
sterile manner in which it is carried out today in most jurisdictions. Some victims’ family members find it has helped them have a reason to live, to see this person punished – and now, it has fallen far short of what their expectations had been. Where do they go with those feelings that the offender’s execution didn’t provide what they needed? Where do they go with their grief and anger now? I recall reading in a local paper following the execution of someone who had killed several people in a psychotic episode, “We can finally go on with our lives!” It had been some fifteen years since the conviction and sentence and the family had been living at least partly in limbo, waiting for the justice they deserved. I thought that was one of the saddest statements I had ever heard. This is the primary reason I am so grateful today that the defendants in my daughter’s case, because of their age, were not eligible for the death penalty. I cannot imagine having lived for many years waiting what I perceived to be justice for her.

One of the sad facts about losing a loved one to murder is that there is both a loss and a crime. It is very easy to get wrapped up in the crime element and not deal with the loss aspect of it, as most of us know. If you have been waiting for the state to take action to provide you with some kind of “closure” so you can move forward with your life, you may be very disappointed following the execution. While many people have swallowed the myth of closure, most of us know that there is no real closure – it is an empty promise. And there is nothing that the state can do to bring about what homicide survivors really need – healing – for healing is an inside job. It takes a long time and it takes a lot of work on the part of the survivors. Certainly, the manner in which the state treats victims can either promote or inhibit the healing that is so badly needed, but the healing itself is a product of the active engagement with the grief process by the victims themselves. The state could provide much greater support for victims in several areas if
it had the funding, and that financial assistance might be provided if the death penalty didn’t consume such huge amounts of our financial resources.

Victims are currently able to seek assistance in some of those areas I refer to — funeral expenses, counseling, and lost time at work — but these compensation funds are very limited and have been co-opted in some states for other purposes besides those originally intended. My family and I were able to obtain help with Cathy’s funeral expenses but not the high costs of years of counseling for her daughter. I am familiar with at least one family who didn’t even know about compensation funds until the deadline had passed for application. Since many victims’ families are within the working class, these funds could really help with the monetary costs associated with the crime and enable the family to have enough energy left to deal with its emotional and psychological effects, which are devastating enough on their own.

Another issue often overlooked regarding the death penalty is that it often focuses our attention on the defendant, rather than on the plight of the victims involved. When I initially present the death penalty in my death and dying class, I write the names of three victims of the Oklahoma City bombing on the board and ask who knows who these people are. No one has ever recognized the names, sad to say. When I add the name of Timothy McVeigh, there is instant recognition, of course. Then I tell the class who the others are. Next I write the name of Bill McVeigh, Timothy’s father. I say that he is also a victim, which is why I add his name to the list. The families of those who receive the ultimate sentence are victims as well, for they endure the long wait until the execution and then are added to the list of the grieving. After living as a bereaved parent for more than 18 years, I cannot imagine being willing to sanction killing another person. When we execute someone, we simply enlarge the circle of grief. I can never again ignore this fact. It is a sad fact of our culture that so many people can.
In addition to the death penalty not being particularly good for victims, I see it as not being worthy of our society. That is not to say that I don’t hear of crimes that I find so heinous as to be filled with exactly the same indignation and revulsion as anyone else. Some crimes are beyond the pale in their horror. I like to believe, though, that we don’t need to imitate what we abhor in others in order to register our total condemnation of those acts. For me, it will always be about who we are as opposed to what the crime is. Must I demand a life for my daughter’s life? Is that the only way I would appreciate that society values her life – if another was sacrificed in her name? Is it appropriate for us to take a life in order to show value for another one? Must we continue to extend the circle of death and grief in order to say that murder – and with it, death and grief – is simply not a value we can accept? My answer to all these questions is an unqualified “no.” I can no longer distance myself so far from other human beings that these actions on our part are acceptable – even if those human beings have committed inhuman acts. Somewhere, sometime, the violence has to stop – and I am content to have it stop with me.

I have met with one of the young men who killed my daughter through a program we have in Texas for mediated dialogues between victims and offenders. This meeting was a profoundly liberating experience for me and for my daughter Ami, who engaged in the dialogue also. I found in the young man a badly mistreated human being who was enormously remorseful for the crime he took part in. He never offered his abusive childhood as an excuse for his actions, I am pleased to say; he knows as well as I do that it isn’t an excuse. He offered the details of his horrid upbringing only because I asked for them. It helped me, however, to understand how he came to be there that night and a little about why my daughter was no longer alive. It helped me to understand a little about how it all happened – and hopefully, that kind of information can help

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5 Ami grew up in our home and became our legal daughter when she was 11 years old, at her request.
prevent others from going down the same paths – if we use what we learn in reforming our system.

He also shared with us what Cathy’s last words were, which was a wonderful gift after all those years. I doubt that I could have fully appreciated them earlier, though, for they were words of forgiveness for the two boys. Right before she turned her head away so they could shoot her in the back of the head she looked up and said, “I forgive you and God will forgive you, too.” Hearing this from him and seeing the shame he felt about it, knowing that they had killed her anyway, had a tremendous impact on me. It gave me a sense of something special. I cannot call it closure, since I do not believe in that at all, but it is a sense of reconciliation of sorts about the manner in which she died. It is truly hard to come to grips with the last moments of your loved one’s life and how he or she died – for me this has always been the most challenging issue. Meeting with him gave me some degree of peace with that aspect of it, almost as if she gave us a message in those last moments, a legacy of who she was and what she wanted to leave behind. And it made me realize that my work over the last 18 years was exactly the memorial she deserved.