

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1.) The Oklahoma Observer, (2.) Arnold Hamilton, (3.) Guardian US, (4.) Katie Fretland,

Plaintiffs,

-v-

(1.) Robert Patton in his capacity as Director, Oklahoma Department of Corrections; **(2.) Anita Trammell**, in her capacity as Warden of the Oklahoma State Penitentiary,

Defendants.

Civil Case No. 14-905-HE

**DECLARATION OF
MICHAEL L. RADELET**

I, Michael L. Radelet, declare as follows:

1. I am a Full Professor and former Chair in the Department of Sociology at the University of Colorado. Over the past 30 years, I have studied the sociological impacts of capital punishment in America. I have served as an expert witness in 60 death penalty cases, including in Oklahoma.¹ As part of my research, for the past thirty years I have been documenting media reports of miscarried executions.

2. In this declaration, I discuss media reports about “botched” executions in the years following the Supreme Court’s de facto moratorium on the death penalty announced in *Furman v. Georgia*, 408 U.S. 238 (1972). The information in this declaration is based upon my personal knowledge and sources of the kind on which

¹ See *State v. Medlock*, No. CRF-90-89 (D. Ct. Canadian County, appeared Mar. 13, 1991) (penalty phase).

researchers in my field rely. If called to testify, I could and would competently testify thereto.

Summary of Declaration

3. Lethal injection is a method of execution that carries a high risk of technical or procedural error that can result in a botched proceeding. By “botched,” I mean an execution in which technical or procedural errors result in a prolonged or painful death or an aborted proceeding. Between 1976, when the death penalty was reinstated, and August 10, 2014, some 1,386 people have been put to death in America. Of those, 1,211 (87.4 percent) were executed by lethal injection.

4. In this declaration, I summarize my historical research of public reports of miscarried or botched executions by lethal injection, and the crucial and indispensable role of the press in documenting these events.

Background and Qualifications

5. I completed my Ph.D. in Sociology at Purdue University in 1977. After two years of postdoctoral training in Psychiatry at the University of Wisconsin Medical School, I worked for 22 years as a professor and researcher at the University of Florida before coming to the University of Colorado Boulder in August 2001. I am a Full Professor at Boulder. I served as Chair of the Sociology Department at the University of Florida, 1996-2001, and at the University of Colorado, 2003-2009. My full *curriculum vitae* is attached as Exhibit A to this Declaration.

6. My research focuses on the sociology of criminal behavior and victimization, the sociological impact of crimes of violence, and the impact of punishment, including capital punishment. Since 1981, I have published six books on

issues relating to capital punishment: International Sourcebook on Capital Punishment (ed.) (Northeastern University Press, 1997); Final Exposure: Portraits from Death Row (ed.) (Northeastern University Press, 1996); Executing the Mentally Ill (Sage Publications, 1993); In Spite of Innocence (Northeastern University Press, 1992); Capital Punishment in America: An Annotated Bibliography (Garland Publishing Co., 1988); Facing the Death Penalty (Temple University Press, 1989). I have also published nearly 100 book chapters and articles in scholarly journals, including: Stanford Law Review, Connecticut Law Review, N.Y.U. Review of Law and Social Change, Colorado Law Review, the Journal of Crime and Justice, Behavioral Sciences and the Law, the American Journal of Psychiatry, Sociological Quarterly, and The Bulletin of the American Academy of Psychiatry and the Law.

7. I have testified before committees of the United States Senate, the United States House of Representatives, the Legislative Committee on the Fair Administration of Justice in California, the Navajo Nation, and the Colorado House and Senate Judiciary Committees, among others, on issues related to capital punishment. I was retained by the Florida Supreme Court to research patterns of death sentencing in Florida as part of the judiciary's Racial and Ethnic Bias Study Commission. I have qualified as an expert witness before courts in Florida, California, New Jersey, Georgia, Colorado, Virginia, Louisiana, and Oklahoma.

8. As part of my ongoing research on capital punishment, over the last two decades I have tracked reports of botched execution in the post-*Furman* era. I have collected official and press accounts from available reports of botched executions; a representative but not exhaustive list of these accounts may be found at the Death Penalty

Information Center website.² Any effort to exhaustively document all botched executions is likely to underestimate the true number of executions in which technical or procedural errors were committed; as a result this summary is likely underinclusive.

9. For this research, I have relied extensively on eyewitness accounts published by the press. Since the reinstatement of the death penalty following *Furman*, the popular press has played an important role in documenting botched executions, describing the details of what transpires during the lethal injection proceeding, and questioning and quoting officials and other eyewitnesses about what may have gone wrong. Because many states do not make public, or sometimes do not maintain, detailed records of their executions, media reports were the primary source I relied on in developing this summary.

Notable Instances of Botched Lethal Injections, and Press Responses Thereto

10. The following examples illustrate press coverage of lethal injection proceedings that documented or publicized a technical or procedural error in the delivery of lethal compounds to the condemned inmate:

1. Stephen Peter Morin

March 13, 1985. Texas. The Associated Press reported that, because of Morin's history of drug abuse, execution technicians were forced to probe

² Michael L. Radelet, *Examples of Post-Furman Botched Executions*, Death Penalty Information Center (July 24, 2014), <http://www.deathpenaltyinfo.org/some-examples-post-furman-botched-executions?scid=8&did=478>

both of Morin's arms and one of his legs with needles for nearly 45 minutes before they found a suitable vein.³

2. Elliot Rod Johnson.

June 24, 1987. Texas. Because of collapsed veins, it took nearly an hour to complete the execution, as reported by the New York Times.⁴

3. Raymond Landry

December 13, 1988. Texas. Raymond Landry was pronounced dead 40 minutes after being strapped to the execution gurney and 24 minutes after the drugs first started flowing into his arms. Two minutes after the lethal compound was administered, the intravenous (“IV”) line came out of Landry's vein, spraying lethal chemicals across the room toward the witnesses. The curtain separating the witnesses from the inmate was then lowered, and was not reopened for 14 minutes while the execution team reinserted the catheter. Witnesses reported “at least one groan” apparently from the dying inmate. A spokesman for the Texas Department of Correction said, “There was something of a delay in the execution because of what officials called a ‘blowout.’ The syringe came out of the vein, and

³ *Murderer of Three Women is Executed in Texas*, N.Y. Times, Mar. 14, 1985, <http://www.nytimes.com/1985/03/14/us/murderer-of-three-women-is-executed-in-texas.html>

⁴ *Addict Is Executed in Texas for Slaying of 2 in Robbery*, N.Y. Times, June 25, 1987, <http://www.nytimes.com/1987/06/25/us/addict-is-executed-in-texas-for-slayng-of-2-in-robbery.html>

the warden ordered the (execution) team to reinsert the catheter into the vein.”⁵

4. Stephen McCoy

May 24, 1989. Texas. Stephen McCoy experienced such a violent physical reaction to the lethal compounds (heaving chest, gasping, choking, back arching off gurney, etc.) that one of the male witnesses fainted, crashing into another witness. Houston attorney Karen Zellars, who represented McCoy and witnessed the execution, thought the fainting would catalyze a chain reaction in the witness chamber. The Texas Attorney General later acknowledged that the inmate “seemed to have had a somewhat stronger reaction,” adding: “The drugs might have been administered in a heavier dose or more rapidly.”⁶

5. Rickey Ray Rector

January 24, 1992. Arkansas. It took medical staff more than 50 minutes to find a suitable vein in Rector's arm. Witnesses were kept behind a drawn curtain and not permitted to view this scene, but reported hearing Rector's eight loud moans throughout the process. During the ordeal Rector (who suffered from serious brain damage) helped the medical personnel find a vein. The administrator of State's Department of Corrections medical programs said (paraphrased by a newspaper reporter), “the moans did come as a team of two medical people that had grown to five worked on

⁵Michael Graczyk, *Landry Executed for '82 Robbery-Slaying*, Dallas Morning News, Dec. 13, 1988 (newspaper articles not available on the Internet are attached as Exhibit B).

⁶*Witness to an Execution*, Hous. Chron., May 27, 1989.

both sides of his body to find a vein.” The administrator said, “That may have contributed to his occasional outbursts.” The difficulty in finding a suitable vein was later attributed to Rector's bulk and his regular use of antipsychotic medication. Numerous articles reported on the extended botched execution.⁷

6. Robyn Lee Parks

March 10, 1992. Oklahoma. Robyn Lee Parks had a violent reaction to the drugs used in the lethal injection. Parks continued to gasp and violently gag until death came, some 11 minutes after the drugs were first administered. Tulsa World reporter Wayne Greene wrote that the execution looked “painful,” “scary and ugly.” “It was overwhelming, stunning, disturbing—an intrusion into a moment so personal that reporters, taught for years that intrusion is their business, had trouble looking each other in the eyes after it was over.”⁸

7. Billy Wayne White

April 23, 1992. Texas. White was pronounced dead some 47 minutes after being strapped to the execution gurney. The delay was caused by difficulty finding a vein; White had a long history of heroin abuse. The New York

⁷ Sonja Clinesmith, *Moans Pierced Silence During Wait*, Ark. Democrat-Gazette, Jan. 26, 1992; Joe Farmer, *Rector, 40, Executed for Officer's Slaying*, Ark. Democrat-Gazette, Jan. 25, 1992; Joe Farmer, *Rector's Time Came, Painfully Late*, Ark. Democrat-Gazette, Jan. 26, 1992; Marshall Frady, *Death in Arkansas*, The New Yorker, Feb. 22, 1993.

⁸ Wayne Greene, *11-Minute Execution Seemingly Took Forever*, Tulsa World, Mar. 11, 1992.

Times reported that during the execution, White attempted to assist the authorities in finding a suitable vein.⁹

8. Justin Lee May

May 7, 1992. Texas. May had an unusually violent reaction to the lethal drugs. According to one reporter who witnessed the execution, May “gasp[ed], cough[ed] and reared against his heavy leather restraints, coughing once again before his body froze.”¹⁰ Associated Press reporter Michael Graczyk wrote, “Compared to other recent executions in Texas, May’s reaction to the drugs was more violent. He went into a coughing spasm, groaned and gasped, lifted his head from the death chamber gurney and would have arched his back if he had not been belted down. After he stopped breathing, his eyes and mouth remained open.”¹¹

9. John Wayne Gacy

May 10, 1994. Illinois. After the execution began, the lethal chemicals unexpectedly solidified, clogging the IV tube that led into John Wayne Gacy’s arm, and prohibiting any further passage. Blinds covering the window through which witnesses observed the execution were drawn, and the execution team replaced the clogged tube with new tubing. Ten minutes later, the blinds were then reopened and the execution proceeding

⁹ *Another U.S. Execution Amid Criticism Abroad*, N.Y. Times, Apr. 24, 1992, <http://www.nytimes.com/1992/04/24/news/another-us-execution-amid-criticism-abroad.html>

¹⁰ Robert Wernsman, *Convicted Killer May Dies*, The Huntsville Item, May 7, 1992.

¹¹ Michael Graczyk, *Convicted Killer Gets Lethal Injection*, Denison Herald, May 8, 1992.

resumed. It then took 18 minutes for death to arrive.¹² Anesthesiologists blamed the problem on the inexperience of prison officials who were conducting the execution, reporting that proper procedures taught in “IV 101” would have prevented the error.¹³

10. Emmitt Foster

May 3, 1995. Missouri. Seven minutes after the lethal chemicals began to flow into Emmitt Foster’s arm, the execution was halted when the chemicals stopped circulating. Blinds were drawn so the witnesses could not view the scene. Death was pronounced 30 minutes after the execution began, and 3 minutes later the blinds were reopened so the witnesses could view the corpse.¹⁴ In an editorial, the St. Louis Post-Dispatch called the execution “a particularly sordid chapter in Missouri’s capital punishment experience.”¹⁵ Because they could not observe the entire execution procedure after the blinds were closed, two witnesses later refused to sign the standard affidavit that stated they had witnessed the execution.¹⁶

¹² Rich Chapman, *Witnesses Describe Killer’s ‘Macabre’ Final Few Minutes*, Chi. Sun-Times, May 11, 1994; Scott Fornek and Alex Rodriguez, *Gacy Lawyers Blast Method: Lethal Injections Under Fire After Equipment Malfunction*, Chi. Sun-Times, May 11, 1994.

¹³ Rob Karwath & Susan Kuczka, *Gacy Execution Delay Blamed on Clogged IV Tube*, Chi. Trib., May 11, 1994, http://articles.chicagotribune.com/1994-05-11/news/9405110269_1_john-wayne-gacy-pancuronium-bromide-stateville-correctional-center

¹⁴ Tim O’Neil, *Too-Tight Strap Hampered Execution*, St. Louis Post-Dispatch, May 5, 1995; Jim Salter, *Execution Procedure Questioned*, Kansas City Star, May 4, 1995.

¹⁵ *Witnesses to a Botched Execution*, St. Louis Post-Dispatch, May 8, 1995.

¹⁶ *Id.*

11. Richard Townes, Jr.

January 23, 1996. Virginia. This execution was delayed for 22 minutes while medical personnel struggled to find a vein large enough for the needle. After unsuccessful attempts to insert the needle through the arms, the needle was finally inserted through the top of Mr. Townes's right foot.¹⁷

12. Tommie J. Smith

July 18, 1996. Indiana. Because of unusually small veins, it took one hour and nine minutes for Tommie J. Smith to be pronounced dead after the execution team began sticking needles into his body. For 16 minutes, the execution team failed to find adequate veins, and then a physician was called in to assist.¹⁸ Smith was given a local anesthetic and the physician twice attempted to insert the tube into Smith's neck. When that attempt failed, an angio-catheter was inserted in Smith's foot. Only then were witnesses permitted to view the proceeding. The lethal drugs were delivered into Smith 49 minutes after the first attempts, and it took another 20 minutes before death was pronounced.¹⁹

¹⁷ *Store Clerk's Killer Executed in Virginia*, N.Y. Times, Jan. 25, 1996,

<http://www.nytimes.com/1996/01/25/us/store-clerk-s-killer-executed-in-virginia.html>

¹⁸ Sherri Edwards & Suzanne McBride, *Doctor's Aid in Injection Violated Ethics Rule: Physician Helped Insert the Lethal Tube in a Breach of AMA's Policy Forbidding Active Role in Execution*, Indianapolis Star, July 19, 1996.

¹⁹ Suzanne McBride, *Problem With Vein Delays Execution*, Indianapolis News, July 18, 1996.

13. Michael Eugene Elkins

June 13, 1997. South Carolina. Because Elkins's body had become swollen from liver and spleen problems, it took nearly an hour to find a suitable vein for the insertion of the catheter. Elkins tried to assist the executioners, asking "Should I lean my head down a little bit?" as they probed for a vein. After numerous failures, a usable vein was finally found in Elkins's neck.²⁰

14. Joseph Cannon

April 23, 1998. Texas. It took two attempts to complete the execution of Joseph Cannon. After making his final statement, the execution process began. A vein in Cannon's arm collapsed and the needle popped out. Seeing this, Cannon lay back, closed his eyes, and exclaimed to the witnesses, "It's come undone." Officials then pulled a curtain to block the view of the witnesses, reopening it 15 minutes later when a weeping Cannon made a second final statement and the execution process resumed.²¹

²⁰ *Killer Helps Officials Find A Vein At His Execution*, Chattanooga Free Press, June 13, 1997.

²¹ *1st Try Fails to Execute Texas Death Row Inmate*, Orlando Sentinel, Apr. 23, 1998, http://articles.orlandosentinel.com/1998-04-23/news/9804230062_1_cannon-goodbyes-lethal; Michael Graczyk, *Texas Executes Man Who Killed San Antonio Attorney at Age 17*, Austin Am.-Statesman, Apr. 23, 1998.

15. Genaro Ruiz Camacho

August 26, 1998. Texas. The execution was delayed approximately two hours due, in part, to problems finding suitable veins in Camacho's arms.²²

16. Roderick Abeyta

October 5, 1998. Nevada. Reports indicated that it took 25 minutes for the execution team to find a vein suitable for the lethal injection.²³

17. Bennie Demps

June 8, 2000. Florida. It took execution technicians 33 minutes to find suitable veins for the execution. "They butchered me back there," said Demps in his final statement. "I was in a lot of pain. They cut me in the groin; they cut me in the leg. I was bleeding profusely. This is not an execution, it is murder." The executioners had no unusual problems finding one vein, but because Florida protocol requires a second alternate intravenous drip, they continued to work to insert another needle, finally abandoning the effort after their prolonged failures.²⁴

18. Claude Jones

December 7, 2000. Texas. Jones was a former intravenous drug abuser. His execution was delayed 30 minutes while the execution team struggled

²² Michael Graczyk, *Reputed Marijuana Smuggler Executed for 1988 Dallas Slaying*, Associated Press, Aug. 27, 1998.

²³ Sean Whaley, *Nevada Executes Killer*, Las Vegas Rev.-J., Oct. 5, 1998.

²⁴ Rick Bragg, *Florida Inmate Claims Abuse in Execution*, N.Y. Times, June 9, 2000, <http://www.nytimes.com/2000/06/09/us/florida-inmate-claimed-abuse-in-execution.html>; Phil Long & Steve Brousquet, *Execution of Slayer Goes Wrong; Delay, Bitter Tirade Precede His Death*, Miami Herald, June 8, 2000.

to insert an IV into a vein. One member of the execution team commented, “They had to stick him about five times. They finally put it in his leg.” Jim Willett, the warden of the Walls Unit and the man responsible for conducting the execution, wrote: “The medical team could not find a vein. Now I was really beginning to worry. If you can’t stick a vein then a cut-down has to be performed. I have never seen one and would just as soon go through the rest of my career the same way. Just when I was really getting worried, one of the medical people hit a vein in the left leg. Inside calf to be exact. The executioner had warned me not to panic as it was going to take a while to get the fluids in the body of the inmate tonight because he was going to push the drugs through very slowly. Finally, the drug took effect and Jones took his last breath.”²⁵

19. Jose High

November 7, 2001. Georgia. High was pronounced dead some one hour and nine minutes after the execution began. After attempting to find a useable vein for “15 to 20 minutes,” the emergency medical technicians under contract to do the execution abandoned their efforts. Eventually, one needle was stuck in High's hand, and a physician was called in to insert a second needle between his shoulder and neck.²⁶

²⁵ Sarah Rimer, *Working Death Row*, N.Y. Times, Dec. 17, 2000, <http://www.nytimes.com/2000/12/17/us/working-death-row-special-report-busiest-death-chamber-duty-carries-its-own.html>.

²⁶ Rhonda Cook, *Gang Leader Executed by Injection; Death Comes 25 Years After Boy, 11, Slain*, The Atlanta J.-Const., Nov. 7, 2001.

20. Joseph L. Clark

May 2, 2006. Ohio. It took 22 minutes for the execution technicians to find a vein suitable for insertion of the catheter. But three or four minutes thereafter, as the vein collapsed and Joseph L. Clark's arm began to swell, he raised his head off the gurney and said five times, "It don't work. It don't work," according to witnesses. The curtains surrounding the gurney were then closed while the technicians worked for 30 minutes to find another vein. Media witnesses later reported that they heard "moaning, crying out and guttural noises."²⁷ Death was pronounced almost 90 minutes after the execution began. A spokeswoman for the Ohio Department of Corrections told reporters that the execution team included paramedics, but not a physician or a nurse.²⁸

21. Angel Diaz

December 13, 2006. Florida. After the first injection was administered, Angel Diaz continued to move, and was squinting and grimacing as he tried to mouth words. A second dose was then administered, and 34 minutes passed before Mr. Diaz was declared dead. At first a spokesperson for the Florida Department of Corrections claimed that this was because Mr. Diaz had some sort of liver disease. After performing an

²⁷ Alan Johnson, *'It Don't Work,' Inmate Says During Botched Execution*, The Columbus Dispatch, May 3, 2006, available at <http://www.law.berkeley.edu/clinics/dpclinic/LethalInjection/LI/documents/articles/botchedcov/itdidntwork.pdf>.

²⁸ Adam Liptak, *Trouble Finding Inmate's Vein Slows Lethal Injection in Ohio*, N.Y. Times, May 3, 2006, <http://www.nytimes.com/2006/05/03/us/03inmate.html>; John Mangels, *Condemned Killer Complains Lethal Injection 'Isn't Working'*, The Plain Dealer, May 3, 2006.

autopsy, the Medical Examiner, Dr. William Hamilton, stated that Mr. Diaz's liver was undamaged, but that the needle had gone through Mr. Diaz's vein and out the other side, so the lethal compounds were injected into soft tissue, rather than the circulatory system. Two days after the execution, Governor Jeb Bush suspended all executions in the state and appointed a commission "to consider the humanity and constitutionality of lethal injections."²⁹ In 2014, pictures from the autopsy of Mr. Diaz's body, along with a long article describing his painful death, were published in *The New Republic*.³⁰

22. Christopher Newton

May 24, 2007. Ohio. According to the Associated Press, "prison medical staff" at the Southern Ohio Correctional Facility struggled to find veins on each of Newton's arms during the execution. Newton, who weighed 265 pounds, was declared dead almost two hours after the execution process began. The execution "team" stuck Newton at least ten times with needles before getting the shunts in place where the needles are injected.³¹

²⁹ Adam Liptak & Terry Aguayo, *After Problem Execution, Governor Bush Suspends the Death Penalty in Florida*, N.Y. Times, Dec. 16, 2006, <http://query.nytimes.com/gst/fullpage.html?res=9A07E2D81231F935A25751C1A9609C8B63>.

³⁰ Ben Crair, *Photos from a Botched Lethal Injection*, *New Republic*, May 29, 2014, <http://www.newrepublic.com/article/117898/lethal-injection-photos-angel-diazs-botched-execution-florida>

³¹ *Ohio Executes Inmate for Killing Cellmate After Problem Finding Veins Delayed Lethal Dose*, Associated Press, May 24, 2007.

23. John Hightower

June 26, 2007. Georgia. It took approximately 40 minutes for the nurses to find a suitable vein to administer the lethal chemicals, and death was not pronounced until 7:59, 59 minutes after the execution process began.³²

24. Curtis Osborne

June 4, 2008. Georgia. After a 55-minute delay while the U.S. Supreme Court reviewed his final appeal, prison medical staff began the execution by trying to find suitable veins in which to insert the IV. The executioners struggled for 35 minutes to find a vein, and it took 14 minutes after the fatal drugs were administered before death was pronounced by two physicians who were inside the death chamber.³³

25. Romell Broom

Sept. 15, 2009. Ohio; Attempted Lethal Injection. Efforts to find a suitable vein and to execute Mr. Broom were terminated after more than two hours when the executioners were unable to find a useable vein in Mr. Broom's arms or legs. During the failed efforts, Mr. Broom winced and grimaced with pain. After the first hour's lack of success, on several occasions Broom tried to help the executioners find a good vein. "At one point, he covered his face with both hands and appeared to be sobbing, his stomach

³² Lateef Mungin, *Triple Murderer Executed After 40-minute Search for Vein*, Atlanta J.-Const., June 27, 2007.

³³ Rhonda Cook, *Executioners Had Trouble Putting Murderer to Death: For 35 Minutes, They Couldn't Find Good Vein for Lethal Injection*, Atlanta J.-Const., June 4, 2008, available at <http://www.law.berkeley.edu/clinics/dpclinic/LethalInjection/LI/documents/articles/botchedcov/osbourne.pdf>.

heaving.”³⁴ Finally, Ohio Governor Ted Strickland ordered the execution to stop, and announced plans to attempt the execution anew after a one-week delay so that physicians could be consulted for advice on how the man could be killed more efficiently.³⁵

26. Brandon Joseph Rhode

Sept. 27, 2010. Georgia. After the Supreme Court rejected his appeals, “Medics then tried for about 30 minutes to find a vein to inject the three-drug concoction.” It then took 14 minutes for the lethal drugs to kill him. The execution had been delayed six days because a prison guard had given Rhode a razor blade, which Rhode used to attempt suicide.³⁶

27. Dennis McGuire

January 16, 2014. Ohio. Dennis McGuire gasped for air for some 25 minutes while the Midazolam Hydromorphone drug slowly took effect. Witnesses reported that after the drug was administered, McGuire was struggling, with stomach heaving and fist clenched, and making “horrible” snorting and choking sounds. In a lawsuit filed after the execution,

³⁴ Alan Johnson, *Effort to Kill Inmate Halted - 2 Hours of Needle Sticks Fail; Strickland Steps In*, Columbus Dispatch, Sept. 16, 2009, available at <http://www.law.berkeley.edu/clinics/dpclinic/LethalInjection/LI/Ohio/documents/2009.09.16.03.pdf>.

³⁵ Bob Driehaus, *Ohio Plans to Try Again as Execution Goes Wrong*, N.Y. Times, Sept. 17, 2009, <http://www.nytimes.com/2009/09/17/us/17ohio.html>; Stephen Majors, *Governor Delays Execution After Suitable Vein Can't Be Found*, Chillicothe Gazette, Sept. 16, 2009, available at <http://www.eji.org/files/09.16.09%20Chillicothe%20Gazette%20-%20Governor%20delays%20execution%20after%20suitable%20vein%20can%27t%20be%20found.pdf>.

