

Testimony of Bill Babbitt
Murder Victims' Families for Human Rights

I was a supporter of the death penalty until I learned, firsthand, something I wish I didn't know: what it's actually like to lose a member of your family to an execution. My brother, Manny Babbitt, was executed in California in 1999. Six years later, I experienced another violent loss: my cousin, Nicholas "Butchie" Correia, was murdered in Sacramento. I have seen the criminal justice system from both sides, and I can tell you that the death penalty only exacerbates the many ways the system has failed families like mine.

I serve on the board of directors of an organization called Murder Victims' Families for Human Rights. Our members are relatives of homicide victims and relatives of people who have been executed. We have members here in Maryland, throughout the United States, and in other countries around the world. All our members support repeal of the death penalty.

One of our special projects focuses on educating people about the effect of executions on surviving family members. In 2006 we released a report called *Creating More Victims: How Executions Hurt the Families Left Behind*.

I am, therefore, offering testimony as the brother of someone who was executed, the cousin of someone who was murdered, and the board member of an organization representing survivors from both groups.

My brother Manny was a Vietnam veteran. He had been diagnosed with paranoid schizophrenia, and, on top of that, suffered from post-traumatic stress disorder as a result of his two tours of duty in Vietnam. My family tried to get my brother the help he needed, but we could not help him before he did the unthinkable.

When I suspected that my brother might have had something to do with the death of Leah Schendel, I made the difficult decision to go to the police. They promised me that Manny would get the help he needed, but instead he was executed. I had agonized over what to do, and in the end I turned Manny in to the police because I couldn't live with the risk that someone else might become a victim of Manny's war demons. I wanted to prevent another killing, not cause one. As a citizen I was trying to do the right thing and help ensure public safety. Now I have to live every day with the guilt that my actions sent my own brother to his death.

I wish families like mine could live in a society that properly treated its mentally ill citizens, rather than executing them. Treatment and prevention, rather than execution, should be our society's response to mental illness and to the tragedy of post-traumatic stress disorder resulting from the horrors of combat duty.

I want to emphasize that my brother was executed in California. Not Georgia or Texas, where the systems are known to let people like Manny fall through the cracks. Like Maryland, my home state of California is thought to have a good public defender system and more protections for defendants than those states that execute a lot more often. Both states should be proud that our lawyers don't sleep through trials. And yet even in a state with one of the better systems, things happened that should not have happened. My wife and I scraped together some money for a private attorney, despite California's good public defender system. Many families do this, because they mistakenly believe that you are better off paying for justice, even if you only have very little to pay. We learned the hard way that is not always the case; Manny's lawyer quit at the arraignment because he was too busy. The court-appointed attorney had never tried a death penalty case, did not trust blacks as jurors, and was later convicted of stealing \$50,000 from the coffers of poor defendants. He admitted in a statement that he had failed Manny.

I will always remember the look on my mother's face on the night of Manny's execution. She suffers to this day from the effect of losing her son to execution. Manny's children suffer too. His daughter Desiree testified before the clemency board that she felt as if Manny had raised her from prison. She said if he remained in prison, serving a life sentence, he would still be able to play an important role in her life. Today, Desiree says she wishes people could understand how her father's execution traumatized her and how she still suffers because of it. My mother, my niece Desiree, other members of my family – these are innocent people who have been harmed by the death penalty.

When my cousin Butchie was killed, the police referred to his killing as a murder, but the man responsible for Butchie's death served less than one year in prison. I am opposed to the death penalty as a family member of a murder victim, too, but it's hard to make sense of how disproportionate my brother's punishment was compared to the punishment for the man who killed my cousin. It's hard to make sense of the fact that my brother, a mentally ill man, was sentenced to death while other defendants in the same county, convicted of all sorts of cold-blooded murders, got life. Even when a victim's family does not want the death penalty in their own case, these kinds of disparities make us feel like our family counts less. And the death penalty always creates that kind of hierarchy among victims. Some are important in the eyes of the law, while some of us don't count at all.

I supported the death penalty until it came knocking on my door. Believe me, I wish I didn't know what it's like to experience the execution of a beloved family member. But now that I do know it, from my own experience and from the experience of the fellow members of my organization, I have to share that knowledge with you. The death penalty compounds the tragedy of murder by harming another set of families. Please consider that harm when you consider the role of the death penalty in Maryland.