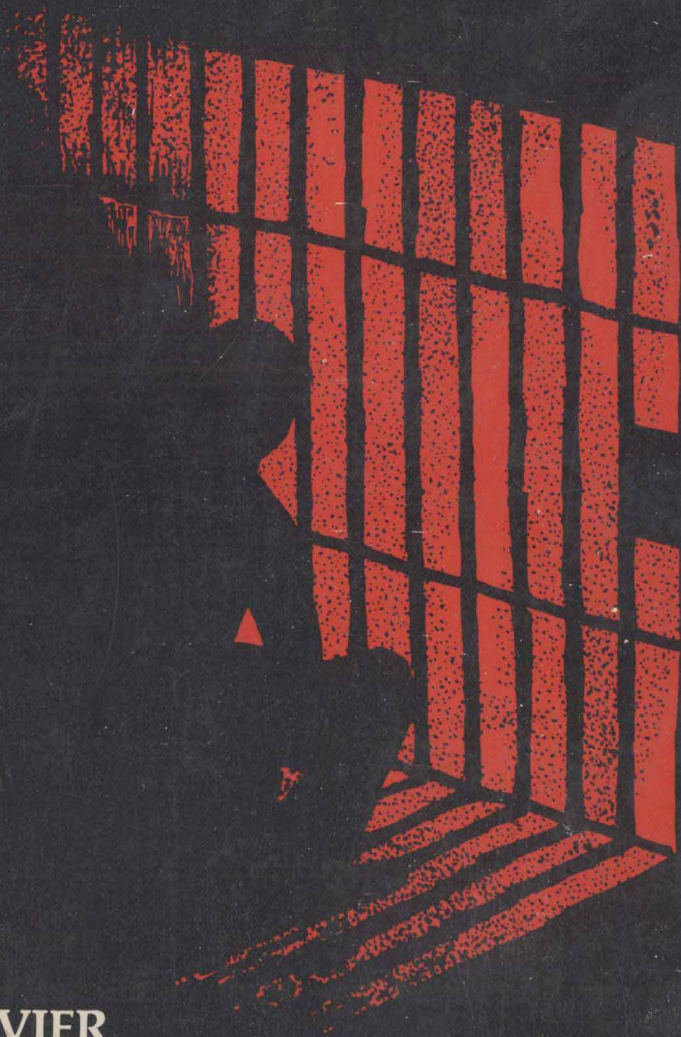


# CONDEMNED TO DIE

Life Under Sentence of Death

ROBERT JOHNSON



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## **Condemned to Die**

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# Condemned to Die

Life Under Sentence of Death

Robert Johnson

*School of Justice*

*The American University*



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This book is dedicated equally to wife, mentor, and friend:  
to Deirdra McLaughlin Johnson, my most devoted reader;  
to Hans Toch, whose humanism is reflected in these pages;  
and to John L. Carroll, whose faith in me made this book possible.

## Preface



Most Americans today favor capital punishment. The reasons vary, but many proponents of the death penalty believe that executions prevent murder. Capital punishment, for them, is a painful but necessary antidote to homicide. Simple vengeance is enough for others, who insist that killers should suffer at least as much as their victims. A few adopt

the pose of the cool, detached pragmatist. They contend that the death penalty pays its own way by eliminating the most hardened and unrepentant offenders. These dead men, however dangerous in life, commit no more crimes.

Whatever the real or imagined merits of capital punishment, no rationale for the death penalty demands warehousing of prisoners under sentence of death. The punishment is death. There is neither a mandate nor a justification for inhumane confinement prior to imposition of sentence. Yet warehousing for death may be the universal fate of condemned prisoners. The enormous suffering caused by this human warehousing is the subject of this book. The personal impact of death row confinement—the powerlessness, fear, apathy, and decay—is conveyed in the words of the prisoners themselves. It is the hope and faith of these men and the author that a rendering of the human costs of death row confinement will provide a new perspective on capital punishment and thus contribute to the work of reform.

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No research project of substance is ever really a single-handed venture. Essential administrative services and support were provided by Dean Robert Cleary and Associate Dean Richard Apperson of The American University College of Public and International Affairs, and by Dean Richard A. Myren and Associate Dean Jenny McGough of The American University School of Justice. I also received much support and constructive criticism from my professional colleagues, most notably Hans Toch, who reviewed the entire manuscript with insight and flair; Jeffrey H. Reiman, who helped me explore the moral issues raised by this research; Ronald I. Weiner and John J. Gibbs, who provided insights on the clinical and social dimensions of violence; and James J. Fyfe, who played a friendly devil's advocate.

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The raw materials of the research—the verbatim interviews with death row prisoners—were transcribed with painstaking care by Jane Huntington, a graduate of our master's program, and Pamela Marks, a student in our undergraduate program. Valuable background research was conducted by Debra Sue Kelley. I also wish to recognize the superb clerical support provided by Anne Critzer (who doubled admirably as an interview transcriber), and Joanne Flynn, both staff members of the School of Justice. Finally, my thanks to Bill Gum and Louise Calabro Schreiber, my editors at Elsevier.