³⁶ Greg Bluestein, *Georgia Executes Inmate Who Had Attempted Suicide*, Atlanta J.-Const., Sept. 27, 2010.

McGuire's family alleged that the inmate experienced "repeated cycles of snorting, gurgling and arching his back, appearing to writhe in pain."³⁷ It looked and sounded as though he was suffocating.³⁸

28. Clayton D. Lockett

April 29, 2014. Oklahoma: Attempted Lethal Injection. Clayton D. Lockett was the first of two men who was scheduled to die in Oklahoma on April 29, 2014. An hour before the execution began, the governor was notified that the executioner (a "phlebotomist") was having difficulties finding a usable vein, but she did not intervene. After an hour, a vein was finally found in Mr. Lockett's groin and the execution went forward. Ten minutes after the administration of the first drug, a sedative, the physician supervising the process announced that the inmate was unconscious, and therefore ready to receive the other two drugs that would actually kill him. Those two drugs are known to cause excruciating pain if the recipient was conscious. Mr. Lockett was not unconscious. Three minutes after the latter two drugs were injected, "he began breathing heavily, writhing, clenching his teeth and straining to lift his head off the pillow."³⁹ The execution was called off before Mr. Lockett died of heart failure.

³⁷ *Family Sues in Protracted Ohio Execution*, N.Y. Times, Jan. 25, 2014, <http://www.nytimes.com/2014/01/26/us/family-sues-in-protracted-ohio-execution.html>.

³⁸ Erica Goode, *After a Prolonged Execution in Ohio, Questions over 'Cruel and Unusual'*, N.Y. Times, Jan. 17, 2014, <http://www.nytimes.com/2014/01/18/us/prolonged-execution-prompts-debate-over-death-penalty-methods.html>.

³⁹ Bailey Elise McBride & Sean Murphy, *Oklahoma Inmate Dies after Execution is Botched*, Associated Press, Apr. 29, 2014, <http://bigstory.ap.org/article/oklahoma-prepares-execution-2-inmates>.

29. Joseph R. Wood

July 23, 2014. Arizona. After the chemicals were injected, Mr. Wood repeatedly gasped for one hour and 40 minutes before death was pronounced. During the ordeal, Mr. Wood's attorneys filed an emergency appeal to a Federal District Court and placed a phone call to Supreme Court Justice Anthony Kennedy in a failed effort to halt the botched execution. Meanwhile, a spokesperson for the Arizona Attorney General's office claimed that Mr. Wood was asleep and was simply snoring. A reporter for the Arizona Republic who witnessed the execution, Michael Kiefer, said that he counted 640 gasps from Wood before he finally died.⁴⁰

Conclusions

11. The data I have collected and summarized on botched executions permits me to draw several conclusions. I lay out these conclusions below.

12. First, in the post-*Furman* era, there has been a strong tradition of media access to and press reporting about executions in the United States, and this tradition holds true with respect to lethal injections. The primary source of data on the details of each lethal injection in the post-*Furman* era, for both researchers such as myself and the general public, is the press. Press reports have played and continue to play an instrumental role in our understanding of the nature and number of botched executions in America. My research and conclusions rely substantially or entirely on eyewitness press

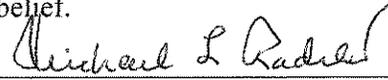
⁴⁰ Bob Ortega, Michael Kiefer, & Mariana Dale, *Execution of Arizona Murderer Takes Nearly 2 Hours*, The Arizona Republic, July 23, 2014, <http://www.azcentral.com/story/news/local/arizona/2014/07/23/arizona-execution-botched/13070677/>.

accounts of executions—both historic and contemporary. Firsthand accounts from journalists who have been present at lethal injection proceedings provide the most reliable and detailed information about complications in the administration of the lethal injection method. Each of the accounts listed above, like others included on my list at the Death Penalty Information Center’s website, is dependent on this information.

13. Second, my research demonstrates that the presence of the press at execution proceedings directly contributes to an increase in information about lethal injection processes from the state itself. In particular, additional details about the Landry (case listed as No. 3, under paragraph 10 above), McCoy (No. 4), Rector (No. 5), Clark (No. 20), and Wood (No. 29) executions were provided by state officials in response to questions or reports from press witnesses who attended the executions.

14. Third, my research demonstrates that in a substantial number—in fact, a majority—of botched lethal injections, the error stems from the failure to properly insert the IV at the beginning of the procedure. In particular, media reports in the Morin (No. 1), Johnson (No. 2), Landry (No. 3), Rector (No. 5), White (No. 7), Gacy (No. 9), Foster (No. 10), Townes (No. 11), Smith (No. 12), Elkins (No. 13), Cannon (No. 14), Camacho (No. 15), Abeyta (No. 16), Demps (No. 17), Jones (No. 18), High (No. 19), Clark (No. 20), Diaz (No. 21), Newton (No. 22), Hightower (No. 23), Osborne (No. 24), Broom (No. 25), Rhode (No. 26), and Lockett (No. 28) executions point specifically to the initial IV insertion procedures as the main underlying cause for botching. Eyewitness press accounts of these initial IV-related procedures are therefore essential and indispensable for having objective information about executions in general, and to ensuring public oversight of the lethal injection process in particular.

I declare, pursuant to 28 U.S.C.
§1746, under penalty of perjury
under the laws of the United States,
that the foregoing is true and correct
to the best of my knowledge and
belief.



Michael L. Radelet

Date: Oct. 2, 2014

EXHIBIT A

CURRICULUM VITA

MICHAEL L. RADELET

November 2013

Biography

Office: Department of Sociology
University of Colorado
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radelet@colorado.edu

Home: 4430 Aaron Place
Boulder CO 80303
(303) 938-1860

Birth: South Bend, Indiana

Education

University of New Hampshire Durham	1990-91	Postdoc	Family Violence
University of Wisconsin Madison	1977-79	Postdoc	Psychiatry
Purdue University W. Lafayette, Indiana	1974-77	Ph.D.	Sociology
Eastern Michigan University Ypsilanti	1972-74	M.A.	Sociology
Michigan State University East Lansing	1969-72	B.A.	Sociology
Southern Illinois University Carbondale	1968-69	---	Sociology

Fields of Interest

Criminology
Deviance and the Sociology of Law
Medical Sociology

Employment History

8/01 - Present	Professor, Department of Sociology University of Colorado-Boulder 8/02-5/04: Associate Chair
5/04-7/09	Chair, Department of Sociology, University of Colorado
8/96 - 6/01	Chair, Department of Sociology, University of Florida
1/95 – 12/10	Visiting Professor School of Law University of Westminster London, England
1993 - 8/01	Professor, University of Florida
1984 - 1993	Associate Professor, University of Florida Between 1979-87, this included affiliate appointments and teaching responsibilities in Psychiatry, Health Services Administration, and in Community Health and Family Medicine (teaching Medical Ethics for second year medical students).
1979 - 1984	Assistant Professor, University of Florida
Spring, 1995 & Spring, 1990	Professor Florida State University London Study Centre, England
Summer, 1996 & Summer, 1982	Visiting Professor, University of New Orleans University of Innsbruck Summer Program Innsbruck, Austria
1990 - 1991	Sabbatical leave -- Postdoctoral Fellow Family Research Laboratory, University of New Hampshire
1977 - 1979	NIMH Postdoctoral Fellow Department of Psychiatry, University of Wisconsin
1974 - 1977	United States Public Health Service Fellow Health Services Research and Training Program Purdue University

Winter, 1977 Lecturer, Indiana University - Kokomo

Summer, 1975 Lecturer, Eastern Michigan University

Dissertation (1977)

“Social Factors Influencing Medicalization of Anxiety: A Study of Tranquilizer Use.” Major Professor: Robert Perrucci (see publications).

M.A. Thesis (1974)

“Trends in Female Criminality as an Indicator of the Changing Status of Women.” Major Professor: Werner J. Einstadter (see publications).

Teaching Experience

Social and Ethical Issues in Medical Practice
(Required for second year medical students)
Mental Health Administration (graduate)
Sociology of Mental Health and Illness (undergrad & grad)
Graduate Seminar on Health Professions
Criminology (undergraduate and graduate)
Special Topics Course on Capital Punishment (undergrad & graduate)
Human Development (Two semester course for first year
medical students)
Statistics
Social Problems
Introductory Sociology

Miscellaneous Awards

Special Service Award from the Florida Public Defender Association, “In grateful recognition for outstanding service in academia and litigation on behalf of the cause of capital defense,” Lake Buena Vista, Fla., Sept. 7, 2012.

Award for Excellence in Research, Scholarly, and Creative Works, Boulder Faculty Assembly, (three awards given annually) (\$3,000) (April 2012).

Marinus Smith Staff/Faculty Recognition Award, presented by the University of Colorado Parents Association, recognizing faculty “who have shown caring and concern for their students ... [and] who have had or are having a significant, positive impact on the lives of one or more CU-Boulder undergraduates” (April 2012).

Special Service Award, Caribbean Exploratory NIMHD Research Center, University of the Virgin Islands (March 2012).

William Chambliss Award for "Outstanding Life Achievement in Law and Society," Society for the Study of Social Problems (August 2011).

Distinguished Alumni Award, Purdue University (April 2011).

Chase Faculty Service Award, May 2008 (\$10,000) (award given to one faculty member annually from one of the four University of Colorado campuses).

Service Award, Boulder Faculty Assembly, for outstanding service to the Boulder Campus, May 2008 (four awards given annually) (\$3,000).

Paul Tappan Award for lifetime achievement, Western Society of Criminology, "for outstanding contributions to the field of criminology" (Feb. 23, 2006).

"Volunteer of the Year Award," from "Families of Homicide Victims and Missing Persons," Denver, October 2006.

Steven M. Goldstein Criminal Justice Award, presented by the Florida Association of Criminal Defense Lawyers (their highest award), Miami, May 2000.

Criminologist of the Year Award, Critical Criminology Division, American Society of Criminology, November 1997.

Peacemaker of the Year Award, Center for Peace Studies, University of Missouri, October 1996.

University of Florida "TIP" (Teaching Improvement Program) Award, December 1994 (permanent \$5,000 salary increase).

Special Service Award, Gainesville Chapter, Parents of Murdered Children, October 1994.

"President's Humanitarian Award" (presented annually to one UF faculty member for promoting racial and ethnic diversity on campus and in the classroom), October 21, 1993.

Excellence in Undergraduate Instruction Award, University of Florida, 1988-89 and 1995-96 (\$2,000 cash award).

Human Rights Leadership Award, Southern Christian Leadership Conference & Amnesty International, June 1987.

Award for Teaching Excellence, College of Liberal Arts and Sciences, April 1985 (5 awards given each year; 600 faculty in the College).

Same as above, April 1984.

Miscellaneous Professional Activities

Member, Program Committee, Society for the Study of Social Problems, 2000-01.

Chair, Membership Committee, Society for the Study of Social Problems, 1978-1982; Committee Member, 1983-84, 1986-87.

Elected to Nominations Committee, Medical Sociology Section, American Sociological Assn., 1984-85.

Member, Advisory Panel for National Science Foundation grant to computerize historical records of executions (Watt Espy, University of Alabama), 1984-1988.

Board of Directors, Big Brothers of Gainesville, 1985-87.

Member, Committee on Ethical Issues in Criminological Research, American Society of Criminology,

1986-87.

Chair, Awards Committee for Outstanding Dissertation, ASA Medical Sociology Section, 1986-87; 1987-88; 1988-89; 1989-1990.

Testimony Before Legislative or Executive Bodies

1. Senate Judiciary Committee, Kansas Legislature, Jan. 19, 2010.
2. House Judiciary Committee, Colorado Legislature, Feb. 7, 2007; Feb. 23, 2009.
3. Judiciary Committee, Nebraska Legislature (unicameral), Jan. 29, 2009.
4. Legislative Committee on the Fair Administration of Justice in California, Sacramento, Jan. 10, 2008.
5. Judiciary Committee, Nebraska Legislature (unicameral), Jan. 31, 2007.
6. Public Safety Committee, Navajo Nation, Chinle, AZ, 9-23-03.
7. Judiciary Committee, Nebraska Legislature (unicameral), Mar. 13, 2003 and March 16, 2005.
8. House Judiciary Committee, State of Colorado, Denver, July 8, 2002.
9. Senate Judiciary Committee, State of Colorado, Denver, July 8, 2002.
10. Before Governor's Commission on Capital Punishment, State of Illinois, Chicago, June 28, 2000 (in capacity as Special Consultant to Commission, June 2000-April 2002).
11. Before Judiciary Committee, Maryland House of Delegates, Annapolis, March 2, 2000.
12. Before Criminal Law Subcommittee, Illinois House Judiciary Committee, Springfield, Jan. 27, 2000.
13. Before Kansas Senate and House (selected members), Topeka, Feb. 10, 1994.
14. Alaska House Criminal Justice Committee, Anchorage, May 21, 1993.
15. Judiciary Committee, Maine Legislature, Augusta, April 29, 1991.
16. Committee on the Judiciary, U.S. Senate, Sept. 19, 1989, on miscarriages of justice in capital cases.
17. House Criminal Justice Subcommittee, Committee on the Judiciary, U.S. House of Representatives, July 16, 1987, on race and death sentencing.
18. Florida Senate Judiciary Committee, on bill making jury vote for life imprisonment binding on judges, April 24, 1985.
19. Criminal Justice Committee, Florida House of Representatives, on bill making jury vote for life imprisonment binding on judges, April 16, 1984, and April 30, 1986.

Grants

- “Sabbatical Expense Award,” from Proteus Foundation, \$5,000, January 2014.
- “Florida Capital cases Database Project,” from Vital Projects Fund, New York, January 2014 (\$70,000) (with Theresa Farley).
- “Deterrence and the Death Penalty: The Views of the Experts,” from the Tides Advocacy Fund, San Francisco, August 2008 (\$5,000).
- “Florida Capital cases Database Project,” from Vital Projects Fund, New York, June 2008 (\$50,000) (with Theresa Farley).
- “The Cold Case Project: Trade Vengeance for Justice,” from Tides Advocacy Fund, San Francisco, May 2008, \$55,000 (with Howard Morton on behalf of “Families of Homicide Victims and Missing Persons”).
- “Death Penalty Polling,” from Tides Advocacy Fund, San Francisco, January 2008, \$5,000 (with Howard

Morton on behalf of “Families of Homicide Victims and Missing Persons”).

“Charting Florida Death Penalty Cases,” awarded by “Interest on Trust Accounts” Program, Florida Bar Association, Feb. 2003 (\$4,300).

“Race and Death Sentencing in Illinois,” awarded by the Governor’s Commission on Capital Punishment and the State of Illinois, March 2001, \$20,000 (with Glenn Pierce).

“Race and Death Sentencing in Florida: An Update,” awarded by the “Interest on Trust Accounts” Program, Florida Bar 6/00-6/01 (\$5,000).

“Death Penalty Case Tracking,” awarded by the “Interest on Trust Accounts” Program, Florida Bar, Dec. 1995 (\$2000.00).

“Race and Death Sentencing,” awarded by the “Interest on Trust Accounts” Program, Florida Bar 9/92-9/93 (\$40,000).

NIMH Postdoctoral Fellowship, Family Violence Laboratory, University of New Hampshire, 1990-91, Grant No. 5 T32 MH1516-14.

“Race and Death Sentencing,” awarded by the Florida Supreme Court’s Racial and Ethnic Bias Study Commission, July, 1990 (\$1,500).

“Miscarriages of Justice,” awarded by the North Shore Unitarian Veatch Program, January 1985 (\$9,000).

Unrestricted Research Award, NAACP Legal Defense and Educational Fund, March 1984 (\$2,000).

Division of Sponsored Research, Univ. of Florida, Dec. 1983 (\$3,000).

“Discrimination in the Imposition of the Death Penalty,” awarded in three parts by NAACP Legal Defense and Educational Fund, Inc., November 1981 -- \$575, June 1981 -- \$1,495, November 1980 -- \$1,900).

Division of Sponsored Research, University of Florida, Research Support Program for New Faculty, September 1980, (\$1,731.50).

National Institutes of Health, through the Division of Sponsored Research, University of Florida, Biomedical Research Support Grant, July 1980, “Investigating the Differential Prevalence of Psychosocial Distress,” (\$2,194.31).

NIMH Individual Postdoctoral Fellowship in Community Psychiatry, 1979-80 (Approved by NIMH but declined to take position at Florida).

NIMH Postdoctoral Fellowship, Department of Psychiatry, University of Wisconsin, 1977-79, Grant MH4641-02.

USPHS Predoctoral Fellowship, Department of Sociology, Purdue University, 1974-77, Grant T01-HS-00149.

Bibliography

I. Books and Edited Collections

- 2002 Special issue editor, *JUDICATURE*, for special issue on Miscarriages of Justice (vol. 86, No. 2, Sept.- Oct.).
- 1997 *THE INTERNATIONAL SOURCEBOOK ON CAPITAL PUNISHMENT*, 1997 edition. William A. Schabas (ed.); Associate Editors MLR and 3 others. Boston: Northeastern University Press.
- 1996 *FINAL EXPOSURE: PORTRAITS FROM DEATH ROW*. Boston: Northeastern University Press (photographs by Lou Jones, interviews by Lou Jones and Lorie Savel, edited, with an introduction, by MLR).
Second Edition, with new Introduction by MLR, published by American Friends Service Committee, 2002.
- 1996 *CAPITAL PUNISHMENT IN THE UNITED STATES OF AMERICA: A REVIEW OF THE ISSUES*. London: Parliamentary Human Rights Group (House of Commons and House of Lords) (Peter Hodgkinson, Hugo Adam Bedau, MLR, Gaynor Dunmall, and Kim Massey).
- 1993 *EXECUTING THE MENTALLY ILL: THE CRIMINAL JUSTICE SYSTEM AND THE CASE OF ALVIN FORD*. Newbury Park, Calif.: Sage Publications (Kent Miller and MLR).
- 1992 *IN SPITE OF INNOCENCE: ERRONEOUS CONVICTIONS IN CAPITAL CASES* (MLR, Hugo Adam Bedau, and Constance Putnam). Boston: Northeastern University Press.
Translated into Chinese through the Bardon-Chinese Media Agency and printed in Taiwan, 2000.
Reprinted in part in Radelet, Bedau, and Putnam, *Foul Justice*, *THE ANGOLITE* 19 (May/June, 1994): 24-35.
Reprinted in part in *THE DEATH PENALTY: OPPOSING VIEWPOINTS* (San Diego: Greenhaven Press, 1997).
- 1989 *FACING THE DEATH PENALTY: ESSAYS ON A CRUEL AND UNUSUAL PUNISHMENT*. Philadelphia: Temple University Press.
- 1988 *CAPITAL PUNISHMENT IN AMERICA: AN ANNOTATED BIBLIOGRAPHY*. New York: Garland (MLR and Margaret Vandiver).

1979 Special Issue Editor, URBAN LIFE, 8:3 (October), for issue on Social Control.

II. Principal Published Papers

- 2014 *Race and the Construction of Evidence in Homicide Cases*, Forthcoming, AMERICAN JOURNAL OF CRIMINAL JUSTICE (Glenn L. Pierce, Michael L. Radelet, Chad Posick, and Tim Lyman).
- 2014 *Hugo Adam Bedau: The Dean of Death Penalty Scholars*, forthcoming in AMERICA AFTER MCCLESKEY (David Keys and R.J. Maratea eds.), Lynne Rienner Publishers.
- 2014 *The Execution of the Innocent*, pp. 357-72 in James Acker, Charles Lanier, and Robert Bohm (eds.), AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT, AND FUTURE OF THE ULTIMATE PENAL SANCTION, third edition. Durham, N.C.: Carolina Academic Press (MLR & Hugo Adam Bedau).
- 2013 *La Abolición de la Pena de Muerte en los Estados Unidos de América: Una Visión a Largo Plazo* ("The Abolition of the Death Penalty in the United States of America: A Long Term View"), TIEMPO DE PAZ (Madrid) No. 108 (Spring): 29-35 (MLR & Elizabeth A. Zitrin).
- 2013 Foreword, in C. Ronald Huff and Martin Killias (eds.), WRONGFUL CONVICTIONS AND MISCARRIAGES OF JUSTICE: CAUSES AND REMEDIES IN NORTH AMERICAN AND EUROPEAN CRIMINAL JUSTICE SYSTEMS. New York: Routledge.
- 2012 *The Scholar and Mentor*. IOWA LAW REVIEW 97:1965-67.
- 2012 *Standing for the Most Vulnerable*. OHIO NORTHERN LAW REVIEW 38:431-36.
- 2012 *The Death Penalty in Texas: On Failing to Recognize Irrelevance*. CRIMINOLOGY & PUBLIC POLICY 11: 573-78.
- 2012 *Health and Health Care in the U.S. Virgin Islands: Challenges and Perceptions*. THE ABNF JOURNAL 23 (Winter) (Association of Black Nursing Faculty) 4-8 (Gloria B. Callwood, Faye Gary, Doris Campbell, & MLR).
- 2011 *Overriding Jury Sentencing Recommendations in Florida Capital Cases*. MICHIGAN STATE UNIVERSITY LAW REVIEW 2011: 793-857.
- 2011 *Race and Death Sentencing in North Carolina: 1980-2007*, NORTH CAROLINA LAW REVIEW 89:2119-60 (MLR & Glenn L. Pierce).
- 2011 *Death Sentencing in East Baton Rouge Parish, 1990-2008*, LOUISIANA LAW REVIEW

71:647-73 (Glenn L. Pierce & MLR).

- 2009 *Do Executions Lower Homicide Rates? The Views of Leading Criminologists*, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 99:489-508 (MLR and Traci L. Lacock).

Reprinted in part at pp. 34-36 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT IN AMERICA: A BALANCED EXAMINATION, Second Edition (Sudbury, Mass.: Jones & Bartlett, 2012).

Reprinted at pp. 139-158 in Peter Hodgkinson (ed.), THE INTERNATIONAL LIBRARY OF ESSAYS ON CAPITAL PUNISHMENT, VOLUME II: ABOLITION AND ALTERNATIVES TO CAPITAL PUNISHMENT. Farnham, Surrey: Ashgate, 2013.

- 2009 *The Executioner's Waning Defenses*, pp. 19-45 in Charles Ogletree & Austin Sarat (eds.), THE ROAD TO ABOLITION (New York: New York University Press).

- 2009 *Racial and Ethnic Disparities in Resolving Homicides*, pp. 113-134 in Charles S. Lanier, William J. Bowers & James R. Acker, eds., THE FUTURE OF AMERICA'S DEATH PENALTY: AN AGENDA FOR THE NEXT GENERATION OF CAPITAL PUNISHMENT RESEARCH (Durham, NC: Carolina Academic Press) (MLR and Glenn Pierce).

- 2009 *Humanizing Death Row Inmates*, pp. 473-90 in Richard Tewksbury & Dean Dabney (eds.), PRISONS AND JAILS: A READER. N.Y.: McGraw Hill.

- 2008 *The Role of the Innocence Argument in Contemporary Death Penalty Debates*, TEXAS TECH LAW REVIEW 41:199-220.

Reprinted at pp. 279-300 in Peter Hodgkinson (ed.), THE INTERNATIONAL LIBRARY OF ESSAYS ON CAPITAL PUNISHMENT, VOLUME I: JUSTICE AND LEGAL ISSUES. Farnham, Surrey: Ashgate, 2013.

- 2007 *Monitoring Death Sentencing Decisions: The Challenges and Barriers to Equity*. HUMAN RIGHTS 34 (Spring 2007), 2-4+ (Glenn L. Pierce and MLR).

- 2007 *Capital Crimes and Capital Punishment*, pp. 142-44 in Jack R. Greene (ed.), ENCYCLOPEDIA OF POLICE SCIENCE, third edition, vol. 1. New York: Routledge.

- 2006 *The Role of Victim's Race and Geography on Death Sentencing: Some Recent Data from Illinois*, pp. 117-149 in Charles Ogletree and Austin Sarat (eds.), FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA (New York: New York University Press) (MLR and Glenn Pierce).

- 2006 *Race, Gender, Region and Death Sentencing in Colorado, 1980-1999*, UNIVERSITY OF COLORADO

LAW REVIEW 77:549-594 (Stephanie Hindson, Hillary Potter, and MLR).

