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OneFund: The Illusion of One Disaster

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Every day in this country, hundreds of people are victims of violence, and many are seriously injured or killed. Disaster funds are often created to compensate victims or their families for the injuries, property destruction, and/or death caused by traumatic incidents—not only after natural disasters such as Hurricane Katrina, but also after some horrific, well-publicized acts of violence perpetrated by people, such as the Boston Marathon bombing. Unfortunately, for most people injured or killed outside of such well known, specific circumstances, there is no easy or well funded avenue for compensation. There exist, then, two classes of victims, based upon the way they were injured or killed: in notorious events or lesser known incidents. This paper examines the creation of the OneFund after the Boston Marathon bombing as an example of how disaster funds work and offers alternatives that may serve all victims in an equitable manner.

After the tragedy of the Boston Marathon bombing on April 15, 2013, Boston Mayor Tom Menino and Massachusetts Governor Deval Patrick created the OneFund in order to provide victims and their families with financial compensation. The money was intended to offset expensive medical bills for the injured and to pay for funerals for those killed in the attack. The fund raised more than $60 million through contributions from both private individuals and companies (“Thank You” 2013). The next step was to distribute the collected funds.

Attorney Ken Feinburg was given the difficult task of distributing the donations in such a way as would be deemed fair. To accomplish the distribution, Feinburg established a triage system that prioritized recipients based on the severity of the casualties. The first strata of victims included the families of the four people who were killed, double amputees, and those afflicted with serious brain damage. The second grouping comprised of single amputees. Those who were hospitalized made up the third group. Finally, those who received only outpatient treatment were eligible for the lowest level of compensation (“Managing the $30 Million” 2013). This hierarchy within the fund allows those more gravely injured to receive greater amounts of monetary support. It does not differentiate between victims within the same grouping, which was intentional on Feinburg’s part (“Managing the $30 Million” 2013). For example, according to Feinburg, the families of both the young boy and the police officer who were killed would receive equal compensation, regardless of wage-earning status, because “when it comes to lost loved ones, all lives are equal” (“Managing the $30 Million” 2013). For the victims’ families, that decision establishes that all deaths are equally significant and equally tragic.

While Feinberg’s approach is perhaps the most fair and the most easily accepted by OneFund recipients, it potentially poses issues regarding the individual circumstances and needs of the victims and their families. Although it is indisputable that the lives of the boy and police officer are equally significant, it is also undeniable that the police officer’s family experienced a greater financial burden with the loss of a significant wage earner. The situation could easily be remedied if the board had taken the time to examine each individual’s situation and paid according to family need rather than distributing equal payments to all members of the same group. The difficulties with an individualized approach are that it would be much more time consuming and may result in complaints from those who would receive smaller payments. The individualized approach could be viewed as a signal that some lives are more significant than others, an error that Feinburg wished to avoid.

The OneFund also has the inherent limitation that it is for a specific disaster. While it addresses the fact that some of those physically injured endured much more than others and allows all victims to apply, the fund will only compensate those who were directly injured or whose family member was killed by the occurrences at the Boston Marathon. Other victims of violent crime in Boston and the surrounding area do not receive compensation simply because their circumstances did not have as high a profile. That fact—that families of those murdered during the marathon bombing will receive compensation while the families of murder victims in other parts of the city will not—ties into Noam Chomsky’s debate regarding victim worthiness.

Noam Chomsky, a noted social and political critic, described the differences between “worthy” and “unworthy” victims in Manufacturing Consent (Lendman 2007). “Worthy” victims are those who receive positive media attention and a sympathetic response from the public. They are usually white, affluent or middle class, and live in the suburbs. Conversely, “unworthy” victims are often ignored or even blamed by the media and the public. They are typically poor, part of a minority group, and live in inner cities (Lendman 2007). These two groups are compensated very differently for their victimization.
In circumstances regarding donation collection, victim worthiness comes into play. Funds are created for certain “worthy” tragedies, but not for others. The OneFund was created for the victims of the Boston bombing, not for victims of other crimes that occurred, even in the same city in the same week. The OneFund compensated the families of the three people who were killed in the blast and the police officer allegedly killed by the Tsarnaev brothers a few days later. Conversely, the family of Clifton Townsend, who was shot and killed two days following the Boston bombings, will not receive compensation (Roucheleau 2013). Townsend was a 22-year-old man with an infant daughter and many friends, according to the single, short article that marked his passing (Roucheleau 2013). He was found by the police with multiple gunshot wounds, his killer unknown (Roucheleau 2013). The situation surrounding Townsend’s death promotes a sense of the distinction between worthy and unworthy victims.

The worthy are those victims of the Boston bombings while Clifton Townsend is an unworthy victim. Internet searches return pages of information about the Boston bombings, demonstrating the media’s focus on “worthy victims.” Articles first detailed speculations about the situation. They were followed by exhaustive analysis of potential motives and continue currently with updates on the ongoing arraignment and trial of Dzhokhar Tsarnaev.

In contrast, the murder of Clifton Townsend occasioned only a single statement on a Boston website chronicling crimes in the city and a few sentences on a funeral home website. No details or speculations were raised regarding the identity of his unknown killer. Stories of his personality, childhood, or the family he left behind were not recounted. This is a gross oversight. As Ken Feinburg of the Boston OneFund stressed, “when it comes to lost loved ones, all lives are equal” (“Managing the $30 Million” 2013). Townsend’s family, however, will not receive compensation for their loss or funds to assist in the burial. Instead, they are ignored by a public that never heard their story. They are the quintessential unworthy victims.

The story of Clifton Townsend raises important issues regarding the welfare and equality of all victims. Although his murder is just as tragic and as devastating to his family as those of the Boston bombing, as well as other, more highly publicized murders, because of his status as an unworthy victim he has not been elevated to heroics. Worthy victims become instant celebrities with well publicized pictures. Their life stories are broadcast from multiple news stations in order to generate public sympathy and encourage donations.

