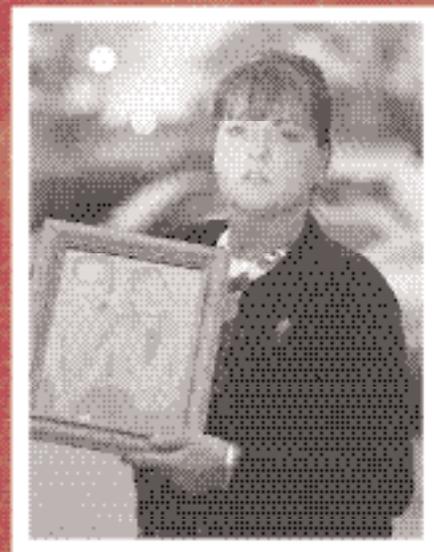
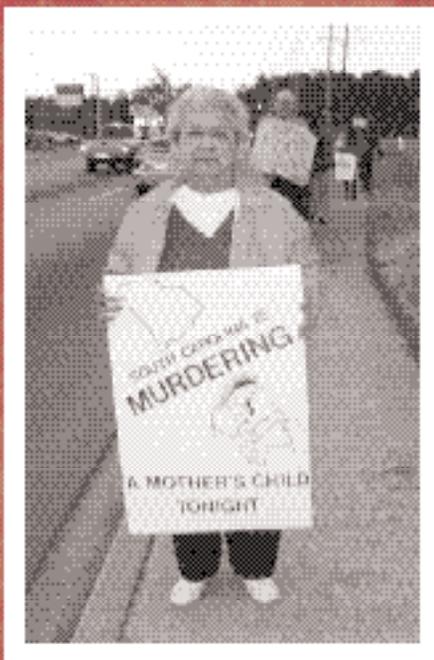


# CREATING MORE VICTIMS

## How Executions Hurt the Families Left Behind



A report from Murder Victims' Families for Human Rights  
with a foreword from Amnesty International USA

# **Creating More Victims**

## **How Executions Hurt the Families Left Behind**

Murder Victims' Families for Human Rights  
Cambridge, MA

*Creating More Victims: How Executions Hurt the Families Left Behind*, by Susannah Sheffer and Renny Cushing.  
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## Foreword

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The cruelty of the death penalty is not confined to the prisoner whose life is toyed with in the name of justice. Families of the condemned are also ensnared in the cycle of hope and despair that this degrading punishment inevitably breeds. The mistakes and inequities of the capital justice system are perpetrated not only on the defendants, but also on their relatives. And in the end, and for no measurable benefit, all the state achieves by an execution is one more dead body and more grieving family members.

As an organization that works on behalf of victims of human rights violations worldwide, Amnesty International has always maintained that the death penalty perpetuates the

cycle of violence by generating more victims. I am thus heartened by the timely publication of *Creating More Victims: How Executions Hurt the Families Left Behind*, by one of our long-time partners in the abolition movement, Murder Victims' Families for Human Rights. This report, released appropriately on International Human Rights Day, serves to strip away the "conspiracy of silence" and give voice to a group of victims who have for too long been largely ignored in the debate surrounding the death penalty: the families of the executed. The mothers, fathers, brothers, sisters, sons, and daughters of the condemned undergo a trauma that is uniquely painful and poignant. They

become "shadow victims," stigmatized within their communities, marginalized by the media, and bypassed by the authorities in the years before and after an execution. *Creating More Victims* breaks new ground by squarely placing this issue within a human rights framework and maintaining that families of the executed deserve the same recognition and support afforded any group that has suffered a violent and traumatic loss. This is an invaluable tool for victims' rights advocates, mental health professionals, child welfare advocates, as well as for Amnesty International activists who can use this report to bring to greater public consciousness these forgotten victims of an outdated government policy.

**Larry Cox**  
**Executive Director**  
**Amnesty International USA**

*“It’s not like a relative dying from a terminal illness. When someone you love gets killed, you can’t prepare for that type of pain.”*

– Wendy

*“I have health problems that I didn’t have before this happened. It never really ends, emotionally. The pain is always there.”*

– Jonnie

*“All these years later, it’s something you don’t ever get over. You just learn to live with it.”*

– Pam

There is no such thing as an isolated act of victimization: for every direct act against another human being, there are additional family members and friends who experience their own form of suffering. Marlene Young, president of the World Society of Victimology, made this point in a 2006 address to the United Nations Commission on Crime Prevention and Criminal Justice. Young gave figures about the number of victimizations that occur around the world each year and then observed:

These numbers do not take into account the families and friends who will also suffer loss, pain and trauma as a result of the violation of a loved one. A psychiatrist in the United States once said that for

every person killed there are three people whose relationship with that person will cause them to suffer for the rest of their lives. I ask you to consider whether only three people would grieve and suffer if you were to die? I suggest that for most people the extended circle of pain after such a death involves hundreds.<sup>1</sup>

While the death of a family member always represents a significant loss, Young is referring here specifically to the effect of a loved one’s being *killed* as opposed to *dying*. The shock and the awareness that death was caused by the deliberate act of another human being are distinctly traumatic and provoke questions that a death from natural causes does not.

Wendy, Jonnie, and Pam, the three surviving family members quoted above, offer a glimpse of the distinct and ongoing suffering to which Young refers. The relatives of these particular survivors were killed by state execution, and the survivors report feelings and experiences that in many ways resemble those of murder victims’ family members. But as a group, family members of the executed have only very recently begun to receive notice.<sup>2</sup> The recognition and assistance that the victims’ rights movement has managed to secure for many survivors have not yet reached this group.

The past three decades have brought a tremendous surge in recognition of victims’ rights and victims’ needs, both in the United States and worldwide. All 50 states in the U.S. now have laws recognizing victims’ right to be treated with respect and dignity and to be informed and heard throughout the criminal justice process. Victims’ advocacy organizations and victims’ service professionals aim to help victims cope with the effects of violence and trauma.

In 1985, the UN General Assembly unanimously adopted the Universal Declaration of Principles of Justice for Victims of Crime and Abuse of Power. Although the document is non-binding – it urges but cannot require countries to take the actions that it recommends – it represents a kind of international consensus and aspiration about how to help survivors in the aftermath of a victimization.

Although family members of executed persons are not explicitly named in the Declaration, we believe a strong case can be made that this group falls within the Declaration’s parameters and therefore deserves the recognition and attention that ought to be accorded to any people who have suffered a violent and traumatic loss. Our collective aspiration about responding to survivors in the aftermath of violence ought to extend to the death penalty’s surviving family members.

<sup>1</sup> Marlene A. Young, “Action on UN Standards and Norms on Victim Issues,” submitted to the UN Commission on Crime Prevention and Criminal Justice, April 27, 2006. Marlene Young has also served as the Executive Director of the National Organization for Victim Assistance, the largest victim assistance organization in the U.S.

<sup>2</sup> See Rachel King, *Capital Consequences: Families of the Condemned Tell Their Stories* (Rutgers University Press, 2005), Susan Sharp, *Hidden Victims: The Effects of the Death Penalty on Families of the Accused* (Rutgers University Press, 2005), Elizabeth Beck, Sarah Britto, and Arlene Andrews, *In the Shadow of Death: Restorative Justice and Capital Offenders’ Family Members* (Oxford University Press, 2007), and Robert Meeropol, *An Execution in the Family* (St. Martin’s Press, 2003)



On October 27, 2005, a group of parents, children, siblings, nieces, and grandchildren of people who have been executed in the United States gathered in Austin, Texas for a private support meeting. It was, for many, the first time they had ever had the opportunity to talk with other family members of the executed.

Following the private meeting, the group held a public ceremony that marked the official launch of Murder Victims' Families for Human Rights' No Silence, No Shame project. Participants placed two roses in a vase: one in memory of their relative who was executed and one in memory of the murder victim. While holding the roses, participants took a moment to name each person being remembered and to say a few words.

In evaluating the social costs of the death penalty, we should not only be weighing the harm that may be caused or prevented by executions themselves. We must also ask about the costs of creating a new group of victims, and about what we need to do to address the emotional and physical harm to family members caused by executions that have already occurred.