- 2006 *Learning from Homicide Co-Victims: A University Based Project*, pp. 397-410 in James R. Acker and David Karp, WOUNDS THAT DO NOT BIND: VICTIM-BASED PERSPECTIVES ON THE DEATH PENALTY, Carolina Academic Press (MLR and Dawn Stanley).
- 2005 *The Impact of Legally Inappropriate Factors on Death Sentencing for California Homicides, 1990-99*, SANTA CLARA LAW REVIEW 46:1-47(Glenn Pierce and MLR).
- 2005 *Foreword*, pp. vii-x in Susan Sharp, HIDDEN VICTIMS: THE EFFECTS OF THE DEATH PENALTY ON FAMILIES OF THE ACCUSED (Rutgers University Press).
- 2004 *The Growing Significance of Public Opinion for Death Penalty Jurisprudence*, JOURNAL OF CRIME & JUSTICE 27:119-130 (Stacy Mallicoat and MLR).
- 2004 *Convicting the Innocent in Capital Cases: Criteria, Evidence, and Inference*, DRAKE LAW REVIEW 52:587-603 (Hugo Adam Bedau, MLR, and Constance Putnam).
- 2004 *36 Botched Executions*, pp. 61-69 in Russ Kick (ed.), BOOK OF LISTS. New York: Disinformation Co., Ltd.
- 2004 *On Botched Executions*, pp. 143-68 in Peter Hodgkinson and William Schabas (eds.), CAPITAL PUNISHMENT: STRATEGIES FOR ABOLITION. Cambridge: Cambridge University Press (Marian J. Borg & MLR).
- 2003 *The Execution of the Innocent*, pp. 225-44 in James Acker, Charles Lanier, and Robert Bohm (ed.), AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT: REFLECTIONS ON THE PAST, PRESENT, AND FUTURE OF THE ULTIMATE PENAL SANCTION. Durham, N.C.: Carolina Academic Press (MLR & Hugo Adam Bedau)(an earlier version was published at pp. 223-242 of the first edition of this book).
- 2003 *Le Mouvement vers l'abolition universelle de la peine de mort: le point de vue actuel des Etats-Unis*, pp. 235-248 in Gerard Cohen-Jonathan and William Schabas (eds.), LA PEINE CAPITALE ET LE DROIT INTERNATIONAL DES DROITS DE L'HOMME. Paris: Editions Pantheon-Assas.
- 2003 *Capital Punishment in Colorado, 1859-1972*, UNIVERSITY OF COLORADO LAW REVIEW 74:885-1010.
- 2003 *Race, the Death Penalty, and Wrongful Convictions*, CRIMINAL JUSTICE 18: 48-54 (Karen F. Parker, Mari A. DeWees, & MLR).
- 2002 *Race, Region, and Death Sentencing in Illinois, 1988-1997*, OREGON LAW REVIEW 81:39-96

(Glenn L. Pierce & MLR).

Reprinted at pp. 245-304 of Austin Sarat (ed.), *THE DEATH PENALTY*, Vol. II. London: Ashgate Press, 2005.

- 2002 *Introduction: Wrongful Convictions of the Innocent*, *JUDICATURE* 86 (Sept.-Oct.): 67-68.
- 2001 *Changing the Way the Death Penalty is Justified*, pp. 145-66 in Edmund Ryden (ed.), *TAIWAN OPPOSES THE DEATH PENALTY*. Taipei: Fujen University Press.
- 2001 *More Trends Toward Moratoria on Executions*, *CONNECTICUT LAW REVIEW* 83:845-60.
- 2001 *Racial Bias and the Conviction of the Innocent*, pp. 114-31 in Sandra D. Westervelt and John A. Humphrey (eds.), *WRONGLY CONVICTED: WHEN JUSTICE FAILS*. New Brunswick, N.J.: Rutgers University Press (Karen F. Parker, Mari A. DeWees, and MLR).
- 2001 *Erroneous Convictions and the Death Penalty*, pp. 269-80 in Sandra D. Westervelt and John A. Humphrey (eds.), *WRONGLY CONVICTED: WHEN JUSTICE FAILS*. New Brunswick, N.J.: Rutgers University Press (MLR & Hugo Adam Bedau).
- 2001 *Foreword*, pp. ix-xi in Sandra D. Westervelt and John A. Humphrey (eds.), *WRONGLY CONVICTED: WHEN JUSTICE FAILS*. New Brunswick, N.J.: Rutgers University Press.
- 2001 *Humanizing the Death Penalty*, *SOCIAL PROBLEMS* 48:83-87.
- 2000 *The Role of Organized Religions in Changing Death Penalty Debates*, *WILLIAM AND MARY BILL OF RIGHTS JOURNAL* 9:201-14.
- 2000 *The Changing Nature of Death Penalty Debates*, *ANNUAL REVIEWS OF SOCIOLOGY* 26:43-61 (MLR & Marian J. Borg).

Reprinted at pp. 333-46 in Ronald Weitzer (ed.), *CURRENT CONTROVERSIES IN CRIMINOLOGY*. Upper Saddle, N.J.: Pearson Education, Inc., 2003.

Reprinted at pp. 95-113 in Elizabeth Mertz (ed.), *THE ROLE OF SOCIAL SCIENCE IN THE LAW*. Aldershot, England: Ashgate Publishing, 2008.

Reprinted at pp. 448-54 in Robert D. Crutchfield, *CRIME: READINGS*, third ed. Los Angeles: Sage, 2008.

Reprinted as Chapter 28 in Carolyn Hoyle (ed.), *RESTORATIVE JUSTICE: CRITICAL CONCEPTS IN CRIMINOLOGY*, Volume II. London: Routledge - Taylor & Francis

Group, 2009.

Reprinted at pp. 282-292 in Thomas D. Stucky and Charis E. Kubrin (eds.), INTRODUCTION TO CRIMINAL JUSTICE: A SOCIOLOGICAL PERSPECTIVE. Stanford University Press, 2013.

2000 *Retributive versus Restorative Justice: Comment on Umbreit and Vos*, HOMICIDE STUDIES 4:88-92 (MLR & Marian J. Borg).

1998 *The Execution of the Innocent*, LAW AND CONTEMPORARY PROBLEMS 61:105-124 (MLR & Hugo Adam Bedau).

Reprinted at pp. 217-41 in Robert C. Culbertson and Ralph A. Weisheit (eds.), ORDER UNDER LAW, Sixth Edition. Prospect Heights, Ill.: Waveland Press, 2002.

Reprinted at pp. 199-225 in Bradley R.E. Wright and Ralph B. McNeal (eds.), BOUNDARIES: READINGS IN CRIME, DEVIANCE AND CRIMINAL JUSTICE (Pearson Publishing 2003).

Reprinted at pp. 34-54 in Hugo Adam Bedau, KILLING AS PUNISHMENT: REFLECTIONS ON THE DEATH PENALTY IN AMERICA. Boston: Northeastern University Press, 2004.

Reprinted at pp. 339-58 of Austin Sarat (ed), THE DEATH PENALTY, Vol. I. London: Ashbury Press, 2005.

1998 *Race and Death Sentencing: Remarks at the Carter Center Symposium on the Death Penalty*, GEORGIA STATE UNIVERSITY LAW REVIEW 14: 354-363.

1997 *Reasons for Hope*, THE ANGOLITE 22 (Nov/Dec.): 27-29.

1996 *Deterrence and the Death Penalty: The Views of the Experts*, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 87:1-16 (MLR and Ronald L. Akers).

Reprinted at pp. 56-69 in Stephen Schoenbaum (ed.), AT ISSUE: DOES CAPITAL PUNISHMENT DETER CRIME? (San Diego: Greenhaven Press, 1998).

Reprinted in part at pp. 45-49 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT: A BALANCED EXAMINATION (Sudbury, Mass.: Jones and Bartlett, 2005).

Reprinted at pp. 85-102 of Austin Sarat (ed), THE DEATH PENALTY, Vol. I. London: Ashgate Press, 2005.

Reprinted in Vijay N. Ghormade (ed.), *ESSAYS ON DEATH SENTENCE: A QUEST FOR ABOLITION*. Mumbai: Gopaldas Advani Law College, 2005.

Reprinted at pp. 105-17 in Vijay Ghormade (ed.), *DEATH SENTENCE: A STRUGGLE FOR ABOLITION*. Pune, India: Hind Law House, 2008.

- 1996 *Prisoners Released from Death Rows Since 1970 Because of Doubts About Their Guilt*, COOLEY LAW REVIEW 13: 907-966 (MLR, William S. Lofquist, and Hugo Adam Bedau).
- 1996 *Physician Participation in Capital Punishment*, pp. 243-60 in Peter Hodgkinson and Andrew Rutherford (eds.), *CAPITAL PUNISHMENT: GLOBAL ISSUES AND PROSPECTS*. London: Waterside Press.
- 1995 *Race and Death*, INDEX ON CENSORSHIP 24 No. 2: 124-25.
- 1993 *Executive Clemency in Post-Furman Capital Cases*, UNIVERSITY OF RICHMOND LAW REVIEW 27:289-314 (MLR and Barbara Zsembik).
- 1992 *Death-To-Life Overrides: Saving the Resources of the Florida Supreme Court*, FLORIDA STATE UNIVERSITY LAW REVIEW 20:195-228 (MLR and Michael Mello).
- 1992 *The Aftermath of Ford v. Wainwright*, BEHAVIORAL SCIENCES AND THE LAW 10:339-51 (MLR and Kent S. Miller).
- 1992 *The Debate on Treating Individuals Incompetent for Execution*, AMERICAN JOURNAL OF PSYCHIATRY 149:596-605 (Kirk Heilbrun, MLR, and Joel Dvoskin).
- 1991 *Assessing Nondangerousness During Penalty Phases of Capital Trials*, ALBANY LAW REVIEW 54:845-61 (MLR and James Marquart).
- 1991 *Choosing Those Who Will Die: Race and the Death Penalty in Florida*, FLORIDA LAW REVIEW 43:1-34 (MLR and Glenn Pierce).
- 1991 *Testimony before Senate Judiciary Committee, U.S. Senate (September 19, 1989)*, Washington, D.C.: U.S. Government Printing Office, Serial No. J-101-44, pp. 172-204.
- 1990 *The Role and Consequences of the Death Penalty in American Politics*, NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 18:711-728 (Glenn L. Pierce and MLR).
- 1990 *Death Penalty Opinion in the Post-Furman Years*, NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 18:499-528 (James Alan Fox, MLR, and Julie Bonsteel).

- 1989 *Executions of Whites for Crimes Against Blacks: Exceptions to the Rule?* SOCIOLOGICAL QUARTERLY 30:529-44.

Reprinted in part in Bryan Vila and Cynthia Morris, CAPITAL PUNISHMENT IN THE UNITED STATES: A DOCUMENTARY HISTORY. Westport, Conn.: Greenwood Press, 1997.

Reprinted at pp. 71-86 in David Baker (ed.), READING RACISM AND THE CRIMINAL JUSTICE SYSTEM. Toronto: Canadian Scholars' Press, 1994.

- 1989 *Testimony before The House Judiciary Committee, Subcommittee on Criminal Justice, U.S. House of Representatives, July 16, 1987.* Washington D.C.: U.S. Government Printing Office, Serial No. 142, pp. 12-36.

Reprinted at pp. 270-77 in M. Ethan Katsh (ed.), TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL LEGAL ISSUES, 4th Edition (Dushkin Publishing, 1991).

- 1989 *Persistent Flaws in Econometric Studies of the Deterrent Effect of the Death Penalty,* LOYOLA OF LOS ANGELES LAW REVIEW 23:29-44 (James Alan Fox and MLR).

- 1988 *The Myth of Infallibility: A Reply to Markman and Cassell* (a response to a critique ordered by Attorney General Edwin Meese of the below STANFORD LAW REVIEW paper). STANFORD LAW REVIEW 41:161-70 (Hugo Adam Bedau and MLR).

Reprinted in part at pp. 147-50 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT: A BALANCED EXAMINATION (Sudbury, Mass.: Jones and Bartlett, 2005).

Reprinted at pp. 125-27 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT IN AMERICA: A BALANCED EXAMINATION, Second Edition (Sudbury, Mass.: Jones & Bartlett, 2012).

- 1988 *Treating those Found Incompetent for Execution: Ethical Chaos with Only One Solution,* BULLETIN OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW 16:297-308 (MLR and George Barnard).

- 1988 *Fallibility and Finality: Type II Errors and Capital Punishment,* pp. 91-112 in Kenneth C. Haas and James C. Inciardi (eds.), CHALLENGING CAPITAL PUNISHMENT: LEGAL AND SOCIAL SCIENCE APPROACHES. Newbury Park, CA: Sage, 1988 (MLR and Hugo Adam Bedau).

- 1988 *The Marital Integration of Religious Independents: A Reevaluation of its Significance,* REVIEW OF RELIGIOUS RESEARCH 29:228-41 (E. Wilbur Bock and MLR).

- 1987 *Miscarriages of Justice in Potentially Capital Cases*, STANFORD LAW REVIEW 40:21-179 (Hugo Adam Bedau and MLR).

Reprinted in part at pp. 153-160 of Victor L. Streib (ed), A CAPITAL PUNISHMENT ANTHOLOGY (Cincinnati: Anderson Publishing Co., 1993).

Reprinted in part in Freda Adler, Gerhard Mueller, and William Laufer, CRIMINAL JUSTICE. N.Y.: McGraw Hill, 1994.

Translated into Japanese by Hidehiko Ikeda and reprinted in full in THE SOKA LAW REVIEW, Vol. 23, Feb. and July 1994, and vol. 24, March and July, 1995.

Reprinted in part at pp. 95-102 and 141-149 in Robert M. Baird and Stuart E. Rosenbaum, PUNISHMENT AND THE DEATH PENALTY (Prometheus Books, 1995).

Reprinted in part at pp. 367-436 in Margery B. Koosed (ed.), CAPITAL PUNISHMENT: THE PHILOSOPHICAL, MORAL, AND PENOLOGICAL DEBATE OVER CAPITAL PUNISHMENT (Garland Publishing, Inc., 1996).

Reprinted in part at pp. 64-65 in Nathan M. Crystal, PROFESSIONAL RESPONSIBILITY: PROBLEMS OF PRACTICE AND THE PROFESSION. Boston: Little Brown and Co., 1996.

Reprinted in part at pp. 225-229 of Bryan Vila and Cynthia Morris (eds.), CAPITAL PUNISHMENT IN THE UNITED STATES: A DOCUMENTARY HISTORY. Westport, Conn.: Greenwood Press, 1997.

Reprinted in part at pp. 130-41 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT: A BALANCED EXAMINATION (Sudbury, Mass.: Jones and Bartlett, 2005).

Reprinted in part at pp. 111-20 in Evan J. Mandery (ed.), CAPITAL PUNISHMENT IN AMERICA: A BALANCED EXAMINATION, Second Edition (Sudbury, Mass.: Jones & Bartlett, 2012).

- 1987 *Sociologists as Expert Witnesses in Capital Cases: A Case Study*, pp. 119-134 in Patrick R. Anderson and L. Thomas Winfree, Jr., (eds.), EXPERT WITNESSES: CRIMINOLOGISTS IN THE COURTROOM (New York: State University of New York Press).

Reprinted in part at pp. 16-17 of John Conklin, CRIMINOLOGY, 3rd ed. N.Y.: Macmillan, 1989, and at page 490-91 of the 4th Ed. (1992).

- 1986 *Race and Capital Punishment: An Overview of the Issues*, CRIME AND SOCIAL JUSTICE 25:94-113 (MLR and Margaret Vandiver).

Reprinted at pp. 177-195 of Darnell F. Hawkins (ed.), *HOMICIDE AMONG BLACK AMERICANS* (Lanham, M.D.: University Press of America, 1986).

- 1986 *Socioeconomic Influences in Patient Assignment to PA or MD Providers*, *PHYSICIAN ASSISTANT* (Journal of the American Academy of Physician Assistants) 10:164-75 (Lee A. Crandall, William H. Haas, and MLR).
- 1986 *Executing Those Who Kill Blacks: An 'Unusual Case' Study*, *MERCER UNIVERSITY LAW REVIEW* 37:911-925 (MLR and Michael Mello).
- 1986 *Ethics and the Psychiatric Determination of Competency to be Executed*, *BULLETIN OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW* 14:37-53 (MLR and George Barnard).
- 1985 *Race and Prosecutorial Discretion in Homicide Cases*, *LAW AND SOCIETY REVIEW* 19:587-621 (MLR and Glenn Pierce).

Reprinted in part at pp. 193-95 in Victor L. Streib (ed.), *A CAPITAL PUNISHMENT ANTHOLOGY* (Cincinnati: Anderson Publishing Co., 1993).

Reprinted at pp. 324-41 in Richard L. Abel (ed.), *THE LAW AND SOCIETY READER* (NYU Press, 1995).

- 1985 *Rejecting the Jury: The Imposition of the Death Penalty in Florida*, *UNIVERSITY OF CALIFORNIA-DAVIS LAW REVIEW* 18:1409-31.
- 1984 *Why are Social Characteristics of Psychiatric Patients Changing?: The Role of Shifts in Characteristics of Psychiatrists and Their Work Settings*, pp. 167-201 in James R. Greenley (ed.), *RESEARCH IN COMMUNITY AND MENTAL HEALTH*, Vol. 4. Greenwich, CT.: JAI Press (James R. Greenley, Joseph G. Kepecs, MLR, and William E. Henry).
- 1984 *Physician Assistants in Primary Care: Patient Assignment and Task Delegation*, *MEDICAL CARE* 22:268-282 (Lee A. Crandall, William P. Santulli, MLR, Kerry E. Kilpatrick, and David E. Lewis).
- 1983 *The Florida Supreme Court and Death Penalty Appeals*, *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY*, 74:913-26 (MLR and Margaret Vandiver).
- 1983 *Families, Prisons, and Death Row Inmates: The Human Impact of Structured Uncertainty*, *JOURNAL OF FAMILY ISSUES* 4:593-612 (MLR, Margaret Vandiver, and F.M. Berardo).
- 1983 *Differential Adaptive Capacity and Hearing Impairment*, *JOURNAL OF REHABILITATION* 49

(Fall):64-69 (Morris Weinberger and MLR).

An earlier version of this paper was published in Paul C. Higgins and Jeffrey E. Nash (eds.), *THE DEAF COMMUNITY AND THE DEAF POPULATION*. Washington, D.C. Gallaudet College Press, 1982, pp. 63-95.

1983 *Parole Interviews of Sex Offenders: The Role of Impression Management*, *URBAN LIFE* 12:140-61 (MLR and Leigh M. Roberts).

Reprinted at pp. 338-47 in Mark R. Pogrebin (ed.), *QUALITATIVE APPROACHES TO CRIMINAL JUSTICE*. Thousand Oaks, Sage, 2003.

1981 *Racial Characteristics and the Imposition of the Death Penalty*, *AMERICAN SOCIOLOGICAL REVIEW* 46:918-27.

1981 *Health Beliefs, Social Networks, and Tranquilizer Use*, *JOURNAL OF HEALTH AND SOCIAL BEHAVIOR* 22:165-73.

1980 *The Effect of Female Social Position on Geographic Variations in the Sex Ratio of Arrests*, *THE BULLETIN OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW* 8:465-76.

1979 *The Ethnographic Study of Social Control*, *URBAN LIFE* 8:267-273.

III. Other Publications

2005 *The Movement Toward Universal Abolition of the Death Penalty: Update from the United States*, pp. 192-209 in Chen, Zexian (ed.), *DEATH PENALTY: THE GLOBAL FOCUS*. Beijing: China People's Public Security University Press.

2005 *How Social Science Research Has Eroded Support for the Death Penalty in the U.S.* Published in both English and Chinese at pp. 189-228 in Wu, Chih Kuang (ed.), *LIVING IN A SOCIETY WITHOUT THE DEATH PENALTY*. Taipei: Fujen University Press.

1998 *Botched Lethal Injections*, *CAPITAL REPORTS* (National Legal Aid and Defender Association) 53: 4-6 (Marian J. Borg and MLR).

1996 *Capital Punishment*, pp. 97-98 in *DICTIONARY OF AMERICAN HISTORY (Supplement)*. New York: Charles Scribner's Sons Reference Books.

1996 *Studying the Death Penalty*, p. 419 in Hess, Markson, and Stein, *SOCIOLOGY*, 5th Edition (Needham Heights, Mass.: Allyn & Bacon). Earlier versions were published at p. 441 of the 4th Edition (1991) and p. 453 of the 3rd Edition (1988).

1995 *Poorly Executed*, *HARPER'S*, Vol. 290 (June 1995): 21-22.

Reprinted in part in *THE DEATH PENALTY: OPPOSING VIEWPOINTS* (San Diego: Greenhaven Press, 1997).

1994 *Innocent Deaths?* *NATIONAL REVIEW*, Nov. 21 (Response to Stephen Markman, *Innocents on Death Row?* *NATIONAL REVIEW*, Sept. 12, 1994).

1993 *The Administration of Justice*, pp. 119-45 in Wornie L. Reed (ed.), *AFRICAN AMERICANS: ESSENTIAL PERSPECTIVES*. Westport, CT: Auburn House Publishers (Wornie L. Reed with MLR and seven other collaborators).

1993 *The Families of Death Row Inmates*, pp. 764-66 in Fred Fedler, *REPORTING FOR THE PRINT MEDIA*, 5th Edition. New York: Harcourt, Brace, Jovanovich (MLR, Margaret Vandiver, and F. Berardo).

1992 *Louisiana ex rel. Francis v. Resweber, McCleskey v. Kemp, McCleskey v. Zant, and Payne v. Tennessee*, pp. 511-512, 536-536, 536, and 626 in Kermit Hall, ed., *THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES*. New York: Oxford University Press.

1991 *The Death Penalty as a Human Rights Issue*, pp. 160-65 in Shirley Dicks (ed.), *VICTIMS OF CRIME AND PUNISHMENT*. Jefferson, N.C.: McFarland.

Reprinted at pp. 170-77 in Shirley Dicks (ed.), *CONGREGATION OF THE CONDEMNED*. Buffalo: Prometheus, 1991.

1989 *Social Conscience*, pp. 218-23 in Ian Gray and Moira Stanley (eds.) *A PUNISHMENT IN SEARCH OF A CRIME*. N.Y.: Amnesty International and Avon Books.

In 1993 this book was translated into Japanese.

1988 *The Families of Death Row Inmates*, pp. 649-651 in Fred Fedler, *REPORTING FOR THE PRINT MEDIA*, 4th Edition. New York: Harcourt, Brace, Jovanovich (MLR, Margaret Vandiver, and F. Berardo).

1987 *McCleskey: Racial Disparities and the Death Penalty*, *AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW NEWSLETTER* 12:2, pp. 13-15.

1986 *The Condemnation of the Innocent*, *THE DEFENDER* (N.Y. State Defenders Association), 8:2, 23-

24.

- 1986 *The Problem of Capital Punishment*, pp. 373-375 in Louis A. Radelet, *THE POLICE AND THE COMMUNITY*, 4th Edition, and *A Conflict Analysis of Police-Community Antagonism*, pp. 128-130. N.Y.: Macmillan (earlier versions appear at pp. 145-47 of 3rd edition (1980) and pp. 141-43 of 2nd edition (1977); a later version is found at pp. 231-24 of the 5th Edition (1994) of this book.
- 1984 *The Families of Death Row Inmates*, pp. 591-593 in Fred Fedler, *REPORTING FOR THE PRINT MEDIA*, 3rd edition. N.Y.: Harcourt Brace Jovanovich, (MLR, M. Vandiver, and F. Berardo).

IV. Book Reviews

- 2011 Review of David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition*. *AMERICAN JOURNAL OF SOCIOLOGY* 116: 2031-33.
- 2011 Review of David T. Johnson and Franklin E. Zimring, *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia*. *ASIAN JOURNAL OF CRIMINOLOGY* 6:119-120.
- 2009 Review of Charles J. Ogletree, Jr., and Austin Sarat, *When Law Fails: Making Sense of Miscarriages of Justice*. *JUDICATURE* 93 (Sept.-Oct.): 77-78.
- 2008 Review of Robert M. Bohm (ed.), *The Death Penalty Today*. *CRIMINAL JUSTICE REVIEW* 33:5670-72.
- 2008 Review of Jon B. Gould, *The Innocence Commissions: Preventing Wrongful Convictions and Restoring the Criminal Justice System*. *JUDICATURE* 91 (Jan.-Feb.): 202-203.
- 2005 Review of Bill Kurtis, *The Death Penalty on Trial*. *JUDICATURE* 89 (Sept.-Oct.):87-89.
- 2004 Review of Hugo Adam Bedau, *Killing As Punishment: Reflections on the Death Penalty in America*. *PUNISHMENT AND SOCIETY* 7: 225-26.
- 2003 Review of J. Michael Martinez et al., *The Leviathan's Choice: Capital Punishment in the Twenty-First Century*. *CONTEMPORARY SOCIOLOGY* 32:758-59.
- 2001 Review of Stuart Banner, *The Death Penalty: An American History*. *American Journal of Legal History* 45:322-3.
- 2001 Review of Lloyd Steffen, *Executing Justice*. *PRINCETON SEMINARY BULLETIN* 22:247-8.
- 2000 Review of Robert Johnson, *Death Work, 2nd Edition*. *PUNISHMENT AND SOCIETY: THE INTERNATIONAL JOURNAL OF PENOLOGY* 2:124-25.
- 1997 Review of Robert Perske, *Deadly Innocence?* In William Schabas (ed.), *INTERNATIONAL YEARBOOK ON CAPITAL PUNISHMENT*.
- 1992 Review of Robert Johnson, *Death Work*. *JOURNAL OF CONTEMPORARY ETHNOGRAPHY* 20:491-93.
- 1991 Review of David Baldus et al., *Equal Justice and the Death Penalty*. *CRIMINAL JUSTICE REVIEW* 16:302-4.
- 1988 Reviews of D. Lester, *The Death Penalty: Issues and Answers*; B. Nakell and K. Hardy, *The Arbitrariness of the Death Penalty*; K. Otterbein, *The Ultimate Coercive Sanction*. *CONTEMPORARY SOCIOLOGY* 17:66-67.