In this way, the community shares in the victimization of the crime and pulls together to address the cause. The victims are joined by the community in their effort to recover and move forward. Foundations are started to assist future victims, and families and lawmakers lobby for legislation in order to prevent further victimization.

Another common example of “worthy” and “unworthy” victimhood is in cases of child molestation and other violence against children. White, upper- and middle-class child victims are the focus of media attention and resulting legislative action, while crimes against low-income children of color rarely make headlines. Seven-year-old Megan Kanka was such a worthy victim that legislation was passed and a foundation was created in her name. Following Megan Kanka’s rape and murder, Megan’s Law was signed into law in 1994 in New Jersey. The legislation was promoted by her parents who gained the necessary signatures to bring the law to a vote. The entire community rallied around Megan’s cause, and their actions helped to ensure that other children would be better protected. Megan’s parents also founded the Megan Nicole Kanka Foundation to lobby for a federal version of Megan’s Law, which was passed in 1996 (“Megan’s Law” n. d.). The circumstances of Megan Kanka’s life and death were highly publicized and she became a poster child for the need to change legislation. Her parents became advocates for the cause and both founded a group to assist future victims; they were instrumental in forcing new legislation to address the issue of child sexual abuse. Unfortunately, this happens in only a small subset of cases in which the victim is denoted as worthy by the media. Only when the case becomes highly publicized does the entire community come together to support the victim’s family and enact change.

After Clinton Townsend’s murder, no foundation was created, no new legislation was created, and no media publicity was provided. There is substantial inequality in the way victims of crime are perceived first in the media and consequently in public opinion. If Townsend had been regarded as a worthy victim by the media and had his story broadcast, perhaps his killer would have been found and brought to justice. Ken Feinburg’s statement about the worthiness of all victims should apply in all criminal situations to reflect the equal worth of all human beings.

The Victims of Crime Act (VOCA) is one imperfect, and little known, solution that already exists. Established in 1984 to provide victims with compensation for medical expenses, mental health counseling, burial and funeral costs, as well as loss of wages and support (“Victims of Crime Act” 1999), the fund seeks to provide a broader base of victims with assistance and
compensation. To apply for assistance, victims must report the crime to law enforcement within three days and file a request for compensation within three years (“Victims of Crime Act” 1999). Unlike the OneFund, it does not make designated payments to all victims in a similar grouping. Instead, it takes into account private insurance coverage and seeks to pay only what insurance will not cover. In this way, VOCA funding is individualized and personalized in ways that the OneFund is not. It is also need-based, ensuring that victims do not profit from their misfortune, but are instead compensated for their loss.

Because of its application requirements and limited financial resources, VOCA funding is not the final solution to the problem. As mentioned earlier, in order to apply for aid, a victim must report the crime to the authorities within three days of the offense (“Victims of Crime Act Crime Victims' Fund” 1999). This may make sense because it allows the VOCA committee to validate the occurrence of the crime but it excludes victims of frequently underreported crimes such as sexual assault, domestic violence, and child abuse. Such victims may be still able to seek help from other organizations, but they will not be eligible to receive financial compensation.

The application process requires the use of a computer to download the appropriate forms, requiring some technological knowledge as well as computer and internet access. While it may be argued that computer access is available at public libraries, the fact still stands that many will be unprepared to navigate the complicated site and locate the appropriate forms. In this way, the VOCA compensation still favors better educated, wealthier victims and is less likely to aid the poor victims who desperately need help.

Finally, as with all funds, VOCA has limited financial resources and cannot adequately compensate every crime victim. Recent changes now allow donations by private individuals to supplement the money received from criminal fines, forfeited bail, penalties, and assessments made by the U. S. Attorneys’ offices, the U. S. Federal Courts, and the Federal Bureau of Prisons (“The Crime Victims’ Fund” 2010). This expanded financial pool has aided in the growth of resources available, but still does not provide compensation for every victim. Although not perfect, VOCA funding demonstrates a positive step in recognizing the equality of all crime victims.

While the Boston OneFund and other specific disaster funds are formed with the best intentions and seek to restore the victims of a given crisis, they fail to address those affected by other, lesser known tragedies. These special compensation funds, alongside media portrayals, create and promote versions of “worthy” and “unworthy” victims. Worthy victims receive publicity and assistance while unworthy victims are largely ignored. In effect, a special fund creates the illusion that there is only one tragedy.

In direct contrast to these well intentioned but flawed disaster funds stand programs such as the Victims of Crime Act funding, which provides a wider range of compensation to many victims of all crimes. While not perfect because of application requirements and resource limitations, VOCA recognizes both the equal worthiness of victims of varying crimes as well as individual financial circumstances. This allows VOCA to distribute funds according to need and severity of injury rather than happenstance.

In looking for an answer to the question of the effectiveness and equality of disaster programs, it would be much more beneficial to all victims for individual disaster funds to cease collecting for specific disasters. The public and the fundraisers could then combine efforts with VOCA, by campaigning to raise money for specific disaster victims and others who have suffered similar effects, and donate the money to VOCA for distribution. This compromise would improve publicity and funding for VOCA while enabling individual victims and their families to continue their empowering lobbying for their cause. It might also encourage Feinburg and others involved in specific disaster funds to channel their efforts into helping all victims. VOCA and similar funds would end the discrimination inherent in special disaster funds and the limited funding that VOCA suffers. In the end, we could abolish the perception of certain victims as unworthy and focus in a unified effort on the prevention of future tragedies.

References


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Sarah McGuire wrote this piece for Dr. Richard Wright’s (Criminal Justice) Honors Introduction to Criminal Justice course.