



In the death penalty debate, the voices of murder victim family members are often ignored. This is the story of one murder victim family member who has experienced ...

Pain and Healing

By Emily Miller

My mother was murdered by Anthony Jo Larette in 1978, two days before her 27th birthday. Tracey Miller was a vibrant young woman, a sister among three brothers, a devoted daughter, wife and mother. I hear from my family that she lives through me, in my smile, my eyes, my laugh, gestures and facial expressions that I make. Her spirit lives in all of us; as a family, we place our focus on the life that she lived and the memories she left with us.

When my mother was murdered, I was 16 months old and free-roaming the house. Larette knocked on the front door and forced his way in. He stabbed my mother 16 times in the chest and slit her throat from ear to ear. This happened at approximately 10:30 in the morning. At 1:30 in the afternoon, my mother's best friend came to the house looking for her and found me standing in the window of the front door. She then found my mother, slain in a pool of blood, at the bottom of the stairs.

As a young child, I could not comprehend this traumatic event, but my father could. We can only imagine his devastation, though the local newspaper captured it in a photograph, which they posted on a quarter of the front page the next day. Neither of us understood at that time what continued trauma would happen throughout our lives.



Above: Emily Miller speaks at a rally at the Missouri Capitol.

My strength after the loss of my mother was that my family surrounded me with love. We were the only resource for each other. For 10 years, we had no idea who took my mother's life, though my father endured intense scrutiny as a potential suspect. Despite this, he did his best to move on and make a life for us. He married my

adopted mother, Anne Burke, and together they gave me two sisters and as normal of a life as possible. In 1980, Anthony Larette was captured for the murder of Mary Fleming, an 18-year-old young woman in St. Charles, Mo. He was tried for capital murder and sentenced to death by the state of Missouri.

In 1988, 10 years after my mother's death, Anthony Larette confessed to her murder. I was in sixth grade, and I will never forget that day. Larette's confession was all over the news, and it was the buzz in the school lunchroom. I sat alone at lunch, ostracized, while I listened to my classmates gossip about my mother. Sitting on my father's lap that night, I remember an overwhelming sense of pain and confusion, asking him about things I had been told by classmates, my father explaining as much as I could understand.

Dad chose not to extradite Larette to Kansas for prosecution—he did not want to put our family through the painful spotlight we had walked through after her murder, and he did not want to put us through the painful process of a trial.

One of the most important reasons I personally oppose the death penalty is this: I found out that Larette killed my mother because he was not executed as sentenced. During his 16 years on death row, he confessed to nearly two dozen murders and 50 rapes in 11 different states, and my mother was one of the women he killed.

My grandmother wrote him a letter of forgiveness, thanking him for confessing to Tracey's murder, and asking that he find the courage to confess to other murders and provide that piece of the puzzle for

Continued inside

Pain and Healing *continued* ...

other families. If there were to be some form of closure during his time on death row, this moment was it. It was because he was not executed that I know who took my mother. I don't have to wander through this life afraid that he might come back for me or wondering who else he might be killing. I wonder today how many families will never know who killed their daughter, their sister, their mother, because the person was executed before he confessed.

On Nov. 1, 1995, Anthony Larette was executed by lethal injection. Some people think that his life, in exchange for my mother's life, is fair—that somehow his death provides me with the justice I need. To those who think this is fair, let me say this: Anthony Larette died with the two officers who received his confessions standing by his side. To one of them, he mouthed the words: "I'm OK." He died in a sterile environment, with the option of a sedative so he would not feel the pain of the lethal injection.

My mother died in absolute terror, in a pool of blood, unable to protect her baby. Now tell me—is that really fair? I would much prefer that he sat with whatever conscience he had for the rest of his natural life, facing himself instead of escaping into oblivion.

Anthony Jo Larette suffered from temporal lobe epilepsy. He suffered brain injuries as a child, and throughout his life was passed from mental institution to mental institution with a wide variety of diagnoses, from aggressive personality disorder to sexual deviance. He was a deeply wounded and very sick man. The first injustice in all of this was the lack of proper treatment for his disease.

In the days preceding his execution, we endured yet another wave of media sensationalism. Through the news, I heard things I'd never heard before—the number of rapes he'd committed, that someone was calling me a 16-month-old son, information about myself and my family that

ripped open wounds I didn't even know I had.