- 1987 Review of Stephen C. Ainsley, Gaylene Becker, and Lerita M. Coleman, *The Dilemma of Difference: A Multidisciplinary View of Stigma*. CONTEMPORARY SOCIOLOGY 16:779-80.
- 1987 Review of J. B. Coker and J. P. Martin, *Licensed to Live*. CONTEMPORARY SOCIOLOGY 16:98.
- 1986 Review of Ernest van de Haag and John P. Conrad, *The Death Penalty: A Debate*. QUALITATIVE SOCIOLOGY 9:77-9.
- 1985 Review Essay of Dane Archer and Rosemary Gartner, *Violence and Crime in Cross-National Perspective*. CONTEMPORARY SOCIOLOGY 14:540-1.
- 1985 Review of William Wilbanks, *Murder in Miami*. CONTEMPORARY SOCIOLOGY 14:463.
- 1981 Review of Renee C. Fox, *Essays in Medical Sociology*. CONTEMPORARY SOCIOLOGY 10:431-2.
- 1981 Review of Marshall B. Clinard, *Cities with Little Crime: The Case of Switzerland* (ASA Rose Monograph Series). URBAN LIFE 9:497-8.
- 1979 Review of Sherry Turkle, *Psychoanalytic Politics: Freud's French Revolution*. HUMANITY AND SOCIETY 3:314-5.
- 1978 Review of Ivan Illich, Irving K. Zola, John McKnight, Jonathan Caplan, and Harley Shaiken (Eds.), *Disabling Professions*. CONTEMPORARY SOCIOLOGY 7:369-70.
- 1978 Review of Kenneth R. Pelletier, *Mind as Healer, Mind as Slayer*. HUMANITY AND SOCIOLOGY 2:69-70.

V. Presented Papers

Recent

- 2012 *Mitigation That Works*, presented to the "Life Over Death" meetings of the Florida Public Defenders' Association, Orlando, Sept. 7.
- 2012 *The Death Penalty in Florida: Trends and Forecasts*, presented at the meetings of the Society For the Study of Social Problems, Denver, August 18.
- 2012 "How International Leadership Can Affect the American Death Penalty Debate," presented to the International Commission against the Death Penalty, Madrid, October 8.
- 2011 *What Death Penalty Abolitionists in the Caribbean can Learn from the Experiences in the U.S.*, presented at the International Conference on the Death Penalty in the Great Caribbean, Madrid, Spain, Oct. 18.
- 2011 *The Next Steps in Death Penalty Abolition*, presented to the International Commission to Abolish the Death Penalty, Madrid, Spain, June 30.
- 2010 *Race and Death Sentencing in Louisiana*, presented at the meetings of the American Society of Criminology, San Francisco, Nov. 17.

- 2010 Session Chair, *Racial, Ethnic, and Social Bias in the Death Penalty: Are Political and Social Commitments to Equality Effective Tools for Abolition?* Fourth World Congress against the Death Penalty, Geneva, Switzerland, Feb. 24, 2010.
- 2009 *Cultures, Religions and Capital Punishment*, presented at International Symposium for the Universal Abolition of the Death Penalty, Universidad de Castilla – La Mancha, Madrid, Spain, Dec. 11.
- 2009 Organizer and Discussant for two “Author Meets Critic” sessions at the meetings of the American Society of Criminology in Philadelphia, Nov. 6. Books discussed were Johnson & Zimring, *THE NEXT FRONTIER: NATIONAL DEVELOPMENT, POLITICAL CHANGE, AND THE DEATH PENALTY IN ASIA*, and Wells & Leo, *THE WRONG GUYS: FALSE CONFESSIONS AND THE NORFOLK FOUR*.
- 2009 *Class and Race: Using the Data Presented to the Commission and Gathering More*, presented at the 2009 Training Program for Capital Lawyers, sponsored by the California Attorneys for Criminal Justice, Los Angeles, Sept. 26 (with George Kendall).
- 2009 *Overcoming Death Recommendations from Juries: A Social Science Perspective*, presented at Florida Public Defender Assn. Attorney Training Program, “Life Over Death,” Orlando, Sept. 11.
- 2009 *How U.S. Virgin Islanders Talk About Health and Health Care*, presented at meetings of the National Black Nurses Association, Toronto, Aug. 5 (Gloria B. Callwood, MLR, and Hossein Yarandi).
- 2009 *New Research on False Convictions and Exonerations*, presented at the meetings of the Law and Society Association, Denver, May 29.
- 2009 *How Death Row Inmates View Communicating with Non-Incarcerated Pen Pals in England*, presented at the meetings of Lifelines, Nottingham, England, April 18.
- 2009 *Race and Death Sentencing*, presented at 2009 Capital Case Defense Seminar for the California Attorneys for Criminal Justice and the California Public Defenders’ Association, Monterey, Feb. 14 (with Robert Sanger).
- 2007 *Disparities in Arrest by Race and Ethnicity of Victims of Homicide and Aggravated Assault: Implications for the Death Penalty Decision Process*, presented at the meetings of The American Society of Criminology, Atlanta, Nov. 16 (April Pattavina, Glenn Pierce and MLR).
- 2007 *Factors Influencing Death Penalty Legislation in the U.S.: Tinkering With the Machinery of Death*, presented at Workshop on the Death Penalty in China, “Moving the Debate Forward,” Beijing, 25-26 August, 2007, sponsored by the Great Britain China Centre and the College of Criminal Law Science, Beijing Normal University.

- 2006 *New Research on Race and Death Sentencing*, presented at Death Penalty conference hosted by Harvard Law School, May 6.
- 2006 *Race and Death Sentencing in California*, presented at Death Penalty conference hosted by UCLA Law School, Los Angeles, April 8.
- 2005 *Deterrence and the Death Penalty*, presented at training conference for death penalty attorney in the Caribbean, St. Georges, Bridgetown, Barbados, June 4.
- 2004 *On Abolishing the Death Penalty in Vietnam*, presented at a Workshop organized by the Vietnamese Ministry of Foreign Affairs and the Danish Center for Human Rights, Hanoi, Nov. 25.
- 2004 *Empirical Studies of Death Penalty Cases*, presented at a Conference sponsored by the Law Institute, Chinese Academy of Sciences, Chongqing, Dec. 11.
- 2004 *The Impact of Legally Inappropriate Factors on Death Sentencing for California Homicides, 1990-99*, presented at meetings of American Society of Criminology, Nashville, Nov. 18 (Glenn Pierce and MLR).
- 2003 *The History of the Death Penalty in Colorado*, presented at meetings of American Society of Criminology, Denver, Nov. 22.
- 2003 *Recent Trends in Death Sentencing in Florida*, Florida Public Defenders Association, Orlando, Sept. 5 (invited keynote).
- 2003 *Defending Death Penalty Cases*, presented at training conference for death penalty attorneys in the Caribbean, St. Georges, Grenada, May 24.
- 2002 *Towards the Abolition of the Death Penalty in the People's Republic of China*, presented at International Symposium on the Death Penalty and sponsored by the Chinese Academy of Social Sciences, Xiangtan, Hunan Province, Dec. 9.
- 2002 *Race, Region, and the Prospect for Commutations of Death Sentences in Illinois*, presented at meetings of American Society of Criminology, Chicago, Nov. 15 (with Glenn Pierce).
- 2002 *Keynote Address*, Meeting of National Convocation of Jail and Prison Ministers, University of Texas-Austin, July 9.
- 2002 *On Race and Death Sentencing in Illinois*, presented at meetings of Pacific Sociological Association, Vancouver, April 19.

- 2002 *Race, Region, and Death Sentencing in Illinois, 1988-1997*, presented at death penalty conference, University of Oregon Law School, March 1 (with Glenn Pierce).
- 2001 *Race and Death Sentencing in Florida and Illinois: Some Recent Findings*, presented at meetings of American Society of Criminology, Atlanta, Nov. 9 (with Glenn Pierce).
- 2001 *Trends in the U.S. Toward Abolition of the Death Penalty*, Keynote address, annual meetings of Colorado State Public Defenders Association, Snowmass, Sept. 29.
- 2001 *Toward Universal Abolition of the Death Penalty*, presented at Conference on International Law and the Abolition of the Death Penalty, National University of Ireland, Galway, September 22.
- 2001 *Recent Developments in the Death Penalty in Florida*, presented at meetings of Florida Public Defender Association, Orlando, Sept. 7.
- 2001 *Trends in the United States Toward Abolishing the Death Penalty*, presented at an International Conference on Capital Punishment, Fujen University, Taipei, Taiwan, June 25.
- 2001 *The Changing Nature of Death Penalty Debates*, presented to the annual meeting of the Idaho Association of Criminal Defense Lawyers, Sun Valley, March 2.
- 2000 *Moratorium 2000 and the Calls for a Moratorium on Executions*, presented at the Meetings of the Society for the Study of Social Problems, Washington, D.C., August 11.
- 2000 *The Role of Organized Religions in Recent Changes in Death Penalty Debates*, presented at a conference on "Religion's Role in the Administration of the Death Penalty," School of Law, College of William and Mary, Williamsburg, Vir., April 7, 2000.
- 2000 *On the Conviction of the Innocent*, presented at Conference on Miscarriages of Justice, sponsored by U-C Irvine and the California Public Defenders Association, Newport Beach, Calif., March 4.
- 1999 *Dead Man Walking*, Keynote Address, Meetings of the German Evangelical Lutheran Church, Berlin, Dec. 4.
- 1999 *The Role of Mitigation*, presented at a National Conference on "Organizing the Religious Community Against the Death Penalty," San Antonio, April 10.
- 1998 *In Spite of Innocence*, presented to plenary session of National Conference on Wrongful Convictions and the Death Penalty, Northwestern University Law School, Chicago, Nov. 14.
- 1998 *The Inevitability of Mistake in the Administration of the Death Penalty*, presented at the VII Conference of the International Society for Justice Research, Denver, May 28.

- 1997 *Botched Executions in the United States*, presented at meetings of the American Society of Criminology, San Diego, November 22 (Marian J. Borg and MLR).
- 1996 *On Defending Death Row Inmates*, Keynote Address, Meetings of the Colorado Defense Bar, Aspen, June 7.
- 1996 *Inmates Released from Death Rows Since 1970 Because of Innocence*, presented at special conference to honor the 150th anniversary of the abolition of the death penalty in Michigan, Cooley Law School, Lansing, May 31.
- 1996 *Dealing With Death Row Inmates*, Keynote Address, Lifelines Conference, Bristol, England, May 11.
- 1995 *The Execution of the Innocent*, presented at the Meetings of the American Society of Criminology, Boston, Nov. 15 (MLR and Hugo Adam Bedau).
- 1995 *Clemency in Capital Cases*, presented at the annual meetings of death penalty litigators sponsored by the NAACP Legal Defense and Educational Fund, Airlie, Virginia, July 29.
- 1994 *How It Feels When Your Son Is Executed*, presented at the Meetings of the American Society of Criminology, Miami, November 9 (with Kay Tafero).
- 1994 *Mental Health Professionals and the Death Penalty*, Public Lecture, Santa Fe, New Mexico, Oct. 23.
- 1994 *Race and the Death Penalty*, presented at the Meetings of the Federal Public Defenders' Investigators Conference, Ft. Lauderdale, October 8.
- 1994 *New Ideas for Litigating Race Claims in Death Penalty Cases*, presented at the annual meetings of death penalty litigators sponsored by the NAACP Legal Defense and Educational Fund, Airlie, Virginia, July 24.
- 1994 *Doing Social Science Research on Racial Bias in Death Penalty Cases*, presented at the Meetings of the Capital Litigators' Resource Centers, Charleston, S.C., May 27.
- 1993 *Executive Clemency in Post-Furman Capital Cases*, presented at the Meetings of the American Society of Criminology, Tucson, October 29 (MLR and Barbara Zsembik).
- 1991 *Predicting Dangerousness in the Penalty Phase of Capital Trials*, presented at National Death Penalty Conference at Albany Law School, April 6, 1991.

Other Papers at Professional Meetings

- 1989 American Academy of Psychiatry and the Law, Washington, D.C. (Kirk Heilbrun, Joel Dvoskin, and MLR)
- 1989 American Sociological Association, San Francisco.
- 1989 Florida Public Defenders Association, Tampa.
- 1988 American Society of Criminology, Chicago.
- 1988 American Civil Liberties Union, Tampa.
- 1988 American Psychological Association, Atlanta.
- 1988 National Conference on the Family and Corrections, Sacramento.
- 1987 American Academy of Psychiatry & The Law, Toronto (George Barnard and MLR).
- 1987 American Sociological Association, Chicago.
- 1987 Law and Society Association, Washington, D.C.
- 1986 American Society of Criminology, Atlanta (Watt Espy and MLR).
- 1986 American Society of Criminology, Atlanta (#2).
- 1986 American Academy of Criminal Justice Sciences, Orlando.
- 1985 American Society of Criminology, San Diego (Hugo Bedau & MLR).
- 1985 American Society of Criminology, San Diego (MLR & Glenn Pierce).
- 1985 Academy of Psychiatry & Law, Albuquerque (George Barnard & MLR).
- 1985 Society for The Study of Social Problems, Washington, D.C. (MLR and George Barnard).
- 1983 American Sociological Association, Detroit (MLR and Glenn Pierce).
- 1983 Society for The Study of Social Problems, Detroit (MLR, Margaret Vandiver, and F. Berardo).
- 1982 Society for the Study of Social Problems, San Francisco (MLR and Margaret Vandiver).
- 1982 Conference on Social Aspects of Deafness, Gallaudet college, Washington, D.C. (Morris Weinberger and MLR).
- 1982 Florida Public Defenders Association, Crystal River.
- 1981 American Sociological Association, Toronto.
- 1981 Society for the Study of Social Problems, Toronto (MLR and Leigh Roberts).
- 1981 Society for The Study of Social Problems, New York.
- 1979 Midwest Sociological Society, Minneapolis.
- 1978 American Sociological Association, San Francisco.
- 1978 Society for The Study of Social Problems, San Francisco.
- 1978 North Central Sociological Association, Cincinnati.
- 1978 Midwest Sociological Society, Omaha.
- 1977 Society for the Study of Social Problems, Chicago.

Appendix I: Miscellaneous Public Lectures

1987

Amnesty International, Los Angeles, 2/18.
Amnesty International, Tallahassee, 4/13.
Amnesty International, Miami, 5/7.
Amnesty International, Atlanta, 6/29.

1988

Amnesty International, Tallahassee 1/19.
Amnesty International, Tampa, 2/20
Stanford Law School, 4/22.
Amnesty International, Atlanta 6/18.

1989

Xavier University, Cincinnati, 1/25.
Temple University, 4/12.
SUNY-Albany, 4/13.
Amnesty International, Kansas City, 4/25.
Amnesty International, Chicago, 6/24.
Amnesty International, Houston, 9/29.
Texas Southern University Law School, 9/29.
Amnesty International, Sacramento, 10/12.
Amnesty International, Indianapolis, 10/28.
Amnesty International, Boston, 11/3.
Amnesty International, Washington, 11/18.
Amnesty International, Houston 12/7.

1990

New York University Law School, 4/1.
Amnesty International, Basil, Switzerland, 3/24.
Amnesty International, London, ten times in spring, 1990.
St. Michael's College, Vermont, 11/29.

1991

Amnesty International, New Orleans, 2/23.
Brandeis University, 3/26.
Albany Law School, 4/5.
Harvard University Law School, 4/12.

1993

Golden Gate University Law School, 5/5.
U-C Santa Cruz, 5/7.
ACLU, Anchorage, Alaska, 5/21.
Florida State University Law School, 9/14.

1994

U-C Santa Cruz, 2/24.
Santa Clara University Law School, 2/25.

1995

University of Westminster Law School, London, 2/21, 3/14, and 3/27.
Amnesty International, London (nine times in spring 1995).
Amnesty International, Edinburgh, Scotland, 4/8.
SUNY-Geneseo, 11/9.

1996

Amnesty International, Innsbruck, Austria, 7/16.
University of Missouri-Columbia (Law School & Sociology Dept.), 10/24.
University of Nebraska-Lincoln (Law School & Sociology Dept.), 11/14.

1997

Fordham Law School, 3/24.
Amnesty International, New Orleans, 5/31.
University of Southern Maine 10/6.
Florida A&M University, 10/?.
Bethune-Cookman College, 11/11.

1998

St. Olaf's College, 1/27.
Amnesty International, San Francisco, 3/20.
St. Bonaventure University, 9/24.
University of Westminster Law School, London, 10/27 and 12/2.
Florida A&M University, 11/17.
Amnesty International, Harare, Zimbabwe, Dec. 5-13.

1999

University of Central Florida, 3/2.
Amnesty International, Minneapolis, 4/16.
Amnesty International, Lunen, Germany, 5/22.
Wayne State University, 9/15.
University of Detroit, 9/15.
Eastern Michigan University, 9/15.
Michigan State University, 9/16.
Columbia University, 10/13.
Florida A&M University, 11/10.
University of Westminster Law School, London, 11/19.
Amnesty International, Washington D.C., 8/14.
Amnesty International, Orlando, 10/23.

2000

University of North Florida, 2/29.
Amnesty International, East Brunswick, N.J., 5/6.
Niagara University, 9/15.
Eckard College, 9/28.

Central Florida Community College, 11/7.
Northern Illinois University, 11/8.
University of Tulsa, 11/10.
Amnesty International, San Francisco, 11/18.

2001

Florida Southern College, 1/18.
Cardozo Law School, New York 3/22 (simulcast live to law school
classes at Cooley, Duke, Northwestern, and Tennessee).
Indiana State University, 5/17.

2002

Loyola University – Chicago, 3/9.
University of Dayton, 3/17-3/18.
Regis University, Denver, 4/10 and 10/14.
Colorado State University, 4/10.
University of Westminster Law School, London, 8/1.
University of Iowa Law School, 10/25.
Amnesty International, Denver, 10/27.

2003

University of Denver, 2/3.
University of Illinois-Champaign (Law School), 2/7.
Notre Dame de Namur Univ. (Belmont Calif.), 2/14.
University of Idaho, 4/3.
University of Oklahoma Law School, 4/11.
Regis University, 6/10.
Skidmore College, 9/12.
University of Wyoming, 10/29.

2004

Fujun University, Taipei, Taiwan 5/14-5/15.
Law School, University of Denver, 3/4.
Wichita State University, 11/5.
Friends University (Wichita), 11/5.

2005

Alverno College, Milwaukee, 4/28.
University of the Virgin Islands, St. Thomas, 10/14.

2006

UCLA, 4/8.
Harvard Law School, 5/6.
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2007

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Notre Dame, 11/19-20.

2008

Northeastern University, 2/19.
Harvard Law School, 2/16.
Irish Centre on Human Rights,
National University of Ireland, Galway, 3/18 and 3/19.
Texas Tech Law School, 4/4.
University of North Carolina - Greensboro, 4/14.

2009

Morehouse College, Atlanta, 9/9-9/10.
Millersville University, Pennsylvania, 11/17.
Utah Valley University, 11/19.

2010

University of Texas-Austin Law School, 4/9.
UC Hastings Law School, San Francisco, 6/12.
Morehouse College, Atlanta, 9/22.

2011

Regis University, 2/8.
Vermont Law School, 2/11.
Oakland University, 2/25.
Naropa University, 3/30.
Colorado State University, 4/2.
Michigan State Law School, 4/8

2012

Barry University Law School, Orlando, 1/7.
Loyola-Los Angeles Law School, 4/26.
Tufts University, 9/24.

Appendix: Activities as an Expert Witness

1. Hearing for post-conviction relief, *State v. Anthony Peek*, Bartow, Florida, June 15, 1983.
2. Penalty Phase, *State v. Peek*, Bartow, September 15, 1984.
3. In sentencing Phase of trial in *People of The State of California v. Bobby Joe Maxwell*, Superior Court of the State of California, Los Angeles County, July 24-26, 1984.
4. Hearing for post-conviction relief, *Lusk v. State*, Starke, Florida, May 8, 1985.
5. Guilt Phase, *State of California v. Larry Haddock*, Pomona, June 3, 1985.
6. Penalty Phase, *State v. Buenoano*, Orlando, November 25, 1985.
7. Penalty Phase, *State v. Correll*, Sarasota, February 2, 1986.
8. Penalty Phase, *California v. Catlin*, Monterey, May 8, 1986.
9. Penalty Phase, *California v. Henderson*, San Francisco, May 21, 1986.
10. Penalty Phase, *California v. Hall*, Los Angeles, August 20-21, 1986.
11. Penalty Phase, *State v. Richmond*, Orlando, October 1, 1986.
12. Penalty Phase, *State v. Jones*, Orlando, November 17, 1986.
13. Penalty Phase, *State v. Trotter*, Sarasota, March 26, 1987.
14. Penalty Phase, *State v. Fitzpatrick*, Pensacola, July 2, 1987.
15. Penalty Phase, *State v. McCray*, Ft. Myers, February 15, 1988.
16. Penalty Phase, *State v. Hitchcock*, Orlando, February 19, 1988.
17. Guilt Phase, *California v. Bigelow*, Monterey, April 26, 1988.
18. Penalty Phase, *California v. Jenkins*, Los Angeles, Aug. 17, 1988.
19. Penalty Phase, *California v. McMurphree*, Fairfield, Sept. 7, 1988.
20. Penalty Phase, *State v. Rozier*, Orlando, Oct. 6, 1988.
21. Penalty Phase, *N.J. v. Busby*, Hackensack, March 29, 1989.
22. Guilt Phase, *California v. Ledesma*, San Jose, Aug. 10, 1989.
23. Deposition, *State v. Ruffin*, Gainesville, Sept. 14, 1989.
24. Penalty Phase, *State v. Savage*, Cocoa, FL, Dec. 11, 1989.
25. Deposition, *State v. William White*, Gainesville, Dec. 15, 1989.
26. Post-conviction relief, *State v. Sims*, Sanford, May 29, 1990.
27. Pretrial motions in *Georgia v. Brooks*, Columbus, Sept. 11, 1990.
28. Penalty Phase, *State v. Ruffin*, Ocala, Sept. 28, 1990.
29. Penalty Phase, *State v. Powers*, Ft. Myers, Nov. 6, 1990.
30. Penalty Phase, *Colorado v. Orona*, Colorado Springs, Dec. 3, 1990.
31. Penalty Phase, *Oklahoma v. Medlock*, El Reno, Mar. 13, 1991.
32. Penalty Phase, *State v. Wike*, Milton, Dec. 2, 1992.
33. Pretrial Motions, *Louisiana v. Lucien*, New Orleans, Dec. 4, 1992.
34. Penalty Phase, *State v. Michael Smith*, Orlando, Dec. 15, 1992.
35. Penalty Phase, *Colorado v. Fears*, Denver, March 22-23, 1993.
36. Penalty Phase, *Colorado v. Thomas*, Brighton, May 28, 1993.

37. Penalty Phase, *State v. Hitchcock*, Orlando, Aug. 26, 1993.
38. Penalty Phase, *State v. Elledge*, Ft. Lauderdale, Nov. 11, 1993.
39. Evidentiary hearing on habeas petition, *State v. Buenoano*, Orlando (federal court), Jan. 6, 1994.
40. Evidentiary hearing on state habeas petition, *State v. Hayes*, Daytona Beach, Jan. 31, 1994.
41. Penalty Phase, *U.S. v. Oscar et al.*, Norfolk, Virginia (federal court), Mar. 16, 1994.
42. Penalty Phase, *State v. Burns*, Sarasota, Apr. 12, 1994.
43. Penalty Phase, *State v. Pauline Zile*, W. Palm Beach, June 6, 1995.
44. Penalty Phase, *Colorado v. Harlan*, Brighton, June 28, 1995.
45. Penalty Phase, *State v. Wike*, Milton, Aug. 17, 1995.
46. Evidentiary Hearing on pretrial motion, *State v. Carzell Moore*, McDunnah, Georgia, Sept. 28, 1995.
47. Clemency Hearing, *State v. Paris Carriger*, Arizona State Prison, Florence, Arizona, Dec. 4, 1995.
48. Penalty Phase, *State v. Antonio Cruz*, Miami, Oct. 28, 1996.
49. Evidentiary hearing on state habeas petition, *State v. Bruno*, Ft. Lauderdale, Mar. 11, 1997.
50. Penalty Phase, *State v. Aluden Chirinos-Matute*, Miami, May 8, 1997.
51. Penalty Phase, *State v. Goodson*, Dawson, Georgia, Feb. 24, 1998.
52. Pretrial Hearing, *State v. Ashley*, Dothan, Ala., June 4, 1998.
53. Penalty Phase, *State v. Yeager*, Coeur D'Alene, Idaho, June 4, 1999.
54. Penalty Phase, *State v. Rory Conde*, Miami, Dec. 10, 1999.
55. Evidentiary hearing on state habeas petition, *State v. Sims*, Sanford, Fla., Jan. 27, 2000.
56. Penalty Phase, *Colorado v. George Woldt*, Colorado Springs, Aug. 25, 2000.
57. Hearing for Postconviction Relief, *State v. Walter Dye*, Indianapolis, May 16, 2001.
58. Hearing for Postconviction Relief, *State v. John Stephenson*, Evansville, Indiana, Jan. 17, 2003.
59. Evidentiary Hearing on habeas petition, *State v. Johnny Robinson*, St. Augustine, Fla., Jan. 19, 2004.
60. Pretrial motion, *United States vs. William Sablan*, Federal District Court, Denver, Dec. 7, 2005.
61. Pretrial motion, *State v. Sir Mario Owens et al.*, Littleton, Colo., August 14, 2007.
62. Evidentiary Hearing, *State v. Dougan*, Jacksonville, Feb. 25, 2013.

