

“I don’t want another kid to die.”

**FAMILIES OF VICTIMS MURDERED BY JUVENILES
OPPOSE JUVENILE EXECUTIONS**



Published by Murder Victims' Families for Reconciliation

Inside front cover blank

Dedicated to
Mamie Till-Mobley
1921-2003

whose son Emmett Till
was lynched in Mississippi in 1955.



Mamie's lifelong insistence that the world remember this crime
and work to eradicate the hate that produced it
make her a heroine of both the victims' movement
and the death penalty abolition movement.

*"I am pleased that I am able to stand here today and say with a pure heart and
a meaningful heart that I am against the death penalty. There is no purpose that
it serves except to further the damage that has already been done."*

— Mamie Mobley,
addressing Illinois Governor George Ryan in
her last public appearance, December 2002.
Four weeks later, announcing his decision to commute the
sentences of everyone on Illinois death row, the
governor referred to Ms. Mobley's words.

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Introduction:

Why this report

The creation of a juvenile justice system, distinct in several ways from the adult system, rests on a belief that when a juvenile commits a crime, a different kind of response is warranted. Juvenile offenders typically receive sentences that focus more on treatment than on punishment, are granted more privacy within the legal system, and are generally viewed as having greater potential for rehabilitation than are adults who commit the same crimes.

Except in states that sentence juvenile offenders to death. When it comes to the most severe of punishments, the United States is willing to treat adolescents exactly like adults. In the eyes of much of the world, sentencing a teenager to death is an egregious human rights violation. Within this country, as well, opposition to the execution of juvenile offenders is growing. Opinion polls show that most people are against the practice and several legal, professional, and child welfare organizations have issued statements against it.

But as with much of the debate surrounding the death penalty, victims are either unmentioned in such statements or are assumed to be in favor of capital punishment. Lawmakers considering voting to abolish the death penalty

for juveniles might wonder whether such an act would be viewed as anti-victim.

"I don't want another kid to die" is a report about the juvenile death penalty from the perspective of family members of victims killed by juvenile offenders and parents of juvenile offenders who have been executed. Those featured here are members of Murder Victims' Families for Reconciliation, a national organization of homicide victims' family members who oppose the death penalty in all cases, and they are representative of others who share the same beliefs. This report looks at the issue of the juvenile death penalty from the perspective of those who know, first hand, how devastating murder is – regardless of the age of the perpetrator. It demonstrates that the issues surrounding the juvenile death penalty are victims' issues too. Through their experiences, their observations, their reflections, these victims' family members explain why they oppose the death penalty because of its crushing impact on children, families, and communities, and why working for its elimination is something they do as victims.

This report is a statement against state killing of juveniles, made by those who know violent loss most intimately and have been most directly affected by juvenile crime.

“I hope he fries”

I hope he fries.

It's a shame he's too young for the death penalty.

If they were capable of killing, they should face the ultimate penalty, no matter how old they are.

If a member of your family is murdered, the chances are good that at some point during the devastating aftermath, someone will make reference to the death penalty. It might be a friend who means to offer comfort or a prosecutor who means to seek justice, but either way, the comment will contain the assumption that an execution would be the right response, and the desired response, to this horrific loss. And if the killer was under the age of 18, the comment might include regret that your state is one of the 28 states currently prohibiting the execution of juvenile offenders, or an assertion that the age of eligibility for the death penalty should be lowered to include your loved one's murderer.

The murder of a family member is a tragedy of indescribable proportion, and when the killer is a teenager, the event seems that much more appalling. How could such a thing happen? How could a youth be capable of such a vicious and irrevocable act? Those who express pro-death penalty sentiments to surviving family members believe they are responding to the magnitude of the horror and siding with the survivors' outrage and grief. More starkly even than the general death penalty debate, the issue of the juvenile death penalty highlights the widely held assumption that executions are the way to achieve justice and healing for victims.

At the same time, the idea of executing

juveniles can evoke a visceral recoil even in people who otherwise support capital punishment. In August 2003, the Missouri Supreme Court banned juvenile executions in that state. In their decision, they wrote, “A national consensus has developed against the execution of juvenile offenders.”

Whereas just a few years ago, in 1989, the United States Supreme Court decided *against* banning juvenile executions, the trend is now heading in the opposite direction. The Missouri court observed that in the past fourteen years, “five more states have banned the practice of executing juvenile offenders through legislative action and a sixth state has banned such a practice through a judicial decision. Only six states have executed a juvenile offender in the past 14 years. Opposition to the juvenile death penalty by professional, social and religious organizations, both nationally and internationally, has grown”

But alongside this evolving national consensus, the issue of victims' perspectives on the juvenile death penalty still remains. What do questions of adolescent brain development or the potential for rehabilitation of young offenders have to do with the needs and responses of victims? Is it possible to oppose the juvenile death penalty without ignoring victims' needs for justice, healing, reparation?

Here, in the reflections that follow, victims address these issues directly.

“Do you hold an adolescent culpable in the same way?”

Jennifer Bishop-Jenkins teaches high school students, so she had studied adolescent brain development long before her sister was murdered by a juvenile offender. “When I teach psychology, we do a unit on neuroscience and brain development,” Jennifer explains. “So I already had all this data about the young brain not being fully formed and the ability to judge long-term consequences not being fully developed. In my classes, I used the issue of juvenile crime as an example all the time: do you hold a child or adolescent culpable in the same way that you hold an adult?”