If family members of the executed are not named in the Declaration, how can we assume that they are covered by it? The document makes clear that the principles of justice it puts forth are for victims of crime *and abuse of power*, and "abuse of power" is defined this way:

B. Victims of Abuse of Power.

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

Does this include the death penalty? It depends on whether you believe that the death penalty constitutes a violation of an internationally recognized human rights norm – a question that has arisen repeatedly since the adoption of the UN

Convention on Human Rights in 1948. While we cannot take up the entire argument or present its full history here, we note that UN resolutions, covenants, and charters in the years since 1948 have repeatedly stated complete abolition of the death penalty as a goal.<sup>3</sup> In 2005, 53 countries debated the question at the annual meeting of the UN Commission on Human Rights and ultimately passed a resolution condemning the death penalty and urging all nations to abolish it.

This in itself is a compelling reason to consider the possibility that family members of executed persons count as victims under the Declaration and should be responded to as such. But there is also another way to approach the question. The basis for the Declaration, for the state and national victims' rights laws that have been established over the past two decades, for victim assistance programs, and indeed for any movement or effort toward recognizing the needs and rights of victims, has always been the experiences of victims themselves. Whatever we as a society know about the effects of victimization, we have learned from victims' reports of their experiences, feelings, symptoms, and recovery.

That has been the basis of the work of Murder Victims' Families for Human Rights as well. Founded in 2004, Murder Victims' Families for Human Rights seeks to reframe the death penalty as a human rights issue rather than a criminal

<sup>3</sup> See, for example, the history offered in Roger Hood, "Capital Punishment: The USA in World Perspective," Center for Human Rights and Global Justice Working Paper, November 3, 2005.

justice issue. We assert that executions do constitute a violation of basic human rights. From the start, our members have included survivors of victims of criminal murder (including terrorist attacks), survivors of extra-judicial killings, and survivors of people who have been executed.

In 2005, we launched an initiative called “No Silence, No Shame” that focuses on family members of the executed in the United States.<sup>4</sup> To launch the project, we brought a group of 17 family members of the executed together for a private gathering and public ceremony in Austin, Texas in October 2005, and over the following months we conducted interviews with those participants and 10 others.<sup>5</sup> These interviews, along with statements and other materials from the participants, form the basis of this report.

A word of acknowledgment before we continue: although we assert that there are important commonalities in the experiences of family members of murder victims and family members of executed persons, we also recognize that there are important differences that cannot and should not be ignored. One obvious difference is that when an individual is killed by execution, the perpetrator is “the state” – a more ambiguous and less easily confronted offender than an individual murderer.

Another difference, perhaps even more obvious, is that the per-

son killed during an execution is not an innocent victim.<sup>6</sup> Even if it can be argued that family members of the executed suffer undeniable harm, the narrative of victimization does not begin with the execution and its aftermath but rather with original murder and *its* aftermath. As a victims’ organization, this is not something we forget or dismiss. But we do not believe that the pain of one group of survivors is redressed by causing pain to another group of survivors.

Moreover, while it is obvious that as an anti-death penalty organization we oppose executions, our focus in this document is on the effect of the death penalty on surviving family members – people who have not committed any crime. Supporters of the death penalty may argue that the suffering of the family members is simply “collateral damage” – a price society must be willing to pay for the administration of justice in the aftermath of a murder. Our interest – again, as a victims’ organization – is in minimizing harm wherever possible. If, as we are about to show, each execution causes demonstrable harm to the surviving family members, such that they constitute victims as defined by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, it is incumbent upon us to reduce or eliminate that further victimization by choosing an alternative response.



Jonnie Warner’s brother, Larry Griffin, was executed in Missouri in 1995. “People don’t understand that the death penalty has an impact on families that is so far-reaching. My mother has never gotten over it. She has changed so much since it happened. All of the kids have a hard time understanding it. The death penalty creates so many more victims.”

<sup>4</sup> The U.S. focus at this stage of the project is both practical and philosophical: as a new organization, based in the U.S., it is practical for us to begin where we are. As well, we recognize that the United States’ continued use of the death penalty is significant within the international human rights debate. MVFHR’s membership includes people outside the U.S., however, and in time we anticipate expanding the scope of the No Silence, No Shame project.

<sup>5</sup> In writing this report, we drew upon material from these interviews and also from contact and discussion with family members of the executed within our membership that occurred prior to the official development of the No Silence, No Shame project. See Appendix 2, page 23, for a list of families whose stories inform this report.

<sup>6</sup> Except in cases in which doubt has been raised about the individual’s guilt.

## The Impact of Victimization



Irene Cartwright's son, Richard Cartwright, was executed in Texas in 2005. "Richard's daughter Ricki was born a couple of months before Richard was sentenced, and she was 8 years old when he was executed. One of the hardest things I've ever had to do was pick Ricki up from school for her last visit with her father before he was killed."

**H**ow are families affected by violent loss, and what can society do to help? A decade after the adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the UN Commission on Crime Prevention and Criminal Justice resolved to develop a manual that would serve as a guide for putting its principles into practice. Published in 1999, *The Handbook on Justice for Victims* was prepared by a group of experts from more than 40 countries.<sup>7</sup> It lays out guidelines about how victims ought to be treated, how to develop victim assistance programs, how to provide training for various groups who help or interact with victims (including, for example, health care professionals, clergy and spiritual leaders, schools and universities, media professionals, and employers).

The *Handbook* devotes a section to the physical, financial, and psychological impact of victimization and an exploration of its social costs. Looking at the experience of family members of the executed in light of the *Handbook's* observations is a useful exercise that allows us simultaneously to present the voices of these family members and to

make the case that what they have gone through is as much a victimization as anything else described in the *Handbook*. Below are brief excerpts from the *Handbook* and a discussion of the relevant findings from our interviews with family members of the executed.

### By the Deliberate Act of Another Human Being

*Crime is usually experienced as more serious than an accident or similar misfortune. It is difficult to come to terms with the fact that loss and injury have been caused by the deliberate act of another human being. (Handbook, p. 6)*

In states that allow the death penalty, a judicial execution is not legally a crime, but the family members we interviewed certainly reported difficulty in coming to terms with the fact that their loved one's death was caused by the deliberate act of another human being. Their narratives of trauma and confusion in the aftermath of the experience have this as a central question.

<sup>7</sup> *The Handbook on Justice for Victims: On the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, published by the UN Office for Drug Control and Crime Prevention and the Centre for International Crime Prevention. [www.uncjin.org/Standards/9857](http://www.uncjin.org/Standards/9857)

“I don’t think people understand what executions do to the families of the person being executed,” says Billie Jean Mayberry, whose brother, Robert Coe, was executed in Tennessee in 2000. “To us, our brother was murdered right in front of our eyes. It changed all of our lives.” The Coe siblings witnessed their brother’s execution, and it is clear from Billie Jean’s comment that watching the “deliberate act” of their brother’s life being taken felt to them like watching a murder.

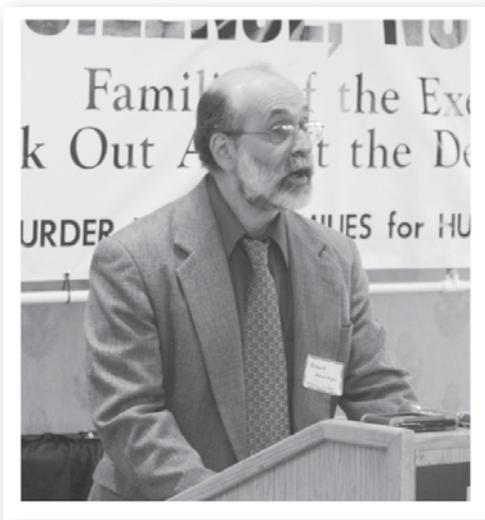
Irene Cartwright, whose son Richard was executed in Texas in 2005, echoes Billie Jean’s belief that people don’t give much thought to the impact of an execution on the surviving family. Indeed, she admits that before her own son was sentenced to death, she herself did not consider the families much, either. “I’d never thought about any of these people having a family,” she says. “It was like they were hatched and grew up in isolation. I’m ashamed to say that, but I think that’s where a lot of people are. Now I wish people could understand that everyone who is executed had a mother and father, maybe brothers and sisters, aunts and uncles, friends, whatever, and that each one of those people have been hurt and impacted by the execution.”

Irene initially thought she was handling her son’s execution fairly well, considering the obvious horror of it, but the first Christmas afterward and the subsequent months were difficult. Irene found herself overcome with lethargy, unable to do anything but sit and think about what had happened. Finally she went on anti-depressants and feels herself “getting back to normal,” but the memory does not really leave. “It’s something you carry alone,” she says.

