

United States Senate
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Property Rights

Hearing on “An Examination of the Death Penalty in the United States”
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Testimony of Antoinette Bosco

I am the mother of murder victims, opposed to the death penalty.

In August 1993, I got the word that my son John and his wife Nancy had been murdered in their Montana home. It turned out that the killer was 18-year old Joseph “Shadow” Clark, the son of the people from whom they had just bought their home. After confessing to this horrible crime, he faced the death penalty.

The day I got the news of the brutal murders, I learned a new definition of torment. My beloved son and his beautiful wife were dead at the hand of someone I could only believe to be, at that moment, an agent of Satan.

I found myself screaming, sometimes aloud, sometimes with silent cries tearing at my insides. I tormented myself, wanting to know who was the faceless monster that had brought such permanent, unrelenting pain into my family. I wanted to kill him with my own hands. I wanted him dead.

But that feeling also tormented me, for I had always been opposed to the death penalty. I felt now I was being tested on whether my values were permanent, or primarily based on human feelings and expediency.

It was when I went to Montana and stood in that room of death with two of my sons that I was overpowered with a sense of the evil I felt there. In that room, I was able to grasp truth again, that unnatural death at the hands of another is always wrong, except in a clear case of self-defense. The state is no more justified in taking a life than is an individual. Killing can't be "sanitized" by calling it "official" and "legal." I and my family were relieved when Shadow Clark took a plea bargain, and thus avoided the death penalty. He is now serving a life sentence. He has written to me from his prison cell, asking forgiveness. His latest letter arrived on January 25, 2006, and he writes: "Not a day goes by that is free from the pain of what I did. I was a very foolish kid and I truly regret my actions."

I've heard all the arguments for the death penalty and I don't dismiss these lightly. You can't arrive at opposition to this form of punishment with blinders on. When it hits you personally, the anger and pain of your loss makes you want to tear apart that person who stole your loved one and your happiness. But does this do any good in the long run? And should we be in the business of killing people? We have the right, and the responsibility, to punish, and I believe murderers should be given life, confined away from society, without parole. But executions? Never. It is only a delusion to believe that one's pain is ended by making someone else feel pain.

I have long reflected on what Supreme Court Justice Harry A. Blackmun wrote in the mid-90's, that nearly "twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency, or not at all, and despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discriminations, caprice and mistake."

That well expresses why I urge our nation to abolish the death penalty. Thank
you.