When Jennifer’s younger sister Nancy and brother-in-law Richard were murdered by a 16-year-old in 1990, the question of criminal culpability in teenagers was suddenly more relevant to Jennifer’s life than she had ever imagined it could be. “For me, his age compounded the tragedy,” Jennifer recalls. “I thought about his parents. Isn’t it every parent’s worst nightmare that your child is going to make a mistake that will be so permanent in its consequences? Because every parent knows there’s going to be thumps and bruises along the way in raising a child, but you hope to minimize the problems. What if your kid becomes that one in a thousand who does something irrevocable?”

FROM SOME PERSPECTIVES, those irrevocable consequences are precisely what justify the juvenile death penalty. The saying “If you do an adult crime, you do adult time” reflects a belief that anyone who is capable of committing the most severe and irrevocable of crimes should receive the most severe and irrevocable of punishments. Yet some survivors see the issue differently.

“It’s true that it doesn’t make your loved one any less dead because it was a teenager who killed her,” acknowledges Linda White, whose 26-year-old daughter Cathy was murdered in Texas by two 15-year-olds. “It doesn’t change the severity of what happened, but it should affect our sense of how we deal with that person. The family of the

JENNIFER BISHOP-JENKINS



Jennifer Bishop’s 23-year-old sister Nancy and brother-in-law Richard Langert were killed in their home in Winnetka, Illinois in 1990. Sixteen-year-old David Biro was charged with the murders and was ultimately sentenced to life in prison.

Prior to Nancy’s murder, Jennifer had thought about the death penalty as a political issue but had not given much thought to it personally. But after the murder, she discovered that people expected her to be angry that the offender was too young to receive the death penalty. When the local district attorney was running for re-election shortly after Nancy’s murder, his office announced that they were going to propose lowering the age of death penalty eligibility in Illinois to 16. “This is the time to introduce the juvenile death penalty here,” a staffer told Jennifer. “We will introduce it to honor your sister.”

Jennifer’s immediate response was that she would publicly oppose the district attorney’s office if her sister’s murder was used as the rationale for introducing the juvenile death penalty in Illinois. “You would not honor my sister by killing children,” Jennifer told the staffer. “Nancy loved children, and this is not what she would have wanted.”

The DA’s office did not pursue the effort, but Jennifer continues to think about the assumption that she would want Nancy’s murderer executed. “If he had gotten the death penalty, it would have been devastating to me,” Jennifer says. “I would have felt

somehow more responsible for him, and that would have kept me from being able to focus on grieving Nancy. This way, the trial was over very quickly, and I didn’t have to feel that Nancy’s murder had led to someone else’s death. I’ve been able to spend these past thirteen years doing peer mediation and violence prevention programs in the local schools, and just generally



Nancy Bishop Langert in 1987

doing a lot of work that I wouldn’t have been able to do if we had had to focus all our attention on the legal process and if we had to worry about this young man’s life being in danger.”

LINDA WHITE

Linda White was shocked when she learned that the young men who raped and murdered her 26-year-old daughter Cathy were only 15 years old. Friends and acquaintances told the White family that it was a shame the perpetrators were too young to get the death penalty. Linda recalls attending meetings of the group Parents of Murdered Children, where this belief was common.



"POMC helped me come out of the shock and be part of a group who understood," Linda recalls. "But they were constantly telling me that the boys who murdered Cathy were not going to be punished enough. I got whipped up into a frenzy and I started thinking yes, we do need to lower the death penalty age. I did an interview during which I was asked how low I thought the age should be, and I said, maybe 12 or 13."

Linda says that as time went on, she found herself growing uncomfortable with the idea of the death penalty. Now she and her husband are grateful that there was never a possibility of execution for the young men who murdered Cathy. "It would have been more painful for us, having to go through the trial and then sitting there all those years waiting for the execution to happen," she says. "We see what that's done to a lot of families. After the execution, they say, 'Now at last we can get on with our lives,' and this is only after it's been 15 years or more."

Linda now teaches in Texas prisons and wrote her doctoral dissertation on Texas's innovative victim-offender mediated dialogue program. In 2001, Linda participated in the program herself, preparing for and then meeting with one of Cathy's murderers, Gary Brown, who was then 30 years old. "I do think it's important that anyone who does something like this be held accountable," Linda



Cathy O'Daniel

explains, "but that doesn't have to mean an execution. In meeting Gary, I saw that he has had the opportunity to come to grips with what he did, to be remorseful with every bone in his body, and he offered us the gift of that, and told us things about Cathy's last moments that we didn't know. If he had been executed, we would never have had that."

victim hurts so bad; you're so shocked, and so empty. At the same time, the idea that you would hold a young person to the same standard of accountability that you would



Gary Brown at 30, in prison, 15 years after he was convicted of murdering Cathy O'Daniel.

hold an adult is just incomprehensible to me. A lot of teenagers lack the ability to control their impulsive behavior, and they don't realize that what they do can have lasting consequences. It's like they aren't even truly making *decisions*."

Tom Mauser views the thought processes of the young men who killed his son in a similar manner.

The students who shot Daniel Mauser and twelve others at Columbine High School in 1999 were 17 and 18 years old at the time, and Tom Mauser says, "I viewed this as two very sick kids. What they did had adult repercussions, but the way they were thinking — that they were being mistreated by other kids and they were going to get back at them — was a childish way of thinking."