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Georgia executes inmate who had attempted suicide

By GREG BLUESTEIN (AP) - 4 days ago



JACKSON, Ga. — A Georgia prisoner who tried to kill himself last week by slashing his arms and throat with a razor blade was executed Monday night amid heightened security for the 1998 murders of a trucking company owner and his two children.

Brandon Joseph Rhode, 31, was put to death by injection at the state prison in Jackson. He was pronounced dead at 10:16 p.m. Rhode declined to speak any last words or have a final prayer.

He was convicted in 2000 of killing Steven Moss, 37, his 11-year-old son Bryan and 15-year-old daughter Kristin during a burglary of their Jones County home in central Georgia. His coconspirator, Daniel Lucas, was also sentenced to death in a separate trial and remains on death row.

Rhode's execution had been set for 7 p.m. but was pushed back several hours as corrections officials waited for the U.S. Supreme Court to decide on his plea for a stay of execution. The court rejected appeals later that night.

Medics then tried for about 30 minutes to find a vein to inject the three-drug concoction.

The prisoner's eyes darted around the room before the lethal mixture began coursing through his veins. Within minutes he was staring blankly at the ceiling of the death chamber. Moments before Rhode was pronounced dead he turned his head, exposing a bandage over the part of his neck he slashed.

It took 14 minutes for the lethal dose to kill him.

Rhode had initially been scheduled to be put to death Sept. 21, but the Georgia Supreme Court postponed the execution after Rhode was rushed to the hospital that day following a suicide attempt.

Rhode was stabilized at a local hospital and placed in a restraining chair to prevent him from removing the sutures from his neck or doing any other harm to himself, state attorneys said. Defense attorney Brian Kammer countered that Rhode was put in a "torture chair" and subjected to cruel and unusual punishment.

"He has been subjected to the surreal and incomprehensible. Heroic measures taken to stabilize his life by the prison staff that would then execute him," Kammer said in one court filing.

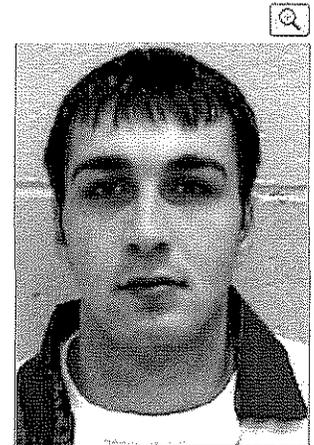
Kammer urged the Georgia Supreme Court Monday to push back the execution again so experts could evaluate whether Rhode was mentally competent to be executed, or understood why he was being punished. He said Rhode lost half his blood Sept. 21 when he cut himself, went into shock and could have suffered brain damage.

"The threat of execution has pushed Mr. Rhode's limited coping skills to the breaking point," spurring him to slash himself with blades he hid from guards while under a blanket, he said in the filing.

Rhode and Lucas were ransacking the Moss' home in search of valuables in April 1998 when Bryan Moss saw them through a front window, and entered through a back door armed with a baseball bat, prosecutors said. They said Moss and his son and daughter were shot to death. Lucas later shot each of the victims again to make sure they were dead, according to the records.

Rhode appealed the case several times, arguing that his trial attorneys failed to present enough evidence to persuade the jury to spare his life. Kammer argued more recently that his client should be granted clemency because doctors discovered he suffered from organic brain damage and a fetal alcohol disorder.

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FILE - This undated file photo released by the Georgia Department of Corrections shows inmate Brandon Joseph Rhode. The Georgia death row inmate scheduled to be executed Monday Sept. 27, 2010 for the 1998 triple murders of a trucking company owner and his two children. (AP Photo/Georgia Department of Corrections)



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out that make it a form of torture," said Colleen O'Leary, acting director of the Midwest region of Amnesty International.

But it probably won't give other Death Row inmates much ammunition to stave off their own executions, defense lawyers said Tuesday. That's because under state law, the electric chair can be used as a backup method.

The state first used lethal injection in 1990 on Walker, who gave up his appeals and asked to die. Witnesses told reporters that he seemed to gasp and gag as the lethal drugs were administered.

An outside group filed a federal suit before Walker's death claiming lethal injection was inhumane. The suit cited the opinion of a prominent anesthesiologist who said an inmate could suffer excruciating pain if the process goes awry. The suit was dismissed.

• maple.circa.uf

07:25

Chicago Sun-Times, May 11, 1994

Gacy probably did not suffer pain despite the malfunction, provided the dose of the first chemical -- sodium pentathol -- was high enough to fully anesthetize him, said Dr. Quentin Young, a medical professor at the University of Illinois Medical Center in Chicago.

But the chief prosecutor in Gacy's trial said the malfunction didn't matter much. "He got a much easier death than any one of his victims," said William J. Kunkle Jr., who witnessed the execution. "In my opinion, he got an easier death than he deserved."

Contributing: Lou Ortiz

GRAPHIC: SEE Related Stories; ILLUSTRATION; SEE Roll Microfilm

LANGUAGE: English

MDC-ACC-NO: GACY11051994

LOAD-DATE-MDC: May 11, 1994

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07:25

LEVEL 1 - 2 OF 3 STORIES

Copyright 1994 Chicago Sun-Times, Inc.
Chicago Sun-Times

May 11, 1994, WEDNESDAY, Late Sports Final Edition

SECTION: NEWS; Pg. 5

LENGTH: 347 words

HEADLINE: Witnesses Describe Killer's 'Macabre' Final Few Minutes

SOURCE: RICH CHAPMAN

BYLINE: By Lou Ortiz and Scott Fornek

BODY:

The plastic curtain closed, and shadowy figures rushed into a frenzy of activity.

"You could see the shadows moving (behind the curtain). There was definitely something wrong," Debbie Howlett, a media witness, said about the execution by lethal injection of John Wayne Gacy early Tuesday.

• maple.circa.uf

07:25

Chicago Sun-Times, May 11, 1994

Although it had been in the works for 14 years, Gacy's actual execution was supposed to take less than 10 minutes. But it took twice that long.

"We had a clogged tube," Nic Howell, a spokesman for the state Corrections Department. "We shut the curtain, re-rigged it and (then) it worked like a champ."

The execution was very sterile. Very clinical. And a little eerie.

"It was kind of like a 'Twilight Zone' episode," said Stewart Warren, of the Joliet Herald-News.

Gacy, 52, was led from a holding cell and strapped to a hospital gurney about 12:15 a.m. Just after 12:30 a.m., a curtain, which covered a glass partition that separated the execution chamber from the witness room, opened.

Heavy leather straps were knotted around his arms and chest and an intravenous tube hooked to a vein. "He looked at the ceiling the whole time," said Howlett, Chicago Bureau Chief for USA Today. "It was a little macabre."

Gacy's eyes blinked a couple of times. One hand was clenched in a fist. The chemicals -- a barbiturate to cause sleep and a paralytic agent to stop

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07:25

Chicago Sun-Times, May 11, 1994

breathing -- had begun to flow.

"We heard this very loud snort and saw this very slight jerk of the head," said Gregory Tejada, a United Press International reporter. "His belly was heaving up and down with the breathing."

"I didn't get the feeling that he was in pain," said Tracey Petersen, of WHOI-TV in Peoria.

But then the chemical jelled in the line leading to the \$ 25,000 machine, and prison officials closed the curtains and made adjustments. Then the curtains reopened. Potassium chloride -- the chemical that would stop his heart -- was now freely invading his body.

Gacy's face turned from his normal hue to a purplish color, said Tom Dunn, a state senator from Joliet and another witness.

GRAPHIC: Sue Morris (center) and Amanda Atkins, both of Springfield, hold candles outside Stateville Prison in Joliet late Monday as the crowd exults in the pending execution of John Wayne Gacy. ; SEE Related Stories; ILLUSTRATION; SEE Roll Microfilm

time came, painfully late

Moans pierced silence during wait

EDITOR'S NOTE: Here is a first-person account from the Log Cabin Democrat in Conway.

BY SONJA CLINESMITH
Log Cabin Democrat

VARNER - Rickey Ray Rector was not an easy man to execute.

Loud moans filtered from the death chamber as technicians pierced Rector's skin with needles and searched almost an hour for suitable veins to carry lethal doses of chemicals.

Thirteen witnesses in the next room could not see the procedure, their view veiled by a thick, black curtain. They later learned that Rector helped with the procedure.

After the three women and 10 men were seated, Art Lock-

• Related article, photo 4B

hart, director of the state Department of Correction, gave them a brief overview of the procedure and thanked them. "It's a lengthy process when you use lethal injection," he said.

Lockhart couldn't have known how long it would really take for the state to complete the execution of the man who killed a Conway police officer almost 11 years ago.

Conversation in the witness room was light with few mentions of Rector and the case as the long wait began. The room seemed like a small theater playing a suspenseful movie.

Rector's outbursts interrupted the silence more than

once.

Three Conway law officers, dressed in civilian clothing, took three of the five orange seats on the front row. "We're relieved it's finally going to be concluded," Sgt. Bill Milburn said.

With a small Bible tucked in his left coat pocket, the Rev. Kelan Motton, Rector's minister and pastor of St. James CME Church in Conway, sat next to the officers. Two thin silver ribbons apparently marking his place dangled from the pages.

White County Sheriff Jess Odom took the remaining front row seat.

Another officer, Jerry Bradley, chief deputy at the Faulkner County sheriff's office, sat on the second row.

See CONWAY, Page 8B

David White, a spokesman for the state Department of Correction, said it was a problem with the system.

About 30 journalists attending the execution questioned John Byus, the department's administrator of medical and dental services, for more than a half-hour about the problem - mainly on the medical qualifications of the team and what took so long.

Byus, who is not a doctor, said Saturday afternoon that he understood those concerns, but only the people in the chamber with Rector could really understand what happened.

"We weren't just sticking him every minute," Byus said.

"We were looking for a new vein. We kept thinking the next one would be it."

Byus described a scene that was tense and growing worse by the second.

"I didn't notice any time," he said. "To us, every second was an hour."

He said the eight-member team went into the chamber at 9 p.m. expecting problems.

"We had eight people in there when this all started," Byus said. "The tie-down people were helping, and by the end, we had three more medical people."

Byus said the team found a vein within five minutes of entering the room, but the vessel collapsed.

"We thought we had it, but we didn't," he said. "That's unusual, but it happens. He had spindly veins that collapsed easily. We searched. We were lucky to find a vein at all."

A combination of three lethal drugs is supposed to be fed through one of two IVs in each of the victim's arms. The second is a backup.

"That blood vessel has to handle 10 times the normal dosage of those drugs," Byus said.

By the time they found a vein in Rector's right hand, he said, the team already was preparing for a "cut-down" - a method of cutting into an arm

See RECTOR, Page 8B

Rector

Continued from Arkansas Page

Such a problem had been anticipated, he said, but the team was in a "damned if you do, and damned if you don't" situation.

"What if we'd gone in early," he asked. "We could have found the vein in five minutes, and he would have just been lying there. There are a lot of factors where you can say 'if, and and'."

Byus said he wasn't going to discuss the issue of whether the injection system works. "There are problems with

any system," he said. "And I don't want them (the execution team) categorized as a medical team. That's an ethical question. We weren't there to save a life."

Rule said Saturday that Rector's death just accentuated problems that his group has been pointing out for years. "It's a form of torture," Rule

said. "It's not just somebody going to sleep. Rector made us all aware of that."

However, Rule agreed that the problem didn't lie with anyone in the chamber with Rector. He also said he doesn't think the state should have an execution system period.

"Electrodeath takes two or three jolts," Rule said. "It's a

system. It's the fact that we still insist on taking lives."

Byus said Rector was aware of the problem, understood and communicated with the team, and helped all he could.

"I'm not going to take anything away from Rickey Ray Rector and the help he gave us

with our task," Byus said. "He helped."

Rule saw that differently. "He helped," Rule said. "It's a horror and a cruelty."

White said there are now 35 inmates on death row at the department's Tucker Unit in Jefferson County.

Conway

Continued from Arkansas Page

John Jewell, one of Rector's attorneys, also took a seat on the second row and Jeff Rosenzweig, another Rector attorney, sat just behind him on the back row. The seat beside him was empty.

Eight rogues or outbursts were omitted. "That's him," Rosenzweig commented about 11:4 p.m. after one of the Adams.

About 9:38 p.m., Odum said, it sounds like they're really having trouble. They're patting his arm.

When the curtain finally was pulled back at 9:50 p.m. and the execution started, the room fell silent.

A thin white sheet covered Rector from his feet across his large stomach to just below his face and just above his right

hand, where the catheter was finally placed. He was hooked to a heart monitor placed on the floor at the head of the gurney near the medical administrator's feet.

His dark, bulky fingers clutched a white piece of gauze while medical tape secured the needle and intravenous tubing just above his ring finger.

His fingers never moved. The tubing made its way under the sheet to one of two intravenous bottles hanging above Rector's head. Fluid dripped from only one bottle as the lethal chemical wound its way through the tubing and into Rector's arm.

The two executioners administered the lethal injection from a concealed compartment at Rector's head. John Byus, medical administrator, cast a watchful eye on the heart monitor and kept the executioners abreast of the process by talk-

ing into his headset.

Small drops of blood were splattered on the white sheet Rector was lying on and on the metal gurney — apparent signs of the difficulty before the curtain was opened.

Rector moved little although he did have a few contorts.

Conway detective Bob Barham looked attentively at Rector and the heart monitor at the medical administrator's feet. "It looks like it's flatlining," he whispered about 10:05 p.m. "Oh, there was a jump. There's another flutter." It would be among the last of Rector's heartbeats.

At 10:09 p.m., Barham whispered, "There's not anything moving on that monitor at all. It's straight across."

All movement from the gurney had stopped. Rector appeared to be a man who had fallen into a deep, peaceful sleep.

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November 7, 2001 Wednesday, Home Edition

SECTION: Metro News, Pg. 1B

LENGTH: 241 words

HEADLINE: Gang leader executed by injection;
Death comes 25 years after boy, 11, slain

BYLINE: RHONDA COOK

SOURCE: AJC

BODY:

Jose High fought his inevitable death Tuesday but finally surrendered to a combination of deadly drugs intended to kill him for the murder of an 11-year-old boy in 1976.

High's execution was scheduled for 7 p.m., but was delayed beyond what was to be expected because prison officials could not find a suitable vein to support the shunt that was used to deliver the drugs.

Department of Corrections spokesman Mike Light said contract emergency medical technicians had to abandon their attempts to insert needles into his arm after trying 15 to 20 minutes. Instead, they inserted one in his hand and, as a backup, a doctor inserted one between his shoulder and his neck.

Light insisted that High was cooperative and did not complain during this process. But under Department of Corrections guidelines, the procedure is not observed by witnesses.

Once witnesses were let into the death chamber, High was able to speak his final words, insisting he did not kill 11-year-old Bonnie Bulloch and decrying the death penalty as racist and designed to hurt only the poor.

"I did not kill that little boy," High said, adding that it was all part of a lie designed by investigators of the little boy's death. "I could not hurt a child. Never. That lie is going to follow me now. I'm ready to die."

The boy's mother and stepfather were in another part of the prison along with family members and relatives of another of High's victims.

GRAPHIC: Photo:

Attorneys for Jose High claimed he was mentally ill and mentally retarded.

LOAD-DATE: November 07, 2001

WEATHER

PARTLY CLOUDY

Humid. Low 74, high 88. Page B4

Heading for LA: Shaq gets \$121 million /Sports, Page D1

THE INDIANAPOLIS STAR

CITY FINAL

"Where the Spirit of the Lord is, there is Liberty" II COR. 3:17

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Doctor's aid in injection violated ethics rule

Physician helped insert the lethal tube in a breach of AMA's policy forbidding active role in an execution.

By Sherri Edwards and Suzanne McBride STAFF WRITERS

A medical doctor was in conflict with professional guidelines when he assisted an Indiana State Prison execution team in the lethal injection of Tommie J. Smith.

Smith, 42, died early Thursday for his role in the 1980 slaying of Indianapolis police Sgt. Jack Ohrberg.

A doctor pronounced Smith dead at 1:23 a.m., about half an hour after prison officials had expected the condemned man to die.

Generally, the only role a doctor plays in an execution is pronouncement of death. Direct involvement violates American Medical Association and Indiana State Medical Association positions.

But because of the execution team's difficulty finding veins in Smith's arms, the doctor was asked to play a more active role.

Authorities disclosed the involvement of the physician, a surgeon whom they would not identify, in describing the events leading to Smith's execution.

Also Thursday:

A spokesman said Gov. Evan Bayh was satisfied with how the execution was handled and didn't see any need for a review, although corrections officials plan a routine review today.

DOCTOR

Continued from Page 1

Smith's lawyers and family were upset that his body was embalmed at a Michigan City funeral home against their wishes.

Prison officials said they knew two months ago that Smith had unusually small veins that might cause problems with the lethal injection.

The doctor's involvement in the execution is contrary to the AMA's position, which states "A physician ... should not be a participant in a state execution."

The Indiana State Medical Association also takes that position.

"I think this policy is very clear, and we would stand behind it," spokeswoman Adele Lash said.

The doctor had been notified two months ago that he might be needed to insert a tube into one of Smith's blood vessels, said prison spokeswoman Pam Pattison.

"This particular physician who had been trained and had been given prior notification that this might occur did not feel uncomfortable doing this procedure," Pattison said.

The execution team began trying to find veins in each arm at 12:14 a.m. and continued until 12:30 a.m., according to DOC records.

At that point the doctor was called in and gave Smith a local anesthetic. Then he tried to insert the tube in his neck.

When that failed, he was able to insert the angiocath in Smith's foot, completing the procedure at 12:55 a.m.

Pattison said Smith had also been notified two months ago that this procedure might be necessary. He was told he could take a sedative but declined, Pattison said.



Staff Photo / Patrick Schneider

PLAIN SPEAKING: Indianapolis police Officer John Correll makes his pro-death penalty feelings clear with anti-death penalty demonstrator James Dziados at Indiana State Prison.

"He just laid there very still with his eyes closed," Pattison said.

Witnesses were escorted into the viewing areas by 1 a.m., and the three drugs were injected into Smith between 1:03 a.m. and 1:18 a.m., according to DOC records.

Smith's attorneys spent most of Thursday trying to find out why the lethal injection took far longer than prison officials had planned.

"We're asking the question, 'What happened?'" said Chicago attorney Carol Heise, who helped with some of Smith's legal appeals.

"We would like to know why it took 36 minutes (to find a vein). This is highly, highly unusual," Heise said.

Prison officials said they mistakenly estimated Wednesday that the execution would take 20 to 45 minutes.

They said that estimate only applied to the length of the execution after the intravenous tube

was placed in Smith's body. Pattison said they expected the entire procedure to take an hour and 15 minutes.

"To say that something went wrong would be a misconception," Pattison said. "The procedure just lasted longer than what had been originally anticipated."

A spokesman said the governor's office was satisfied with how the execution was handled. "Based on what we have heard about this, we have no concerns," Fred Nation said.

Smith's attorneys also were upset that his body was embalmed early Thursday morning at a Michigan City funeral home, contrary to the family's wishes.

Funeral home workers had to make additional cuts in Smith's body to perform the embalming. Those marks could make it more difficult for the dead man's family and friends to determine what exactly happened in the final few hours of his life, said Indianapolis lawyer Lorinda Youngcourt.

See DOCTOR Page 2

Rector, 40, executed for officer's slaying

BY JOE FARMER
Democrat-Gazette Pine Bluff Bureau

VARNER — Rickey Ray Rector died by lethal injection at the Cummins Unit at 10:09 p.m. Friday in an execution that took medical staff more than 50 minutes to find veins in his arms.

Witnesses said they heard as many as eight moans coming from the chamber as they waited for a set of curtains separating them from Rector to be opened.

John Byus, administrator of medical and dental programs for the state Department of Correction, said the moans did come as a team of two medical people that had grown to five worked on both sides of his body to find a vein.

"That may have contributed to his occasional outbursts," Byus said.

The execution, scheduled to

- List of witnesses 8A
- Rector tells son "to stay out of trouble" 8A
- Six people wait outside Varner Unit for execution 10A

begin at 9 p.m., didn't start until 9:50 p.m.

Asked if he wished to make a final statement, Rector said, "Yes. I got baptized and saved."

Rector, 40, of Conway was sentenced to die for the March 24, 1981, slaying of Conway police officer Robert W. Martin. He also was serving a life sentence for first-degree murder and two counts of first-degree battery in a shooting at a restaurant two days before Martin died.

After killing Martin, Rector shot himself in the head. The wound, combined with sur-

See RECTOR, Page 9A



RECTOR PROTEST — Diane Hamley (left) participates in a protest of the execution of Rickey Ray Rector. The protest took place in front of the Governor's

Mansion. Friday evening, the U.S. Supreme Court refused to grant a stay to Rector, who was convicted of killing a police officer.

gery, in effect caused a lobotomy. His attorneys vainly argued that Rector was mentally incompetent and couldn't be killed.

He became the third inmate at the Correction Department to be executed since Arkansas resumed the death penalty in 1990. He was the first black inmate to die since 1960 and the second person to die by lethal injection.

The medical problem of finding a vein turned a 20-minute process into more than an hour of waiting.

"We heard a number of moans, very audible," said Jeff Rosenzweig, one of his Little Rock lawyers, who witnessed the execution. "It seemed to come as they were trying to find a vein."

He said the curtains weren't opened until the intravenous needles were in place. Rector was wearing a short-sleeved prison white uniform to accommodate the two IVs that sent a mixture of three lethal chemicals into the bloodstream. Rector had a choice between electrocution and lethal injection.

Ron Fournier, who was a witness for The Associated Press, said he saw only one needle and it was in Rector's hand.

That, Byus said, was the only place the medical staff could get an IV started.

"He'd say, 'Oh, I can feel it there,'" Byus said of Rector. "He was talkative. He was trying to help us find a vein."

Byus refused to discuss the qualifications of the medical people, but did say they were above the level of licensed practical nurse. They were qualified to handle the procedure under the circumstances, he said, and he felt they performed well. He said they had anticipated the problem but would not say if they were state employees.

"I'm just not going to discuss the process or these people," he told the 29 or so media representatives in a large meeting room adjacent to the chamber at the department's Cummins Unit here.



Rickey Ray Rector 1-25-92

Rector's last mental exam, in December 1991, found him competent. One of his attorneys, John Jewell of Little Rock, had requested the exam under an Arkansas law that requires the state to ensure inmates are fit for execution.

Jewell and Rosenzweig later challenged the constitutionality of the law in the state and federal courts, with both lawsuits being appealed all the way to the U.S. Supreme Court.

The inmate began eating his last meal in his holding cell at 2:57 p.m. His meal consisted of a well-done fried steak, baked chicken with gravy, pecan pie, brown beans and cherry Kool-Aid. He finished the meal at 3:15 p.m., but didn't eat the gravy or the beans.

Rector was visited by the Rev. Kelan Motton between 3:30 p.m. and 4:05 p.m., David White, a prison spokesman, said. He later watched KARK-TV, Channel 4.

He was visited about 6 p.m. by Rosenzweig, who gave Rector the news about the Supreme Court's decision.

Rosenzweig said he had earlier called Clinton from a pay telephone at Pine Bluff.

ARKANSAS DEMOCRAT-GAZETTE

SAT.
1-25-92

He said it took from 9:50 until 10:09 p.m. for Rector to die. He was pronounced dead by Lincoln County Coroner Jimmy Hawkins.

"The blood vessels collapsed, and we couldn't find them" Byus said. "There was blood on the side of the gurney."

"I'm getting dizzy," Rector said two minutes after the execution commenced. Prison officials said he lost consciousness a minute later.

Herb Rule, president of the Arkansas Coalition to Abolish the Death Penalty, said the lengthy execution makes it even more tragic.

"I feel sad about it," Rule said. "It's another one of the cruelties of executions that they are so often, as I understand it, not at all painless or quick."

The last hope for Rector in the judicial system was the U.S. Supreme Court. But the high court announced at 5:50 p.m. Friday that it had, without comment, denied a stay.

Gov. Bill Clinton took time off from the presidential campaign trail to be in Arkansas for the execution. Under state law, only the governor had the authority to stop the execution.

That was unlikely. Clinton, in a joint statement with Lt. Gov. Jim Guy Tucker, on Thursday announced he denied Rector's request for executive clemency.

"I explained various aspects of the case he might not be familiar with," Rosenzweig said. "He thanked me. I got the impression he was listening."

He said he believed Rector was too brain damaged to understand what was going on.

From 6:34 to 6:40 p.m., Rector showered. "He's still talkative," White said. "He is cognizant of the fact he is to be executed."

Jewell visited with Rector between 7:24 and 8:07 p.m. He and Rosenzweig together visited Rector just before the execution, which they both watched.