When Celia McWee protests against an upcoming execution, she carries a sign saying that the state in question “is murdering a mother’s child tonight.” Celia will never forget that everyone on death row is somebody’s child, because her own son, Jerry McWee, was executed in South Carolina in 2004. “Some days I wonder about my ability to go on,” she says two years later. Her granddaughter, Misty McWee, clearly struggled with the same question in the aftermath of the execution. At 14, Misty was shocked when she learned that her father had been charged with capital murder, but as angry, disbelieving, and abandoned as she felt then, she says now that she believes she could have dealt with her father’s spending his life in prison. “But to have a parent executed – knowing



Celia McWee’s son, Jerry McWee, was executed in South Carolina in 2004. “Even though we knew what was going to happen, it was so difficult to talk about it. We couldn’t even talk about things like, what hymn would you like them to play at the service. When somebody’s ill, you can discuss that sort of thing with them, but with Jerry, we just couldn’t do it. I had to fight with him because he didn’t even want me to be present at the execution. He didn’t want to see me cry. He said, ‘You’ve cried enough,’ and I said, ‘I promise I won’t.’ When the day of the execution came, I kept my promise to Jerry. In the one instant that he turned to look at me, I wiped my tears away so he didn’t see them.”



Robert Meeropol's parents, Ethel and Julius Rosenberg, were executed in New York (by the federal government) in 1953. "I was 3 when my parents were arrested and 6 when they were executed. My earliest distinct memories of my parents are of visiting them on death row. Clearly, I didn't understand what was going on, but I had a sense that 'they' were out there, 'they' were very powerful, and 'they' were attacking 'us.' Of course I didn't know exactly who 'they' and 'we' were. So I had a generalized sense of anxiety, an incomprehensible sword of Damocles hanging over me. I was frightened, angry, and grew up with a suppressed need to attack those who had attacked my family. I survived because a supportive community surrounded me, but what about other children who do not have such a support system?"

that he died because someone pushed chemicals into him – to me that felt like murder as well. It's different from his dying of natural causes in prison."

Misty was 28 when her father was executed, and she suffered from severe depression in the year following the event, culminating in a hospitalization after a suicide attempt near the one-year anniversary. "It felt like the two things were connected, my father's execution and my cutting my wrists," she recalls. "I didn't care what happened to me. I felt like I should go be with him." A mother herself now, Misty is finding her way toward greater emotional stability, but she still struggles to come to terms with her father's execution and the entire process surrounding it. "Why couldn't we have had someone to help us through it?" she wonders. "When we walked in the courtroom, people gave us dirty looks, just because we belonged to our father. You wonder, what did we as kids do to deserve this? There's so much you're trying to understand and it doesn't help to have people judging you. People look at it like, the whole family must be bad."

Christina Lawson didn't realize the extent to which an execution of a family member would feel similar to the murder of a family member

until her husband David Martinez was executed in Texas in 2005. Christina's father had been murdered when Christina was a young girl of 9, and she remembers responding with a combination of withdrawal and aggressiveness as she struggled to absorb what had happened. The men convicted of killing Christina's father served brief jail sentences, and as Christina grew up she maintained that she believed in the death penalty and thought it was what her father's killers deserved.

Shocked and devastated when her husband was charged with capital murder, Christina still felt that someone who committed a murder deserved to die in return. "I couldn't stand the idea of losing him and of what that would do to me and our children," she recalls, "but I did believe he deserved to die for what he did."

Yet even as she believed in execution as a legitimate punishment, she also couldn't quite believe that it would take place. "It's hard to explain," she says now. "I believed it *should* happen, but I also believed it wouldn't actually happen. A civilized society doesn't go around killing people. You don't believe they're going to take your healthy husband and walk him to his death. You just don't do that."

It wasn't until the day of the

execution that the reality of the experience hit Christina – on many levels. “A guard asked me if I’d brought my tickets to the show,” she says, beginning to recount the litany of dignity violations that she experienced as a family member of the person being executed.

Then they wouldn’t look us in the eye when they frisked us. And afterwards, they were pushing us out the door and I looked up and saw that not even a minute had gone by since his death. I didn’t even get to stand there and realize what had happened. Then we started walking out of the administration building and my whole world started spinning. The activists were packing up and leaving and the pro-death penalty side was yelling at us and I kept thinking, why are you yelling at me? I didn’t do anything. I realized I was being punished for something David did.

## From One Generation to the Next

*Research shows that the shock waves from victimization touch not only the victim but also the victim’s immediate family and relatives, neighbours and acquaintances. This holds true for the emotional as well as the financial consequences, and the effects can endure for years or even a lifetime. In the case of genocide, child abuse, exposure to violence and abuse of power, the effects can be passed on from one generation to the next. (Handbook, p. 5)*

We have already begun to see the ways in which the shock waves from an execution affect the surviving family members, and we will continue to explore that from various angles throughout this report. What is notable about this excerpt from the *Handbook* is the observation that effects can be passed on from one generation to the next.

Robert Meeropol, whose parents Ethel and Julius Rosenberg were executed by the U.S. government in 1953, points out that “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



Barbara Allen’s uncle, Joseph Stanley Faulder, was executed in Texas in 1999. “For 14 years my uncle was on death row in the United States and our family, in Canada, had no idea. All we knew was that he had disappeared. He thought we knew where he was but didn’t want to have anything to do with him. When we finally found out, we were relieved he was alive but overwhelmed by the sadness and gravity of the situation. I had given very little thought to the death penalty before this. It’s just not part of the social conscience of Canada. I was aware that it occurred in the U.S., but never in my wildest dreams did I think my family would be involved.”

For 15 years, Stanley Faulder's Canadian family had no idea that he had been sentenced to death in the state of Texas. According to the Vienna Convention on Consular Relations, an international treaty that the United States has ratified, Texas authorities should have informed Faulder at the time of his 1977 arrest that he had the right to seek assistance from the Canadian consulate, and should have notified the Canadian government of Faulder's situation if he had requested that they do so.

Sandra Babcock, an attorney with the Texas Resource Center who took Faulder's case in 1992, filed a motion with the U.S. Supreme Court arguing that Faulder's rights had been violated under the Vienna Convention. Although U.S. Secretary of State Madeleine Albright intervened on Faulder's behalf, and although the Supreme Court initially granted Faulder an indefinite stay, the Court then dissolved the stay and Faulder was executed in 1999. But the case had important repercussions. Sandra Babcock notes that the U.S. government has since started notifying detained foreign nationals of their right to contact their consulates, and in late 1999 the Inter-American Court on Human Rights ruled that a state is in violation of international law if it executes a person whose rights have not been upheld under the Vienna Convention.

It is also interesting to note that in 2001 the International Court of Justice ruled that the United States violated the Vienna Convention when the state of Arizona failed to inform Karl and Walter LaGrand, two German nationals who were charged with capital murder, of their right to seek assistance from their consulate. The LaGrand brothers were executed in 1999.

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."<sup>8</sup>

We view the "No Silence, No Shame" interviews as a beginning attempt to explore the impact of executions on children in the families of the executed. What we are seeing is that the effects are enduring and sometimes manifest themselves even in children who would not be described as immediate family members.

For fourteen years, Stanley Faulder's Canadian family was unaware that they had a relative on death row in the United States; they knew only that he was missing (see sidebar). When the family finally learned that Faulder was incarcerated and facing a death sentence in Texas, they became involved from afar, with Faulder's niece, Barbara Allen, often serving as the family's spokesperson.

Barbara's sons were 8 and 11 when the family first learned that a relative had been sentenced to death. "They didn't know him, but they knew he was family," Barbara explains. After the execution, Barbara's younger son Warren, by that time 16 years old, had a particularly hard time. "He started to use drugs quite seriously," Barbara

<sup>8</sup> From a statement given at the launch of Murder Victims' Families for Human Rights' No Silence, No Shame project, Austin, Texas, October 27, 2005.

recalls, “and he certainly had other issues going on in his life besides this one, but right at this time he got a tattoo on his leg that had Stan’s initials encircled by flames. The execution had more of an impact on him than I had known.”

We open the discussion of the effect of executions on children with this example of a young person distant both geographically and genealogically from the executed person to make the point that the impact of an execution can extend farther than we imagine, and can manifest itself in both obvious and less obvious ways. Warren’s tattoo says, quite literally, “This event left a mark on me.” Even though he didn’t know his great-uncle directly, this teenager had to struggle with the execution’s effect on the rest of his family and with the questions that such an event inevitably raises.

