

## TWO STUDENTS PLAY KEY ROLES IN HIGH PROFILE DEATH PENALTY CASES

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IN THE SPRING OF 2006, I spent five days waiting in a hotel room in Alexandria, VA for my turn to testify in the penalty phase of the trial of Zacarias Moussaoui. The victims outreach team hired by his defense lawyers had contacted me the prior December. My decision to go was made as another step on my journey toward healing.

On the stand I was able to describe my beautiful family before 9/11 and the wonderful memories I had of my husband, Tom, and the devastation my family had suffered as a result of his loss. The jury saw pictures of my children in happier times, on vacation and at home, and I was able to tell them about the kind and joyful man he had been. Those of us who testified for the defense were prevented by the rules

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of the court from saying that we opposed the death penalty for Moussaoui, but the jurors knew why we were there.

I did not start in such a reflective place. My journey toward healing began first in shock and confusion and fear and anger. Anger is a natural human emotion in such circumstances. All of us needed a focal point for our anger and the immediate perpetrators were dead. Without such a focal point much of the anger was randomly directed. At the only support group of victims I attended, I saw family members lash out everywhere, even at the Red Cross, Mayor Giuliani and each other.

There is still much anger among many of the victims’ families. We saw this in the very raw testimony of those family members who took the stand for the prosecution in the Moussaoui trial. We see it still, in the anguish over the fate of the memorial in lower Manhattan.

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The death penalty is often seen as a way to provide closure or a measure of comfort for victims’ families, but a death sentence brings appeals and

more publicity for years. A sentence of life in prison for Mr. Moussaoui took him off the front page forever. This alone is a blessing.

The Bible tells us that we are all broken people, yet no matter how far from God we stray we are never beyond God’s reach. Each of us is always a child of God. In our brokenness, we are called to forgive so that we may be forgiven. The act of forgiving, of giving up the demand for vengeance, is an act of transcendence. To let go of the anger is to let go of some of the pain.

As a Christian I am opposed to the death penalty in all cases. My decision to go to Virginia had nothing to do with what Mr. Moussaoui had done. I am not sure if in fact we know what he did as those facts were never tested before the court. Certainly Mr. Moussaoui was personally offensive. He said nothing in public that was not hateful and hurtful. I decided to go in order to make a statement, out of concern for who we are as a society and who I am as a human being. I refused to let those who took the life of my husband strip me of my humanity as well.

Creation is gripped in a continuous stream of violence that flows over every time and place. We need not contribute to it. Killing Moussaoui would not bring any of the victims back. Rather, it would have dehumanized us all.

Dr. Michael A. Norko is an associate professor of psychiatry at Yale's School of Medicine and acting director of the Whiting Forensic Division of Connecticut Valley Hospital. As a forensic psychiatrist, Norko '11 M.Div., was asked to evaluate in 1995 and 2005 the competency of Michael Ross to waive further appeals of his death sentence following his 1987 conviction for killing and raping six young women in Connecticut. Based in part on Norko's findings, the Connecticut courts ultimately found Ross competent. He was executed on May 13, 2005.



the possibility of redemption, a notion that curiously seems to burden God with the limits of vengeful humanity.

The attention brought to the case amply illustrated the 1974 statement of the U.S. Conference of Catholic Bishops that "executions attract enormous publicity, much of it unhealthy, and stir considerable acrimony in public discussion." The media extracted from the victim families a daily allotment of sound bites of their pain. Newspapers reduced the complexities of issues to a reporting of the box scores on psychiatric opinions.

**I**N EARLY DECEMBER 2004, I received a call at home one evening, asking me whether I would be willing to perform an evaluation of Michael Ross's competence to waive further appeals of his death sentence. My response came surprisingly pre-formed from within, uncharacteristically bypassing the machinations of head or heart. I assuaged the still requisite anxiety with the thought that Mr. Ross might well have become significantly depressed or otherwise impaired since I last saw him in 1995, and someone had to evaluate that carefully.

I knew that I was comfortable exploring with Mr. Ross the experience of his faith and its relation to his decision making; we shared a faith tradition, and I felt culturally competent to understand his worldview. Over the decade since I last spoke with him, his spirituality had grown and was a major factor in the integration of his thoughts and actions. Prayer and spiritual exercise, preparation for taking vows as an oblate in a religious order, and frequent contact with spiritual advisors were all significant components of his life. He had grown in his capacity for empathy, in which he found both healing and wounding. He held closely both the infinite mercy of God and the knowledge of the human suffering he had caused.

He found comfort in the rituals and exercises of his faith tradition, for which he was nonetheless ridiculed in popular judgments. The common reaction was to exclude from him

The great irony of the conflicts inside and outside the courtroom was that the actors dedicated to saving Mr. Ross's life by arguing his incompetence were the ones most actively

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demeaning that life, trivializing his faith and spirituality, belittling his struggles, and disparaging the value of his imperfect humanity. Yet respect for his ability to make choices from the fullness of his belief, experience and values meant accepting the final realities of living in a society that endorses the death penalty.

Several months after Mr. Ross' execution I began to examine the role of compassion in the ethics of forensic psychiatry as I was writing a commentary on a colleague's stimulating article on personal narrative and authenticity in forensic ethics. Captivated by this idea, I found my way to the work of Simone Weil and her *Draft for a Statement of Human Obligations*. In it, she expressed the notion that compassion toward all human beings is possible only when "respect is given to something that is identical in all of them," namely "the presence of a link with the reality outside the world." The quest for such respect amidst the turmoil of the death penalty meets formidable challenges.