

## VICTIM IMPACT STATEMENT

Eight months after my first wife, Elaine Myers, was killed by a drunken driver, Susana Cooper, I wrote the following *Victim Impact Statement* to help the sentencing judge understand what was at stake in Elaine's death. I used writing to the judge as an opportunity to organize and sum up my own feelings and observations, and doing so helped me process my feelings and work productively with them. I provided it to Ms. Cooper, to read in preparation for our mediation session, and then I read it to her during the mediation. This is discussed further in *Journey of Healing*.

Today, more than eight years later, I look through the statement and find that it reads true to my subsequent experience, with several significant exceptions. I will discuss those after the *Victim Impact Statement*.

The Honorable Joel Penoyar  
 Judge of the Superior Court  
 Wahkiakum County Courthouse  
 Cathlamet, Washington  
 6 January 1994

re: Death of Elaine Myers—State of Washington vs. S. Cooper  
 Victim Impact Statement

Dear Judge Penoyar:

I am the husband of Elaine Serrell Myers. Elaine's death is a domineering condition of my life, having several major effects.

First is sheer horror. I spent thirty-two years learning to be more sensitive to Elaine's thoughts and feelings, more supportive of her dreams and works, to know and care as if I were partly inside her skin. But today such empathy takes me to the horror of her destruction. Elaine was so eager for life, and yet today when I look into her eyes in a photo or in my heart, into that window to the soul, where I once found communion I now see the senseless destruction of her life efforts and dreams and I feel a nauseating anguish to the core of my being.

I am gradually practicing remembering Elaine for her life and for her many gifts of love to me instead of for her death, and that is a long and difficult task.

### ELAINE'S OWN LOSSES

Before I describe more of my losses, I will speak, as well as I can, for Elaine herself, for what she lost. Very plainly, Elaine lost half her life. She was in superb health. The autopsy examiner said she had the circulatory system of a twelve year old. She came from a long lived family with no cancer history. She adopted a high vegetable, low meat diet way back in her twenties. She had an excellent chance of living into her late eighties or nineties. Instead, half of that was taken away from her—the better half, as her wisdom and power would have increased.

What kind of a life did Elaine Serrell Myers live? She had an extraordinary and well trained mind, receiving mainly 'A' grades all the way through school— at Santa Monica High School, Pembroke College of Brown University, Antioch College, culminating in an A.B. degree from the University of California at Berkeley (1967) followed by a year there of graduate work in demography. Elaine wanted more than schooling, so she chose to move out into the countryside, where she could live in intimate association with a garden, the surrounding woods, and a small friendly community.

Elaine lived passionately, eager for life, experiencing everything—both the good and the bad—very intensely. She lived with ambition to do things better and better and better. She talked with people about the real, deep issues of how they lived their lives, how they communicated, what was worth spending their time on—she left them reevaluating and adjusting their lives. In her own life she tried to integrate intellectual values, emotional openness and expression. When facing conflict, she tried to resolve it by asking "What is the loving response?"

When we moved to Rosburg in 1970, Elaine began a business making hand-thrown stoneware pottery. Her goal, besides making a living, was to provide beautiful and highly functional kitchen and tableware for people's homes. She continued pottery production for seventeen years, until health effects of the process forced her to cut back to just experimental work. The Lower Columbia College Art Gallery held a twenty-five year retrospective exhibit (including pieces from Berkeley before she went into business) and she taught pottery there briefly.

In 1982 and 1983 Elaine traveled to Japan, and found a special kind of fastener being used to hold plastic sheeting on a hoop framework to make movable greenhouses. When she quit pottery she turned to this greenhouse system as her next business. She adapted the system to U.S. gardens. Elaine found a Japanese source for her product, wrote promotional material, found wholesale customers, sold well at major retail garden shows, and obtained a federal registered trademark

6 January 1994

without hiring a lawyer. She was arranging domestic manufacture of her product to lower the cost. The business was growing well and making its first jobs for the community—she was killed on the way home from a class on payroll taxes. Elaine lost the opportunity to see her Garden Clips business through and enjoy the fruits of her labors.