Tom Mauser was immediately able to view the killers as kids despite their terrible actions, but it took Robert Hoelscher many years to be able to view his father's 17-year-old murderer that way. Robert himself was only 7 years old when the murder took place, and, as he recalls now, "When you're 7, a 17-year-old seems so much older. And to me as a child it was almost like this guy was not really real; it was like he was a cartoon character rather than a human being. As I got older and began to look at it with an adult point of view, I began to think, hey, this was a kid, and he was only ten years older than me. Now from that adult perspective, I could look back on myself when I was a teenager and look at all the ways I had my life turned upside down, and how at any moment I could have veered off into some bad direction.

Just thinking about that allowed me to step into the other person's shoes, at least a little bit."

In most contexts, Robert observes, it's easy to recognize that teenagers are still in the process of growing up and should not always be judged by adult standards. "In a therapeutic or educational context," he points out, "when teenagers do something wrong it's understood that this is still someone whose development is evolving. But in the criminal justice context, once a kid makes a really bad mistake it suddenly becomes very black and white. All of a sudden we view a teenager as a fully formed being, to be held accountable to the max. It's as if in that context we let go of factors that in other situations we would take into account and examine."

ROBERT HOELSCHER



Robert Hoelscher was 7 years old when his father, 43-year-old Ben Hoelscher, was murdered in 1961 during a robbery of the convenience store he managed in Houston, Texas. Gary Sizemore, the 17-year-old shooter, was sentenced to life in prison.

For years, Robert didn't talk about the murder with anyone, but today he is the executive director of the Innocence Project-New Orleans, which takes the cases of defendants who claim they were wrongfully convicted. Working within the criminal justice system, Robert is gradually becoming aware of the expectation that victims will be in favor of the death penalty.

"I would never try to tell another relative of a murder victim to believe something they didn't believe," he says, "but for me, healing is not connected to the fate of the perpetrator. Healing is connected to what we build inside of ourselves after the tragedy."

Robert sees his work on the Innocence Project and his identity as the son of a murder victim as intertwined. "I've grown up trying to see the world through different viewpoints and seeing issues as interconnected," Robert says. He knows that when a murder is committed, both sides suffer, and that a wrongful conviction only adds to that suffering. When it comes to young offenders in particular, Robert asserts, "having an attitude of vengeance doesn't challenge us to think about how we want to administer justice or how we want to go about salvaging the lives of young people. The death penalty not only abandons hope for that individual but also, symbolically, casts a shadow over so much of our other thinking – it's the idea that we can treat every problem, including people in our society who do terrible things, as a cancer that we can surgically remove, as opposed to something that we can actually heal from within."



BILL PELKE

When Bill Pelke's 78-year-old grandmother Ruth Pelke was murdered in her Indiana home by a group of teenage girls, Bill initially supported the death penalty. "Before we knew who had killed Nana, I figured it was some 30-year-old drug addict guy who had broken into the house," Bill recalls. "When I read in the paper that it was four ninth grade girls, I couldn't believe it. It was unbelievable that girls so young could do such a brutal crime."

The girl who was judged to be the leader in the crime, Paula Cooper, was sentenced to death, and at 16 she became the youngest death row inmate in the country. Bill believes it was Paula's age that made it possible for him to begin questioning the morality of imposing the death penalty. "Now I'm against the death penalty in all cases," he says, "but in the beginning, I might not have come to that conclusion as readily if Paula hadn't been so young. It was just so easy for me to see that my grandmother would have had compassion for this girl and her family."

After changing his mind about the death penalty, Bill worked hard to have Paula's death sentence overturned, and it was eventually commuted to a sentence of 60 years in prison, which Paula is now serving. Meanwhile, Bill has become an outspoken opponent of the death penalty. He founded The Journey of Hope ... from Violence to Healing, a non-profit organization through which victims' family members, death row family members, wrongfully convicted death row survivors, and other activists travel the country and speak out against the death penalty.

Bill still vividly remembers the early days when he first began to change his mind about the value of executing Paula Cooper. "People would come up to me and say 'I hope the bitch burns.' That was the common way for people to express their sympathy about Nana's murder. When I said I didn't believe in the death penalty, people challenged me with all the usual arguments. Every argument that I hear today I heard right away, even before I did my first press conference. I said then and I say now that the death of another person isn't going to bring anybody any healing."



Ruth Pelke

"They Wouldn't Be Executing the Same Person"

In 1986, sixteen-year-old Paula Cooper became the youngest death row prisoner in the United States. She was sentenced to death for murdering 78-year-old Ruth Pelke in Gary, Indiana a year before. Though Ruth's grandson, Bill Pelke, initially supported the sentence, he came to feel such a powerful change of heart that he began actively campaigning to save Paula's life and was able to garner significant international attention to the campaign. In 1989, the Indiana Supreme Court commuted Paula's sentence to 60 years in prison.

"Paula is not the same person she was when she committed the crime," Bill observes today. "After she got off death row, she got her GED and then a college degree, and now she's working for an outside company, from prison, and the money she earns goes into a victims' restitution fund as well as for some prison upkeep. She's now able to give something back. I believe that if they were to execute her now, they wouldn't be executing the same person who committed that terrible crime. Authorities talk about how a person as young as Paula was is more likely to change, there's more chance for rehabilitation, and I believe that."

