

INSIDE: DEATH PENALTY'S MORAL, LEGAL & SOCIAL DILEMMAS

DELAWARE LAWYER

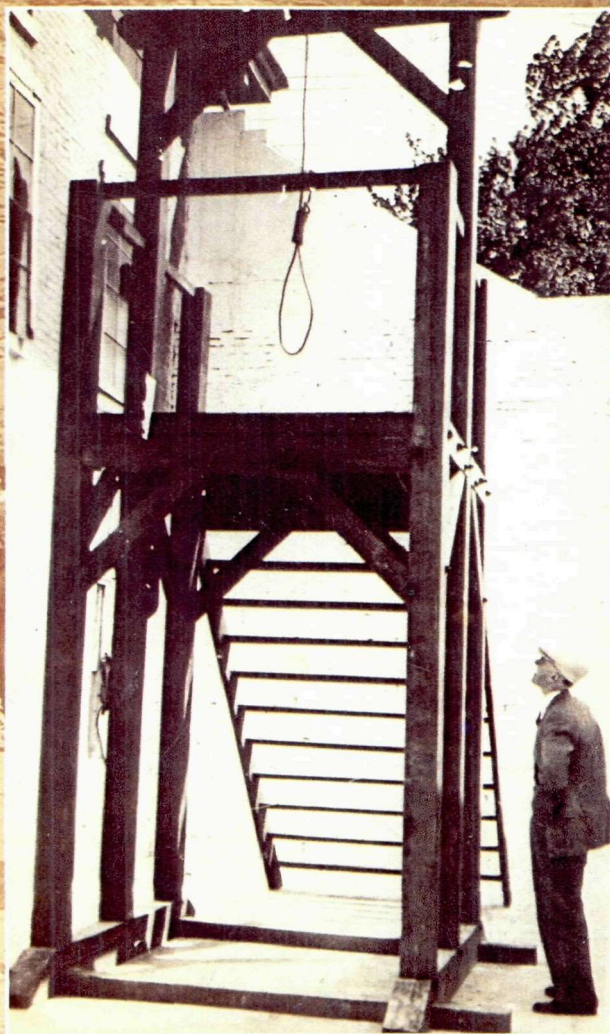
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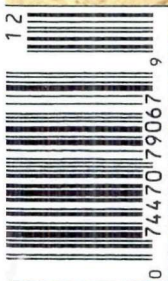
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A SURVIVOR'S JOURNEY

I am a survivor of murder. In 1995, my youngest brother David, then 22, was murdered in a small town in Connecticut. Losing a loved one to murder is the worst thing I can imagine happening to anyone. However, the journey following this loss has ultimately enriched me, unexpectedly adding meaning to my life. In this article, I would like to describe that journey, and the way it has shaped and continues to shape my life and beliefs.

My brother shared an apartment with two friends, also in their early twenties. Their landlord had been harassing them about the rent. He finally and brutally killed all three of them, along with two of their friends. Then he burned down the house – his own house – to erase the evidence. He was caught and charged within a few days.

It was April 18, 1995, the day before the Oklahoma City bombing. As I watched television with my family for news of David's murder and the search for his killer, we were faced with images of horror from Oklahoma. It felt like the whole world was getting killed.

When our funeral leaves were over, most of us left the refuge of family and returned to our lives. As the shock started to wear off, my feelings overwhelmed me. Sadness and despair were constant companions. I cried every day for a year. My trust in the world was shattered. I began to see evil everywhere – literal, tangible black clouds of evil. I felt hopeless and powerless against it.

After about six months, I was ready to begin the long journey towards healing. I found a support group in Philadelphia called Families of Murder Victims. Not a group that anyone would want to join. It took me several months of attending before I could even begin to tell my story. Even longer before I felt like I wasn't sucking all the positive feeling out of the room every time I spoke. After a while, my feelings of isolation decreased, and I was able to tell my story without sobbing through it.