Every book owes a special debt to persons who selflessly nurture it from incipency through completion. This book has three such persons: Christine Cormier, my talented and resourceful junior research associate; Pamela Marks, my indefatigable research assistant; and Deirdra McLaughlin Johnson, who deserves special thanks for her continued enthusiasm for the manuscript (in its various drafts) and for her patience with the author.



## **Condemned to Die**

# Contents

<b>Preface</b>	<b>ix</b>
<b>Acknowledgments</b>	<b>xi</b>
<b>PART I</b>	
<b>THE DEATH SENTENCE AND THE CONDEMNED</b>	<b>1</b>
<b>1</b>	
<b>Man Against Himself: Studying the Human Dimensions of Capital Punishment</b>	<b>3</b>
<b>2</b>	
<b>Pathways to Death Row</b>	<b>22</b>
<b>PART II</b>	
<b>THE EXPERIENCE OF DEATH ROW CONFINEMENT</b>	<b>41</b>
<b>3</b>	
<b>Roots of Powerlessness</b>	<b>43</b>
<b>4</b>	
<b>Death Work and the Crucible of Fear</b>	<b>64</b>
<b>5</b>	
<b>Contemplating Execution</b>	<b>80</b>

---

<b>6</b>	
<b>A Living Death</b>	<b>99</b>
<b>PART III</b>	
<b>REFORM</b>	<b>119</b>
<b>7</b>	
<b>Capital Punishment: The View from Death Row</b>	<b>121</b>
<b>APPENDIX</b>	
<b>Autopsies of Stress and Suffering on Death Row</b>	<b>147</b>
<b>References</b>	<b>183</b>
<b>Index</b>	<b>187</b>

# THE DEATH SENTENCE AND THE CONDEMNED

## I

Only the ritual of an execution makes it possible to endure. Without it, the condemned could not give the expected measure of cooperation to the etiquette of dying. Without it, we who must preside at their deaths could not face the morning of each new execution day.

Nor could you.

No matter how you think you feel about capital punishment, no matter how you imagine you would face the legal giving or taking of life, you would meet the reality of it by holding tightly to the crutch of ritual.

Byron Eshelmann  
*Former Death Row Chaplain,  
San Quentin Prison*

Power, Simone Weil observed, is the capacity to transform a living person into a corpse—that is, into a thing. Through our laws and our electric chairs, we are taking upon ourselves that power. But even if we do so, we cannot forget that as long as they are alive, these condemned men are human. It would be nice if we could get rid of evil by defining it out of the human species, declaring that anyone who does these horrible things is not human. But it will not work. The capacity of man to do evil, no less than good, is what defines us as human.

Stephen Gettinger  
*Sentenced to Die*

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## Man Against Himself: Studying the Human Dimensions of Capital Punishment



Some 700 prisoners currently live under sentence of death in the United States.<sup>1</sup> This figure, though impressive, is deceptively low. The Supreme Court invalidated capital punishment laws in several states during the last decade, releasing over 900 prisoners from various death rows across the nation. With strong public support, legislators in many

states responded by passing new capital punishment statutes and reopening their death houses.<sup>2</sup> The executions of Gary Gilmore, John Spenkelink, Jesse Bishop, and Steven Judy represent the fruits of these labors. Capital punishment is once again an active feature of American justice.

There has been renewed interest in a range of questions about capital punishment. The stress and suffering of persons relegated to death row, however, has not been a major concern in this context. It is difficult to find systematic descriptions of the death row experience. For the same reason, the impact or consequences of death row confinement remain unexplored. The experience of death row confinement has not figured prominently in legal considerations of the capital sanction or in the correctional management of the death row inmate. The courts and legislatures have been primarily concerned with fairness and impartiality in the use of death sentences.<sup>3</sup> Prison officials, for their part, have been

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constrained to implement custody and participate in the ritual of execution.<sup>4</sup>

Capital punishment, however, does not only involve handing down sentences and then carrying them out. Death row confinement occurs during the legal appeals process, which often lasts for years. This period of confinement is a critical time in the lives of condemned men. Information concerning the impact of this experience is relevant to persons involved in writing and implementing capital sentences, as well as to the general public. Legislators, judges, and jurors must fully understand the consequences of their decisions regarding the capital sanction. Correctional managers need such information because they must take responsibility for the care and handling of condemned men. The general public, which repeatedly expresses strong feelings on the death penalty and whose views influence policy, may also benefit from a more complete description of the capital punishment process.

