

Ending the Death Penalty:

The Voices of Victims' Survivors

By Rachel Jennings

“Yes, but what about the victim?” is often the first question opponents of the death penalty hear when making their case against capital punishment. For supporters of the death penalty, sending a killer to death row means that the victim will receive justice and the victim’s family will achieve closure. Thus, failure to secure a death sentence on behalf of the victim’s family seems cruel and heartless. Ending executions requires countering the belief that the death penalty serves the interests of murder victims’ families.

In 1988, CNN’s Bernard Shaw, the moderator of the last debate of the Presidential election, understood the public’s concern about victims’ rights. Seeking a hardhitting debate question, Shaw knew that Democratic nominee Michael Dukakis’ opposition to the death penalty made him politically vulnerable. “Governor, if Kitty Dukakis were raped and murdered,” he asked Dukakis, “would you favor an irrevocable death penalty for the killer?” (“Debate”). Opening the debate, coming right after introductions of debaters and moderators, the highly personal question caused reporters in the press room to gasp (Roger Simon). Dukakis replied, “No, I don’t, Bernard. And I think you know that I’ve opposed the death penalty during all of my life. I don’t see any evidence that it’s a deterrent, and I think there are better and more effective ways of dealing with violent crime.” Dukakis pointed out that there had been “the biggest drop in crime” in his state, Massachusetts, where he was governor, “of any industrial state in America” and “the lowest murder rate” (“Debate”) as well.

Although Dukakis’ answer was clear, direct, factually accurate, and consistent with his known views on the death penalty, he failed to center Kitty, his wife, in his remarks. In fact, his response seemed “wonky and emotionless” (Brad Phillips). Commentators have offered different explanations, including the possibility that Dukakis was recovering from the flu (Phillips). One wonders, however, if Dukakis’s stoicism was simply his way of controlling his anger. Shaw’s question had

been not only personal but close to insulting. Naming Kitty Dukakis, who sat in the audience, Shaw’s question framed the death penalty in patriarchal terms, depicting Dukakis, the death penalty opponent, as an emasculated man who would fail to protect his

wife if she were to be attacked. Thus, when Dukakis failed to respond with the required passion and heat, pundits opined that Dukakis seemed cold, detached, and devoid of compassion for his own wife, the hypothetical victim.

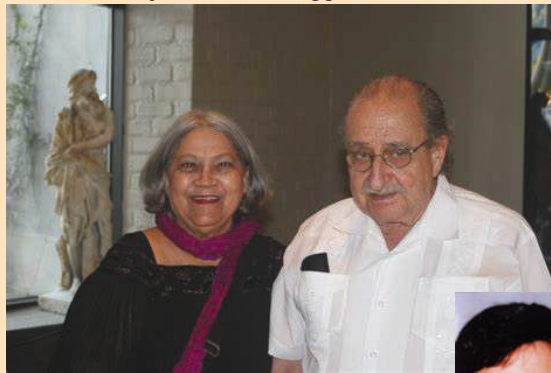
After the devastating fallout from Michael Dukakis’s debate response,

almost no political leaders in the 1990s were willing to speak openly against the death penalty and thus appear to disrespect murder victims’ families. when Arkansas governor Bill Clinton ran for the Presidency in 1992, he his staunch support for the death fact, Clinton left the campaign

to fly to Arkansas on January 24, 1992, in order to witness in person the execution of Ricky Ray Rector. This execution was memorable for two reasons. First, Rector had been “effectively lobotomized” after suffering a self-inflicted gunshot wound to the head that required doctors to remove “about one-third of his brain” (Nathan J. Robinson) Having suffered a “serious learning disability” since childhood, Rector now was even more unable to function. On the night of last meal, for example, “Rector set the dessert aside for later, even though there wouldn’t be a later” (Robinson). Secondly, the execution was botched. A prison staff member, who was not a medical professional, required twenty minutes to find a vein for the lethal injection cocktail (Robinson). Both executions of the mentally disabled and botched executions

would haunt the US justice system into our current time.