A child’s questions about the death penalty can be deceptively simple. Rosemary Malone remembers that after visiting her brother Kelvin on death row in California (Malone faced death sentences in California and Missouri and was executed in Missouri in 1999), she and her children saw a bumper sticker that read, “Why do we kill people who kill people to show that killing is wrong?”

“My kids saw that and asked

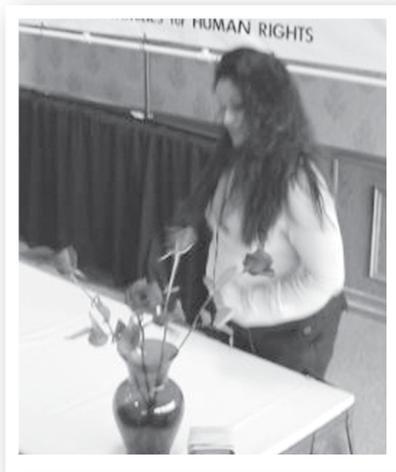
me that question: why?” Rosemary remembers. “And there was really no way to explain it. Who’s going to kill the people who killed Kelvin? Where does it end?” Christina Lawson’s daughter, who was 10 years old at the time of her father’s execution, asked a similar question: “They’re going to kill him because he killed somebody, so when they kill him, who do we get to kill?”

Pam Crawford’s granddaughter Callie was 8 years old when Pam’s brother, Ed Horsley, was executed in Alabama. Callie is now 19, and Pam observes: “It’s amazing how things can happen in a family, how it can be a generational thing, because all these years later my granddaughter is going through a depression. I was amazed when I talked to her doctor and he asked me who was executed in the family and how long has it been. I told him, and he said, ‘Did you know that she’s still affected by it?’”

Pam explains that Callie still struggles to come to terms with the execution: “She asks, if it’s wrong to kill somebody, which it is, then how can it be right for the state to kill?” Pam goes on to describe the symptoms that her granddaughter reported to her, which include recurring nightmares. Callie told Pam that she dreamed that “Uncle



Pam Crawford’s brother, Ed Horsley, was executed in Alabama in 1996. “Around the time of the execution, my kids talked openly about their Uncle Ed, but then other kids at school began saying, ‘They should’ve killed him already!’ and other mean things. My kids started learning to keep it a secret because they were ashamed of the reaction they would get. They were ashamed to be connected to him, ashamed to be who they were.”



Desiree Babbitt's father, Manny Babbitt, was executed in California in 1999. "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."

Ed and I are just sitting at the table inside the prison, but I'm not a little girl anymore, I'm a grown woman, and I'll be trying to reach for him and he'll be running from me. He's running to get behind that door that he used to go behind when the guards would come get him and put the handcuffs on him."

Pam continues:

She said one time she dreamed she was calling him because she could see him behind the prison walls, but there was a wall between them and she couldn't get to him. Now, this is a child who wasn't even born yet when Ed first went into prison. Her doctor wanted to know how much she understood, and I realized that there were some things she had misunderstood as a child. When we went to visit my brother the last time, she heard me say goodbye and say something about seeing him in the next dimension – talking about heaven – and she thought I meant we'd see him back in Charlotte [North Carolina, where the family lived]. In her mind

as a child, I was telling him I'd see him back home, and I guess she kind of locked that in her mind, and then it never happened.

A group of children with a particular stake in the death penalty issue are those who are related both to the murder victim and to the convicted murderer, as in cases of domestic violence. Already struggling to come to terms with the trauma of one parent's death at the hands of another, some of these children have then found themselves having to plead with the state not to compound that trauma by executing the remaining parent.

"If this execution is carried out, we'll have two parents murdered," Rose Syriani said at a press conference in 2005, when the state of North Carolina was preparing to execute Elias Syriani for the murder of his wife Theresa. Rose and her three siblings had been children at the time of the murder, and had testified against him at his trial. They remained estranged from their father for many years, but by 2005 each had found a way to reconcile with him and were opposing his execution.<sup>9</sup>

The Syrianis were no more successful at stopping their father's

<sup>9</sup> Associated Press, October 26, 2005.

execution than Chris Kellett and Felicia Floyd had been four years earlier, when they stood before the Georgia Pardon Board under similar circumstances and said, “We beg you not to take our father’s life too.”<sup>10</sup> While those in a position to grant clemency to someone facing a death sentence may not be swayed by arguments about the effect of the execution on the surviving children, those concerned with victim assistance cannot ignore the needs of these survivors – which are perhaps especially acute when the children are still minors.

Marcus Lawrie was 14 when the state of Delaware executed his father. Seven years earlier, David Lawrie had set fire to his house in a drug-induced rage, killing his wife, two of their children, and a neighbor’s child. Marcus, now 21, says that as horrific as this tragedy obviously 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, but you’ve got to understand – by giving my father the death penalty, you’re taking my other parent from me.”

It might seem that, among families of the executed, survivors who are also related to the murder victim would be more easily recognized as in need of assistance, but in fact direct support for these chil-

dren has to date come more frequently from the anti-death penalty community than from the victim assistance community. In Marcus’s case, it was two local anti-death penalty activists, who were themselves family members of murder victims, who served as his chief supporters during the execution and its aftermath. Valuable as this was, it raises the question of what formal help is available for children in families with intra-familial murder who are not lucky enough to come to the attention of informal advocates like these.

The *Handbook’s* observation about effects being passed from one generation to the next also suggests that children can feel the impact even of family events that did not occur during their own lifetimes. Antoinette Bosco was 12 when she learned that there had been an execution in her family: Charles Doran, the brother of Antoinette’s aunt by marriage, had been executed in New York in 1928, just a few months before Antoinette was born. “I was so affected by this killing when I heard of it as a young adolescent,” Antoinette recalls. She remembers trying to make sense of the death penalty in light of the commandment “thou shalt not kill,” and she remembers learning how severely



Billie Jean Mayberry’s brother, Robert Coe, was executed in Tennessee in 2000. “You hear about the death penalty in the news, but you don’t really think about it until it affects you. There’s no way to describe the hurt my siblings and I had to go through when we watched our brother die.”

<sup>10</sup> Susannah Sheffer, “Unheard Voices,” *Fellowship* magazine, March/April 2003.



Janis Gay's grandfather, Alexander Kels, was executed in California in 1924. "Although I never knew my grandfather and didn't learn that he had been executed until I was 21, I felt that he was a member of my family and I wanted to understand him and understand the effect that his execution had had on all of us."

the execution had affected the relatives who lived through it: "I learned that Charlie's mother went crazy afterward and never left the house. And I saw that my Aunt Margee had never gotten over it. She was a teenager at the time of her brother's execution, and the experience was a direct cause of the mental problems that plagued her later in her life."

Like Antoinette Bosco, Janis Gay learned of the execution in her family years after the fact. Janis's maternal grandfather was executed in California in 1924, when Janis's mother was a girl of 9. Janis was not told how her grandfather died until she was an adult of 21. Although she did not grow up with any conscious awareness of being related to someone who had been executed, she was affected by the impact that the execution and its attendant shame had on her mother.

"Mom would sit in the dark, smoking cigarettes at night," Janis remembers. "She saw me as a child and could see herself as a child, what she went through. It brought it back. She never reconciled to it at all." When Janis's mother revealed the family's secret years later, Janis still "got the message that I wasn't supposed to talk about it after that. I wasn't supposed to assume the burden." It was another several years before a therapist Janis was

seeing asked her if there were any skeletons in the family's closet. At that point, Janis began researching her grandfather's case, and eventually she became an outspoken activist against the death penalty. But she still struggles with its personal legacy:

I feel like I'm a survivor of this, but it's very hard for me to talk about it. There are nuances I don't understand, in terms of how it affected me. I don't want to sound whiny, but I can tell you that Mom's interior life was pretty absorbing to her. Helping me and my brother with our lives – that just wasn't available. We would come home from school telling what happened that day, and Mom would get up and walk away.

How far down the generations does it go? I look at my life: I'm not married, intimate relationships are difficult for me. When an execution happens in a family – well, it's violence that has shattered the family and you have to take care of it. Someone has to.

