Abolishing the Death Penalty in Illinois: How Homicide Victims' Families Used Caritas and Veritas to Effect Social Change

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The Best Resource for Victims

*What to Do When the Police Leave: A Guide to the First Days of Traumatic Loss*

The only guide to traumatic loss from the victim’s perspective available

www.willsworld.com
Richard, Nancy Bishop and Baby Langert
About Jennifer:

- Director, Marsy’s Law for Illinois
- Founder, Crime Victims United of Illinois
- Former National Program Director for Victims and Survivors for the Brady Campaign To Prevent Gun Violence
- U.S. Sentencing Commission Victim Advisory Group
- U.S. Congressional Victims Rights Caucus Advisor
- Illinois Capital Punishment Reform Study Committee
- Brigid Award for Humanitarian /Restorative Justice work
- Retired High School Teacher
- Murder Victims Families for Human Rights Co-Founder
About Bill:

- Assistant Professor, Dominican University, Theater Arts
- Author of *What To Do When The Police Leave*
- Playwright, *Hearts Full of Tears*
- Founding Board Member, Murder Victims Families for Human Rights
- Federal Office for Victims of Crime Technical Training and Assistance Center Speaker
- National Victim Advisor for Fight Crime, Invest in Kids
- Appointed to the Illinois Legislature’s Long Term Prisoner Policy Study Committee
A Redemption of Tragedy
What is a Victim?

• In addition to those against whom a crime is committed, the immediate family members of homicide victims have “victim standing”
  - Today “Victim” = Family Members

• Lives of victims are unwillingly and inextricably bound with the offender
  - Vulnerability and re-traumatization

• Trauma creates physical and mental effects that must be addressed following victimization
  - Reordering their lives
  - Dealing with Traumatic Memories
Normal Memories

Normal Event

Evaluated for Threat

Stored in Memory in Orderly Fashion

Sorted and Processed
Traumatic Memories

Traumatic Event

Traumatic Stimuli is Overwhelming

No Time for Processing

stored in Memory in Disorganized Fashion
The Death Penalty: A Brief History

- Primitive, violent response to harm
- Nomadic societies had no incarceration
- Totalitarian cultures institutionalized it for control by fear
- Jesus: wrongfully convicted, executed
- 10 Cmcls, Lao Tzu, Buddha, Jesus, etc. oppose killing; non-violent responses to evil
- Frontier concepts of justice shaped crime and punishment in America
The Modern Era

• Extra-judicial lynchings used during Jim Crow
• Post-WWII: 1948 UDHR adopted globally
• 1973, *Fuhrman* decision by Supreme Court Death Penalty abolished as being capricious
• *Gregg* decision in 1976 re-instated as states began incorporating “safeguards”
• EU leads the way in human rights

Current DP even more capricious than pre-1972
Current Status - 1270 dead since ‘76

- Have it and execute – 18 states, mostly in the Old South and Southwest with TX(464), VA(108), OK(94) at the top

- Have it, don’t or rarely execute (< 7 since 1977) – 16 states plus Federal, U.S. Military

- Abolished since Gregg – NJ, NM, NY (by court order), IL

- Abolished prior to/not re-instated after Gregg - AK, DC, HI, IA, ND, ME, MA, MI, MN, RI, VT, WV, WI

  - Michigan first English speaking jurisdiction in the world to abolish in 1846

- International practitioners (in order 2009)

  - China, Iran, Iraq, Saudi Arabia, United States
Exonerated Innocents

USA since Gregg:  138
(list: www.deathpenaltyinfo.org)

Illinois:  20

Many Illinois cases were championed by Prof. David Protess’ Northwestern Journalism students
Why We Oppose the Death Penalty as Victims

- Families are exposed to extreme long-term trauma at the hands of the system
  - Media exposure
  - Delays and appeals hinder resiliency and delay grief

- Diverts precious resources from real needs

- We know how wrong it is to kill

- Replicates the offender’s act

- Offender becomes household name - victim is forgotten

- Executions are traumatizing for families and prison staff
Justice?

Offender’s death doesn’t equate to loved one’s death

Victims commonly state after executions: “We’ve been waiting for [x] years, and now we can begin to get on with our lives.”
Why do we focus on these …
And Forget These?
“I was opposed to the death penalty all my life until my daughter Julie Marie was killed in the Oklahoma City bombing. For many months after the bombing I could have killed Timothy McVeigh myself. Temporary insanity is real, and I have lived it. You can’t think of enough adjectives to describe the rage, revenge, and hate I felt. But after time, I was able to examine my conscience, and I realized that if McVeigh is put to death, it won’t help me in the healing process. People talk about executions bringing closure. But how can there be closure when my little girl is never coming back. I finally realized that the death penalty is all about revenge and hate, and revenge and hate are why Julie Marie and 167 others are dead.”

Bud Welch
“You can’t fight murder with murder... Life in prison would be fine... I wish the state would take in mind that this isn’t what we want.”