THOSE WHO STUDY adolescent criminal behavior and adolescence in general believe that behavior patterns are less fixed at a young age and that the younger the perpetrator, the greater the potential for change. It is easy to see why advocates for juvenile offenders would consider this a useful argument, but the point's relevance for victims may be less obvious. Bill Pelke's comments demonstrate that observing change in a young offender, and believing that he or she is "not the same person" as the one who committed the crime, can add to a victim's reasons for believing that an execution would be wrong.

As well, for some victims, the possibility that the offender might come to understand the impact of the murder can be another strong argument against execution. From this

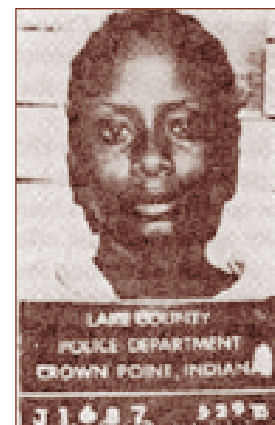
perspective, the issue is not just about believing in the possibility of rehabilitation; it's about actively wanting to keep that possibility alive.

"That's what I hold out hope for," says Jennifer Bishop-Jenkins. "The hope is that time is on my side, because he's so young, and so he might come to realize the full measure of what he's done. I think most of us grow up and look back on our teen years and think, how could I have done that? Because we didn't realize the full consequences at the time. And so I have hope that because David Biro was only 16 when he murdered my sister, he might some day be able to look back and ask the same question."

"That could have been your son"

When his grandmother was murdered, Bill Pelke's own children were about the same age as the girls who committed the murder, and he found himself thinking about what it would be like to have a child sentenced to death. Then, sitting in the courtroom during the trial, Bill heard Paula Cooper's grandfather cry, "They're going to kill my baby!" His anguish made the effect of the death penalty on the offender's family even more vivid to Bill, and he says, "I knew that my grandmother would not have wanted this grandfather to have to go through that."

Many victims' family members find that imagining – and feeling able to identify with – the experience of a family whose child receives a death sentence adds further reason to oppose the juvenile death penalty. When Regina Hockett's 12-year-old daughter Adriane was murdered in Tennessee, Regina learned that the 16- and 17-year-old boys who committed the murder had gone to school with her own son. "I realized they could have been my children," Regina remembers. "Adriane's father kept saying he wanted the death penalty, and I just looked at him and said, 'That could have been your son.' That's how I'm looking at these boys." It



Paula Cooper at the time of her arrest. She was 15 when she murdered Ruth Pelke.



Paula Cooper years later in prison.



David Biro in prison at 29, thirteen years after he murdered Nancy Bishop Langert.

REGINA HOCKETT

Regina Hockett's 12-year-old daughter, Adriane Dickerson, was killed in October 1995 while grocery shopping with her mother. The young men who shot her were 16 and 17 at the time. Although they received life sentences for killing Adriane, they received death sentences for another killing and are now on death row in Tennessee.

From the beginning, Regina opposed the death penalty, saying, "The same grace and mercy that the Lord has for me, He has for the boys who killed my daughter. If they have to be in prison, if that's what it takes for other people's lives not to be taken, then that's where they should be, but I believe they have a right to life even if they have to spend it behind bars. And I want them to know that even if they're behind bars, they don't always have to live the life they've been living. When I started looking into their backgrounds, I saw what

void was in their lives. I think when young people kill, people aren't really looking into why they are this way, what happened in their lives."

Regina now speaks frequently to church and school groups with local MVFR members and members of the Tennessee Coalition to Abolish State Killing.

She participated in the

Million Mom March and other protests against gun violence, and she helps other mothers whose children have been murdered develop the confidence to tell their own stories.



Adriane Dickerson

was her ability to imagine the families of the young men who murdered her daughter, combined with Regina's deep belief that it is wrong to take a life for a life, that fueled her opposition to the death penalty.



Christopher Davis and Gdongalay Berry at their trial. They were charged with killing Adriane Dickerson when they were 16 and 17 years old.

Linda White, too, has tried to imagine what it would be like to lose a child to state execution. "I wouldn't wish the loss of a child on other parents," she says. "I think about what it must be like to have your child executed. Those parents can't talk about their children the way parents of murdered children can. Parents of executed children have to deal with the transferred shame, the stigma, on top of the pain of losing their child."

"I DON'T THINK people realize the pain and suffering that the families of the executed have to go through," says Ireland Beazley, whose son Napoleon was executed by the state of Texas in 2002, the first of three juvenile offenders that Texas would execute that year. "I felt like *I* was being degraded, the way they were taking my son and tying him down and executing him and I couldn't do anything or say anything. I had the fatherly instinct to protect my kid, but they were killing him and I couldn't do anything about it. Every parent loves their kid, and death is painful in any fashion, but the helpless feeling that I got from seeing it and not being able to stop it ..."

Robert Hoelscher was well into his thirties before he realized that his mother's ability to empathize with the anguish of a juvenile offender's family probably helped shape his own attitude and understanding, even though Robert had never discussed the issue with his mother directly. Years after his father was murdered, Robert came across the original newspaper articles about the event, and he learned about the overture his mother had made to the parents of the 17-year-old who committed the crime. Suddenly widowed with six young children, Robert's mother had telephoned the shooter's parents and told them, "I know it is not your fault – I know your son is very, very sick. I am a mother. I have sons, too. Hatred will not bring my husband back."