I thought I should be strong, that I should walk through that execution by myself. After all, I was a college freshman, living in my own dorm room. I was seven minutes from my father. Instead of going home to be with my Dad, I laid on the floor of my dorm room, confused again—just as I had been in sixth grade. Not understanding, but feeling overwhelmed by a tidal wave of pain. My family was not told that resources for victims existed. We were not encouraged through the process of Larette's execution to get support, to receive therapy, to connect with others who shared our experiences. No one asked what justice meant to us. We were, instead, subject to scrutiny, to media sensationalism, and to the constant ripping open of wounds that we wanted to put to rest.

The pain of this process has affected my life in innumerable ways. As a young adult, I had no

idea how to cope by myself with the pain that never healed. The most difficult period was when I struggled with addiction for seven years. It wasn't until I got sober that I found the courage within myself to face and heal the trauma of my mother's murder—26 years after it happened.

Today, I know that victim's rights and resources exist. Today, I know that there are support groups for victim family members who advocate against the death penalty—a punishment that only caused further destruction for me. Today, I am able to give back from the healing that I discovered over the last few years. Today, I am able to urge others to reconsider a penalty that you might think benefits those of us who have lost our loved ones. I urge you to think again, to study the actual costs and the consequences of the death penalty.

Emily Miller, a member of Missourians for Alternatives to the Death Penalty, has advocated in the State Capitol for a moratorium on the death penalty.

Catholic Teaching and the Death Penalty

Catholic teaching offers a unique perspective on crime and punishment. It begins with the recognition that the dignity of the human person applies to both victims and offenders. It affirms our commitment to comfort and support victims and their families. It also acknowledges the God-given dignity of every human life, even those who do great harm.

Catholic teaching on human life is rooted in the belief that life is a gift from God that we must respect and protect. As it is applied to the death penalty, this teaching is both complicated and clear. The Church has long acknowledged the right of the state to use the death penalty in order to protect society. However, in recent years, Pope John Paul II, the

Catechism of the Catholic Church, the Vatican's *Compendium of the Social Doctrine of the Church* and statements from bishops have more clearly insisted that the state should forgo this right if it has other means to protect society. Our fundamental respect for every human life and for God, who created each person in his image, requires that we choose not to end a human life in response to violent crimes if non-lethal options are available. Moreover, at a time when respect for the sanctity of human life is undermined in many ways, the Church's opposition to the use of the death penalty is an important witness in support of a culture of life.

In his encyclical *The Gospel of Life*, Pope John Paul II called us

to choose "to be unconditionally pro-life" (no. 28). During his last visit to the U.S., he referenced the encyclical in a speech in St. Louis: "The new evangelization calls for followers of Christ who are unconditionally pro-life: who will proclaim, celebrate and serve the Gospel of life in every situation. A sign of hope is the increasing recognition that the dignity of human life must never be taken away, even in the case of someone who has done great evil. Modern society has the means of protecting itself, without definitely denying criminals the chance to reform."

In response to Pope John II's call to end the death penalty during his January 1999 visit, the bishops issued *A Good Friday Appeal to*

End the Death Penalty. They reiterated his challenge to "end the death penalty, which is both cruel and unnecessary." They concluded that their opposition to the death penalty is important not only for "what it does to those guilty of horrible crimes but for what it does to all of us as a society."

Pope John Paul II and bishops from across the country have continued to appeal for an end to the use of the death penalty and have asked Catholics to join in a witness for life.

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The Death Penalty: A Flawed Public Policy

By Rita Linhardt

The death penalty is the harshest of all punishments in our criminal justice system. Because this sentence can't be reversed once it's carried out, the death penalty needs to be held to the highest level of scrutiny. In recent years, serious concerns have been raised about this public policy because of wrongful convictions, questions of fairness and the costs of the death penalty.

Several states have re-examined their use of the death penalty and have decided to eliminate the practice. The states include New York in 2004, New Jersey in 2007, New Mexico in 2009 and most recently Illinois in 2011. Bills to end the death penalty were also introduced in other states and have gained traction in some legislatures.

There is much evidence to support that the death penalty is a flawed public policy.