## Conspiracy of Silence

*Stressful life events seem to unleash a strong need for sharing in victims. However, following extreme traumatic events, victims may participate in the “conspiracy of silence” by not sharing their experiences and their aftermath. ... Certain experiences are seldom revealed unless specifically asked about by another who is experienced as trustworthy and therefore as a potential source of support. (Handbook, p. 8)*

“I didn’t want to talk about it, I didn’t know how to talk about it,” recalls Jonnie Warner, whose brother, Larry Griffin, was executed in Missouri in 1995. “It’s kind of shameful to talk about it, because how many people have that experience?” Right away, Jonnie mentions the relative rarity of the experience as reason to keep silent about it. She explains that while having an incarcerated family member is – sadly – increasingly common among people of color, having someone on death row, and then going through an execution, is “stigmatizing.”

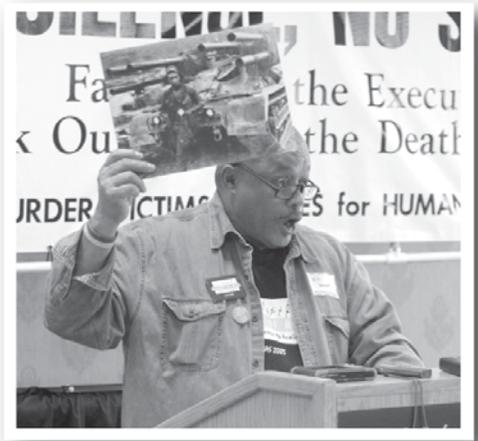
“Until I got involved with [local anti-death penalty organizations], I couldn’t talk about the death penalty. These organizations

made me feel comfortable by supporting me. Unless someone encourages you to do it, you won’t.”

Exemplifying the *Handbook’s* observation that people who have suffered traumatic events are more likely to talk if they are explicitly encouraged and supported, Jonnie goes on to say that the No Silence, No Shame gathering, in which she was surrounded by others who had gone through a similar trauma, had an enormous effect on her: “To hear everybody who had similar experiences and similar feelings, that was a very powerful meeting. And to hear how everybody’s been affected some kind of way.”

Pam Crawford echoes Jonnie’s reflections about the value of the Austin gathering: “I was in a place where I could really be me. I was not looked down upon because I loved my brother. I could finally just be open and tell the truth, just be real. I came back with another burst of energy and strength to go on. I could talk to people who could identify with what I was saying, because they had felt the same pain and the same hurt.”

In addition to breaking silence by sharing their experiences with others who have gone through something similar, some family members have spoken publicly at rallies and other such gatherings,



Bill Babbitt’s brother, Manny Babbitt, was executed in California in 1999. “The police promised me that my brother would get the help he needed. After they arrested Manny, an officer said to him, ‘You’re not going to go to the gas chamber or anything like that.’ I believed that. My mother believed it. We never really thought he would be executed, right up until the last half hour when I watched my brother be put to death at San Quentin. For the rest of my life I have to live with the fact that I turned my mentally ill brother in and that led to his death.”



Stanley Allridge's brothers Ronald and James Vernon Allridge were executed in Texas in 1995 and 2004. "I didn't plan on being an activist, but I feel like I'm obligated to talk about the death penalty and what happened in our family."

or to classes, church groups, and conference audiences. Speaking in these public venues has some of the same value as sharing with others in an intimate setting, but it also has the additional benefit of bringing private grief into the public arena and, in some sense, demanding that one's experience receive public recognition. Jonnie Warner recalled that the public ceremony at the No Silence, No Shame event, in which participants placed roses in a vase in memory of their executed family member and in memory of the murder victim, was a way for the group to bring their grief to the attention of others who might not have previously been aware of it.

"[The ceremony] actually got the attention and empathy of the other people right there in that room," Jonnie recalls. "Publicly grieving your loved one is different because you want other people to know that you're human and your people were human and you love them too."

These days, Stanley Allridge is comfortable speaking to large audiences about the executions of his two older brothers, Ronald and James, but when he was a young child, his family didn't talk about the way the death penalty had touched their family. Stan remembers his father explaining that his

brothers had been arrested: "I was 7 years old, and that was the first time I'd seen my father cry. He said, 'Your brothers are in trouble.' But after that, it wasn't really discussed. We just started dealing with it."

Stan and the two other surviving Allridge brothers witnessed Ron's execution in 1995, when Stan had just graduated from high school. "I didn't really believe it at all, until later," he recalls. "When I was finally leaving the Walls Unit and driving home, that's when it hit me, that's when the tears came. But everybody dealt with it in our own individual ways. We didn't talk about it at all, or we talked about it vaguely, but not how we felt about what we had seen. How do you talk about that? We never really thought it was going to happen. It's not like he was terminally ill. It's a murder. You just don't get ready for a murder."

Afterwards, Stan says, "I felt like my life had totally changed. I would be separated from other individuals. I was forced into this state of manhood. Witnessing death, witnessing a murder, is something that's totally different. I knew my life would be different – I didn't know how, but I knew."

As the *Handbook* suggests, victims are unlikely to talk about their experiences unless specifically

asked, but now that Stan gets asked regularly, he has become an outspoken activist. “I had no idea people would be impacted by my story, would want to listen to me,” he says of his early forays into public speaking. “But now I feel like I’m obligated to talk about it.”

Like Stanley Allridge, Pat Seaborn feels obligated to talk about the effect of executions on surviving family members. Pat’s cousin, Ron Spivey, was executed in Georgia in 2002, and although she was “scared to death” when she was first invited to address a church group about her experience, “it all came together, and people were on the edge of their seats because they had never come in contact with this.”

## When the Offender is the State itself

*Victims of abuse of power have particular difficulty in gaining recognition of the fact that they have been victimized. The essence of abuse of power is that it is committed by those who should be expected to protect the population. The shock and loneliness of victimization can be much greater for these victims. ... Where the offender is the State itself, the principal*

*problem of victims can be in obtaining acknowledgment that an offence has occurred. (Handbook, p. 9)*

Although executions are not yet universally recognized as abuses of power, the fact of the offender being the state itself is clearly relevant here. As we noted earlier, “the state” is a more ambiguous perpetrator than an individual and presents a unique challenge as survivors try to come to terms with the taking of their loved one’s life. Christina Lawson described how her 10-year-old daughter, trying to understand that her father’s death was caused by “the state of Texas,” sometimes felt as though that encompassed everyone she encountered: “She told me one day when she went to school, she felt like everyone was guilty, like she was walking around among murderers because the people of Texas had killed her father.”

It may be tempting to dismiss this as a child’s confusion, but comments from the adult survivors, as well, suggest that sorting out one’s relationship to the state or “the system” after an execution in the family is not an easy process. “I have no trust in the system,” admits Rosemary Malone. “I just don’t have any faith anymore.”

Ida Reid, whose brother James



Christina Lawson’s husband, David Martinez, was executed in Texas in 2005. “I co-founded the group Victims of Texas to help survivors of murder victims and survivors of people who have been executed. We want there to be someone who can say ‘I understand’ and mean it.”



Ida Reid's brother, James Reid, was executed in Virginia in 2004. "Just before he was executed, he asked me to promise that I would never stop fighting. When I write or speak about the death penalty, it brings it all back, but I will keep doing it regardless of how it affects me, because it's important that people understand."

was executed in Virginia in 2004, expressed similar disillusionment in a way that also underscores the *Handbook's* point about the confusion that results when harm is caused by those who are expected to protect. "I'd always believed in the system," Ida recalls. "I participated in it, did my part. But now I don't believe in it, and that's really sad." Ida's disbelief comes not only from the fact of her brother's execution but also from the events leading up to it: "He had an attorney who slept during the hearings. The lead attorney wasn't qualified, and later he was disbarred for lying. We didn't have an actual trial because everyone said that pleading him guilty was the only way to save his life. Then later they said they never said that."

The greater one's previous sense of connection to the state or the government, the greater the feeling of betrayal after an execution may be. Bobby Fitzsimmons serves in the U.S. Navy and, after his brother James Colburn's execution, told reporters, "The country I fight for just murdered my brother."

Beatrice Coleman, whose brother Andy Smith was executed in South Carolina in 1998, said that one of the hardest aspects of the experience was confronting the people responsible for administer-

ing the lethal injection: "They have different people responsible for all the different steps, so no one knows exactly who did it, but still – how do you *do* that?"

Here again we are seeing the effort to come to terms with victimization occurring at the deliberate hands of another. Though the family understands that the state is technically responsible for, or authorizing, the execution, it is difficult – perhaps especially for those who directly witness the execution – not to wonder about the individuals who actually cause the death.