The last black man executed in Arkansas died the same day: Oct. 23, 1960. They were John Bracey, 26, convicted in Chicot County for first-degree murder and Lawrence Gene Moore, 21, convicted in Crittenden County for first-degree murder.

To ensure there were no problems with the population at the 1,850-inmate Cummins Unit, the Arkansas State Police and the prison system provided extra officers.

Martin was looking for Rector because he was a suspect in the March 22, 1981, murder of Author Criswell of Morrilton and the wounding of two other men at a Conway restaurant.

Martin went to the home of Rector's mother, Clyde Lee Rector, to question her about her son's whereabouts. Martin was sitting in the living room when Rector entered and shot him. Rector then went outside and shot himself.

Rector's time came, painfully late

"We could hear every second ticking without having to look at the clock." — John Byus, administrator for medical and dental services at the state Department of Correction, discussing a 45-minute delay Friday night in the execution of Rickey Ray Rector of Conway.

BY JOE FARMER
Democrat-Gazette Pine Bluff Bureau

VARNER — Nobody was happy with the execution of Rickey Ray Rector on Friday night.

The execution was scheduled to start at 9 p.m., but was delayed 45 minutes because the team assigned to set up the intravenous line for lethal injection couldn't find a vein in the 6-foot 1-inch, 298-pound condemned man.

Rector, 40, of Conway was sentenced to die for the 1981 shooting death of Conway police officer Robert W. Martin. After killing Martin, Rector shot himself in the head. His attorneys argued that he shouldn't have been executed because of his brain damage. The courts, including the U.S. Supreme Court, disagreed.

The state opted for injection as its means of execution in 1983 after using electrocution for many years. Rector had been sentenced to die by electrocution, but the law gave him a choice. He selected injection.

Jeff Rosenzweig and John Jewell of Little Rock, his attorneys who witnessed events in the death chamber at the Department of Correction's Cummins Unit in Lincoln County, said they heard moans and were concerned. Herbert Rule, president of the Arkansas Coalition Against the Death Penalty, called it a form of torture.

Moans pierced silence during wait

EDITOR'S NOTE: Here is a first-person account from the Log Cabin Democrat in Conway.

BY SONJA CLINESMITH
Log Cabin Democrat

VARNER — Rickey Ray Rector was not an easy man to execute.

Loud moans filtered from the death chamber as technicians pierced Rector's skin with needles and searched almost an hour for suitable veins to carry lethal doses of chemicals.

Thirteen witnesses in the next room could not see the procedure, their view veiled by a thick, black curtain. They later learned that Rector helped with the procedure.

After the three women and 10 men were seated, Art Lock-

• Related article, photo 4B

hart, director of the state Department of Correction, gave them a brief overview of the procedure and thanked them. "It's a lengthy process when you use lethal injection," he said.

Lockhart couldn't have known how long it would really take for the state to complete the execution of the man who killed a Conway police officer almost 11 years ago.

Conversation in the witness room was light with few mentions of Rector and the case as the long wait began. The room seemed like a small theater playing a suspenseful movie.

Rector's outbursts interrupted the silence more than

once.

Three Conway law officers, dressed in civilian clothing, took three of the five orange seats on the front row. "We're relieved it's finally going to be concluded," Sgt. Bill Milburn said.

With a small Bible tucked in his left coat pocket, the Rev. Kelan Motton, Rector's minister and pastor of St. James CME Church in Conway, sat next to the officers. Two thin silver ribbons apparently marking his place dangled from the pages.

White County Sheriff Jess Odum took the remaining front row seat.

Another officer, Jerry Bradley, chief deputy at the Faulkner County sheriff's office, sat on the second row.

See CONWAY, Page 8B

David White, a spokesman for the state Department of Correction, said it was a problem with the system.

About 30 journalists attending the execution questioned John Byus, the department's administrator of medical and dental services, for more than a half-hour about the problem — mainly on the medical qualifications of the team and what took so long.

Byus, who is not a doctor, said Saturday afternoon that he understood those concerns, but only the people in the chamber with Rector could really understand what happened.

"We weren't just sticking him every minute," Byus said.

"We were looking for a new vein. We kept thinking the next one would be it."

Byus described a scene that was tense and growing worse by the second.

"I didn't notice any time," he said. "To us, every second was an hour."

He said the eight-member team went into the chamber at 9 p.m. expecting problems.

"We had eight people in there when this all started," Byus said. "The tie-down people were helping, and by the end, we had three more medical people."

Byus said the team found a vein within five minutes of entering the room, but the vessel collapsed.

"We thought we had it, but we didn't," he said. "That's unusual, but it happens. He had spindly veins that collapsed easily. We searched. We were lucky to find a vein at all."

A combination of three lethal drugs is supposed to be fed through one of two IVs in each of the victim's arms. The second is a backup.

"That blood vessel has to handle 10 times the normal dosage of those drugs," Byus said.

By the time they found a vein in Rector's right hand, he said, the team already was preparing for a "cut-down" — a method of cutting into an arm

See RECTOR, Page 8B

Reactor

Continued from Arkansas Page 1

When a problem had been identified, he said, but the reactor was in a damned if you do and damned if you don't situation.

Conway

Continued from Arkansas Page 1

John Jewell, one of Reactor's attorneys, also took a seat on the second row and Jeff Sprauzweig, another Reactor attorney, sat just behind him in the back row. The seat behind him was empty.

Light moans or outbursts were counted. "That's him," Sprauzweig commented about 9:30 p.m. after one of the men.

About 9:38 p.m., Odom said, "Sounds like they're really in trouble. They're palpatting his arm."

When the curtain finally pulled back at 9:50 p.m., the execution started, the fell silent.

A thin white sheet covered the reactor from his feet across his stomach to just below his hand and just above his right

"What if we'd gone in early," he asked. "We could have found the vein in five minutes, and he would have just been lying there. There are a lot of factors where you can say 'if and and'."

Byus said he wasn't going to discuss the issue of whether the injection system works. "There are problems with

hand, where the catheter was finally placed. He was hooked to a heart monitor placed on the floor at the head of the gurney near the medical administrator's feet.

His dark, bulky fingers clutched a white piece of gauze while medical tape secured the needle and intravenous tubing just above his ring finger.

His fingers never moved. The tubing made its way under the sheet to one of two intravenous bottles hanging above Reactor's head. Fluid dripped from only one bottle as the lethal chemical wound its way through the tubing and into Reactor's arm.

The two executioners administered the lethal injection from a concealed compartment at Reactor's head. John Byus, medical administrator, cast a watchful eye on the heart monitor and kept the executioners abreast of the process by talk-

any system," he said. "And I don't want them (the execution team) categorized as a medical team. That's an ethical question. We weren't here to save a life."

Rule said Saturday that Reactor's death just accentuated problems that his group has been pointing out for years. "It's a form of torture," Rule

ing into his headset. Small drops of blood were splattered on the white sheet Reactor was lying on and on the metal gurney - apparent signs of the difficulty before the curtain was opened.

Reactor moved little although he did have a few comments.

Conway detective Bob Barham looked attentively at Reactor and the heart monitor at the medical administrator's feet. "It looks like it's flat-lining," he whispered about 10:06 p.m. "Oh, there was a jump. There's another flutter."

It would be among the last of Reactor's heartbeats.

At 10:09 p.m., Barham whispered, "There's not anything moving on that monitor at all. It's straight across."

All movement from the gurney had stopped. Reactor appeared to be a man who had fallen into a deep, peaceful sleep.

said. "It's not just somebody going to sleep. Reactor made us all aware of that."

However, Rule agreed that the problem didn't lie with anyone in the chamber with Reactor. He also said he doesn't think the state should have an execution system, period.

"Electrocution takes two or three jolts," Rule said. "It's a

system. It's the fact that we still insist on taking lives."

Byus said Reactor was aware of the problem, understood and communicated with the team, and helped all he could.

"I'm not going to take anything away from Bickey Ray Reactor and the help he gave us

with our task," Byus said. "He helped."

Rule saw that differently. "He helped," Rule said. "It's a horror and a cruelty."

White said there are now 35 inmates on death row at the department's Tucker Unit in Jefferson County.

LEVEL 1 - 1 OF 3 STORIES

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Chicago Sun-Times

May 11, 1994, WEDNESDAY, Late Sports Final Edition

SECTION: NEWS; Pg. 5

LENGTH: 536 words

HEADLINE: Gacy Lawyers Blast Method;
Lethal Injections Under Fire After Equipment Malfunction

BYLINE: By Scott Fornek and Alex Rodriguez

BODY:

Lawyers who unsuccessfully fought to keep John Wayne Gacy alive vowed Tuesday to launch an investigation into why the lethal injection procedure that killed their client initially malfunctioned.

"What we will do is start to conduct an investigation," said John Greenlees, one of the late serial killer's lawyers. "It seems like way too sick of a situation for me to say, I told you so."

- maple.circa.uf

07 25

Chicago Sun-Times, May 11, 1994

In one of their rejected appeals to Gacy's execution, Greenlees and three other attorneys had argued that the state's \$ 25,000 lethal injection machine could malfunction as they contend it did the only other time it was used -- in the execution of Charles Walker in 1990.

Gacy was pronounced dead at 12:58 a.m. Tuesday, but correction officials had to perform the process twice in 18 minutes due to an unexplained glitch that caused one of the deadly chemicals to jell in one of the machine's tubes.

Critics said the troubles underscore problems with how executions are carried out. "There have been two executions and two screw-ups, and that's the bottom line," said John Hanlon, a lawyer for the Illinois Appellate Defender's office, who was not involved in Gacy's final appeals.

Corrections Department officials could not confirm any malfunction in Walker's execution, and could not explain the problem in Gacy's death. "We haven't exactly figured it out," said spokesman Nic Howell. "It (the machine) is tested on a regular basis. We flush liquids through it."

But Greenlees said: "It seems to work just so fine only when no one else is around but them."

- maple.circa.uf

07 25

Chicago Sun-Times, May 11, 1994

Gacy's relatives do not want to sue over the manner of his death, but Greenlees said he is concerned for others on Death Row he represents.

The malfunction rekindled death penalty opponents' protests that all forms of capital punishment are barbaric. "There are so many aspects of how it's carried

out that make it a form of torture," said Colleen O'Leary, acting director of the Midwest region of Amnesty International.

But it probably won't give other Death Row inmates much ammunition to stave off their own executions, defense lawyers said Tuesday. That's because under state law, the electric chair can be used as a backup method.

The state first used lethal injection in 1990 on Walker, who gave up his appeals and asked to die. Witnesses told reporters that he seemed to gasp and gag as the lethal drugs were administered.

An outside group filed a federal suit before Walker's death claiming lethal injection was inhumane. The suit cited the opinion of a prominent anesthesiologist who said an inmate could suffer excruciating pain if the process goes awry. The suit was dismissed.

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07:25

Chicago Sun-Times, May 11, 1994

Gacy probably did not suffer pain despite the malfunction, provided the dose of the first chemical -- sodium pentathol -- was high enough to fully anesthetize him, said Dr. Quentin Young, a medical professor at the University of Illinois Medical Center in Chicago.

But the chief prosecutor in Gacy's trial said the malfunction didn't matter much. "He got a much easier death than any one of his victims," said William J. Kunkle Jr., who witnessed the execution. "In my opinion, he got an easier death than he deserved."

Contributing: Lou Ortiz

GRAPHIC: SEE Related Stories; ILLUSTRATION; SEE Roll Microfilm

LANGUAGE: English

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LEVEL 1 - 2 OF 3 STORIES

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May 11, 1994, WEDNESDAY, Late Sports Final Edition

SECTION: NEWS; Pg. 5

LENGTH: 347 words

HEADLINE: Witnesses Describe Killer's 'Macabre' Final Few Minutes

SOURCE: RICH CHAPMAN

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ANNALS OF LAW AND POLITICS

DEATH IN ARKANSAS

As Arkansas's governor, Bill Clinton had to prove that he was a Democrat who could handle mainstream priorities—including the death penalty. Then, at the most vulnerable moment of his political life, he was confronted with the final appeal from Rickey Ray Rector, a convicted killer on death row whose self-inflicted wounds had left him with the erratic comprehension of a child.

BY MARSHALL FRADY

IN January of last year, just when Bill Clinton's prospering campaign in the New Hampshire Democratic primary had suddenly been staggered by the tabloid allegations about Gennifer Flowers, Clinton was also confronted with the decision on whether to allow the execution, back in Arkansas, of a forty-year-old black convict named Rickey Ray Rector, who had been condemned for the killing of a policeman more than ten years earlier. The matter of Rickey Rector could hardly have seemed a more incidental concern in the political havoc surrounding Clinton at that moment. With one poll indicating that he had toppled by twelve points, and with reporters besieging him for explanations about Flowers, the Governor held feverish motel-room sessions with aides and negotiated with networks

for possible appearances that might dispel the scandal. Nevertheless, he flew back to Arkansas on a Thursday evening, to be in place to attend directly to whatever last appeals and legal considerations might develop the next day, when Rector was scheduled to die.

As Clinton's plane took off, the condemned man waited in a windowless holding cell in Cummins prison, in the southeast corner of the state. Rector, a ponderous two-hundred-and-ninety-eight-pound heap—far from the lithe

youth he had once been—was alternately "dancing around the cell singing & laughing" in his T-shirt, boxer shorts, and socks, according to the prison's sedulously kept death-watch log, and "howling and barking like a dog." He kept on at this, as indeed he had for most of his ten years in prison—intermittent bursts of barking, baying, then

his dessert until bedtime, and after eating his last meal, of steak and fried chicken in gravy, with cherry Kool-Aid, he carefully set aside his helping of pecan pie, to finish later. One of his attorneys had earlier stated that Rector "thinks he'll be back in his cell on Saturday morning."

Rector's case ranged beyond customary considerations of the question of capital punishment. In 1981, after killing two men, he had put a pistol to his temple and shot himself through the forehead: it had left him with what amounted, after surgery, to a frontal lobotomy and, according to subsequent testimony, with about the understanding of a young child—a dim simplicity that the surgeon who operated on him likened to that of the Jack Nicholson character after his lobotomy in "One Flew Over the Cuckoo's Nest." At the least, it

appeared incontestable that after lifting the pistol to his forehead and blasting away some three inches of the front of his brain he was not the same being who only a few moments earlier had casually murdered a policeman sitting in his mother's parlor. To proceed with his execution anyway, no matter how damaged and uncomprehending a creature he might now be, became a test in Arkansas of the lengths to which a society would pursue the old urge to expiate one killing by performing another—and a



Rector in 1992 with John Jewell, an attorney who stayed on the case for four years. "At no point did I ever feel with Rickey it was anything like a relationship with a friend," Jewell said. "Because there wasn't anyone there to connect to."

blaring laughter and little gleeful shuffles of dancing, fingers snapping—through Friday. That afternoon, after Clinton had refused all final entreaties for clemency, Rector sat with one of his attorneys, watching, on a TV outside his cell, news reports of his impending execution, two hours away, intermingled with accounts of Clinton's travail over the Flowers charges, and he abruptly announced, in a thick mumble, "I'm gonna vote for him. Gonna vote for Clinton." It had always been his habit to put aside

test of the state's highest temporal authority, the governor, who alone could stop it.

Clinton's decision to permit Rector's sentence to be carried out did occasion a few scattered flares of protest. But as his campaign surged on from the Flowers affair to his election in November, long forgotten was the fate of that obscure black murderer in Arkansas with whom Clinton's rise to the Presidency had, for a few hours the previous January, mortally intersected.

Last fall, just a few days before the election, I picked up from the office of one of Rector's attorneys in Little Rock a cardboard box heaped with the legal records of the long process to accomplish his execution, and drove north under an afternoon sky dull with impending rain. Motorcades could be seen zooming back and forth on the highways, signalling the sudden implosion of the outside world of power and consequence into this scantily inhabited and somewhat scruffy back-yard state that was about to produce a President. After thirty minutes or so, I reached the town of Conway where Rector's meagre, troubled life had finally culminated in a kind of folk parable of blind violence and innocent suffering and unanswerable grief, and the brutal clumsiness of an essential decency obsessed with larger purposes, all combining into a tragic complexity ultimately beyond the constricted measures and rites of law—and all played out in, as it happened, a county named Faulkner.

CONWAY grew up beside a railroad track in the years following the Civil War, and by 1980 it had become a sedate community of some twenty-three thousand souls, about ten per cent of them black. The railroad tracks still divide the town. On one side stretches a genteel expanse of neighborhoods of ample wooded yards and commodious homes. It was on the other side, among the bleaker streets of the black quarter, that Rickey Ray Rector was born—the sixth of seven children in the spare but rigorously proper household of George Rector, a cook in a fabled Conway steakhouse of the time (and, briefly, for a future governor, Winthrop Rockefeller), and Clyde Lee Rector, a soulfully reli-

gious woman who worked as a maid at a local college. Unlike Bill Clinton, born six years earlier in an even smaller hamlet a hundred miles to the south, who was described by a local matron as "one of the brightest little boys that ever lived in Hope," Rickey Rector seemed from his earliest years a curiously lost and clouded spirit. "Rickey was just different from the rest of us children," his sister Stella Morris recalls. "He would always play by himself. The rest of us would be busy with toys and games and things like that, but Rickey, he'd always sit off by himself under a chinaberry tree, just playing with sticks." It was as if he were locked into some private daze of withdrawal. When directly addressed, he would often only gaze back with a dreaming secret smile. "I know now it was probably what's called a learning disability," Stella says. As a small boy, he accompanied the rest of the family to services every Sunday at St. James C.M.E. Church, but "he really wasn't connecting with any of it," according to Stella. "He was having a hard life even then, and we just didn't know what it was, that he needed special attention. But he always had trouble because of it." Another of his sisters recalls, "He didn't have no buddy. He didn't bond with anybody. He had only one friend, actually, and that was Mr. Bland—an old, old man, who had, like, a little farm. Rickey loved Mr. Bland, loved those animals at Mr. Bland's. He'd just lie there for hours in Mr. Bland's wagon. Rickey really was just a baby, even when he grew big—loved old people and children and animals. He had this special, this strange sort of sweetness about him, you know?"

Their mother, Stella says, "knew that Rickey was different, but she wouldn't acknowledge it"—though she did once concede that he had always been "an odd child," so solitary that he would never even venture in from the yard to ask for something to drink or to snack on. But she seemed to cherish him—already unreachable distant and lost to her—more protectively than her other children. His father, however, taking the boy's slowness for simple contrariness, was unremittently harsh to him, administering repeated strappings—as a result of which, it was later conjectured, Rickey acquired a permanent, sub-

merged rancor against all male assertions of authority. Nevertheless, Stella maintains, "Rickey never would bother anybody, just tried to keep to himself." But she adds, "Unless they were bothering him. And then he'd react." Once, when a brother kept taunting him, Rickey finally snatched up a pair of scissors and stabbed him in the foot.

By the time he reached junior high school, where he floundered ever more hopelessly in his classwork, still able only to print in the laboring hand of a third grader, Rickey had begun to live in a constant suspicion that contempt and hostility were everywhere focussed on him. His sense of embarrled displacement deepened during the first year of integration in Conway's middle school. Stella remembers that Rickey, finding himself suddenly among a "new set" of white students, felt that "all these people didn't want him to be there"—an impression that was not altogether imaginary. On returning home, she says, he would frequently be fuming that "he had been called 'nigger' and, because of his evident mental vagueness, "called other things, just as hurtful." He began regularly getting into fistfights at school. He was now a tall, gangling youth, with a certain languid, smoky handsomeness, partly offset by a stare that, according to white townsmen who knew him, hinted of some faint menace. One Conway man who was in school with him recalls, "Wasn't nobody at ease with him. You'd see him walking down the hall with that sleepy-eyed look he had, all by himself with nobody around him, and there was this feeling that he was trouble. I mean, he was the sort of guy, if he came into the bathroom while you were alone in there, you'd just pinch it off real fast and get on out."

He never made it through the tenth grade—he was expelled for his repeated fracas. When his parents made a despairing, faltering attempt to talk to him about it, he exploded at them, too, lunging about the house and shrieking at them to leave him alone. He began vanishing from home for days at a time, wandering to unknown destinations. Thus he completed his drift into a lasting exile from the everyday world around him at the age of sixteen. At that same age, as it happened, Bill Clinton had journeyed with a Boys' Nation delegation to Washington and, in a reception



A CHILD DRIFTS AWAY

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on the White House lawn, briefly clasped the hand of President John F. Kennedy.

Rickey Rector, as he grew older, took to stalking through the nighttime streets of Conway until two or three in the morning, loping along in solitude under the street lights. For a while, he worked sporadically at an assortment of jobs as a hand laborer—a roofer, a housepainter's assistant, an asphalt layer. At some point, apparently in the same desultory fashion, he got married, and he seems to have fathered an indeterminate number of children by other women. And throughout this time, beginning

at seventeen, he was jailed by the Conway police at regular intervals on a motley succession of charges—disorderly conduct, assault and battery, forgery, grand larceny, assault with intent to kill. The charges all ended in dismissals, sometimes with prejudice, or fines. Often when he found himself in such moments of trouble, Rickey would flee for a while to Detroit, where two of his sisters were living, and he was arrested there at least once, for selling marijuana. As the picture forms in retrospect, he had entered a kind of slowly accelerating berserkness, which took him steadily toward the farthest outskirts of society.

WHILE Rector was lurching through those years, Bill Clinton was pursuing his own large hopes as a student at Georgetown, then Oxford, then Yale, and finally circling back to his home state to begin constructing his future. In 1978, after teaching at the University of Arkansas, in Fayetteville, Clinton, still only thirty-two, managed to get elected governor, becoming the youngest governor in the country. His first term was filled with reformist exuberance as he sallied forth to regulate the state's utility companies, the timber industry, the trucking industry. But to many of the state's political regulars, as



"Mr. Simpson, a doctor type will see you now."

one legislator was still grumping years later to the *Arkansas Democrat Gazette*, "he was a punk kid with long hair, he had all those longhaired people working for him, and he was a liberal." When he buoyantly ran for a second term, in 1980, the state's power complex shifted its support to the Republican candidate, and Clinton was defeated.

The astonishment of that repudiation was a trauma that, by all accounts, hugely sobered and altered Clinton. "I didn't like it," Clinton himself conceded afterward, "but I learned a lot from it." One almost metaphysical lesson it provided him was never to range, whatever his own impulses, too far beyond the standing disposition of the general populace. He prepared now for another, redemptive campaign to recover his lost office as a more muted creature, with public professions of contrition for the liberal enthusiasms of his first term. A special vow was to rectify an impression that his Republican adversary had seized upon in the 1980 race—that he might have been overly considerate of criminals. He asked to be forgiven for having commuted some seventy sentences in his first term, including the life sentences of thirty-eight first-degree murderers. An instance that gave him particular discomfort was his commutation, in 1979,

of the life sentence of a seventy-three-year-old convicted murderer, who had been described to him by doctors as mortally ill and posing a possible two-hundred-thousand-dollar medical bill to the state, whereas release would make him eligible for Medicare—and who, within a year of being freed, shot to death a sixty-one-year-old man in a robbery attempt. Clinton afterward complained, "That old man was not as sick as people thought he was," and he assured everyone, as he offered himself for governor once more, that he would never risk letting anything like that happen again.

After winning a second chance in 1982, Clinton parcelled out only seven more commutations throughout his ten years as governor, and none were for death sentences. Indeed, upon his reelection he began setting a profusion of execution dates. "The defining event in Bill Clinton's life was that defeat in 1980," says Jeff Rosenzweig, who became one of Rector's attorneys in the last weeks of the prisoner's life. "Clinton set his first execution just before he left office, so he could say later he had, but it was entirely premature and was immediately stayed. Then when he came back in, he would set new execution dates at just about every stage, every tick in the



"Phone-sex on Line Four, Mr. Davis."

words, "I'm in trouble. I got to come and see you. I love you. I'm in real trouble. I didn't mean to do it, but they just pushed me, you know? I didn't know what I was doin'." He told her that some of his acquaintances had assured him, "They gonna kill you, man. They gonna shoot you down like a dog." He spoke to her, she remembers, like one already doomed: "They got a cake baked for me. And I'm gonna have to eat it."

On the third night of his roamings, he made his way through several miles of hilly woods and brush and gullies to his sister Stella's house, outside Conway, rapping on

the door at about four in the morning. She implored him, in low frantic whispers, so her husband might get back to sleep, to give himself up—he looming before her, amid the room's Early American furniture, bedraggled and unshaven, his eyes glaring. He had neither eaten nor slept for the past three nights, he told her, but when she offered to cook him some eggs and pancakes he said, "No, don't fix me nothin', I don't want to eat." Instead, he went into one of her bedrooms, and sat on the edge of the bed, mute, staring out the window into the night. When dawn came, he got to his feet and left.

