

Tim Jeffries
Scottsdale, Arizona

Witness Panel IV scheduled for Thursday, July 16, 2009
Opposition to Judge Sotomayor's Nomination to the U.S. Supreme Court
Personal Testimony to the United States Senate Judiciary Committee

Honorable Chairman and Esteemed Members of the Senate Judiciary Committee,

My name is Tim Jeffries. I live in Scottsdale, Arizona with my wonderful wife and youngest daughter. I appreciate the humbling invitation to provide my personal testimony in opposition to the Honorable Judge Sotomayor's appointment to the U.S. Supreme Court. The views I express here today are my own and not the views of any organization I may reference.

By way of introduction, I come from a blue-collar family of plumbers, truck drivers, police officers and military veterans. My father's grandfather served in the Union Army during the Civil War and later rode for the Pony Express. My mother's grandparents emigrated from Portugal to America in the early 1900's with no money in their pockets and no English in their vocabularies. I earned an undergraduate degree from Santa Clara University, and an MBA from Duke University. In addition to my various business endeavors, I serve on several noble, non-profit boards, e.g. Parents of Murdered Children (POMC), the National Organization for Victims Assistance (NOVA), and the Arizona Voice for Crime Victims.

Similar to thousands of other simple, hard-working Americans, my involvement in the crime victims' support movement was borne from unimaginable tragedy. On November 3, 1981, my beloved older brother, Michael, was kidnapped, beaten, tortured and murdered by a transient gang of street criminals in Colorado Springs, Colorado. The two murderers stabbed my dear, defenseless brother 65 times, and ultimately killed Michael by slashing his throat and crushing his skull with the heel of a remorseless, blood-soaked boot.

Based on Federal Crime Statistics, approximately 17,000 people are murdered every year in America. On average, someone is murdered every 31 minutes, and more people are murdered every 10 weeks in America than were brutally and horribly murdered on September 11, 2001.

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Tragically, approximately 115,000 people have been murdered in America since September 11th. This gut-wrenching level of murder in America exceeds the approx. population of Santa Clara, California, or Gresham, Oregon, or Peoria, Illinois, or Allentown, Pennsylvania.

Further compounding this epic national crisis, other violent crimes are committed at an appalling rate in America. Based on the "Crime Clock" produced by the Office for Victims of Crime (OVC) in the U.S. Department of Justice, someone is raped every 1.9 minutes in America. Someone is subjected to aggravated assault every 36.9 seconds in America. And, an instance of child abuse or neglect is reported every 34.9 seconds in America.

Making matters worse, this breathtaking spectrum of heinous violence in America does not receive the consistent political action it warrants and the constant media focus it deserves. The true horror and verifiable existence of evil in our country are often minimized, if not trivialized, with well-intentioned yet sadly misguided equivocations about the troubled lives of guilty criminals and their various personal circumstances. Unfortunately, based on public statements, Judge Sotomayor has repeatedly offered misplaced sympathy for criminals despite the fact that justice exists to protect the innocent and punish the guilty.

On April 20, 1999, at the Columbia Law School Public Service Dinner, Judge Sotomayor stated, "It is all too easy as a prosecutor to feel the pain and suffering of victims and to forget that defendants, despite whatever illegal act they have committed, however despicable their acts may have been, the defendants are human beings who have families and people who care for and love them."

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On January 17, 1995, upon receiving the Hogan-Morgenthau Award, Judge Sotomayor stated, "...the end result of legal process is to find a winner. However, for every winner there is a loser, and often the loser is himself or herself a victim of the ills of our society."

On July 12, 1993, at the Federal sentencing hearing for a convicted cocaine dealer, Judge Sotomayor apologized to the cocaine dealer for having to send him to Federal prison. She stated the mandatory five year sentence was "a great tragedy for our country." She also stated she hoped the cocaine dealer "will appreciate that we all understand that you were...a victim of the economic necessities of our society, but unfortunately there are laws I must impose."