As Beatrice Coleman also noted, a pending execution also puts the family in the odd position of planning for a death that will occur by deliberate means. Beatrice described the process of writing and submitting her brother's obituary before the execution had occurred. Is an execution more like death from a terminal illness – because the process is protracted and the family theoretically has time to prepare for the death – or more like murder, because the actual death is sudden and caused by others? Many of the family members we interviewed clearly struggled with these questions, and regardless of their effort in some cases to compare the experience to dying of an illness, the differences loomed large. As Wendy

Bradley, another daughter of Jerry McWee, who was executed in South Carolina, put it, “My grandmother wanted me to come with her to look at caskets, and I kept putting it off, because it felt kind of morbid, to make all those arrangements for someone who was still healthy and breathing and had no physical conditions. It wasn’t something that we should be doing.”

Family members’ difficulty in gaining acknowledgment that an offense has occurred can affect their relationships with employers and others outside the family. Rather than being treated with the kind of understanding or dispensation that might be accorded others who have gone through a traumatic loss, families of the executed often find themselves hiding their experience or being ostracized for it.

Melanie Hebert was about to enter high school when her uncle, Spencer Goodman, was charged with capital murder. Spencer, the adoptive son of Melanie’s paternal grandparents, was only seven years older than Melanie and felt to her more like a brother than an uncle.

“Everyone at school knew we were related,” she remembers. “I had such a hard time in high school because of it. I was taunted: ‘I know who *you* are.’ I wanted to

defend him, but also felt such shame that I wanted to agree.”

Years later, when Melanie was a young woman, she requested time off from work in order to witness her uncle’s execution. “That was a really difficult thing to do. I had to lie and say I had a death in my family – but in fact, I hadn’t yet had that death.”

Pam Crawford faced such direct condemnation around the time of her brother’s execution that she ended up leaving a job she had loved. A housekeeper in the dormitories of the University of North Carolina, Pam had been close to the students and often invited them to her home for meals. When she came to work after her brother’s execution, she was confronted by a note on the closet door in one of the dorm rooms; it read “You’re a murderer.” Clearly Pam was not being responded to as the survivor of a trauma but instead as in some sense indistinguishable from her brother who had committed the crime.

“It wasn’t just the students, it was my co-workers too,” Pam recalls. “After three weeks, it was too much. I had to leave. There were times when I felt real guilty, like I had actually done something – but the only thing I was guilty of was loving my brother.”



Melanie Hebert’s uncle, Spencer Goodman, was executed in Texas in 2000. “I vividly remember when Spencer was sentenced to death. It was my dad’s birthday and we were all gathered at my parents’ house when we heard it announced on the news. I had a physical reaction; I just felt so sick. I remember everyone scattering to different parts of the house, nobody talking about it but everybody having to process it by themselves.”

# The Impact of Inequitable Application

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Thus far, we have focused on demonstrating that family members of the executed feel the impact of victimization in the ways that the *Handbook on Justice for Victims* delineates, and thus deserve recognition as victims according to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. We turn now to an exploration of how inequitable application of the death penalty further affects the surviving families.

We observed earlier that by international norms, the death penalty itself is increasingly viewed as a human rights violation. Meanwhile, various aspects of the *application* of the death penalty in the United States have been repeatedly identified as violations of international agreements – in particular, the arbitrary and discriminatory imposition of death sentences and the execution of people with mental illness or mental disabilities.<sup>11</sup>

Our interviews suggest that these additional violations add to the impact of the death penalty on surviving family members. Without taking up the entire issue of inequitable application of the death penalty, we will review what family members of the executed report about how these issues affect their overall experience of a death sentence and an execution.

## Arbitrary and Discriminatory

In a report presented to the UN Human Rights Committee regarding the U.S.'s failure to comply with aspects of the International Covenant on Civil and Political Rights, Sandra Babcock, writing for the National Coalition of Criminal Defense Lawyers, asserted that “there is ample evidence that death sentences in the United States are imposed arbitrarily and on the basis of impermissible factors such as race and poverty. Moreover, there are no uniform standards to guide the discretion of state prosecutors in seeking the death penalty.”

For family members, the belief that race and/or lack of financial resources played a role in their loved one's death sentence can deepen their sense of victimization and make it even more difficult to come to terms with what happened.

“How would things have been different if we'd had money?” Jonnie Warner wonders, ten years after her brother Larry Griffin was executed in Missouri:

The police came to the door, and Larry went with them to go clear his name. He never came home. I guess when you go to get an attorney, that's when it starts to dawn on you: they're saying prices that

are more than you make in a year. That in itself says that this is real serious. The lawyer we got said he didn't have any death penalty experience but he would do the best he could. I do believe that he did the best he could with his experience, but he didn't have any idea what the court experience would be like for an inexperienced lawyer trying a murder case. He was outmatched in experience and resources.

Though Jonnie and her family hold no animosity toward the inexperienced attorney, it is hard to imagine how they can avoid making the connection between their inability to pay more for Larry's defense and his resulting death sentence. Whether they direct this anger outward at the inequitable defense system or inward toward their family and its resources, they are clearly suffering an additional burden. In Larry Griffin's case, this burden is especially acute because of doubt that he was guilty of the crime for which he was executed – doubt so serious that his case is one of only four current cases nationwide in which the convicted murderer's innocence is being investigated after the execution has already been carried out.<sup>12</sup>

Race may be an impermissible factor in the decision about whether to

<sup>11</sup> These constitute violations of the International Covenant on Civil and Political Rights and the Convention for the Elimination of Racial Discrimination, for example.

<sup>12</sup> In 2005, after a year of investigation, the NAACP Legal Defense Fund issued a report raising substantial doubt that Larry Griffin was guilty of the murder for which he had been convicted and executed. The prosecutor's office agreed to re-open the case, and an investigation is currently in process.

seek or impose the death penalty, but family members report hearing overt comments and predictions telling them that race is indeed a factor. Rosemary Malone recalls the prosecutor, during the penalty phase of her [biracial] brother's trial, saying, "You've created a mixed breed, this is what happens. This is what you get – you get an animal." Rosemary remembers that each time the prosecutor referred to Kelvin Malone as "an animal" or "a monster," Rosemary responded by saying "my *brother*," and one can easily imagine how the repeated effort to insist on her brother's humanity, and to counter the racism in the prosecutor's remarks, added to Rosemary's burden as a family member of a person facing a death sentence.

Pam Crawford remembers that her family had very little understanding of the criminal justice process when her younger brother Ed Horsley was arrested, and when they were told that, because of his race and the race of the victim, he would surely get the death penalty, they believed that the police officers were talking about a legal determination that had already been made:

When the investigators came out to talk to us, they said, "You know what this means – he's in Alabama, they killed a white girl?" I said "No, I just know murder is wrong." The investigator said, "It means that they're gonna execute them." I said, "Execute? They're just youngsters." He said, "Ma'am,

they're gonna execute them."

They hadn't been found guilty at this point, the case was probably about two days old at that time, but it was like they'd already been convicted. I wasn't familiar with it all, so I was just dumbfounded, I hardly knew exactly what that meant. And my grandmother and my mother, not being educated in that area, not knowing anything about an execution, were just at a loss: what do we expect? People would try to explain it to her, saying there would be a trial first. My grandmother said no, because the investigator already told us it was going to happen. She believed that the investigator was telling her what had been decided. She said, "How do we know they won't just hang him? How do we know it won't just happen?"

## **Mental Illness and Mental Disability**

Bill Babbitt was also unfamiliar with the criminal justice process when he agreed to turn his mentally ill brother Manny Babbitt over to the police because he suspected him of being responsible for the murder of an elderly woman in their California town. "They promised me that Manny would get the help he needed," Bill recalls. But instead of getting help, Manny – who had been diagnosed with paranoid schizophrenia and post-traumatic stress disorder following his two tours of duty in Vietnam –

was sentenced to death and later executed. "I wish we *had* been able to get Manny the help he needed," Bill says now. "I wish that as a society we would devote our resources to treating people like Manny instead of imposing the death penalty."

One member's mental illness affects an entire family. When relatives struggle repeatedly, and unsuccessfully, to obtain proper treatment, the burden on the family is already considerable. When the failure to secure treatment results in the family member committing a crime and then being executed, the harm to the entire family is tremendously increased. Lois and Ken Robison have publicly told the story of their efforts to get treatment for their son Larry:

Larry was diagnosed as a paranoid schizophrenic at the age of 21. Our family tried in vain to get him proper treatment. Mental health professionals told us that he was not well and would get worse without treatment, but hospitals routinely discharged him after 30-day stays because he was "not violent" and they "needed the bed." We were told that if he became violent, he could get the long-term treatment that everyone agreed he needed.