Robert Hoelscher's mother was able to see past her own family's tragedy to recognize that, as she described it, "the hearts of this mother and father are breaking." Today, a similar awareness of dual perspectives and a willingness to see things through another person's eyes directly influences Robert's opposition to the death penalty.

"We're seeing a real unfairness"

Who gets sentenced to death? Three young men were involved in the murder of John Luttig: two aged 18 and 19, and Napoleon Beazley, aged 17. But while Napoleon received a death sentence, his co-defendants were sentenced to life in prison. "If they can be allowed to live, for the same crime, and are not considered a threat to society, then why was it necessary to take Napoleon's life?" Napoleon's mother Rena Beazley asks today. "We're seeing a great variety, and a real unfairness, in who qualifies for the death penalty." Rena adds that she cannot see how a juvenile offender can be judged by a jury of his peers when, by definition, his peers are forbidden to serve on a jury. "I think that if teenagers are too young to serve as

RENA AND IRELAND BEAZLEY

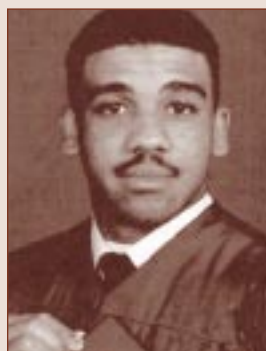


Seventeen-year-old Napoleon Beazley was sentenced to death after murdering 63-year-old John Luttig during an attempted carjacking in Tyler, Texas in 1994.

Napoleon's execution in May 2002 drew considerable attention to the issue of the juvenile death penalty, with letters on Napoleon's behalf coming from as far away as South Africa's Archbishop Desmond Tutu. The victim's family strongly supported the death penalty for Napoleon yet also expressed empathy for the Beazley family. John Luttig's son, federal judge Michael Luttig, told a newspaper reporter, "One to another, as human beings, we extend our sympathy to them for their loss. For us, the lives of our loved ones have been lost and our lives have been changed forever."

In addition to the pain of losing a son to state execution, Napoleon's parents, Rena and Ireland Beazley, suffered the stigma and ostracization that families of death row inmates often face. Today, they continue to speak out against the juvenile death penalty and to explain its effect on the families of offenders. They have appeared on national television, spoken with Texas lawmakers about legislation that would raise the age of eligibility for the death penalty.

After exhausting Napoleon's appeals within this country, his attorney had taken the case to the Inter-American Commission on Human Rights. In October 2003 the Commission released its report on the case, with significant ramifications for all juvenile executions. The Commission found that by executing Napoleon the U.S. violated the norm of international law prohibiting the death penalty for juveniles, and also violated Napoleon's right to life under Article I of the American Declaration. The Commission recommended that the U.S. provide Napoleon's family with compensation and that it review its laws to ensure that capital punishment is not imposed upon persons who were under the age of 18 at the time of the crime.



Napoleon Beazley



Rena and Ireland Beazley leaving the courtroom.



Bill Pelke speaking against juvenile executions in Delaware, June 2003.

jurors, then they're too young to be sentenced to death," she says.

The Beazleys were also painfully aware of the racial bias that pervaded the jury selection at Napoleon's trial. "In a county where roughly forty percent of the population is black," Napoleon's father Ireland says, "they found any little reason to disqualify every black juror, and Napoleon was ultimately sentenced by an all-white jury. The DA portrayed Napoleon as an animal and I believe that's how the jury saw him."

"How did this come to happen?"

What causes a teenager to kill? Though survivors of homicide victims are commonly driven to try to understand what caused the crime, a youthful killer may make the survivor's drive for understanding especially strong. "How could someone so young commit so terrible an act?" survivors wonder.

Having spent time studying the possible causes, some survivors then choose to devote significant energy toward the prevention of youth violence, believing that that is where society's – and their own personal – resources are best spent. Whereas the death penalty creates more pain and grief, say these survivors, violence-prevention work is a way of trying to reduce harm, ease pain, and build something positive and constructive in their wake.

WHEN BILL PELKE spoke at a press conference in support of a bill that would end the execution of juveniles in Delaware, he was struck by the words of the speaker before him. This 14-year-old girl told the audience of lawmakers, members of the clergy, and youth workers that she had gotten into serious trouble a couple of years earlier, and then a foster mother had taken her in and helped her turn her life around.

“She reminded me of Paula Cooper,” Bill recalls, “but a Paula Cooper who had had some intervention in her life, early on.” It struck him as a powerful statement about the impact of early intervention on troubled young people and suggested that murders by juvenile offenders are preventable rather than inevitable.

The possibility of this kind of intervention is what made Azim Khamisa decide to devote his life to the prevention of youth violence, following the murder of his 20-year-old



Tony Hicks at 14.

son Tariq by 14-year-old Tony Hicks. Almost as soon as he learned that the killer of his son was a teenage gang member, Azim says, he began wondering, “How did we as a country get to this place where children as young as

Tony Hicks, and younger, join gangs in order to feel respected and protected? Where the hell did we go wrong?” Eventually, says Azim, “I decided to become the enemy not of my son’s killer but of the forces that put a young boy on a dark street holding a handgun.”