By attending the execution, Clinton wished to signal his tough stance on crime and his support for murder victims’ families. In truth, the death penalty itself has failed victims’ families and loved ones. As a response



Martha & Juan Cotera & their son, Juan Javier Cotera (inset)



Tellingly, Clinton ran proclaimed penalty. In

Juan Cotera: “We have no more right to kill than the two young men that killed my son. That is how I feel about the death penalty. I will never change. My son was against the death penalty. We all are.”

to deadly violence, capital punishment does nothing to prevent crime; pay the costs of solving cold cases; or address the financial, social, and long-term psychological needs of survivors. Moreover, supporters of the death penalty tend to portray murder victims' families as a uniform, homogeneous population who unfailingly want offenders to be executed. Assuming that all survivors desire vengeance and retribution, aggressive prosecutors and pro-death penalty legislators peremptorily push for executions without acknowledging that many families who oppose state killing find peace and healing in restorative justice, not in witnessing an execution.

Remembering Juan Javier Cotera

In mid-summer, 1997, Ahmad McAdoo and Derrick Williams, both seventeen-year-olds, carjacked Juan Javier Cotera, a twenty-five-year-old City of Austin employee, and Brandon Shaw, a twenty-year-old UT-Austin architecture student, at gunpoint in downtown Austin. Another victim, a woman who was robbed, sexually assaulted, and tied to a tree, was able to escape. Forced to withdraw money from a number of ATMs around Austin, Cotera and Shaw were forced into the trunk of the woman's car, which was pushed into Town Lake, where they both drowned (Juan B. Elizondo, Jr.).

At the time of Cotera's and Shaw's murders, I was living on Cesar Chavez Street in East Austin, just blocks from where the horrific crime occurred. A long-time Austin resident, I was shocked when I saw on local newscasts that such a vicious crime occurred so close to my home. The news hit hard. In the intricate social web of Austin's artists, academics, and activists, there are few degrees of separation between any one person and another. Thus, I was slightly acquainted with Juan Cotera's sister, Maria Cotera, who was in the same doctoral program in English literature from which I had graduated just a couple of years before. Maria's mother, Martha Cotera, was widely known as a leading figure in the Chicano Movement, a participant in the 1977 National Women's Conference in Houston, and the author of two influential books, *Diosa y Hembra: The History and Heritage of Chicanas in the U.S.* (1976) and *The Chicana Feminist* (1977) (Katelynn Dreeze). I was in awe of both her legacy and the equally impressive achievements of her husband, Juan, a prominent Austin architect. Accompanied by a friend, I once visited Martha Cotera at her home. Although she did not know me, Martha Cotera inquired earnestly about my academic work and my activist commitments, a kindness I still remember decades later.

When I heard that Juan Javier Cotera had been murdered, I knew the family would be devastated. A capital prosecution would likely have been easy to secure, especially in the late 1990s when capital punishment was at its height of popularity. The Coteras were a socially and politically prominent family in Austin. Moreover, the father of the other victim, Brandon Shaw, was a former NASA astronaut and colonel in the US Air Force

Martha Cotera: "I was raised a Christian and it's just wrong to step in the role of a higher being and make the decision to kill someone... I believe in a higher being. I believe that life is precious. It's not for us to determine who lives and dies".
—**"Voices of Texas: Juan and Martha Cotera."**, TCADP

(Elizondo). Prosecutors are often diligent in pursuing capital convictions if the victim's family is well-to-do or well-known. Familiar with the family's progressive politics, however, I wondered if the murder of the Coteras' son might cause them to turn away in despair from their radical social consciousness. Would they support a death sentence? After all, few people would blame them or hold it against them if they sought the execution of the young men who had killed their son.

Instead, the Coteras pleaded for the lives of the killers. Courageously, each of them "asked the district attorney not to seek the death penalty in a state that leads the country in executions" (Frank Green). Thus, instead of death sentences, the killers received back-to-back forty-year sentences (Green). Although the killers were juveniles when the murders happened, both he and Ahmad McAdoo could easily have been handed a death sentence. In the 1990s, before the US Supreme Court ruled in *Roper v. Simmons* US Supreme Court decision in 2005, teenaged defendants could be sentenced to death. If the Coteras had not pleaded for mercy, and the Shaws likewise had not expressed agreement with a life sentence (Green), McAdoo and Williams may have been executed.