Elaine felt a mission to transform gardening activities and attitudes, to make them more “whole system” oriented, to base them on cooperation and love instead of violence. She practiced and developed her ideas in her own productive garden, as a volunteer broadcaster for KMUN radio, with the Cowlitz-Wahkiakum Master Gardeners, in friends gardens she visited, and in publications. She was constantly experimenting and measuring in her own garden—I could hardly keep a thermometer in my photo darkroom because they kept ending up in compost piles, garden bed covers, and jugs of heat-collecting water. She urged people to read what was already known and then to observe and understand the interactions occurring in their own gardens. Elaine was writing a book. The opportunity to finish that book, and live the satisfactions of such an accomplishment are denied to her by her death.

Elaine worked her heart out to establish a good marriage. I may have been good raw material—but I sure didn’t know much about how to love and care for another person, or how to communicate and understand feelings and to resolve conflicts. Much of her life energy went into our learning how to have a close, supportive marriage. Elaine lost decades of enjoying that love she worked so hard to build.

The foregoing losses refer just to life that Elaine was already in the middle of living. Let’s also look ahead and see what we could have reasonably expected:

Elaine lost the decade of her fifties. She lost the chance to follow through on her business, book, and garden projects, to work another decade after their successes.

Elaine lost the decade of her sixties, years of full physical and mental vigor and increasing wisdom. I will not speculate what her projects would have been—she might well have come up with something new again—remember this is a woman who had spent twenty years making elegant stoneware pottery before she took up the gardening business and book writing projects.

Elaine lost the decade of her seventies, she lost the chance to have a long perspective looking back on a life’s work and on the changing world around her—and then go at it again, and write or talk or garden or whatever, incorporating the discoveries of that long history.

Elaine lost the decade of her eighties, the chance to be an elder, to carry knowledge as far as it would go and to tell the truth.

I can neither understand nor accept such cruelty to Elaine as killing her and depriving her of these decades.

## WHAT THE COMMUNITY LOST

Many community projects will miss Elaine’s contributions. Here is a list of her recent activities:

- KMUN Community Radio, Astoria—broadcasting and fund raising.
- Grays River Country Store of the Grange—organizing, was slated to be a Board Member.
- Covered Bridge Festival—volunteer work.
- Friends of Skamokawa’s Salmon Bake—Elaine was “garbage girl,” in charge of recycling and worm-composting the garbage.
- Master Gardeners and Master Composter-Recyclers, of Cooperative Extension—Elaine set up demonstration gardens and taught workshops.
- PUD related citizens groups—Elaine worked to find and negotiate policies acceptable to the community and the PUD.

In addition to volunteering in the local area, Elaine reached a larger audience through national publications: In Context, The Utne Reader, Organic Gardening, Fine Gardening, and Permaculture Activist. She gave 5 or 10 mainstream commercial AM radio interviews around the country including speaking to over a million listeners in the Los Angeles area during morning rush hour.

Another way to measure the Community’s sense of loss is the public memorials for Elaine—

- KMUN radio dedicated all day May 12th to Elaine, with most programs commenting on her.
- The 1993 Wahkiakum County Fair book was dedicated to Elaine, including a cover photograph.
- A permanent demonstration garden at the Wahkiakum County Fairgrounds was dedicated to Elaine.

Many people are individually affected by losing Elaine: The sympathy cards I received frequently used the words “devastated” and “shocked.” After her death dozens of people told me that Elaine was the person who drew them out to talk about the deepest questions in their lives— “what kind of life do I want to live?” “How does it affect everybody else?” “What strategies can I use to do it?” “What meaning can I find in it?”

6 January 1994

## MY LOSSES

My fondest goal was to live out my life with one woman. And that woman was Elaine. Elaine was my high school sweetheart. I got a crush on her when I met her in an eleventh grade math class. I took her to the Senior Prom and to Grad Night in 1963. Almost three years later we married. I have been in love with her for two thirds of my life and never lost that first sense of being in love—the pure astonished joy of holding her close, of seeing her pretty face, hearing her voice, touching her skin, lying all night next to her.

She was my fabulous ally on the journey through life. We shared figuring out better ways to be—figuring out what was working and what was causing troubles, inventing better thought patterns and actions, practicing them until they became habits. We were always looking for ways to share more—experiences, feelings, bodies. Through twenty-seven years of marriage we had our share of difficulties—and we had learned to use hard times to engage each other more closely—to heal and support each other.

The hole in my life is indescribable—every cell in my body, every thought and feeling considers Elaine's presence in my life. Now I have to reinvent everything and practice endlessly until I become a different person.