Our son's first and only act of violence was to kill five people. Despite his well-documented history of mental illness, he was found sane and sentenced to die. The state of Texas executed him in 2000. How can a modern, civi-

lized society choose to exterminate its ill citizens rather than treat them?<sup>13</sup>

Tina Duroy's story is tragically similar. Tina's brother James Colburn was diagnosed with paranoid schizophrenia at age 14, and had been in and out of hospitals throughout the remainder of his teenage years. "When he turned 18, he was no longer covered by the family's insurance," Tina explains. "My grandparents drained their entire retirement, their savings, but when they ran out of money there was no hospital that would take him without insurance. Texas has no state-funded mental facility."

When James was arrested and charged with murder, Tina says that she had the possibility of a death sentence "in the back of my mind, but I didn't seriously think they would put someone with such an extensive medical history to death. It was the prosecutor's first capital murder case, and after my brother's execution I sent him a card saying 'Congratulations; I hope you never have mental illness in your family.'"

Tina's bitterness was intensified by the toll that her brother's death sentence took on her entire family. "My mother couldn't face it," Tina recalls. "She probably blamed herself, even though she couldn't do any more than she did." Tina's mother died two years before James's execution; Tina and several other family members witnessed the execution in 2004.

Tina says that she still has flashbacks of the event, and continually

questions why her brother could not have received the treatment he needed to prevent both his crime and his execution. "I don't understand how they can execute mentally ill people when they don't try to treat them first," she says. "Our police, our lawyers, our judges need to be educated about mental illness before they make the decisions they do."

The question of whether a criminal murder, and later an execution, might have been prevented by adequate treatment also haunts family members of people who have mental disabilities as a result of brain injury. Ida Reid, for example, explains that although the family knew that her brother James suffered brain damage as a result of an injury years earlier, they were not aware of the extent of the damage until much later, after he had been arrested and charged with capital murder. Ida says:

He had been in a terrible car crash, and I knew that that had affected him, but I didn't know to what extent until I saw the report that he had bone missing from the right temporal lobe and that's the part of the brain that controls impulses. And it's when he was drinking that the real lack of impulse control came out. He was fairly normal if he didn't drink, but once he drank it's like he became another person. And when you're poor, it makes a difference because you can't get the services that you truly need.

Though international human rights standards prohibit the execution of people suffering from mental illness and mental disabilities such as those resulting from a brain injury, such executions have not yet been ruled unconstitutional in the United States. In contrast, a 2002 U.S. Supreme Court decision did rule that the death penalty for people with mental *retardation* is unconstitutional – a ruling that unfortunately came too late for Grace Bolden's son Cornelius Singleton, who was executed in Alabama in 1992 despite having an IQ of between 55 and 65 and being convicted on the basis of a signed confession that he had been unable to read.

"Even before they arrested him, the DA said they were going to give him the death penalty, and they didn't have any evidence to connect him with the murder," Grace recalls. "Neal didn't understand what was going on." Neal's death sentence and execution took an enormous toll on Grace; she lost her house trying to pay for his defense and she suffers from ongoing physical ailments in the aftermath.

Families who have struggled but been unable to secure appropriate help for a mentally ill or disabled family member suffer the dual anguish of regret and betrayal. They wonder if the tragedies of murder and execution could have been prevented had treatment been available. Compounding this regret is the knowledge that "the system," rather than being a source of help, ultimately became the agent of their loved one's violent death.

<sup>13</sup> Ken and Lois Robison in *Not in Our Name: Murder Victims' Families Speak Out Against the Death Penalty* (Murder Victims' Families for Reconciliation, 2003).

## Conclusion: Out Of The Shadows

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Pat Seaborn, whose cousin Ron Spivey was executed in Georgia in 2002, describes families of the executed as “shadow victims.” Susan Sharp’s book refers to them as “hidden victims.” An editorial in the Austin (Texas) *American-Statesman* titled “The Families Left Behind” says, “We hardly give them a second thought – if we notice them at all.”

Until very recently, families of the executed have been so unrecognized that it would not even be accurate to say that their needs have been ignored. It is more appropriate to say that their needs have been *unimagined*. As Irene Cartwright said earlier in this report, most people never even consider that individuals sentenced to death *have* families, much less consider the impact on those families.

Our goal is to bring family members of the executed out of the shadows. The harm that families of the executed suffer has distinct characteristics. But at its core, it is more like than unlike the harm suffered by any people whose family members’ lives have been deliberately taken. We shine light on this harm so that the sufferers may finally receive the recognition and assistance they deserve, and so that discussion of the death penalty may include the question: Can any perceived benefits of executions be justified by the new group of victims they create?

## Appendix 1: Recommendations

In the preceding pages, we have argued that family members of the executed ought to be recognized as victims under the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and that recognition and assistance ought to be offered to this group as they are to any other victims. Our specific recommendations are as follows:

**To the United Nations**, we recommend that the Office of the High Commissioner on Human Rights (OHCHR) conduct a study of family members of the executed and include the study's findings in the OHCHR's annual report to the Secretary General of the United Nations and the United Nations Human Rights Committee. We recommend that the study be undertaken in countries that have not yet abolished the death penalty and in countries that have abolished it but still have surviving family members of people who were executed. We also recommend that, after taking inventory of the resources and support services available to such families, the OHCHR urge passage of laws that recognize family members of the executed as victims of abuse of power who are entitled to support and reparation.

**To lawmakers**, we recommend the passage of statutes that would give legal recognition to families of the executed as victims deserving of access to assistance and support. For example, in the U.S., laws now make it possible for relatives of murder victims to receive compensation to help with the costs of medical care, mental health counseling, and funerals; we recommend that families of the executed be eligible for this kind of assistance as well.

**To religious leaders and counselors**, we recommend that people in the faith community recognize the potential presence of families of the executed within their congregations, work to identify the needs of such families, and develop outreach and support programs as appropriate.

**To victim advocates and victim assistants**, we recommend that family members of the executed be recognized as victims who may be in need of advocacy and assistance, and we encourage the development of a protocol for making programs, services, and other forms of help available to these families. Although advocates and assistants may need to interact with the criminal justice system in order to identify and reach out to families of the defendant in capital cases, we recommend that such advocates and assistants be independent rather than under the auspices of either the prosecutor's or the defender's offices.

**To educators**, we recommend the development of trainings and materials for teachers and school counselors about the impact of the death penalty on children in families of the accused. Such trainings and materials would aim to raise awareness about this issue and better prepare those who encounter children suffering in the aftermath of a family member's death sentence or execution.

**To child welfare advocates**, particularly those who are developing services to address the needs of children of incarcerated parents and children who have suffered a violent loss in their family, we recommend that trainings and literature include specific information and guidance about children in families of the executed, whose needs and concerns are in many ways distinct.

**To mental health professionals**, we recommend that the short- and long-term psychological effects of an execution in the family be included in literature and training directed at social workers, clinical psychologists, trauma specialists, and others who might come in contact with such families. We also recommend that witnessing executions be recognized as a "gateway" criterion for post-traumatic stress disorder.

**To academic scholars**, we recommend that research be conducted about the long-term effects of executions on the defendants' family members, with particular investigation into the effects on children. While there exists a substantial body of research concluding that the effects of the death penalty on surviving families are devastating, a large-scale longitudinal study has not yet been undertaken. Further research into the long-term effects of executions on the surviving family members, particularly on the children in the family, will inform the policies and practices of educators, child welfare advocates, and mental health professionals, as we have suggested above.