Ross Byrd son of murder victim, James Byrd
Victim Stories Move People Like Nothing Else
Three Phases of Modern Abolition Movement’s Relationship to Murder Victims’ Families

Phase One: Offender Focus

- Message: Build sympathy for Death Row inmates
Benetton Death Row Ads
Outrage America

- The Independent
PHASE TWO

Tokenism
  - Exploiting victims for appearances only
PHASE THREE

VICTIMS AS INTEGRAL IN THE MOVEMENT

• Organizational approach centered around victims, commitment of resources, victims in decision-making, leadership, messaging, and legislative processes.

Entire abolition campaign is victim sensitive
Abolition Movement Finally Learns to Be of SERVICE to Victims

• Assistance with no agenda attached
• Only wanting to help – no *quid pro quo*
• EJUSA Illinois listening tour and event
• TCASK event in Tennessee
Forgiving the Unforgivable

- Forgiveness is a prominent but not necessary element of victim voices
- Can never be prescriptive
- Always a journey, never a destination
- Very personal for victims and families
- Victims no longer “drinking the poison” of hate and revenge
- The offender no longer controls your life
- Can be unilateral
What Almost Sabotaged the Effort

- Adversarial attitudes towards victims
- Activists with tangential agendas such as Life Without Parole Sentences
- Early failure to focus on votes in Springfield
- “Ends justifying the means” tactics
- Exclusion of victims from strategic planning meetings and inner decision-making circle
- Assuming opposition without listening or addressing real concerns of victims
Illinois Abolition

- ICADP established post- *Gregg* - 12 executions, traditional offender focus for two decades
- Victims families join ICADP board in early 1990's while MVFR/MVFHR grow nationally, Journey of Hope victim tour '92, begin moratorium strategy
- *Chicago Tribune* exposés, NW Journalism students publicize flaws, wrongful convictions
- 2000 Gov. George Ryan establishes MORATORIUM and a blue ribbon panel to consider the DP in Illinois - makes 85 recommendations for reforms
Illinois Abolition cont.

- 2003 – leaving office, Gov. Ryan commutes all Death Row inmates to LWOP after legislature refuses to put in place any recommended reforms. Future Governors continue moratorium

- Obama/Cullerton team passes some reforms in IL legislature and established CPRSC. Gov. B appoints victim, Jennifer, to CPRSC

- Abolition effort slowed by pushes against LWOP

- 2008 ICADP hires new Exec. Director who begins professional lobbying in Springfield and victim/exoneree speaking tours around state
Illinois Abolition cont.

• 2010 CPRSC final report documents that DP is still not “fixed”

• ICADP hires pro lobby and media teams and puts victim/exoneree team working votes in Springfield – uses “lame duck” session for every possible vote

• Jan 2011 Abolition bill passes legislature and in March Governor Quinn signs bill, cites Catholic authors he read. Jennifer invited to represent victims at signing.
The voices of victims opposing the death penalty became one of the strongest abolition resources in IL.

- Counter-intuitive
- Victim voices in opposition neutralized the “angry victim” voices on the other side
- Countered the “doing it for the victims” argument used by prosecutors
- Offender-neutral, religious-neutral
- Introduced more objective discussion
- Inspires others to nobility
What Worked in Illinois

• Victims Family Members were lead lobbyists
• Letter to electeds from many victims families
• Victims in OpEds, Ed Board meetings, in media
• Victim & Exoneree Paired Speaking Tour
• Victims neutralizing “owe it to victims” message
• Victims with credibility in Victims Rights community, partnering with opposition on other issues, assisting in death row victim contacts
This work is not without cost to Victims

- Re-traumatizes
- Divides families and victim groups
- Emotionally and physically draining
- Victim volunteers sacrifice financially
- Offender-centered activists adversarial to them
Issues Important To Victims Families

• Life Sentences as a viable option
• Public Safety
• Resources for victims’ services
• Crime Prevention
• Restorative Justice opportunities
• Remembering their loved one (not the offender)
• How they, their loved one, and the offender are portrayed in the media
Caritas for Murder Victims’ Families

Try to provide opportunities for:

- Memorializing their loved one
- Networking and fellowship
- Telling their story
- Rebuilding their lives to a “new normal”
- Recognition – And Anonymity
- Redeeming the Tragedy
Caritas and Veritas: Model for Activism

- Include all stakeholders in your work
- Don’t violate human rights of one group while promoting the human rights of another
- Work ethically, with consistency, and with the welfare of all in mind
- Don’t hide truth, even if it is not in your favor, the truth will always work for you in a just cause
- Never publish lies to gain support
- Treat your opposition with respect and dignity
Caritas and Veritas Works as a Practical Strategy and Builds Communities of Caring and Truth that LAST

THANK YOU for your caring and all you do!

To Support This Work:

Murder Victims Families for Human Rights
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