Elaine and I were business partners, too. Her Garden Clips business was a significant part of our household income. She used me as a sounding board for her management decisions and as an assistant during the heaviest work periods. She brought in very useful profit. And her efforts and mine were woven together in a mutually supportive fabric: While I did business accounting and income taxes she would cook and clean up. Then I'd cook and clean up while she did an urgent manufacturing run and packaging job to fulfill a big order. When I drove into Longview for a day of teaching photography at Lower Columbia College, Elaine would often come along and do business errands in Longview or Portland, and then after I finished my night class we would take turns driving and napping so we could get home safely. She would help me frame and ship a photography exhibit or prepare for an out of town commercial shoot, and I would help her mount sales photos and text at midnight and package inventory and help her sell retail at the five day Northwest Flower and Garden Show in Seattle. Now all that cooperation is gone—I am on my own.

Elaine and I together earned enough to meet our expenses and gradually improve our situation, but this last year since her death I have been unable to. I have been able to keep the Garden Clips business going, but we have lost a year's momentum in our growth, and though my business skills were a good supplement to Elaine's creative passion, they were never supposed to be a replacement for her. I have had to hire out much of the Garden Clips work which Elaine used to do, sending the income outside of my household. I have even had to hire out some home cleaning and repair work which we used to do ourselves. Winter and spring are the busiest seasons for Garden Clips, and I have had to cancel my winter quarter courses at the college—and give up my salary for those courses—to have enough time to run the business. The overall result is that I have not been able to support myself since Elaine's death, but have had to rely on major gifts from my father and patience on a truck loan from Elaine's father. This is not comfortable for a 48 year old used to taking care of himself. I'm scrambling to make the necessary changes in my life, but they take a while to implement.

My household system is built around two people. It takes just as much time to cook and clean for one person as for two, but there are half as many hands to do it. I've given up on 99% of our beloved garden. I can cook well, but I no longer have an abundance of fresh produce picked just a few minutes before eating.

My life is still full of family and friendship, but I am without an intimate partner—I speak of physical, emotional, intellectual, and spiritual intimacy all together—and it will take years of work to build a replacement relationship.

What are my options for having the companionship of a woman? Maybe I can find a partner similar to Elaine, or maybe I can learn how to have a very different relationship, more complementary—some of our interests and backgrounds very different from each other. The first option means finding another partner who got 'A's in a graduate school such as Berkeley, who loves to garden and live in the country, who loves twentieth century classical chamber music, who can talk art and science, who can run a business, who is pretty and athletic, who believes in doing all this on a frugal budget, and on top of it who wants as much as anything on earth to be with me. That's what has been taken from me. The second option would provide me with some new growth challenges, opportunity for some very different kinds of experiences—and is fraught with risks—what new culture can I adapt to? What of my accustomed pleasures can I do with less of? How flexible am I about food, music, vocabulary, use of time, recreation, friends? Don't know. I don't even know how to go dating, and I live far enough from any woman I know of to ask out, that a few hour engagement costs me a whole day's time. Now that I need it, I don't even have the time and money any more. It seems very likely that I will have to move from my home to another city: My home area of Rosburg is very small, and I think there aren't any candidates here. And it would be a remarkable stroke of luck to find another woman who could come to my remote rural location and make a full, satisfying life. So I am looking at being uprooted from my home and community.

Since Elaine's death, I have yet to live a full day in satisfaction and comfort. Not one. I usually cry in the morning when I get up and find that the world really doesn't have Elaine in it anymore, she really was killed. I usually cry when I

6 January 1994

drive returning to my house, I won't be rejoining Elaine, I don't feel that I have a home anymore. Most of my quiet times are invaded by grief, so I'm not resting well. I am looking at a year or two in which Elaine's death dominates my feelings and the conditions of my practical life and work. And in the end, my world will never again be right. And I will always have to live knowing the horror of Elaine's death. Just try to say, about the person you care the most for, a soulmate, "Elaine was killed by a drunk driver." The shattering ugliness of that sentence does not change. Ever.