Mistakes Have Been Made

The U.S. has executed more than 1,200 individuals since the death penalty was reinstated in 1976. Since that time, 138 individuals in 26 states, who were convicted and sentenced to death, have been exonerated, including three individuals in Missouri. That means that for approximately every nine executions in this country, one person who received a death sentence was found to be wrongly convicted. How are innocent people convicted? Common reasons include police and prosecutorial misconduct, ineffective assistance of counsel, flawed evidence and faulty eyewitness testimony. DNA technology has played a role in exonerating the innocent, but many times it has been old-fashioned investigative techniques that uncovered errors in the original investigation. On average, an exoneration takes nine years.

Needless Expense

The death penalty in the U.S. is an enormously expensive and wasteful program with no clear benefits. More than a dozen states have found that the death penalty is up to 10 times more expensive than sentences of life or life without parole. Missouri officials have not conducted any formal investigation to determine cost. However, Kansas state auditors found death penalty cases cost taxpayers \$520,000 more per case than other murder cases. Using those conservative figures in Missouri, would mean our state spent \$93.6 million more on the 180 homicide cases in which the death penalty was obtained than if death was not considered as sentencing option.

Why does the death penalty cost so much? The death penalty process is more complicated because a life is on the line. Capitol cases involve more lawyers, more witnesses, more experts, a longer jury selection process, more pre-trial motions, an entirely separate trial for sentencing, and countless other expenses even before the appeal process begins. Since many of these costs are legally mandated, there is little hope of reducing the cost of this punishment.

Fails Victims' Families

To be meaningful, justice should be swift and sure. The death penalty is neither. Capital punishment prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning but often results in a different sentence in the end. A life without parole sentence, on the other hand, begins as soon as victims' families leave the courtroom and is served anonymously, outside the spotlight of the news cameras.

The reality is that the death penalty's cumbersome and expensive

process diverts millions of dollars and attention from the critical services that homicide survivors need to help them heal, including specialized grief counseling, financial assistance and ongoing support. For families in unsolved murders, there is the added pain of never learning what happened to their loved ones. Meanwhile, the perpetrators remain on the streets, free to kill again, while countless law enforcement hours are spent chasing a handful of executions instead of solving more cases.

Not a Deterrent

No credible study has found that the death penalty deters crime. A 2009 study found that 88 percent of the nation's top criminologists think the death penalty is not a deterrent. Similarly, a 2006 Gallup poll showed that nearly two-thirds of the American people also felt the death penalty wasn't a deterrent.

A simple comparison reveals that states without the death penalty consistently have lower murder rates than those with the death penalty. Even though the South has more than 80 percent of the nation's executions, the murder rate there is higher than any other region in the U.S. According to FBI reports, that region also accounts for more law enforcement officers killed than any other region in the last 10 years.

Police officers also do not think the death penalty is an effective deterrent. In a 2008 nationwide survey, police chiefs ranked the death penalty last among effective ways to reduce violent crime. An overwhelming majority said that other changes such as reducing drug abuse or improving the economy were more important than the death penalty in impacting violence. The police chiefs agreed that perpetrators rarely consider the consequences when engaged in violence and that death

penalty cases are hard to close while taking up a lot of police time that could be spent on other crimes.

Unfair, Arbitrary and Random

We all expect justice to be blind and meted out fairly, but that is hardly the case when it comes to the death penalty. More than 12,000 people have been murdered in Missouri since 1976, yet county courts have imposed "death" in about 180 instances. These cases hardly represent the "worst of the worst" as some of the people convicted of the most heinous crimes in Missouri, including serial killers, have not received the death penalty. Those who receive the death penalty in our state are often victims of disparity, poverty and race.

County prosecutors have the discretion to decide who gets charged, who stands trial, who gets a plea bargain and what punishment to seek. A defendant's chance of facing the death penalty depends, arbitrarily then, on who prosecutes the case. This has led to geographic disparity. For example, more persons have been sentenced to death in St. Louis County than any state jurisdiction, while neighboring St. Louis City during the same 18-year period had five times as many people murdered.

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Troy Davis and the Death Penalty

On the night of Sept. 21, 2011, the state of Georgia put Troy Davis to death. Few death penalty cases have stirred the emotions of the nation as much as this one. While the execution did little to resolve the question of guilt, it sparked a far-ranging debate on America's use of capital punishment.