TUESDAY, March 24, 1981, was a cool, sunny day in Conway. Around noon, Stella was visiting her mother in town, in the same house where Rickey had been raised. (George Rector had died in 1978.) As Stella was comforting her mother, the phone rang, and Stella answered it. It was Rickey. "He said he wanted to give himself up, because he knew Mama was worried and it was the right thing to do," Stella relates. "But he was still so scared." And she remembers that "the very last intelligent thing Rickey ever said to me was 'You don't know what they do to you when they get you in that jail. Just don't know what they do to you. And they really want me this time.'"

process of a case, though the parties were nowhere near exhausting their remedies, and the execution dates were almost always stayed. But it enabled Clinton to say, "Look, see how many executions I've ordered." By 1992, Clinton had managed to accumulate around seventy execution dates, for some twenty-six subjects on death row—four, ultimately, for Rector alone. In a visit to a high-school class in Little Rock in 1988, he declared, even after acknowledging that there was really no conclusive evidence that executions acted as deterrents to other killings, that under certain limited circumstances "the death penalty is appropriate." He went on to say, "I don't believe it's the wrong thing to do," and reaffirmed that he would continue to enforce capital punishment in Arkansas.

One of Rector's earlier attorneys reflected recently, "Poor ole Rickey Rector's timing just happened to be real bad."

SOME five months after Clinton's 1980 defeat, Rector, on a balmy early-spring Saturday evening in Conway, rode with two friends—at twenty-nine, he had still not learned to drive—to a dance, attended by about two hundred guests from the area's black community, in a rented back hall of Tommy's Old-Fashioned Home-Style

Restaurant, a family eating place on the edge of town. There Rector, attired in a black leather coat and a leather cap, with a full goatee, fell into a dispute at the door over the three-dollar admission charge, demanding that one of his friends, who had only a dollar, be admitted anyway. It ended with Rector snatching a .38 pistol from the waist of his slacks and firing away, wounding two men. A third man, Arthur Criswell, thirty-three, was hit in the forehead and throat, and died almost immediately. Rector then strode out to his friend and told him to drive him back to his house.

There, with his wife watching, he paced and stomped from room to room, pausing repeatedly to glance out a window. He retreated into the bedroom, suddenly smacked his fist on the bed, and cried out "Damn!" He told his wife that he was taking off, and rushed out of the house.

He began running. The rest of that night, and on through the next two days and nights, he plunged about the back ways of Conway in a kind of aimless, circular fleeing—on foot, slipping into a few friends' houses, ranging then out into the countryside, trampling through tangled woods along the edges of farmland and fishponds, huddling in ditches and the weeds below overpasses. From somewhere he phoned one of his sisters in Detroit, telling her, as she recalls his

Around two-forty that afternoon, a call came into Conway's police headquarters—from one of Rickey's sisters, it later developed—asking specifically that Patrolman Robert W. Martin be sent to the address of Rickey's mother. As later testimony disclosed, Rickey had finally consented to his family's pleas that he give himself up, but with the understanding that Martin, who had known the Rector family since Rickey was a child, would be the one who came for him.

Bob Martin, a seasoned regular with the Conway police, was a quiet and deliberate man of unimposing, slightly slack build, with, at thirty-eight, a sheaf of gray hair over a plain face that wore an almost unvariable bland and unassertive expression—a surpassingly mild and amiable soul, in all. He lived, with his wife and three children, in a country community outside Conway, named Wooster, where he absorbed himself in his single noticeable enthusiasm, ranching—working cattle and trading in horses. According to old acquaintances, what he'd really wanted to be was a cowboy. He was a "gentle father," one of his daughters recalled years later, "always easy with us." Her most cherished memory of him is of the two of them riding horses together over the fields around Wooster. Whenever he was off duty, he was always found wearing a cowboy hat.

It was in something of a free and leisurely cowboy manner, actually, that he operated as a policeman—in a "one-on-one, lone-wolf style," according to Lieutenant Rodney Pearson, one of the few current members of the Conway police force who worked with Martin. He patrolled the town as what was called a rover, in "an old-style approach now being rediscovered—community policing," Pearson says. "He would make it a point to stop and talk, to connect personally, to the whole community." As a result, "he took great pride in the fact he could accomplish in hours what would take detectives weeks." Martin attended with a particularly patient diligence to his complex of personal contacts within Conway's black neighborhoods, and consequently had penetrated what

Pearson calls "that cloak of anonymity in the black community." His easy and familiar amicability with the Rector household had not been disturbed by the circumstance of his having arrested Rickey at least once before, and he had already assured Mrs. Rector, she later reported, that "he wasn't going to try to force Rickey to come in." Even after what happened that afternoon, Rickey's mother declared that Martin "was the only one on the force he would trust," and she added, "I really did like Mr. Martin. He was the nicest one on the force." Earlier that Tuesday afternoon, Pearson recalls, he had asked Martin while the two of them were sitting in the squad room, "What should I do if I see Rector?" and Martin told him, "You don't do nothing. You call me. Because he'll kill you. But he won't kill me."

Shortly before three o'clock, after the call from Rector's sister was relayed by the department to Martin, in his patrol car, he pulled up in front of Mrs. Rector's house—a small, tidy bungalow

with white metal awnings and pale-avocado-green aluminum siding, its half porch covered with Astro-Turf and nestled in tall, thick shrubbery just a few feet back from the street. Eleven years later, Pearson—a lean, sturdy man with a mustache, brush-cut hair, and a measured and narrow-eyed soberness—drove me out to the house, and we walked for a while around its grounds. Set in a quiet scatter of similarly simple dwellings in the black section of Conway, called Old Town, the house was now vacant and had gone a bit shabby over the years: there was a broken window behind a tattered screen, and an old white stove had been deposited under a slumping carport. In the back, an aluminum-frame door was sagging—the door through which Rector had entered and, a few moments later, left the house that afternoon.

When Martin got out of his patrol car, wearing the Conway police uniform of nickel-gray shirt with navy trousers, his patrolman's cap on his head, he was



"And Mort Zuckerman will be dropping by after lunch. Just kidding."

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THE NEW YORKER, FEBRUARY 22, 1993

OPPY OF A LIFETIME

Fast-growing midtown corp needs bright, articulate M/F to reorganize 760,000 files from top to bottom, fire four people nobody else will, and take care of children aged three and one. Must be certified in UNEX, GOM, SYSCO, CREM, LEM, ZOT, FENIX, JOD, and FRON. Own car a necessity, also up-to-date trucking license. Knowledge of quantum physics, short-order cookery helpful. Can you type? Even better. If you have \$250,000 cash and are not afraid of large dogs, we're looking for YOU. At least twelve years' experience required. Personable, attractive college grads only call 555-2121 for appt. Starting salary 9K Great benefits.



met outside the house by the sister of Rector's who had called him, Josie Gilkey, and was informed that Rickey was at his place, only a short stroll across the back yard from his mother's house, but would be coming over at any moment. Martin was admitted into Mrs. Rector's tiny parlor, a room meticulously decorated with tasseled lampshades and candles in curlicued fixtures, with a small crystal chandelier and gold shag carpeting. Martin settled himself in a Queen Anne chair and began, in his genial and unhurried way, to chat with Mrs. Rector, a solidly heavy woman, and with Rickey's sister Josie and her son, Michael, who lived, with his wife, in a trailer in the back yard.

Suddenly, almost noiselessly, Rickey materialized from the rear of the house. Wearing only a half-sleeve baseball shirt hanging loose over cotton work pants, he leaned casually against the side of the wide door to the bedroom behind the parlor. He was right beside Martin's chair, and Martin, glancing up at him, said, "Hi, Rickey, how you doin'?" Rector replied, "Hi, Mr. Bob." Pearson now says that he is certain that "if Rickey had told him, 'No, I'm not going with you, come back in an hour,' Bob Martin would have just got up and left." But then, as Martin turned back to continue talking with Mrs. Rector, Rickey withdrew from the small of his back under his baseball shirt the .38 pistol—"The biggest surprise Bob ever got in his life was when Rickey pulled out that pistol," Pearson says—and he fired two shots, hitting Martin in the jaw and neck. Rickey's mother and sister screamed, and floundered to get out of the room, as Martin, blood running down his body, slowly slumped from the chair onto the floor, where, though his carotid artery and neck vertebrae were shattered, he seemed to make a last, vague effort to utter something.

Rector then turned, saying nothing, and walked slowly out of the house into the back yard, under the sheltering expanse of a silver maple tree, where Michael Gilkey's wife, rushing out of the house trailer there, saw him pass with an odd, drowsy shuffle. "He didn't appear to recognize me, because he just looked at me," she said later. "He just looked over at me and said, 'I just shot that damn cop,' and walked on away. . . . I've never seen that look on him before."

He proceeded across the yard—passing under the chinaberry tree where, as a boy, he had played alone with sticks—and wandered on past a flimsy little wire fence and a neighbor's small vegetable garden, past a mound of yard trash, his shoes scuffing through drifts of leaves lying over the grass. In those few moments, his sister Stella now surmises, "I think he realized what he had done, and he'd done it in front of our mother." One of his attorneys eventually speculated, "If he was going to try to get away, I don't think he would have gone into the house in the first place," and his mother could only suggest afterward, "Something must have just snapped inside him." No one can ever really know, because Rector halted beside a berry bush near a pecan tree, lifted the pistol to his left temple, and pulled the trigger.

Barely a moment later, police cars, responding to a call from Michael Gilkey, came sweeping in from all over town, and then from the county, slewing to a stop around the house and soon filling the length of the street. Pearson, one of the first to arrive, saw a small group of neighbors in the yard standing around Rector's body. He was stretched out full length on his back, his thinly tapered arms lying straight along his sides, and Pearson says that after he glanced at the wound to his forehead "my opinion was, this man was dead." Someone then yelled, "The house!" and Pearson, with another officer, went in through the back door. "The house was completely still," Pearson recalls, "but, right away, we saw Bob." Back then, Pearson was not quite twenty-four and had been on the force only about two years. "You think you're almost invincible," he recalls. "But when you see a fellow-officer you've had coffee with in the squad room only an hour or so before, in a pool of blood dying, it dispels a lot of illusions. He was lying on his back with his head toward us, one leg with a bent knee. He looked to have been shot at close range with a shotgun." Lying near him on the gold shag rug was his police hat.

Martin was the first Conway policeman ever shot, much less killed, in the line of duty. Other officers piled into the house; one of them quickly came back out, sobbing, reeled over to the cluster of people around Rector's body, and began to bellow at them. "I remem-

NOTHING LEFT TO LOSE

ber that policeman that wanted to shoot Rickey when he was lying down on the ground," Rector's sister Josie later testified. "He was a big guy. . . . That guy said, 'Let the dirty son of a bitch die!' " Another policeman then "ran and grabbed him," she said, "to make him keep his gun in his holster," and led him, still weeping, away from her brother.

Martin and Rector were taken, in separate ambulances, to Conway's hospital. In the emergency room there, Pearson encountered Faulkner County's prosecutor, William C. Brazil, who confirmed that Martin was dead. But, Brazil told Pearson, Rector was still alive and was to be taken to a Little Rock medical center for brain surgery. Brazil then clutched Pearson's arm and demanded, "You go with him in that ambulance and stay with him until relieved."

Pearson followed Rector, in fact, all the way into the operating room at Little Rock's University Hospital, donning a gown and perching himself on a stool immediately behind the surgeon, right above Rector's head. As Pearson watched, the surgeon sliced and peeled back skin from Rector's forehead, sawed through bone ("It dispelled a lot of ideas I had about the delicacy of brain surgery," Pearson says. "Rather coarse, actually"), and finally lifted away membrane to expose Rector's brain. Pearson, peering now into Rector's open skull, recognized that "the injury was severe"; he could see, in the mangled brain tissue, sears of gunpowder burns, and "tiny arteries just shooting blood," which the surgeon cauterized with quick singes, amid wisps of smoke. The bullet itself, having passed completely through the front of Rector's skull, had lodged under the skin above the right ear, and when the surgeon extracted it he held it up in a pair of tweezers and daintily let it drop into a small cup, which was handed to Pearson. At one point, according to the surgeon's report, "soft necrotic [dead] brain in the right and left frontal lobes was removed using suction" and "frontal lobe tissue was removed approximately back to the sphenoid ridges bilaterally before normal viable brain was identified"; that is, about three inches of frontal brain tissue was taken from Rector's head, back to a diagonal line from his left temple to his

right ear, before the wound was closed.

The damage, though, extended even beyond that. A clinical neuropsychologist at the hospital later testified that "fragments of bullet and bone have been noted in the right temporal lobe portion of the brain, which means that it was more than just frontal lobe damage." Moreover, he pointed out, damage to the frontal lobe itself disrupts the complex of fibrous connections embracing the rest of the brain, with an effect something like shorting out parts of an electrical circuit. A psychologist at a federal medical center for prisoners in Missouri, who evaluated Rector's condition some time later, attested, "His brain impairment is not precisely localized to just one aspect of the brain. I think there's diffuse impairment involving both hemispheres."

The clinical effect of such a substantial destruction of frontal brain tissue is that Rector, as it was presented in testimony over ensuing months, would suffer from "gross memory loss," and particularly that when dealing with "content and meaning" he was "severely impaired," and would have a near-total inability to conceptualize beyond a response to immediate sensations or provocations; in fact, he "seemed unable to grasp either the concept of past or future." A state psychologist also noted that he had "difficulty maintaining concentration and attention to a task." In addition, although Rector did "demonstrate . . . some abilities to handle his day-to-day life in terms of actions which are repetitive," he also demonstrated what is known as a flat affect, meaning that "when it comes down to the issues of emotion . . . Rickey has absolutely no involvement in any of the dire circum-



le-Tan

stances of his life." In fact, the Little Rock clinical neuropsychologist found him to be "lacking a will or an understanding of a way to fight his present dilemma." Someone who had suffered the sort of brain damage sustained by Rector could still present, at first encounter, an appearance of normality, but within that appearance of "a mature adult," as one study of frontal-lobotomy patients was quoted in later hearings, there still exists "a very young child." Indeed, what would prove treacherous in later attempts to appraise Rector's state was that he could seem to pass in and out of a certain minimal awareness, coming briefly into a vague focus on the life around him but then shortly receding into the shadowy void he mostly inhabited.

The day after Rector's surgery, the doctor who had performed the operation informed Stella and an attorney that it had been "a classic prefrontal lobotomy" and had left Rector "totally incompetent" to assist any attorney who took his case. "I just immediately assumed that he would be placed in an institution, and that would be that," Stella says.

Nevertheless, after observing the operation on Rector, Pearson returned to Conway with assurances to his fellow-officers and to local officials that Bob Martin's slayer had survived surgery, and should recover suitably enough.

IN the first weeks after the operation, Rector declared to a number of people that he had been hospitalized for a wound in his leg. One of his attorneys later testified, "When I asked Rickey directly about the surgery or anything about the scar, he will flatly deny that he had surgery on his head at all, and will instead state that he went to the hospital so that his leg could be operated on." Even after "people have confronted him with the fact that you do have a scar on your head," the attorney said, "he can't seem to explain or even acknowledge that occurred." Eventually, he came to believe intermittently that he himself had been the victim of the violence that afternoon, informing psychological examiners and his own attorneys that, as one reported, "the police had killed the policeman and then shot him in the head." At other times, he declared

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that "a scuffle ensued at which point Mr. Rector struck the police officer," one medical evaluator said. "The patient indicated 'I knocked him out.' Mr. Rector said he then ran from the house and came upon another police officer who wished to arrest him, but, because he was concerned about being beaten in the local jail facility," he then did, as everyone had been saying, shoot himself in the head.

His sisters, in their visits, now found that he had "slurred speech," Stella later reported. "He fumbles, he has trouble picking up coins." While once almost fanatically fastidious about what he ate, she said, "now he just shovels his food in, whatever is presented to him. He never asks about anyone or anything in the past. He seems content to just sit and stare. Nothing seems to bother him."

THE popular and legal disposition toward Rector after the killing of Bob Martin was, one of Rector's early attorneys says, "They'd take his body if they couldn't have his mind." So formidable was the sentiment in the community about what had happened to Martin that the chore of defending Rector in court was a role that "absolutely none of the attorneys in Conway wanted," according to one lawyer finally appointed to his case. Also because of this popular mood, it became almost obligatory for both the prosecutor and the judge—their offices elective, at that initial level of the justice system where Rector's fate would first be decided—to see that he was pursued to the law's last possible measure of punishment. The prosecutor, Brazil, later explained to the *Conway Log Cabin Democrat* that he had refused all offers of a plea bargain for a life sentence without possibility of parole, because he was urged by the community, including Martin's family, to settle for nothing less than Rector's death.

Since it was never disputed that Rector had committed both the Criswell and the Martin murders, the progression of his case over the next ten years—through a protracted cycle of lawyers, most appointed by the court—depended on two intermingling principles of fundamental law about the competency of an accused to stand trial and, ultimately, to be executed. One principle, contained

MARCH 7TH

In the bakeshop, at one of the tables, there is a man about to eat his morning slice, who sits, hands folded, eyes closed, above the loaf still entire, and speaks inwardly huge strange thoughts of thanks. The knife, a felled birch left overnight for tomorrow's work, on which the moonlight, in the eyes of no one, plays, gleaming, the knife sits awaiting the emptiness it will make appear where all along there had been emptiness implied. Round him the room hums slightly. No. Round him infinite spaces gnaw at his face. His hands are thick from work. The small hairs glow, the fresh-washed skin, freckled a bit with age, ripples where his fingers lace. His weight is on his elbows, and carries through onto the imitation-woodgrain tabletop. Nothing distracts. The loaf is a crucial landmark in the small landscape which is his place—a way to find the road back to the felled tree, even in moonlight, even if strong rains intervene and no moon or sunshine can get through. For days he hunted for the tree. Found it. Now mist makes the most familiar turns implausible, and notches in skyline, timberline—friends, guides—suddenly silt in. Silence of a place known forever then not known at all—never at all. Habit gone, yesterday and yesterday and yesterday . . .

Beauty

is the notch restored, the clump of evergreens—beneath it—recognized!—three bluebirds in them and then two now, up and out, chasing the third,

bursting the air all round like water when the monster's surfacing. All this is true. All this is huge and empty spaces, tapping his lids, his hands, legend, small whirling motes or sparks or seed, in the hollows—ears, palms—inside the skull. hands to his lips so briefly as he finishes—a kiss. Oh glance, now that the eyes that own you open again, hand, moving out to lift the knife—what are you doing? Corridor, stairway, front door . . .

—JORIE GRAHAM

in the Sixth Amendment, was that the accused, to be tried at all, must at least be capable of meaningfully assisting his counsel in his defense—a requirement that had special import, the defense maintained, when the accused faced execution. The other measure of competency, a less stringent federal standard that came into play only in 1986, with

the Supreme Court's decision in *Ford v. Wainwright*, stipulated that the accused, to be subject to execution, must first comprehend that he has been sentenced to death and, second, comprehend why. Essential in that measure of competency, one of Rector's attorneys argued, is "more than just being able to say, 'Yes, I know I am going to be executed'; it in-

cludes a genuine appreciation of those consequences."

One of Rector's early attorneys would testify, "My first impression of Mr. Rector, frankly, was that he was better off than the reports that I had would indicate. I talked to him a good while. He wanted to cooperate with me. He answered my questions directly." The attorney went on to say, "After the second and third interview, I came to conclude that we had the same conversation over and over. . . . He would make every effort, I thought, to say what he thought I wanted him to say. He would always come back to the same points." Partly for that reason, his attorneys began to sense, in their discussions of that March afternoon, that Rector was, as one said, "giving me information that someone else had given him."

One psychologist who examined him testified for the defense, "Most of what Rickey told me . . . appeared to have been based on hearsay, what others have told him about what happened." Further, the psychologist said that while Rector apparently "understood what murder was," it seemed the recognition "a child might give . . . maybe a nine- or ten-year-old." Although he seemed to have "a very low basic level" of understanding of what might happen to him, he had "marked deficits in his ability to think abstractly, to go beyond the very concrete right here and now," and had an IQ of sixty-three. If Rector was asked what should be done about someone who had killed someone else, the psychologist said, "Very passively, very blandly, and very quietly, he stated, 'I guess they ought to send me to the chair if I did it, but I don't remember doing it.'" A year later, Rector told the same examiner that "if they're going to do it, there ain't nothin' I can do about it except get dressed and go on down and sit in the chair and they'll barbecue me"—this uttered, the examiner said, with "absolutely no emotion." He remarked, "It's almost as if you are speaking with a person talking about someone else's

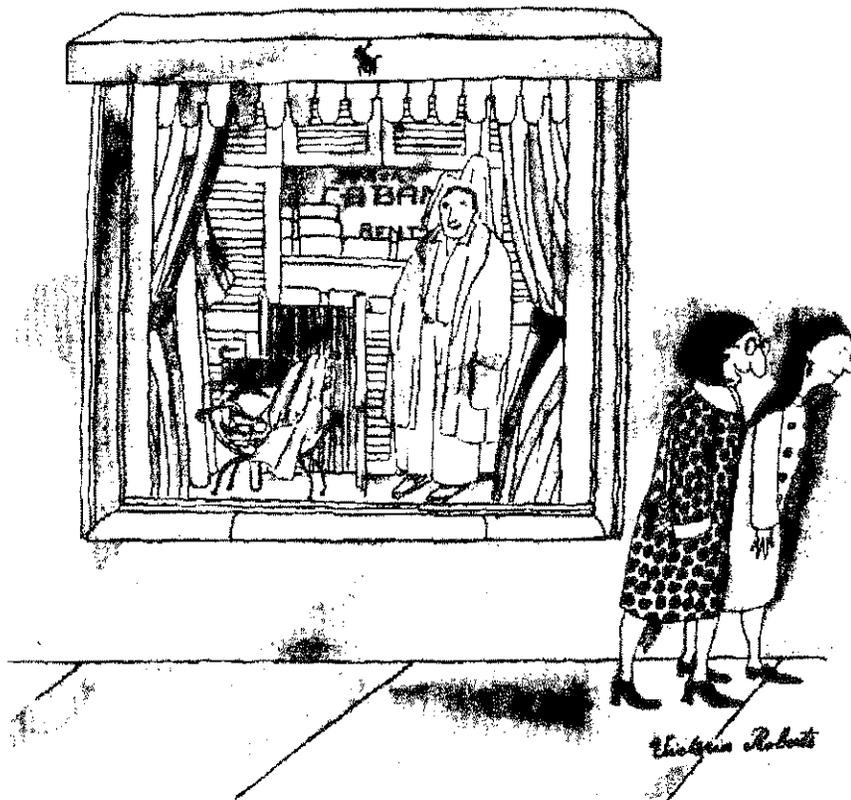
life . . . the life of another person that he's outside looking at."

In frustration, one of his early attorneys testified, he finally tried to jolt some feeling out of Rector by describing to him how, when someone is being electrocuted, "sometimes the blood boils, there's all kinds of very gruesome things that happen to a body." But, the attorney said, "he was totally oblivious to it . . . that this could relate to him." Another attorney testified, "I went in one time just determined to get some emotion out of him, good, bad, or indifferent." He was about to kick him on the shin, "just to see if he would do something, and then I decided that might be inappropriate."

One attorney, assigned to Rector's case in 1988, did persevere all the way to the end. He was John Jewell, the scion of a relatively patrician family in Little Rock, whose father was a venerable Arkansas attorney. A meticulously serious young man, stocky and pale, with thin dark hair and gold wire-rimmed spectacles, Jewell has a quiet and almost

primly correct demeanor, and there is a vaguely seminarial air about him. He testified that, in his first sessions with Rector, "after maybe four or five minutes, all communication that I was trying to direct broke down, and it became merely a series of questions. . . . 'What would you do if somebody spit in your face? What would you do if Tommy Robinson jumped you? . . . Is Little Rock bad?'—just a repetition of that type of question, and you couldn't focus him again."

One death-row inmate later likened the working of Rector's consciousness to that of a needle on a warped record, bumping and skimming randomly from one momentary refrain to another, completely separate and dissonant, and then at some point staying hung on the endless revolving of another stray passage. Once, while he was in prison, Stella brought him word that one of his brothers had died. "He asked only a few questions," she says, "and then all of a sudden, 'You see all that monkey smoke in here?' And began to pace like a wild



"I dreamed that Ralph Lauren put more stuff in his windows."



"And whose little marriage are we?"

animal. 'See all that monkey smoke?' I said, 'Are you getting in trouble?'—because he knew when he was about to float away again and would make up things to cover it up when it began. 'Are you losing it?' I said, and he said 'Yeah.'

At first, Jewell says, "he wouldn't know who I was when I'd come back to see him," but eventually, whenever he saw Jewell again, he yelped, "There's my man!" And before long Jewell came to feel a profound and abiding pity and sorrow for him. "It was just that he, you know, couldn't do anything whatsoever for himself, to help himself," he says. Even after leaving his law firm for a position as a corporate attorney in Little Rock, Jewell continued to labor on Rector's case. "But at no point did I ever feel with Rickey it was anything like a relationship with a friend," he says. "Because there wasn't anyone there to connect to." Another of Rector's attorneys later lamented, "We didn't have a client to

defend. Rickey was a nonexistent part of the trial."

The question ultimately became, then, as one psychologist put it, "if Rickey is truly the same man he was before he shot himself, or do we now have a different individual?" Rector's sister Stella testified, "The person you see here and the person that I see, it looks like Rickey. He talks like Rickey, he has some characteristics of Rickey. But the real Rickey Ray Rector was destroyed when he shot himself with the gun. This person is just an appearance. It is not my brother." During one of his trials, his attorney finally posed the issue as: "The person who shot Officer Martin cannot be executed. He no longer lives. If we cannot execute that person, must we, nevertheless, execute his body?"