Sincerely yours, David Lee Myers

## ***LATER VIEWS ON LOSSES      OCTOBER 2001***

Here are thoughts about a few aspects of life that I didn't thoroughly express or, in some cases, even anticipate while writing my *Victim Impact Statement*. I write these in the late summer of 2001—eight and a half years later. In the meantime I've lived a full life—developing my photographic art career in several new directions, running the garden supply business Elaine founded, becoming proficient as a classical chamber musician, deepening friendship and family connections, exploring relationships with women through a mix of often sweet and sometimes awkward experiences—culminating with dating, courting, marrying my new wife, Alexandra. I've moved across the Columbia River to live with Alexandra and am now ready to sell my former home and the garden supply business. So, from that perspective, here's what I can think of now that I missed in 1994:

### **MY HOME, ROOTED IN THE LAND AND IN COMMUNITY**

In the long expanse of the human species it has been very common and perhaps most satisfying to live one's life rooted in one place, becoming exquisitely tuned in to the natural, agricultural, and community surroundings. In 1970 I planted myself in Eden Valley, near Rosburg, Washington. I grew roots there and in many ways matured as a man, blossomed, and ripened fruits there. I hoped to spend my life on that one piece of land, listening to the wind and the ravens in its trees, immersed in its weather, engaged to its community. The wet storms of the North Pacific which brought me ten feet of rain every year, the shifting waters and skies of the Columbia River—these recur in cycles that became timeless as I lived with them for decades. Even the heavily logged rainforest of the Willapa Hills nevertheless showed me the eternal cycles when I looked closely.

In Eden Valley, working side by side with Elaine raising gardens and at times chickens and goats, I experienced many little ecological lessons directly instead of just theoretically: The red-tailed hawk really did pick out and kill the very same chicken that I had identified as our weakest and next on my hatchet list. The northern end of a row of peas grew strongly on fertile soil we had built up for several years, while the southern end on newly gardened poor soil grew scrawny and then succumbed to aphids—which then moved to the previously healthy peas. We would have harvested more peas by planting only on the good soil! These lessons may emerge in a moment, but in a moment which can be well understood only in the context of a long engagement. What conditions led up to it? What followed? Were alternative scenarios also playing out?

In 1994 I did not understand well enough to express the consequences of having to let go of my home place. I understood from the beginning that I would have to remake the house twice, first so that it would be specifically my home rather than the home I shared with Elaine, and later, again, to make it into a home together with a new wife. I hoped that with enough life, ghosts of the past would recede. And I hoped that I would find someone with whom to continue my life in Eden Valley. But the next two or three years experience confirmed that the women I knew how to find, was interested in, and compatible with generally needed cities around them to have their own rich, full lives. I would have to choose whether I wanted a lifetime home place or a new wife. I have now chosen to be with Alexandra, in the city of Astoria where she has the choir singers, piano students, and church job that fulfill her life as a musician in way that never would be possible in Eden Valley. Fortunately Astoria is near enough to Eden Valley for me to have some continuity of friendships.

### **SPIRITUAL PRACTICE**

My personal spiritual practice is grounded on my intimacy with my home place in Eden Valley, and reaches out as best I can through all the world, all of human spirit, and beyond. I have not yet been able to create the necessary intimacy and privacy in another place—it's harder without a special place of seclusion in my daily life. Fortunately many aspects of my practice did move successfully to my new home, so I'm OK, but I do miss the completeness that I once had. I'll get there, I know.

## SHARED HISTORY

As of 1993, almost all of the experiences of my adulthood and late adolescence were shared with Elaine, primarily with her, as she was my best friend and business partner as well as wife. Many were useful, live reference points between us. Our interactions in the present carried meaning and momentum from all that past. Now with Elaine gone, those experiences are purely internal and personal. Sure, I can tell Alexandra, my new wife, about climbing Mt. Whitney, or my finest photographic exhibitions, or about the surprising victories and painful defeats of my thirteen year political career—but they remain just stories, the force and meaning are gone. And of course my understanding of Alexandra's previous life is equally vague and shallow.

## TERROR

Sometimes, when my new wife Alexandra is out of town for the day and going to be driving home in the evening, I feel an existential terror. Terror which interferes with concentration on work. Terror which is greater after a year of marriage than it was at the beginning. Perhaps this increase is understandable, as I have become closer and closer to Alexandra.

(As of 2009, this terror is a little diminished, but only a little.)

describing these losses I do not claim to be unique, for such losses are common to people. I have felt they are nonetheless well worth describing—being common does not make them any less true or important. I propose that the common losses due to our geographic and social mobility are under-noted. In my case I had foregone other, more conventional opportunities, seeking the unusual ones of living in Place. Of course I gained much in my thirty years on that project, and now with the opportunity to continue it gone, I will build something else, on a foundation of those experiences.