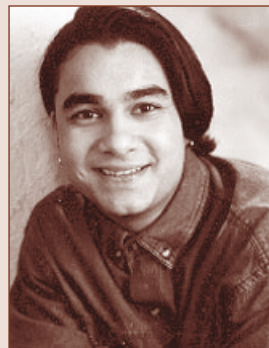
Joining with Tony Hicks’s grandfather Ples Felix to establish the Tariq Khamisa Foundation, Azim created a program that aims to stop children from killing children. “I’ve found that you have to look beyond the act of the murder to ask, how did this come to happen?” Azim says. “Tony was born to a 15-year-old mother, he witnessed the murder of his favorite cousin at the age of 9, he was seduced by his uncle’s girlfriend, he saw his father only three times in his life and his father beat him up all three times. He was a very angry kid and had been targeted for getting some therapy but for various reasons didn’t. So I believe you then have to say, how do we make sure we provide more assistance to kids like Tony, because they are our children, they are products of American society, and we’re responsible for them. I’d been doing some journaling after Tariq’s death, as I think a lot of victims do, and one of the things I wrote was that in

AZIM KHAMISA



Azim Khamisa’s 20-year-old son Tariq was shot and killed while delivering pizza in San Diego one January night in 1995. The bullet was fired by 14-year-old Tony Hicks, who then became the first juvenile in California to be tried as an adult (the law had gone into effect just three weeks before Tariq’s murder). Tony pled guilty to first-degree murder and received a prison sentence of 25 years to life, and Azim has devoted his life in the aftermath of the murder to working to stop youth violence. He joined with Tony Hicks’s grandfather, Ples Felix, to create the Tariq Khamisa Foundation (TKF), whose mission is to stop children from killing children. TKF’s programs in San Diego schools aim to teach children that they have the ability to choose nonviolent solutions to problems. One of the tools the program uses is a video

clip of the statement that Tony made at his sentencing hearing, expressing his regret and shame; the program also uses a letter that Tony wrote to students at his former elementary school, urging them not to do what he did.



Tariq Khamisa

“Tony’s statement, and the letters he writes from prison, have a positive effect on other kids,” Azim says. “Think of how many kids he may save. That’s going to bring me a lot more healing than if he had gotten the death penalty.”



Ples Felix (left) and Azim Khamisa with Tony Hicks at 19, in prison



JUAN AND MARTHA COTERA

In 1997, Juan and Martha Cotera's 25-year-old son Juan Javier was murdered, along with 20-year-old Brandon Shaw, in a carjacking and drowning in Austin, Texas. The two perpetrators were 17 years old. From the beginning, the Coteras let the district attorney know that they were against the death penalty and hoped it would not be sought in this case. Ultimately, the case against the two young men was so strong that they pled guilty and each received two 40-year prison sentences.

"We are a very political family," Martha explains. "We've been activists for human rights and civil rights all of our lives, and our son was as well. I think it was a blessing for us that we already knew where we stood on the issue of the death penalty and where Juan Jr. stood, so we were able to be very clear about our beliefs."

Given the rate of death penalty prosecutions in Texas, the Coteras knew that the district attorney could face criticism if he didn't seek the death penalty for these two killers. "He was up for re-election, and he did get a lot of criticism," says Martha, "but he was really courageous. The victim's advocate was wonderful about keeping us informed day to day, too."

Had the two young men received death sentences, it would have been much harder for the Coteras to turn their focus away from the criminal proceedings and toward the violence prevention work that they now engage in. "We would have spent years working on the case," Juan speculates, "and then we would end up with four deaths instead of two. I would feel some responsibility for that, and that wasn't something I was willing to accept."

Juan continues, "I don't understand what benefits there are to the death penalty. I told Martha once that possibly, if I had been given the choice of taking them personally and doing to them what they did to my son and Brandon, I might have reverted to some brutal stage and considered it. But to have it done by the government? In the legislature this year when there were hearings about the death penalty, the legislators kept talking about 'thou shalt not kill.' The only thing I could think of was that that applies to everyone, including the state. Either we accept the idea of not killing, or we don't."



that bullet is our entire culture. Now that I know these things about youth violence, I must do something; otherwise I'm being a coward. I didn't know all of this before my son was killed, but now that I do know, I have to try to help other kids make different choices."

This is what Azim now dedicates his life to trying to accomplish. The Tariq Khamisa Foundation presents programs to students in fifth through eighth grades, focusing on the idea that violence is a choice and that it is possible to learn to make different choices.

THE CAUSES OF youth violence and possible ways to prevent it were of great concern to Juan and Martha Cotera well before their 25-year-old son, Juan Javier, was murdered, along with 20-year-old Brandon Shaw, by two 17 year olds. The Coteras, long-time political activists, had counted youth mental health and education issues among their chief concerns. "We had been concerned about the erosion of the Head Start program," Martha says, "and in relation to that work we had looked into brain development and early intervention for violent behavior. We were concerned about the rise in juvenile crime even before it directly affected us."

Today, the Coteras' activism includes lobbying for a variety of juvenile issues, including elimination of the juvenile death penalty and funding for early childhood education and state juvenile justice programs. "We are interested in programs that are trying to do prevention and to stop recidivism," Martha says. "But we have seen, as we've testified and met with state lawmakers, that politicians mostly want to talk about building more prisons and killing more people."