Why did the Coteras oppose the death penalty for the killers of their son? For the Coteras, the question of how to respond to their son's murder was not a hypothetical debate question as it had been for Michael Dukakis. "We have no more right to kill than the two young men that killed my son. That is how I feel about the death penalty. I will never change. My son was against the death penalty. We all are," Martha Cotera explained. She added, "I was raised a Christian and it's just wrong to step in the role of a higher being and make the decision to kill someone. . . I believe in a higher being. I believe that life is precious. It's not for us to determine who lives and dies" (qtd. in Chris Castillo), she said. She insisted that "there are other ways of addressing the juvenile-justice problem" (Green).

While Cotera cites her Christian upbringing to explain her views against the death penalty, she might just as easily have cited her feminist and anti-racist commitments. In the 1960s, the Martha and Juan Cotera participated in PASSO (Political Association of Spanish Speaking Organizations) and farmworkers' organizing (Dreeze). In the early 1970s, the Coteras "were intimately involved in the founding and structuring of the Raza Unida Party, a third political party centered on Chicano nationalism" (Dreeze). They also helped to found Jacinto Treviño College, which "was developed as a college for Mexican Americans to prepare teachers for bilingual bicultural education programs." Conscious of the history of Anglo violence in Texas, the Coteras were acutely aware of the deeply rooted racial bias against black and brown men in capital trial cases. One can only imagine how soul-wounding it would have been for these veterans of the Chicano Movement to be a party in the execution of two African American teenagers. As an educator and parent, moreover, Martha Cotera would have comprehended the impulsivity of adolescent brains that can lead to poor decision-making. Sup-

porting death sentences for two juvenile offenders would not be consistent with her beliefs and character. Furthermore, as a feminist who had with other women “established Mujeres de La Raza Unida, a women’s caucus within the party that advocated for the recruitment of women as members” (Dreeze), Cotera responded with a feminist consciousness to her son’s murder. Rather than demanding eye-for-an-eye patriarchal retribution, Cotera as a feminist focused on both healing her family and preventing other African American teenagers from resorting to despair and nihilism. Cotera’s critique of white feminism, in fact, concerned white women’s relative passivity and vulnerability—their lack of “activist experience,” lower levels of “labor participation,” and less “experience with community involvement” (Kira Schwarz). Whereas Bernard Shaw, the 1988 Presidential debate moderator,

thought of Kitty Dukakis primarily as a potential victim needing her husband’s protection, Martha Cotera viewed herself and other women as empowered to restore justice and promote healing.

Neither Martha nor Juan Cotera desired the execution of their son’s killers in order to achieve closure or peace. Rather than closure, they sought an opening to a more just, more equal, more hopeful future. Wrestling with their sorrow and personal torment, they knew that sparing the lives of their son’s killers could open that door.

Works cited can be accessed through lavoz@esperanzacenter.org

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2023 Poet Laureate, Nephtali De León



Felicidades to Nephtali De León, San Antonio’s new poet laureate thru March 31, 2026. A recognized author, educator and cultural warrior he is also a longtime Chicano activist who wrote several poems commemorating the recent 50th reunion of Raza Unida in 2022 in Austin, TX.

Raza Unida Women

they’re cool, contained,
smart, sophisticated brains,
gracious, but no nonsense,
not with a chip or an edge,
but don’t you mess
in their bounds
or you’ll get trounced

at the anniversary
of Raza Unida
50 years más tarde,
they were tired,
some were snappy,
volunteers
at unseen labor
months of detailing amends
candle burning at both ends

dog tired women,
un-tattered and un-frayed,
regal, warrior leaders,
majestic, no dismay

Chicana Angels de la Raza
strong un-frail women
made of steel
not fierro but acero
enough to hold the sky
and all cloud nines
donde la Raza dreams...



Juan and Martha Cotera, founders of the Raza Unida Party, pictured in 1970 packing up for Crystal City.

they almost kicked
me in the teeth --
hyperbole ! ha ha,
when I interrupted
and I asked
if I could celebrate
La Raza with a poem

but they agreed
and I read my poem
to the attendees
and the women,
bless their soul,
asked me for a copy
so they could post it
on the Raza Unida
website

—Nephtali De León



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