In a memorandum dated March 24, 1981, Judge Sotomayor and two colleagues from the Puerto Rican Legal Defense and Education Fund (PRLDEF) strongly opposed "the restoration of the Death Penalty in the State of New York," and concluded that the death penalty for murderers "creates inhuman psychological burdens for the offender and his/her family."

Having viewed the autopsy photos of my massacred brother and heard the heart-breaking stories of thousands of victims and survivors of violent crimes in America, I believe Judge Sotomayor's sympathy for criminals at the expense of the "burdens" carried by crime victims is unworthy of our nation's highest court where public safety and protection of the innocent should be paramount. This is particularly important because the most horrific crimes in America disproportionately impact the poor, disadvantaged and defenseless. These are the very innocent people who actually need government's protection, support, and clear-minded distinction between innocent and guilty, right and wrong, good and evil.

Sadly, the U.S. Supreme Court is one public institution that has often undermined, rather than aided, the effort to control violent crime in America. At times, animated by a misguided

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sympathy for criminals and their troubled lives, the Supreme Court has fashioned legal technicalities that have often undermined the prosecution of violent criminals. In essence, the Supreme Court has waged a legal war of attrition against the death penalty, creating new rules that generate endless appeals and place too much emphasis on the convicted murderer's background rather than the heinous crime of which the killer has been convicted.

Amazingly, a high number of the U.S. Supreme Court's recent decisions in favor of law enforcement and public safety have been decided by only a 5 to 4 vote. For example, in 2002, the Supreme Court upheld the State of California's "Three Strikes Law" by a mere 5 to 4 vote. In recent years, the majority of the Supreme Court cases upholding a death sentence have also been decided by a slim 5 to 4 margin. With the change in one vote, it is quite possible the Supreme Court could make it virtually impossible to enforce the death penalty for even the most brutal and villainous murders. The Supreme Court could prevent the great states in our union from locking up repeat felony offenders, and allow an array of violent criminals to walk free on mind-numbing legal technicalities. Without a doubt, every vote on the Supreme Court counts.

Whereas Judge Sotomayor's biography is admirable and compelling, I am troubled she has regularly offered well-intentioned yet misguided sympathy to criminals without notable deference to the pain, suffering and "burdens" of crime victims. I believe Judge Sotomayor's public statements regarding the sympathetic treatment of criminals show where her true empathy resides and should disqualify her from further consideration for our nation's highest court.

I can assure you countless simple, hardworking Americans such as me are tired of the partisan acrimony on regular display in our nation's capitol. Support for public safety and crime victims should be compelling non-partisan issues in our country. Despite the pressures you must

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confront during your deliberations, I believe these personal observations based on the Judge Sotomayor's public statements should serve as contributing and motivating factors for your non-partisan vote in opposition to her appointment to the U.S. Supreme Court.

Based on Federal Crime Statistics, approx. 50 people will be murdered in America today. 760 people will be raped in America today. 2,340 people will be subjected to aggravated assault in America today. 2,480 instances of child abuse or neglect will be reported in America today. I beseech you to recognize these are not simply statistics. These are victims of violent crimes with "burdens" they will carry for the rest of their lives. These are the innocent people worthy of our empathy. These are the people who cry for justice to protect the innocent and punish the guilty.

In closing, when I informed my wonderful mother her first-born child, our dear Michael, had been brutally and horribly murdered she cried from a place a man simply does not possess. I offer this personal testimony in thanksgiving for the gentle, loving strength she has provided me despite the enormous "burdens" she continues to carry. In addition, I humbly request you say a prayer for my mother on Tuesday, July 21, 2009, when we will attend yet another parole hearing for one of my brother's murderers at the Sterling Correctional Facility in Sterling, Colorado.

God bless you. God bless Judge Sotomayor. And, God bless America.

I would be honored to answer any questions you have at this time.