Juan adds, "What's disturbing is that as a society we do understand some of the causes of youth violence and we do know what some of the solutions would be, but the solu-

Juan Javier with his parents at his graduation from the University of Texas at Austin, six weeks before he was murdered.

tions depend on spending more money on education, on early intervention, and there does not seem to be the political will to do that.”

When asked to speculate about the possible causes of the Columbine massacre, Tom Mauser acknowledges that those causes must have been multiple and complex. In the aftermath of that tragedy Tom chose to focus on what he believes was one cause – easy access to firearms – because of a comment that his son Daniel made just two weeks before he was killed. At the dinner table one night, Daniel remarked that there were loopholes in the Brady Bill – the federal law that requires background checks for people buying a gun from a licensed dealer. Tom didn’t think much about their brief conversation on the topic until after Daniel’s murder, when he was stunned to realize that Daniel had been shot with a gun that was purchased through one of those very loopholes, one that allowed guns to be sold at shows, by private sellers, without any background checks being done.

The year after the Columbine shootings, Tom took a leave of absence from his job with the Colorado Department of Transportation and worked for a year as a lobbyist for SAFE Colorado (Sane Alternatives to the Firearms Epidemic). “I felt I needed to respond to Daniel’s words,” he recalls. “I was determined to close that loophole. In 2000 a group of us placed the issue on the November ballot in Colorado, and the voters then closed the loophole by an overwhelming 70% to 30%.”

FOR SADIE BANKSTON, responding to her son’s murder has meant not only working to prevent youth violence but also helping other parents cope with such tragedies. Sadie founded PULSE – People Uniting Lending Support and Encouragement – after her 19-year-old son Wendell Grixby was murdered by a 16 year old in Nebraska in 1989. PULSE offers workshops to at-risk youth during which parents talk about the consequences of violent

TOM MAUSER



Tom Mauser’s 15-year-old son Daniel was killed, along with 12 other people, during the shootings at Columbine High School in Littleton, Colorado in 1999. The two students who did the shootings were 17 and 18 and took their own lives immediately afterward. “Some people say to me, it’s easy for you to say you’re opposed to the death penalty because you don’t have to face it – they already did it for you,” Tom observes. “But I have still had to think through the issue. Because this was such a high-profile story, I met a lot of other people who have been through the experience of having a child murdered, and I have had to think a lot about anger and the idea of closure. Of course I’m angry at the two killers. I’m so angry at them. And I certainly wondered, how could somebody be so vicious at that age?”



Daniel Mauser

Before the shootings at Columbine, Tom considered himself a “mild supporter” of the death penalty. Now he is adamantly against it. “I have come to learn that, even with the death of my son’s killer, even with the pressure of those in society who rush us to ‘reach closure,’ there is no closure when you lose a child. I believe that a death sentence is merely an attempt to gain revenge, not closure. I believe that a barbaric, violent act of revenge is not a way to honor the life of our loved one.”



SADIE BANKSTON

In 1989, Sadie Bankston's 19-year-old son Wendell Grixby was murdered while trying to protect a 14-year-old boy during an altercation. Wendell's killer was 16 years old

and was initially charged with second-degree murder; that charge was subsequently reduced to manslaughter. He was sentenced to 10-15 years in Nebraska prison and was released after serving 11 years.

"I don't believe the death penalty is a deterrent," Sadie says, "and if the death penalty had been sought in this case, it would only have added to my pain." Sadie publicly forgave the offender and received a lot of criticism for doing so, but she says that over time her friends and family have come to a greater understanding of her beliefs. In addition to leading the violence-prevention group People Uniting Lending Support and Encouragement (PULSE), Sadie speaks out against the death penalty, often to groups of college students. She recalls one occasion during which a poll taken before the start of the talk showed that the audience was 100% in favor of the death penalty. "But after we spoke," Sadie remembers, "70% of the audience was against it. We had quite a debate up there, but I think that if a mother who has lost a child can express this view, it is very powerful."



Wendell Grixby

activity and specifically about the impact on parents of losing a child to murder. Members of PULSE have created a memorial wall, inscribed with the names of their loved ones, which travels from presentation to presentation.

PULSE plays a critical and sometimes unusual role in the aftermath of murders in the Omaha area. "We work as liaisons with the police department," Sadie explains. "We help the police understand what the families need, and if a parent has a problem with a police officer – maybe they feel that the police are dragging their feet on finding their child's killer – we help them understand how the process works and we let them know that the police are doing everything they can."

To offer immediate support to families after a murder, PULSE provides a "we care" package that includes information about the judicial process and the grieving process. "We're hands-on," says Sadie. "We're a 'Humpty Dumpty' committee because we're trying to help people put the pieces back together." In the past, PULSE volunteers have also worked with the local hospital to be available to families in the immediate aftermath of a violent crime. "Whenever there was a life-threatening situation like a stab wound or a gunshot, the hospital would page me – often at 3:00 in the morning – and I would page the other volunteers." One or more volunteers would go to the hospital to support and comfort the victim's relatives in the midst of the trauma and shock. "When I had to tell one mother that her son had been killed, I let her know that I had lost a son too and she put her head on my shoulder and cried," Sadie says. In this way, Sadie and other PULSE volunteers provided a kind of support that the hospital itself could not.