Davis was convicted of the 1989 shooting of an off-duty police man, Mark MacPhail, in Savannah. From the beginning and until the day he died, Davis maintained that he did not commit the murder. His conviction was based on witness testimony that contained inconsistencies even at the time of trial. Over the years, seven of the nine witnesses recanted their testimony, some asserting they were originally pressured by police. New witnesses came forward implicating another individual. The case lacked physical or scientific evidence linking Davis to the crime.

In the past two decades, Troy Davis had various appeals in state and federal courts. However, the standard to prove "innocence" in the court is higher than to prove "guilt" and his conviction stood. Three previous execution dates had been set and then stayed.

During this saga, public outcry about the case reached international levels. Prominent individuals such as South African leader Desmond Tutu, former President Jimmy Carter, Pope Benedict XVI and former FBI director Wil-

liam Sessions all wrote letters of support for Davis. More than 300 vigils were held across the country protesting his execution and nearly a million people signed a clemency petition. "I am Troy Davis" became the rallying call that brought thousands to his cause.

Meanwhile, the MacPhail family consistently believed in his guilt. As the execution grew closer, the victim's family members found themselves drawn into the spotlight. "Justice," "closure" and "revenge" became words that pitted the two families against each other, while each could still relate to the other's pain.

"The struggle for justice doesn't end with me. This struggle is for all the Troy Davises who came before me and all the ones who will come after me. I'm in good spirits and I'm prayerful and at peace."

— Troy Davis

In the end, Troy Davis' fate rested with the Georgia Board of Pardons and Paroles, which denied him clemency. Courts failed to intervene. Despite the doubts raised, he was executed.

The uproar about Davis did not end with his execution. If anything, it has renewed a public discussion about the death penalty. The case brought to light many lingering concerns about capital punishment including certainty of guilt, the validity of eyewitness testimony, racial bias, police misconduct and the impact on victim family members.

Will Troy Davis be the tipping point that finally pushes Americans away from the death penalty? Only time will tell, but it is good that the death penalty has come to the forefront of our country's conscience.



Troy Davis
was
executed on
Sept. 21.

*Photo courtesy
of the Georgia
Department of
Corrections.*

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How Do Wrongful Convictions Happen?

Across the United States, mistakes have been made in capital cases. Missouri is no exception. Below is a brief case description of three men on Missouri's death row who were wrongfully convicted and later exonerated.

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Joe Amrine was convicted of the 1985 stabbing of fellow prisoner Gary Barber, based solely on the testimony of three other inmates. Eventually, all three inmates recanted, saying prison officials pressured them to finger Amrine. In 2001, a video documentary, "Unreasonable Doubt," was released that highlighted problems with Amrine's conviction. The

video raised public outcry about the case. In April 2003, the Missouri Supreme Court ruled that there was "clear and convincing evidence of actual innocence" in Amrine's case. After living with a death sentence for 17 years, Joe Amrine was released in July 2003.

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Clarence Dexter was accused of murdering, Carol, his wife of 22 years, at their home in 1990. Dexter maintained that he found his wife murdered after he returned from a short errand. The police ignored evidence of a break-in, including broken door glass, missing items, and bloody

prints that didn't belong to either of the Dexters. During the trial, prosecutors used faulty science to misrepresent the blood evidence against Dexter. In 1999, defense lawyers presented evidence from more sophisticated DNA testing that pointed to Dexter's innocence. After the court ruled that the earlier faulty lab reports could not be used in a retrial, the prosecutors decided to free Dexter after he had spent more than six years on death row. Mr. Dexter died in 2005 after a long battle with cancer.

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Eric Clemmons was sentenced to death for killing fellow inmate

Henry Johnson in a dark prison yard in 1985. Three inmates testified that another inmate, Fred Bagby was the killer, but prosecutors claimed that Bagby was being used as a scapegoat because he also was killed shortly after the Johnson murder. In 1997 with an execution date looming, Clemmons won a re-trial. At the trial, Clemmons presented new information including blood evidence that pointed toward his innocence and prison memos supporting Bagby as the killer. A jury found Clemmons not guilty in 1999.