### **DEATH ROW CONFINEMENT: BACKGROUND**

Death row is barren and uninviting. The death row inmate must contend with a segregated environment marked by immobility, reduced stimulation, and the prospect of harassment by staff.<sup>5</sup> There is also the risk that visits from loved ones will become increasingly rare, for the man who is "civilly dead" is often abandoned by the living.<sup>6</sup> The condemned prisoner's ordeal is usually a lonely one and must be met largely through his own resources. The uncertainties of his case—pending appeals, unanswered bids for commutation, possible changes in the law—may aggravate adjustment problems. A continuing and pressing concern is whether one will join the substantial minority who obtain a reprieve or will be counted among the to-be-dead.<sup>7</sup> Uncertainty may make the dilemma of the death row inmate more complicated than simply choosing between maintaining hope or surrendering to despair. The condemned can afford neither alternative, but must nurture both a desire to live and an acceptance of imminent death. As revealed in the suffering of terminally ill patients, this is an extremely difficult task, one in which resources afforded by family or those within the institutional context may prove critical to the person's adjustment. The death row inmate must achieve equilibrium with few coping supports. In the process, he must somehow maintain his dignity and integrity.

Few manmade environments offer stress surpassing that pro-

duced by confinement under sentence of death. French penal colonies would qualify. Geographically and culturally far removed from the civilian life of their captives, the radical transition from free world to penal colony proved too much for some prisoners, who died at the outset of their confinement. For others, extended terms in the penal colony were tantamount to a death sentence exacted in grueling labor.<sup>8</sup> Russian forced labor camps, too, have been said to comprise a world wholly apart from regular civilian life, an extended "archipelago" in which injury and death from exhaustion, exposure, or physical abuse are regular events.<sup>9</sup> Prisoner-of-War camps have been notoriously harsh settings. The high mortality rates in some Japanese POW camps during World War II, for example, stand as monuments to brutality.<sup>10</sup> Nazi death camps, of course, have no parallel in the technology of human destruction.<sup>11</sup>

Yet even in some of the worst confinement settings, the term of incarceration was generally limited and could be endured with the aid of luck, work, and companionship. Penal colonies, labor camps, and POW camps sometimes left room, occasionally substantial room, for hope. Confinement did not inevitably close off the possibility of recapturing and rebuilding one's life. Death row, in contrast, may all too often seem to be indefinite, empty, friendless confinement—a "living death" while one lives under sentence of death.

For a few men, death row is paradoxically a context for growth. Caryl Chessman<sup>12</sup> is perhaps the prototype of this response to death row. For Chessman, twelve years of solitary confinement inspired introspection and resulted in the discovery of meaning in the experience and in his life. For men like Chessman, death row may be an affirmation of life. Most men, though, find the experience unrewarding. To be sure, there are a few who seem oblivious to their fate. They indicate no remorse over their crimes, show no fear regarding the prospect of execution, and seem untouched by the stressful features of their environment. For many men, however, death row confinement spawns ineffectual coping, resignation, and defeat. Apathy and deterioration commonly occur, followed by either execution or a reprieve and an empty prison life.<sup>13</sup>

The broad outlines of coping and failing to cope on death row can be inferred from the sparse research literature on the subject. The usefulness of such research is limited, however, by a number of unresolved methodological problems. The results of research



appear to be influenced by differences in measurement instruments, characteristics of the populations under study, the extent and nature of social organization within the death row setting, and the apparent probability of death by execution. When interviews have been used to embellish and organize research results, they have rarely been exploited to furnish insights regarding psychological survival and breakdown on death row.

A study by Bluestone and McGahee used projective tests to assess the reactions of prisoners under sentence of death during a period when executions were comparatively commonplace.<sup>14</sup> They described marked deterioration among many of their subjects, a reaction that was aggravated by destructive peer interactions on death row. Ten years later, Gallemore and Panton used a personality inventory to survey the adaptations of a more heterogeneous group of condemned prisoners.<sup>15</sup> Although the prisoners expressed fears concerning possible execution, there were no executions immediately before, during, or after the study. This lack of executions may have been a source of optimism for the prisoners; their social world appeared oriented primarily toward alleviation of discomforts resulting from a closed environment. Stress symptoms, though quite prevalent, were keyed to situational pressures and appeared generally less disabling than those revealed in earlier research.

There is some indication that inmates currently facing a death sentence may operate under the assumption that executions are unlikely. As a consequence, they may view death row confinement as a temporary phase of their prison careers. Florida's condemned, for example, have been characterized in this fashion.<sup>16</sup> Some Texas death row prisoners reported similar perceptions of their situation in a recent interview survey.<sup>17</sup>

Other Texas prisoners were less optimistic, however. These prisoners spoke eloquently about the helplessness they felt as a pervasive feature of their lives on death row; the constricted movements and sterile routines they suffered; the impersonal, even Kafkaesque, justice system that had apprehended, sentenced, and confined them; the bleak and uncertain futures they faced. They spoke also of the challenge of having to adjust to the insular world of death row, which was marked by tension and the potential for violence; the pain of separation from loved ones, which included both loneliness and the inability to help or protect those left behind in the free world; their abandonment by the prison, which provided minimal care, and by society, which