The impact of juvenile crime is enormous. At the center of the tragedy of homicide is a dead victim and a surviving family who must struggle for a way to cope in the aftermath. Searching for a way to respond to the theft of human life, the survivors featured in this report have also searched for a way to respond to the human issues involved in the crime and in society's response to that crime. They have had to confront the fact that their loved one was killed by an adolescent and to consider the possible causes and implications of that reality. They have found themselves imagining, and empathizing with, the experience of another grieving family. They have found themselves asking why the United States, in considering adolescents eligible for the death penalty, is willing to violate international human rights standards.

Murder Victims' Families for Reconciliation is a human rights organization. Our members, who have felt the impact of murder most personally, have wrestled with the question of the juvenile death penalty and have concluded that it is inappropriate, offensive to any standard of decency, ineffective in reducing further violence, and unhelpful to survivors' healing. Our members have concluded that the juvenile death penalty has no place in a democratic society. According to the many available polls and statements, much of America has come to the same conclusion. It is time to bring the law in line with this national consensus and abolish the juvenile death penalty.

Further reading about the juvenile death penalty

Children and the Death Penalty: Executions Worldwide since 1990, published by Amnesty International. Available from www.aiusa.org

Cruel and Unusual Punishment: The Juvenile Death Penalty, published by American Bar Association. Available from www.abanet.org/crimjust/juvjus/resources.html

Human Rights, Human Wrongs: Sentencing Children to Death, published by the National Coalition to Abolish the Death Penalty. Available from www.ncadp.org

Indecent and Internationally Illegal: The Death Penalty Against Child Offenders, published by Amnesty International. Available from www.aiusa.org

The Juvenile Death Penalty Today: Death Sentences and Executions for Juvenile Crimes, January 1, 1973 – September 30, 2003, by Victor L. Streib, Professor of Law. Available from www.law.onu.edu/faculty/streib

Juvenile Offenders and Victims: 1999 National Report, by Howard N. Snyder and Melissa Sickmund, published by the Office of Juvenile Justice and Delinquency Prevention. Available from www.ojjdp.ncjrs.org

Juveniles and the Death Penalty, by Lynn Cothorn, published by the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice. Available from www.ojjdp.ncjrs.org

Additional Resources and Further Information

American Academy of Child and Adolescent Psychiatry
www.aacap.org/legislation/articles/everything6.PDF

American Bar Association Juvenile Justice Center
www.abanet.org/crimjust/juvjus/juvdp.html

American Civil Liberties Union
dev.aclu.org/DeathPenalty/DeathPenaltylist

Amnesty International
www.amnestyusa.org/abolish/juve.html

Child Welfare League of America
www.cwla.org/programs/juvenilejustice

Coalition for Juvenile Justice
www.juvjustice.org

The Constitution Project
www.constitutionproject.org

Death Penalty Information Center
www.deathpenaltyinfo.org/juvchar.html

The International Justice Project
www.internationaljusticeproject.org

The Justice Project
justice.policy.net/cjedfund/state/

National Coalition to Abolish the Death Penalty, Juvenile Campaign
www.ncadp.org

Physicians for Human Rights -Health Professionals Call to Abolish the Juvenile Death Penalty
www.phrusa.org/campaigns.juv_justice/call_to_abolish_a.html

Additional organizations working to end the juvenile death penalty: American Academy of Child and Adolescent Psychiatry, American Baptist Churches USA, American Friends Service Committee, American Psychiatric Association, Center on Wrongful Convictions, Children and Family Justice Center of Northwestern University, Children's Defense Fund, CUADP, Death Penalty Focus, Episcopal Church, Equal Justice Initiative of Alabama, European Union, Human Rights Watch, Innocence Project, Journey of Hope...from Violence to Healing, Justice Policy Institute, Juvenile Law Center, Louisiana Crisis Assistance Center, Mennonite Central Committee, Mexican American Legal Defense and Education Fund, The Moratorium Campaign, NAACP, NAACP Legal Defense Fund, NACDL Death Penalty Resource Counsel, National Bar Association, National Clearinghouse for Defense of Battered Women, National Education Association, National Mental Health Association, Penal Reform International, Quixote Center, Religious Action Center of Reform Judaism, Southern Center for Human Rights, Unitarian Universalists Against the Death Penalty, United Methodist Church, U.S. Catholic Conference of Bishops, Youth Law Center

This report was prepared by Renny Cushing and Susannah Sheffer.
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About MVFR

Founded in 1976, Murder Victims' Families for Reconciliation is a national organization of family members of victims of both homicide and state killings who oppose the death penalty in all cases. Our human rights mission is to abolish the death penalty. We support programs that reduce the rate of homicide and promote crime prevention and alternatives to violence. We advocate for programs and policies that address the needs of victims, helping them to rebuild their lives.

MVFR is a non-religious organization that includes people of a wide variety of faiths and belief systems. Because violent crime cuts across a broad spectrum of society, our members are geographically, racially, and economically diverse.

MVFR is a non-profit organization under section 501(c)3 of the federal tax code (tax ID number 16-

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Other MVFR publications include the photo-text collection *Not in Our Name: Murder Victims' Family Members Speak Out Against the Death Penalty*, our newsletter, *The Voice*, and a report, *Dignity Denied: The Experience of Murder Victims' Family Members Who Oppose the Death Penalty*.

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