Counseling helped with my clinical depression, allowing me to take steps toward regaining hope and power. Battling the demons of evil and despair was hard, and my therapist often told me that I looked exhausted at the end of each session. After several months, she suggested that I travel to the site where David was killed and plant a flower, a symbolic gesture of hope and life and growth.

The idea struck fear into my heart. Go to that place where evil was so powerful? I wasn't nearly strong enough. But after time and thought, the idea took root. My youngest sister, Meg, agreed to go with me. When we arrived on a sunny fall day, we found only a concrete slab where the house had been. The property was surrounded by trees covered with bright colorful leaves. We planted a hyacinth. That experience was a turning point for me. I saw that evil did not reside on that

property. I was able to take a positive step for life. I had some power after all.

Meanwhile, the legal wheels turned slowly. After many months, we learned that the prosecution would pursue a death verdict, but to my knowledge, none of the victims' families was involved in that decision. I know that several would have opposed it. I know that some survivors want the death penalty, but I surely was not one of them, and it later struck me as strange that the death penalty was sometimes defended as being "for the victims." But how does anyone know what survivors want if they don't ask?

To their credit, the Assistant District Attorney and Victim's Assistance representative did a great job of keeping my parents and the families of the other victims informed. They provided information on the legal process, as well as counseling services. Unfortunately, I didn't have access to the Victim's Assistance representative because I lived outside of Connecticut. I felt out of the loop, and without any say about the proceedings. Struggling with my confusion and anger about the legal process, I contacted the Assistant District Attorney directly. She listened to my questions and answered them in detail. I don't remember everything she said, but I remember that I felt heard and respected.

By this time, I was attending a new support group in Delaware called Survivors of Accident and Murder. With the trial increasingly on my mind, I began to pin my hopes on it to resolve some of my feelings. But there were so many delays, so much political game playing, so little progress. My friend Linda, who also attended the group, had witnessed the death of a friend by a drunk driver and had participated in the subsequent trial. Because she was ordered not to discuss the case with anyone, she held in all her feelings and fears in the service of convicting her friend's killer. Years later, she was still having trouble coping with her feelings. She explained that the legal system was designed to address a law that has been broken, but not to address broken hearts or shattered lives.

Linda's insight into the legal system was a revelation to me. Understanding that my needs were not the priorities of the legal process liberated me from false hope. I was free to redirect my energies in more promising directions.

With this new understanding, I decided not to attend the trial. Although my parents attended every single day, being present at the trial wasn't right for me. Unlike my friend Linda, I was able to concentrate on grieving and healing without sacrificing myself to the demands of the legal system. I gained some control over my life when I allowed myself to make that important decision. I could honor David's life in other ways.

The legal system should respond to the needs of victims in a more respectful and helpful way. We deserve compassion,

time to grieve, tolerance, and hope. Ultimately, we want to regain the feelings of trust, power, and control that were stolen from us. Victims and survivors want accountability too – that a murderer accepts responsibility for what he or she did. We want our families and communities to be safe, *and* we don't want to sacrifice ourselves and our needs to make that happen.

There are other ways that the legal system can help survivors of violent crimes. First of all, be honest with us. Do not pretend that the legal system or the death penalty can be the primary source of hope and healing. Survivors should never be falsely persuaded into believing that the outcome of a murder trial or the fate of a murderer will somehow diminish the long process of grieving and healing. Instead, those in the legal system should guide us to resources that can help us on our journey.

Second, become sensitive to your own language. You may notice that I say "legal system," rather than "criminal justice system." Given my personal experience, the latter phrase feels false and insincere to me because individuals use "justice" as if it means "right" or "fair," when it really only means "according to law." How could any punishment, including the death penalty, be considered doing "justice" without returning my brother and his friends to their families? I have learned to leave justice to God, God's time, God's way.

I also can't imagine a time when I will have "closure," and I hope that society itself is starting to understand the absurdity of applying the word "closure" to anything to do with murder. What is closed? The processes of grieving and healing cannot be given time limits. Will I ever be finished grieving? Unlikely. Will I ever be finished healing? I hope not.

