

# HEARING ON HB 2167 TO REPEAL THE DEATH PENALTY

## *House Corrections and Juvenile Justice Committee*

February 13, 2017

### **Testimony in Support of HB 2167 Submitted by Carolyn Saenz Zimmerman**

Dear Chairman Jennings and Members of the Committee:

I am a murder victim family member, the daughter of a man whose life was taken by strangers in January 1969. Some 48 years later, I still remember the shock and sorrow suffered by my entire family. I am also a woman who is convinced that meeting one act of violence with yet another episode of violence is neither helpful to the community nor comforting to the surviving family members. I support the bill being considered.

My father, Lawrence Saenz, was born and raised in El Paso, Texas, with Spanish his first language. He learned English in first grade at St. Mary's School and used both languages fluently all his life. A Navy veteran of World War II and an accountant by profession, he was naturally artistic. He loved to sing, play the guitar and create hand-tinted photographs of our family. He had elegant penmanship. My father would understand that survivors face their losses in different ways. He would agree that the death penalty is a false promise and bad public policy. Today I honor the memory of my father by working to end the death penalty and promote the healing of families touched by violence.

My mother, my siblings and I certainly never expected to be one of those families. We were everyday people. We worked hard, celebrated holidays and birthdays together, attended school, went to church, voted and volunteered in our communities. We also faced the shock of sudden violent death. My father was murdered in Warrensburg, Missouri, during tax season. He often worked late and one night with a winter storm in progress, he telephoned home to say that he planned to call a taxi so my mother would not have to drive on the treacherous streets. We later came to believe that his killers were already in the office and that he was desperately trying to protect my mother from encountering a dangerous situation. That phone conversation was the last time any of us spoke with him. My Dad was missing for three weeks. His office was found locked but the safe was empty. When the deep snow melted, a farmer discovered Dad's body in a lonely field where he'd been stabbed to death. Footprint evidence at the scene indicated that several people were responsible for his death.

No one was ever charged in my father's death. My father's case is just one of thousands of "cold case" murders. And while I would like to know that the murderers were in prison and could not commit other terrible crimes, I have, like many other abolitionists, acknowledged this plain fact: We cannot undo the murder. But we can decide how we will spend the rest of our lives.

Survivors face reality in different ways. What some of us share is the surprising conclusion that anger and revenge will never give us peace. In Dodge City, the Hessman family was somehow able to forgive the man whose murderous rampage left their daughter and niece a victim. Bud Welch, whose daughter died in the Oklahoma City bombing, adopted her strong belief in the wisdom of repeal. Mr. Welch has traveled

widely to advocate for ending the death penalty and he even visited Timothy McVeigh's father. He promised that grieving man that he would do everything he could to see that Tim was not executed.

Anne and Fred Stone of Connecticut honored the memory of their talented pianist son Ralph by establishing a scholarship program for aspiring musicians in his name after he was killed. They believed that he would have wanted his life as a Peace Corps volunteer and his work for international leadership and community building to be reflected in just such a memorial. Susan Omilian is another survivor to celebrate. After her 19-year-old niece Maggie was killed by an ex-boyfriend who then killed himself, Susan spoke out about the warning signs of dating violence and created My Avenging Angel Workshops to help abused women reclaim their lives. Susan found her own healing in meaningful work – and she believes she has done what Maggie would have expected of her – to do good in her name and help eradicate violence, not perpetuate it.

As for me, I believe that the death penalty sows bad seeds.

The writer Philip Weiss in his review of Robert Meeropol's book, **An Execution in the Family: One Son's Journey**, concluded that "The death penalty only sows confusion." He was referring to a specific case, that of Julius and Ethel Rosenberg, who were executed for treason, and its impact on their son, who has struggled to come to terms with his parents' psychological and political legacy.

I believe Mr. Weiss's statement can also be interpreted more generally. It got me to thinking about what else the death penalty sows and who reaps the harvest. Besides confusion, there is painful loss, bitterness, and a profound diminishment of the humane spirit so needed in the world. There is self-righteousness that seems at odds with the words Christians pray, "Forgive us our trespasses as we forgive those who trespass against us." Judges and juries as well as prison staff can be affected. The families of those who are executed also become unintended victims of violence. Even the community at large reaps the harvest. As citizens, the death penalty kills in our names and our taxes pay the bill. That is not a role I am willing to accept. Being a murder victim family member has not persuaded me that the death penalty is a wise solution. The death penalty is no way to reconcile grief, protect society or achieve justice. There are better ways. There are better seeds to sow.

Sincerely,

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