## Appendix 2: List of Family Members

*Our deepest gratitude to all the individuals whose stories informed the writing of this report:*

**Barbara Allen** (Alberta, Canada), niece of Stanley Faulder, executed in Texas in 1999

**Stanley Allridge** (Texas), brother of Ronald Allridge, executed in Texas in 1995, and James Allridge, executed in Texas in 2004

**Bill Babbitt** (California), brother of Manny Babbitt, executed in California in 1999

**Desiree Babbitt** (Rhode Island), daughter of Manny Babbitt

**Rena and Ireland Beazley** (Texas), parents of Napoleon Beazley, executed in Texas in 2002

**Grace Bolden** (Alabama), mother of Cornelius Singleton, executed in Alabama in 2002

**Antoinette Bosco** (Connecticut), niece of Charles Doran, executed in New York in 1928

**Wendy Bradley** (South Carolina), daughter of Jerry McWee, executed in South Carolina in 2004

**Irene Cartwright-Rekitzke** (Illinois), mother of Richard Cartwright, executed in Texas in 2005

**Frances Coe** (Tennessee), sister-in-law of Robert Coe, executed in Tennessee in 2000

**Jimmie Coe** (Tennessee), brother of Robert Coe

**Beatrice Coleman** (South Carolina), brother of Andy Smith, executed in South Carolina in 1998

**Calvin Crawford** (North Carolina), brother-in-law of Ed Horsley, executed in Alabama in 1996

**Pamela Crawford** (North Carolina), sister of Ed Horsley

**Yvonne Delvecchio** (Illinois), mother of George Delvecchio, executed in Illinois in 1995

**Bonnie DeShields** (Tennessee), sister of Robert Coe, executed in Tennessee in 2000

**Tina Duroy** (Texas), sister of James Colburn, executed in Texas in 2004

**Felicia Floyd** (Georgia), daughter of Fred Gilreath, executed in Georgia in 2001

**Jim Fowler** (Oklahoma), father of Mark Fowler, executed in Oklahoma in 2001

**Janis Gay** (California), granddaughter of Alexander Kels, executed in California in 1924

**Melanie Hebert** (Texas), niece of Spencer Goodman, executed in Texas in 2000

**Sonia Jacobs** (Ireland), wife of Jesse Tafero, executed in Florida in 1990

**Chris Kellett** (Georgia), son of Fred Gilreath, executed in Georgia in 2001

**Marcus Lawrie** (Delaware), son of David Lawrie, executed in Delaware in 1999

**Christina Lawson** (Texas), wife of David Martinez, executed in Texas in 2005

**Rosemary Malone** (California), sister of Kelvin Malone, executed in Missouri in 1999

**Billie Jean Mayberry** (Tennessee), sister of Robert Coe, executed in Tennessee in 2000

**Celia McWee** (Georgia), mother of Jerry McWee, executed in South Carolina in 2004

**Misty McWee** (South Carolina), daughter of Jerry McWee

**Robert Meeropol** (Massachusetts), son of Ethel and Julius Rosenberg, executed by the federal government (in New York) in 1953

**Ida Reid** (Virginia), sister of James Reid, executed in Virginia in 2004

**Ken and Lois Robison** (Texas), parents of Larry Robison, executed in Texas in 2000

**Pat Seaborn** (Georgia), cousin of Ron Spivey, executed in Georgia in 2002

**Bill Vaught** (Texas), brother of John Wheat, executed in Texas in 2001

**Jonnie Warner** (Missouri), sister of Larry Griffin, executed in Missouri in 1995

*We also want to express our gratitude to those family members of the executed who have shared their stories with us but do not feel comfortable having their names listed publicly.*

# Appendix 3: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Adopted by General Assembly resolution 40/34 of 29 November 1985

## A. Victims of Crime

1. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

### Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

(a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.  
Restitution

8. Offenders or third parties responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

### **Compensation**

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;

(b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

### **Assistance**

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

### ***B. Victims of Abuse of Power***

18. "Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances, should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts, and should develop and make readily available appropriate rights and remedies for victims of such acts.

# Appendix 4: Excerpts from the Universal Declaration of Human Rights

*Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948*

## **PREAMBLE**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

☞

### **Article 3.**

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

☞

### **Article 5.**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.



## Murder Victims' Families for Human Rights

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2161 Massachusetts Avenue  
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Louise Arbour  
Office of the High Commissioner on Human Rights  
Palais Wilson  
Geneva, Switzerland

December 10, 2006

Dear High Commissioner Arbour:

We respectfully submit to you a copy of *Creating More Victims: How Executions Hurt the Families Left Behind*, a report published by Murder Victims' Families for Human Rights and released on International Human Rights Day 2006.

The report, which grows out of the No Silence, No Shame project of Murder Victims' Families for Human Rights, presents the voices and experiences of three dozen surviving family members of people who have been executed in the United States. Through analysis of their testimony, the report demonstrates that surviving family members of executed persons are victims as defined by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

As you will see, the report contains specific recommendations, and we draw your attention in particular to the recommendation that the Office of the High Commissioner on Human Rights conduct a study of family members of the executed and include the study's findings in the OHCHR's annual report to the Secretary General of the United Nations and the United Nations Human Rights Committee. Although we have taken an initial look at the issue by interviewing a small group of family members of the executed in the U.S., we believe the impact of the death penalty on families of the executed is an issue of sufficient concern to the international human rights community that it merits a more comprehensive study worldwide.

Such a study is consistent with the OHCHR's mandate to protect and promote human rights for all and to lead the international human rights movement by acting as a moral authority and voice for victims. We ask you now to take the lead in recognizing the victimization that families of the executed experience, undertaking further investigation of the issue, and recommending specific ways to redress, through support and reparations, the harm that families of the executed have endured. I am hopeful that MVFHR and the OHCHR can work together to bring recognition to these previously hidden victims.

Sincerely,

Renny Cushing  
Executive Director

**Murder Victims' Families for Human Rights** (MVFHR) 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.

**Board of Directors:** Bud Welch (President), Brian Roberts (Chair), Tamara Chikunova (Vice-Chair), Vicki Schieber (Treasurer), Bill Babbitt, Jennifer Bishop-Jenkins, Rev. Walter Everett, Bill Jenkins, Toshi Kazama, Robert Meeropol, Bill Pelke, Sr. Helen Prejean, Bonnita Spikes

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MVFHR is a tax-exempt 501(c)3 organization. Contributions to MVFHR are deductible on the donor's U.S. federal income tax. Federal tax identification number 11-3725424

Murder Victims Families for Human Rights is a member of the World Coalition to Abolish the Death Penalty, the World Society of Victimology, the U.S. Human Rights Network, the National Coalition to Abolish the Death Penalty, and the National Organization for Victim Assistance.

We are grateful to the following foundations for their support of MVFHR's No Silence, No Shame: Organizing Families of the Executed project: Grassroots Exchange Fund, Lifespark, the Maverick Lloyd Foundation, MCADP Fund, the Neighbors in Need Fund of the United Church of Christ Justice and Witness Ministries, the Unitarian Universalist Fund for a Just Society, and U.S. Human Rights Network.

For more information about human rights, the death penalty, and victimization:

ACLU Capital Punishment Project [www.aclu.org/capital/index.html](http://www.aclu.org/capital/index.html)  
American Bar Association [www.abanet.org](http://www.abanet.org)  
American Friends Service Committee [www.afsc.org](http://www.afsc.org)  
Amnesty International USA [www.aiusa.org](http://www.aiusa.org)  
Center for Constitutional Rights [www.ccr-ny.org/](http://www.ccr-ny.org/)  
Comunit di Sant'Egidio [www.santegidio.org/](http://www.santegidio.org/)  
Death Penalty Information Center [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)  
ECPM <http://www.abolition.fr/ecpm/>  
Equal Justice USA [www.ejusa.org](http://www.ejusa.org)  
FIDH International Federation for Human Rights [www.fidh.org](http://www.fidh.org)  
International Victimology Website [www.victimology.nl](http://www.victimology.nl)  
Journey of Hope...from Violence to Healing [www.journeyofhope.org](http://www.journeyofhope.org)  
Justice Project [www.thejusticeproject.org](http://www.thejusticeproject.org)  
Murder Victims' Families for Reconciliation [www.mvfr.org](http://www.mvfr.org)  
NAACP Legal Defense and Educational Fund [www.naacpldf.org](http://www.naacpldf.org)  
National Center for Victims of Crime [www.ncvc.org](http://www.ncvc.org)  
National Coalition to Abolish the Death Penalty [www.ncadp.org](http://www.ncadp.org)  
National Organization for Victim Assistance [www.try-nova.org](http://www.try-nova.org)  
Penal Reform International <http://www.penalreform.org/>  
Southern Center for Human Rights [www.schr.org](http://www.schr.org)  
UN Office of the High Commissioner for Human Rights [www.ohchr.org](http://www.ohchr.org)  
US Human Rights Network [www.ushrnetwork.org](http://www.ushrnetwork.org)  
World Coalition to Abolish the Death Penalty [www.worldcoalition.org](http://www.worldcoalition.org)  
World Society of Victimology [www.world-society-victimology.de/wsv/index.aspx](http://www.world-society-victimology.de/wsv/index.aspx)



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