

June 16, 2003

Senator Mike DeWine, Senator Lindsey Graham,  
Senator Orrin Hatch, Congresswoman Melissa Hart

Dear Honorable Members of Congress:

I am writing to thank you for your ongoing efforts to pass "Laci and Conner's Law," the Unborn Victims of Violence Act (S. 1019, H.R. 1997), and to encourage you to redouble those efforts.

On May 5, I and the other members of the family of Laci and Conner wrote to urge that this bill be passed as a tribute to Laci and Conner, and to allow true justice to be done in the future when such horrible crimes occur within the jurisdiction of federal criminal law or military criminal law. I want you to know that I appreciate your efforts, all the more so because of some of the unfair attacks and criticism to which you have been subjected in recent weeks by those who oppose the bill for misguided ideological reasons.

I know that you have been working for years for this legislation, but I have only become aware of your efforts because of our recent tragic circumstances. I have been astonished and somewhat offended to see, in the news media, recent statements by some critics who say that those who have been working for years on this legislation are inappropriately "exploiting" the public interest in the murder of Laci and Conner. I assure you that we do not see it that way. On the contrary, we believe that our case does provide a powerful illustration of why this type of law is absolutely necessary, and we urge you to continue to point that connection. I intend to do the same, for as long as necessary to achieve the needed reform in the law.

When a criminal attacks a woman who carries a child, he claims two victims. I lost a daughter, but I also lost a grandson. Fortunately, California law allows a double homicide charge in such a case – but if Laci and Conner been killed in a federal jurisdiction, or during commission of a federal crime of violence, Conner's death would not be recognized or charged. Now that so many people are becoming aware of this defect in federal law, I hope that the Congress will move swiftly to approve the Unborn Victims of Violence Act. I was heartened to read the White House statement of April 25, stating, "The President does believe that when an unborn child is injured or killed during the commission of a crime of violence, the law should recognize what most people immediately recognize, and that is that such a crime has two victims."

Over the last several weeks I have heard the arguments of opponents of Laci and Conner's Law, but they seem to me to miss the point. In the first place, they should stop trying to turn this into the abortion issue. California's unborn victim law has been the books since 1970 and it does not affect the availability of legal abortion, nor have any of the similar laws in effect in more than half the states. The Unborn Victims of Violence Act explicitly says that it does not apply to abortion, or to any acts of the mother herself. Having said that, I have no difficulty understanding that any legislator or group opposed to abortion logically would also support this

bill to protect the lives of unborn children like Conner from violent criminal actions, and I welcome their support. What I find difficult to understand is why groups and legislators who champion the pro-choice cause are blind to the fact that these two-victim crimes are the ultimate violation of choice.

I have looked very carefully at the "substitute" legislation proposed by the opponents of Laci and Conner's Law, which they call "The Motherhood Protection Act," proposed in the House of Representatives by Congresswoman Zoe Lofgren. This proposal would provide that if the victim of a federal crime happens to be a pregnant woman, and the crime somehow disrupts her pregnancy, a harsher sentence would be assessed than otherwise. But the Lofgren proposal would enshrine in law the offensive concept that such crimes have only a single victim – the pregnant woman. This would be a step in the wrong direction.

I hope that every legislator will clearly understand that adoption of such a single-victim amendment would be a painful blow to those, like me, who are left alive after a two-victim crime, because Congress would be saying that Conner and other innocent unborn victims like him are not really victims – indeed, that they never really existed at all. But our grandson did live. He had a name, he was loved, and his life was violently taken from him before he ever saw the sun. .

The application of a single-victim law, such as the Zofgren amendment, would be even more offensive in the many cases that involved mothers who themselves survive criminal attacks, but who lose their babies in those crimes. I don't understand how any legislator can vote to force prosecutors to tell such a grieving mother that she didn't really lose a baby – when she knows to the depths of her soul that she did. A legislator who votes for the single-victim amendment, however well motivated, votes to add injury to injury.

The advocates of the single-victim amendment seem to think that the only thing that matters is how severe a sentence can be meted out – but they are wrong. It matters even more that the true nature of the crime be recognized, so that the punishment – which should indeed be severe – will fit the true nature of the crime. This is a question not only of severity, but of justice. The single-victim proposal would be a step away from justice, not toward it. For example, if Congresswoman Lofgren's legal philosophy was currently the law in California, there would be no second homicide charge for the murder of Conner.

I know that most crimes of violence are not addressed by federal law, and so I hope that every state that does not have an unborn victim law will enact one, so that no surviving mother, grandmother, or other family member is ever again told, "We're sorry, but in the eyes of the law, there is no dead baby." Again, thank you for all that you are doing to bring about that day.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Rocha". The signature is written in dark ink on a white background.