

Testimony of:

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House Judicial Committee

Issue: Juvenile Life without Possibility of Parole

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Mr. Chairman and members: Thank you for inviting me to discuss the issue of juvenile life without possibility of parole, and specifically H.R. 2289, the Juvenile Justice Accountability and Improvement Act of 2009. My name is Linda White and, as stated above, I am a member of Murder Victims' Families for Reconciliation. I live near Houston, Texas, where I have resided for 35 years. I am here to support the bill before you because it allows for periodic reviews of life without parole sentences given to juveniles.

Until November of 1986, I was not very knowledgeable or very interested, to be quite frank, in criminal justice matters in general, and certainly not juvenile justice matters. That changed quite suddenly and dramatically late that November when our 26-year-old daughter Cathy went missing for five days and was then found dead following a sexual assault by two 15-year-old boys. I spent the better part of a year in limbo awaiting their trials, as they had both been certified to stand trial as adults.

During that time, the only information I had on either of them was that they both had long juvenile records. There was never any doubt about their guilt, as they had confessed to the rape and murder and lead the police to her body after they had been detained by the police in another city in Texas. The court-appointed attorneys for both pled them out and they were sentenced to long prison terms with no chance at parole for at least eighteen years. They came up for parole in 2004 and were both given five year set-offs, so they remain in prison at this time. I assume they will come up again later on this year.

The year after my daughter was murdered, I returned to college to become a death educator and grief counselor. Since that time, I have received a bachelor's degree in

psychology, a master's degree in clinical psychology, and a doctorate in educational human resource development with a focus in adult education. I fell in love with teaching along the way and never got my professional counseling credentials, but I have counseled informally through church and my teaching. During the time I taught at the university level, I taught upper level college courses for eight and a half years in prison, the most rewarding work I have ever done, and the most healing for me as the mother of a murder victim.

In addition to the formal schooling I've had, I have also educated myself in the area of criminal justice. I heard a lot of information when I attended victims' groups and I wanted to know if it was accurate. I have found out that, for the most part, it was not. One notable example: Texas prisons are about as far as you can get from country clubs. Many of our citizens, and certainly victims of crime, want the men and women who are convicted of criminal activity to suffer as much as possible in prison, believing that this is the way they will turn from a life of crime. I no longer believe this to be true, and I have become a devout believer in restorative justice as opposed to retributive justice. It does not mean that I think incarceration is always wrong, but neither do I believe that it should be our first inclination, for juveniles or for adults. And neither am I a great believer in long sentences, for most offenders. As a psychology student and teacher, I have learned that punishment is the least effective means to change behavior, and that it often has negative side-effects as well.

My journey to healing after my daughter's murder was different than what I often see in victim/survivors, for I had concentrated on healing for my family and me, and because I focused on education over the years. At first it was education about grief and how to help my young granddaughter with hers, and then, when I returned to college, it became about psychology and issues related to death and dying. Eventually, it became concentrated in criminal justice. Early on I saw much that was violent in our system – perhaps necessarily so at times – but still, it seemed to me that we returned violence for violence in so many ways. I kept my mind and heart open to another means of doing justice, one that would be based on non-violent ideals and means. Restorative justice is that paradigm and I have become one of its greatest proponents. That is what actually led me to seek a mediated conversation with either of the young men who killed my Cathy.

As I said previously, for many years, I only knew that the boys who killed my daughter were juveniles with long criminal records. In 2000, I found out that one of them, Gary Brown, was willing to meet with me in a mediated dialogue as part of a program that we have in our Texas Department of Criminal Justice's Victims' Services Division. He was apparently very remorseful by that time and had prayed for a chance to tell us that. During the next year, Gary, with the help of our mediator Ellen Halbert, and my daughter Ami (Cathy's daughter whom we had raised and adopted) and I did a great deal of reflective work to prepare for our meeting. During that time I found out from Gary's records that his long juvenile record began at the age of eight with his running away from abusive situations, both at home and in foster care eventually. If I were being abused emotionally, physically, and sexually, I think I'd run away, too; it seems quite rational to me. I also found out that his first suicide attempt was at the age of eight, the first of ten attempts. I have a grandson just about that age right now, and it breaks my heart to think of a child like that trying to take his own life because it is so miserable.

Until the time that I met with Gary, I had never laid eyes on him and had, over the years, gradually come to ignore his existence. Both the offenders became non-persons to me, in effect. Once I knew that Gary wanted to meet me, that non-personhood totally changed for me; he became as human to me as the men I had taught in prison. That in and of itself was a relief, I think, since part of me revolted at the idea of forgetting him in any way at all. As the time approached for us to meet, I know that my daughter and Gary both became more and more apprehensive, but not me. I couldn't wait to see him and tell him how much I believed in his remorse and was grateful for it. I know that this unusual response to the killer of one's beloved child was only possible through my discovery of restorative justice and, of course, by the grace of God. I strongly believe that most of my journey over the last 22 years had been through grace. Otherwise, I have no explanation for it.

My meeting with him was everything I expected and more. Since it was made into a documentary, I have been privileged to have it shown around the world for training and educational purposes, and I have heard from many who have seen it and felt blessed by the experience. I am sometimes invited to go with the film to answer questions and reflect on my experience. I also go into prison, especially with a victim/offender

encounter program we have in Texas called Bridges to Life, a faith-based restorative justice curriculum, where my film is used to educate offenders related to victim empathy. I have been deeply blessed by this work and I feel Cathy's presence in it every time I stand before a group either in or out of prison and reflect on my journey.

My education and years of teaching developmental psychology have taught me that young people are just different qualitatively from the adults we hope they become. And my experience with Gary has taught me that we have a responsibility to protect our youth from the kind of childhood that he had, and from treatment that recklessly disregards their inherent vulnerability as children. Sentencing youth to life without parole strips our young people of hope and the opportunity for rehabilitation. It ignores what science tells us: that youth are fundamentally different from adults both physically and emotionally. Even given the trauma, and incredible loss my family experienced, I still believe that young people need to be held accountable in a way that reflects their ability to grow and change. Gary is proof that young people, even those who have done horrible things, can be reformed.