Another demeaning term is "victim" – as applied to family members and friends of murdered persons. Although "victim" is accurate in that we have suffered severe harm, it is not all we are. Being treated only as "victims" dooms us to remain in the state of powerlessness that is so painful to us, and it impedes our healing process. Although the term "victim" has been adopted in the political, legal, social, and economic arenas as a term by which we receive attention, respect, and practical assistance, I would prefer the term "survivor."

Another way the legal system can help is by allowing survivors to speak for themselves. The victim impact statement

at sentencing is one of the few times that my voice felt honored and relevant, becoming a powerful tool in the process of my healing. In researching this article, I found copies of my family's victim impact statements, and our words amazingly showed both vulnerability and strength. Addressing David's killer in open court, I declared: "We are stronger than you and your evil. We are stronger in the love we feel, the memories we carry, the friendships we share. We are stronger in the power we have to do good in the world."

My younger sister, Rosemary, stood at the podium with me. She too had written a victim impact statement, but was so shaken that we had a hard time getting her even to enter the courtroom. She felt more frightened as the time came to speak. But when my sister started reading, a miracle happened. Her voice rang out strong and clear. She spoke her truth. The power of speaking our feelings publicly helped us feel acknowledged and respected. It helped us regain some power and hope that we had lost.

David's murderer was convicted and sentenced to life in prison without the possibility of parole. I was satisfied with the penalty. And in a difficult twist, several months ago the killer took his own life in prison. Some survivors were relieved. Although I was relieved that he would never harm another person, I also felt deep sadness. I thought of yet another life taken unnecessarily. I thought of his wife and daughter and the pain they must endure by another life cut short.

After the trial, I looked for other ways of healing and regaining power – by choosing life over death, and good over evil. I went back to school for social work. I volunteered at my church. Ideally, criminals would be responsible for working to make amends for the evil they bring into the world. But it is up to the rest of us to work for good. I know that I have more power if I take action for positive change. It is another way that I am free, and not at the mercy of the offender.

I started studying death penalty issues more closely. I attended lectures and read articles. I recognized that the death penalty did not fit with my values of choosing life over death and good over evil. It did exactly the opposite. It chose death, and in so doing, brought another quantity of evil into the world.

The fact is that society really doesn't know how to respond to a crime as

heinous as murder. Instead of admitting the feelings of fear and powerlessness, we react to the first rush of emotion: "*If we can crush the offender, we'll be safe.*" This is a foolish and weak response. Focusing on the death penalty disconnects us from our own grief and ignores the questions of how we heal ourselves and our society.

Murder Victims' Families for Reconciliation – a national organization whose members oppose the death penalty – helped me find answers. Its members include friends and family members of both homicide victims and state executions. In June of 2001, I attended a conference sponsored by MVFR, and met other family members of murder victims, as well as many who were connected with the perpetrators. I also met individuals who had been wrongfully charged or convicted of murder, and later exonerated. I felt a sense of belonging in every group. We were grieving. We were trying to heal. We were trying to support and honor our loved ones. We were trying to make a difference in our own lives and in society. I looked around and saw people – whom the legal system puts in an adversarial relationship – talking and sharing and laughing and crying together. Those people weren't "the other," they were me, and I recall thinking, "Heaven must be like this." Joining with all of those people made me feel much better and stronger than the state-sanctioned death of David's killer would have.

Three years ago, I joined Delaware Citizens Opposed to the Death Penalty, an organization devoted to ending capital punishment in Delaware. I started learning about the costs of the death penalty: financial, emotional, social, and moral. I learned about racial discrimination and the execution of the innocent. I learned that Delaware had the highest rate of executions per capita of any state. Nowadays, whenever I read the Delaware motto, "It's good to be first," that is what I think of. I do not feel proud.

Shortly after the MVFR conference, I began to share my story in public. It was another opportunity to honor my experience, to use my voice, to regain power over my life and my future, and to influence the future of society. As I think back on my healing journey so far, the times I felt most powerful were planting the flower, reading my victim impact statement, joining with members of MVFR, and sharing my story.

Each time I speak out, I take one more step. ♦