As the case unfolded, of course, that was more or less the determination of the officials of justice for Faulkner County and the State of Arkansas. Even so, there was first the obli-

gation of satisfying the law's technical punctilio by undertaking to demonstrate that there was at least a sufficient semblance of a mind in Rector to qualify him as "competent" for trial and punishment. To begin with, both the prosecution and the defense had put him through a series of psychological and neurological examinations to clinically evaluate his fitness to be legally tried and put to death. There followed two competency hearings, preliminary to his trial for first-degree murder in Arthur Criswell's death, which was not necessarily a capital matter, and his trial in Martin's death, which inescapably was. With Rector's commission of the murders unquestioned by the defense, both hearings really amounted to the definitive determinations of what would become of him, and were conducted for the deliberation of the local judge, George F. Hartje, alone, without a jury, in the Faulkner County Courthouse.

The medical specialists for the defense testified to Rector's psychic destitution, declaring that he was manifestly incapable of assisting his attorneys in any real way. A neuropsychologist insisted that there was no possibility that Rector was shamming his pitiable performances in their examinations; one of the state's specialists agreed, and even made the peculiarly poignant concession that Rector was "trying to do the best he could on those tests."

Brazil, the prosecutor, also produced his own succession of specialists assigned to examine Rector—some of whom, it turned out, had never read the surgeon's report on Rector's operation or had read it only that morning. (One of them had no idea how much brain tissue was removed, had only briefly examined Rector's medical charts, and passed only some twenty minutes interviewing him.) Nevertheless, the specialists variously explained Rector's condition by reporting that he was "attempting to fake psychopathology," that he offered irrelevant answers "primarily to avoid focussing the discussion on the issues related to the charges," that he was "generally hostile, irritable, and suspicious," and merely affecting a "cool daddy" pose. One psychologist discounted the ruin of Rector's mind reported by defense experts by asserting, "He gave a performance," and cited, as a reason for his conclusion that

Rector was fully capable of assisting his attorney, "He was cooperative with my exam" and "always seemed to appreciate my questions and didn't seem to be holding back with me." Another cited as evidence for the same conclusion the fact that Rector was able "to express himself quite openly" in saying that "he does not remember anything. He was able to express that quite clearly."

A psychiatrist who testified for the prosecution told the court, regarding Rector's apparent emptiness of emotion and his serene and vacant muzziness interspersed with a frenetic childlike scatter of attentions—his condition since his surgery—that "those are his life choices," his "personality adaptation in life." Rector could still "respond in an emotional way if he chooses," and so "could choose to cooperate more" with his defense. "I believe he's faking on some aspects of this," the psychiatrist said, adding that Rector had "attempted to make himself look sick." Rector's ploy, he explained, was "intentionally dawdling before answering." (One of this doctor's colleagues had testified that he found Rector to be "pretty prompt.")

All this produced what a higher court would later characterize as testimony "hopelessly in conflict," which left Judge Hartje free to decide either way. In this instance, the benefit of the doubt did not go to the defendant. In both competency hearings Hartje decreed that Rector was competent to be tried and so, ultimately, executed.

Shortly after Hartje's first ruling—about seven months after Rector shot himself—Rector's mother died. "She had vowed that she would never testify against Rickey," Stella says. "About two days before she went, she called me in and said—they were her last words to me—'Stella, I want you to promise me to take care of Rickey.' And I looked into her eyes and promised her, 'Mama, I don't know if anybody can really help Rickey now—but I'll do what I can.'" Even though Stella says that "Rickey and my mother had always had this sort of special bond between them," one of his attorneys recalls that when Rector was told, in prison, that she was dead "there was absolutely no reaction," adding, "Only said, 'She is?' And then, 'When's dinner?'" Stella was permitted to take him to the funeral home to view

her body, "and he started laughing when he saw her," Stella says. "Said, 'Yeah, that's her all right, she's dead.'"

Rector's two trials were about a year apart. In the first, for the killing of Arthur Criswell, he was sentenced to life without parole. That alone would have served, of course, to remove him from any further possible distress to Arkansas society. In the Martin trial, it took an all-white jury only fifteen minutes to find him guilty of capital murder, and the jury then moved on to decide his sentence. Rector's attorney at the time, Dan Stripling, recalls, "You know you're in bad trouble when the retired Methodist minister on the jury grabs for that death form to sign."

After Rector heard his sentence sounded—death by electrocution—he stood for a few moments as spectators began leaving the courtroom and the judge and jury also departed, and then turned to Stripling and muttered, "Does this mean I'll get a television in my cell now?"

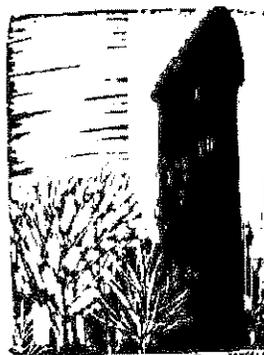
RECTOR was sent to death row, which at the time was at Cummins prison, a former cotton plantation that is now a gigantic penal farming complex in Arkansas's delta bottomlands. At Cummins, Stella, keeping her promise to her mother, visited Rickey at least once every two months, sometimes with one or more of her sisters. "We never abandoned Rickey for what he did," she says. A mother of two (her husband is a quality-control inspector at a Conway plant), Stella Morris is a tall, trim woman; her hair has a light-maple hue, and she has an eager, richly hoarse voice. She has worked for more than twenty years in a state facility in Conway for the care of the mentally retarded. "Not because of Rickey," she says, "but it sure helped me over the years to understand Rickey." On her visits to Cummins, she would give him pre-addressed and stamped envelopes, along with sheets of notepaper decorated in a lower corner with a picture of Kermit the Frog talking on a telephone, in the hope that it might induce him to write letters to her, and he would occasionally do so,

in cramped, childlike, punctuationless printing:

Dear Sister How is everythang going I am doing Fine I have been doing Fine. . . it is a lots of punks and thugs down there. . . I am trying to stay out of trouble the best I can. . . I read in the paper where my lawyer is dropping my case So see if you can Find another on For me right way. . . if I kill some Body I don't no nothing about it I thank I am getting Frame by somebody.

Stella says of her visits to him, "His cell was just filthy. He didn't know how to clean it. And he was filthy—nasty—his shirt all crumpled and dirty, the color of that dirt out there in that yard." He still consumed whatever food appeared before him, with an almost unnoticing, headlong voracity. "He doesn't seem to know when to stop eating," Stella would testify. "On my bimonthly visits, we buy him anywhere from five to ten dollars in junk food, and he eats all of it and he eats it very fast and he eats it very uncivilized. He thrusts it in his mouth, I mean, continuously."

A prison chaplain named Dennis Pigman, an Assembly of God minister originally from Minnesota, recalls the first time he visited Rector. "I thought the guy was completely crazy. He was standing at the bars, hollering, dancing. He would jump up and down like some ape. Playing cowboys and Indians in his cell all by himself, dancing around and then jumping over and shooting at



where he had been dancing. It was obvious he had the mentality of about a six- or seven-year-old." Eventually, at some point, Rector began to howl day and night, in his cell. "The more he sensed himself threatened, the more he became like a scared child," Stella says. He became convinced that prison guards were

setting loose chickens and alligators in his cell. Stella remembers, "He was afraid of everything that moved. He was afraid to go outside in the yard, because he thought somebody would hurt him, do something to him." And for one stretch of three weeks, day after day, he just cowered in a corner of his cell, "like a child cringing in his bunk," Chaplain Pigman says. Pigman finally arranged for him to come to chapel alone, he told me, "because he was afraid somebody

would kill him": the chaplain would conduct his service with Rector hulking there by himself, in a small concrete-block room.

Rector exasperated the other death-row inmates. During the day, one said, "no one can pass his cell without answering a long repertoire of questions that he has about dogs. . . . In the middle of the night, his light goes out, he'll start screaming. He's afraid of the dark. And everybody is up because Rector has woke everybody up."

Inmates began supplying him with their own medications in the hopes of calming him at least at night. But in time the condemned men around him began to feel a peculiar care and solicitude for him. William Frank Parker, a white death-row inmate, was among several witnesses who testified for Rector at some of his last hearings. Parker assured the court that ordinarily he would feel little moved to make appeals for anyone else on death row, but he went on to say, "I seen you attacking a retarded child, I'm going to get in it. Rector is not normal." Parker added, "He has no foothold on reality. He doesn't know what's going on most of the

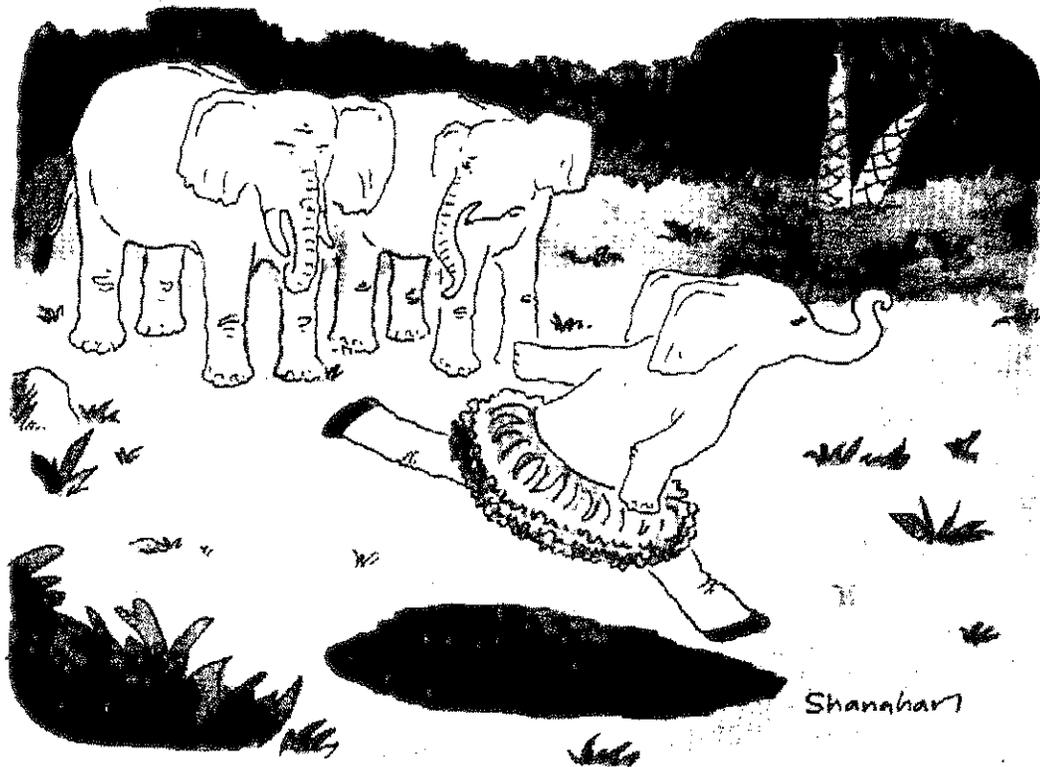
time. . . . I don't care what all these psychiatrists and psychologists say . . . it doesn't take a licensed— A garbage-truck guy, or anybody, could tell you that Rector is not normal." At a clemency hearing, Parker even admitted that at one point, out of a simple rage of pity for him, "I tried to get him to commit suicide," but "he wouldn't do it."

At times, Stella says, "until the day he died," he believed those he was told he had killed "were still walking around somewhere alive." At other times, he continued to propose, John Jewell says, "that the police had killed the policeman and then shot him in the head." Rector announced to those presiding at one clemency hearing that his first victim was in fact still living in some little town near Conway. One of Rector's attorneys testified that he "continually told me that the gentleman he was supposed to have killed was driving around the jail in a big white car, a Cadillac or something, and he had seen this guy and he knew he wasn't dead." That was also his notion about the brother of his who had died while he was in prison—"Rickey kept asking me how he was doing," Stella says—and about his mother. "He told

me that he saw Mother, she came to visit him at night," Stella recalls. In 1989, during a two-month stay at the federal medical center for prisoners in Missouri, he consistently referred to his mother, in examinations, in the present tense, informing staffers that "she has a bad heart" but never once mentioning that she had died. It was noted that he said "at times he heard the voice of his mother talking to him," and also that of his dead brother. And another of Rector's sisters, Celestine, recalls that, though their father had died some three years before the shootings, on several of her visits to him "he would ask me again, 'Why Daddy won't come to see me?' and I'd tell him, 'Rickey, like I told you before, he is dead.' And he'd go over and sit on his bunk and drop his head."

Celestine says that he continued to suppose that her children were the same age they had been that Tuesday in March of 1981—"like time had just stopped still forever for him that afternoon." He never again, Stella declares, "consistently knew what time, what day, what month, what year it actually was." When he returned to Arkansas's death row after his two months at the federal center in Missouri, Stella asked him how long he'd been there, "and he told me he had been there two years."

Rector had been transported to the Missouri facility at the direction of a federal district judge in Arkansas, for further examination prior to an appeal hearing on his sentence. This time, his IQ was measured at seventy, but he performed as abjectly on the other tests as he had previously. The staff psychologist who evaluated him, Dr. David Reuterfors, later described his linguistic functioning as "at a very low level . . . a very, very primitive type of level." Rector had told staff personnel that assorted people were peering in his window at night and that once the guard tower turned its lights on them and shors sent them

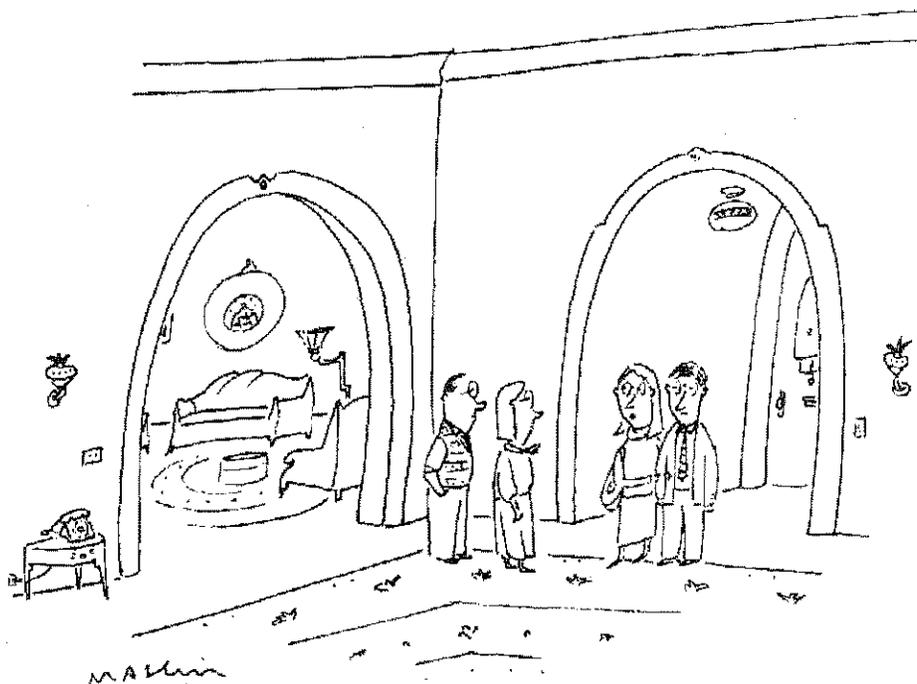


"Don't trample on a young girl's hopes and dreams, Roy."

RECTOR'S PANIC

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fleeing. The staff's notes read, "Smiles continuously. . . . Occasionally noted to scream and yell without apparent reason. . . . Laughing without apparent reason." The federal center reported to the judge that, while in at least the minimal, technical sense Rector could be considered to satisfy the Ford v. Wainwright requirement of knowing about his death sentence and the reason for it, he "would have considerable difficulty due to his organic deficits in being able to work in a collaborative, cooperative effort with an attorney" and "he would not be able to recognize or understand facts which might be related to his case which might make his punishment unjust or unlawful"—a direct contradiction of Judge Hartje's ruling seven years earlier.



"Mom, Dad, this is Barry—the man I've come to grips with."

DESPITE that report, the hearing became yet another appeal denied. By now, in fact, the hearings on Rector's death sentence, though they had progressively moved up to a judicial altitude beyond those popular considerations which prevailed at the local, elective level where his competency was originally decided, had become largely a question not of the substance of Rector's case but of the legal correctness of the earlier proceedings. In denying an appeal in federal district court, a judge concurred with an Arkansas supreme-court ruling that since "the expert proof is in sharp conflict," Hartje's ruling, by the protocols of legal procedure, could not be held "clearly erroneous," and therefore his decision that Rector was competent to be tried and executed was "entitled to a presumption of correctness," in accordance with a Supreme Court instruction in 1981 that factual determinations by lower courts are due a "high measure of deference." Thus the matter of Rector's actual competence for execution was progressively abstracted into merely a paper matter of the competence of the process and of which standards should be applied to his case.

In 1983, however, one judge of the state supreme court did put forward the proposition that circumstances "arising after the crime," such as Rector's mental

condition, did "affect the matter of clemency and should properly be addressed to the Governor, who has the facilities for investigating all the facts." That mention, one of Rector's attorneys now believes, constituted an implicit appeal to Clinton from the members of the judiciary; inescapably embarrassed and uncomfortable, for all their legal formulations, about their position, given Rector's pathetic state, he avers, "it was as if they were begging the Governor to step in at that point."

THROUGH those years, as Rector's death-sentence appeals filtered on through the courts, Clinton was reelected governor a total of three times, and compiled a respectably diligent record of sensibly proportioned reform, especially in education.

In 1984, I happened to interview him on his education initiatives in Arkansas for a television documentary—the two of us sitting through a long, warm spring afternoon, in shirtsleeves, under a tree on the back lawn of the Governor's Mansion. It clearly seemed then that a renaissance of Arkansas's schools was an authentic passion with him, but within his eager earnestness one also sensed an

instinct for close pragmatic computations, and a ferocious ambition already larger than his native state could contain. But he was instantly, expansively likable—engaging, a sort of Twain character (Tom, not Huck) grown into a conscientious young political prince of the South, with unexpected cosmopolitan flair. Bobbing his head urgently, he spoke with an open, affable sincerity that still hinted of the small-town youth.

According to press accounts, Clinton, even before announcing in 1991 his entry into the Presidential competition, had already determined that the modification of his liberal enthusiasms which had regained him the governorship in 1982 was also what was essential for any Democratic Presidential candidate. Having scrupulously studied the course of every Democratic Presidential candidacy since Woodrow Wilson's, he seems to have divined in the candidacies that had miscarried, like Adlai Stevenson's and George McGovern's and, most recently, Michael Dukakis's, the same miscalculation that brought about his 1980 defeat—that of ranging too far beyond the apparent popular mentality. And it cannot have escaped his attention as he prepared for his campaign that

polls were showing a nearly eighty-percent popular approval of capital punishment; it had "become a virtually one-sided issue" with the public, the Democratic pollster Geoffrey Garin declared. It was "real clear," the leader of one anti-execution coalition pointed out, that "the Willie Horton incident gave Republicans and Democrats an example of the ultimate political manipulation of the crime issue." And one commentator declared flatly, "There is no way the Democrats can nominate somebody against the death penalty and . . . be viable."

★ Early in 1992, two of the four other Democratic candidates, Paul Tsongas and Senator Bob Kerrey, had also avowed support for the death penalty, but only Clinton was in a position to demonstrate his support by actually applying the penalty. In 1990, he had presided over his first two executions, both of white prisoners—Gene Simmons, by lethal injection, for the murder of fourteen family members one Christmas, and John Swindler, by electrocution, for the killing of a policeman. (The state had begun sentencing condemned prisoners to lethal injection; those sentenced earlier, like Rector, were given a choice.) And by the time Clinton had begun putting his campaign together to surge into New Hampshire, a decision on Rickey Ray Rector was drawing closer.

In June of 1991, Rector's situation had made its way, for the second time, to the Supreme Court. In its first presentation there, in 1984, the Court had refused to review his conviction and death sentence in the lower courts, and it now refused again. There was, however, a dissent from Justice Thurgood Marshall:

In *Ford v. Wainwright* . . . this Court recognized that "the Eighth Amendment prohibits a State from carrying out a sentence of death upon a prisoner who is insane." . . . This petition presents the question whether a prisoner whose mental capacity renders him unable to recognize or communicate facts that would make his sentence unlawful or unjust is nonetheless competent to be executed. . . . The lower courts clearly erred in viewing *Ford* as settling the issue whether a prisoner can be deemed competent to be executed notwithstanding his inability to recognize or communicate facts showing his sentence to be unlawful or unjust.

Marshall referred to the Court's own citation, in its *Ford* decision, of a pas-

AFFLICTIONS

BY WILLIAM STEIG



Exhaustion



Fever

sage from Blackstone's "Commentaries," which stated that if the condemned "after judgment becomes of nonsane memory, execution shall be stayed: for peradventure, says the humanity of the English law, had the prisoner been of sound memory, he might have alleged something in stay of judgment or execution." Marshall went on:

The Eighth Amendment prohibits any punishment considered cruel and unusual at common law as well as any punishment contrary to "the evolving standards of decency that mark the progress of a maturing society." . . . Unavoidably, then, the question whether such persons can be put to death once the deterioration of their faculties has rendered them unable even to appeal to the law or the compassion of the society that has condemned them is central to the administration of the death penalty in this Nation.

Rector was now in the Maximum Security Unit at Tucker prison, some thirty miles north of Cummins, to which he had been transferred in 1986, when the Arkansas death row was relocated there. At Tucker, he continued to talk in the present tense of his two former fellow-inmates Swindler and Simmons, who had been executed. His attorney Jeff Rosenzweig recalls, "It would be 'Simmons doesn't like this or that,' 'Swindler is gonna do this or that.' They were still quite alive to him. He just couldn't finally make the connection. For Rickey, 'I'm going to die' was something a little frightening he was going to have to go through, but it had about the same meaning for him as 'I'm going to the dentist.'" Frank Parker, the death-row prisoner who testified for Rector in some of his last hearings, declared, "He thinks that they don't really execute you, they just make everybody think you're executed. He thinks Swindler is somewhere picking cotton. . . . Somewhere in his twisted mind, he thinks the state tricked everybody, that these people weren't executed, and they were off somewhere working. . . . I don't know, he just has no concept of death. He thinks when he dies, he's coming back."

ON December 15, 1991, Clinton won the Florida straw poll, and he soon headed for New Hampshire, a famously conservative state, to begin mounting his campaign in earnest for the primary there. Just over a week later, two days before Christmas, Rector was handed a letter from Clinton's office in

THE HOUSE ON THE BORDERLAND

You couldn't have foreseen
how people in a story, quietly
talking among themselves
about their lives, or the weather,
might float away from their concerns
into yours. There they are
on the grounds of a vast estate
at the edge of some northern sea.
Lavish celebration: the great house
burning with lights, the guests
gathered on the lawn, indifferent
to the cold, the dew
which is so heavy it stains
the hems of the women's dresses,
weighs them down. How late
can it be? The yellow lanterns
begin to flicker. A man arrives
with a message, and soon
everyone is following him
along the narrow untended paths
which at any moment threaten
to close entirely,
down to the rocky beach
where something's been discovered,
something all of them must see.
So many have assembled, speaking
softly, or in another language,
while men in long coats
dripping with saltwater
pull at the corners
of a tarpaulin, dragging
it over what's lying there,
swept in, cast up,
and you can tell how difficult
this is, how intent they are
to complete their work.
Sweat runs down their foreheads.
Several fall from exhaustion.
More ropes are handed over, lashed
in place. But you find yourself
farther away, and unwilling
to press forward, uncertain you want
to see what the others see.
You think you've understood
the tone of their sentences—disbelief
or wonder, then resignation,
as if all of this had been predicted
or some day would be.

— LAWRENCE RAAB

Little Rock apprising him that he was scheduled for execution on January 24th.

There followed two clemency hearings before a panel of the state's Parole and Community Rehabilitation Board—all of whose members had been

appointed by Clinton—to decide whether to recommend to Clinton that Rector be imprisoned for life without possibility of parole or dispatched on to the death chamber. The first of these sessions, to hear from Rector himself

A DEATH-ROW BAPTISM

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and others arguing for clemency, was convened in the Maximum Security Unit. Rector, his by now mammoth bulk shackled in wrist cuffs and in chains wrapped around his back, was slumped in a metal folding chair at a table beside Jewell. He told the board, "I don't want to die. I'll take life without if I can get it"—a statement that Jewell had labored for two days to draw out from him. Otherwise, he evinced hardly more interest in the proceedings than to "play like a little kid with the guards, joking and making cracks," Stella relates. Aside from asking Jewell twice if he could smoke, he merely stared flatly straight ahead during the discussion around him of his mental capacity. The second session was held the next day in Little Rock, for those opposed to diminution of his sentence to anything less than death. The turnout was so large—it included the families of both of Rector's victims, Lieutenant Rodney Pearson, and three other Conway police officers—that the meeting had to be moved to bigger quarters. One of Martin's daughters told the board, with tears in her eyes, "People claim he's not the same person. But at that time"—when he killed her father—"he was the same person and knew exactly what he was doing." It took the board thirty-five minutes to receive such observations and then to vote, unanimously, against recommending that Clinton choose anything less than Rector's death.

SOME seven years after Rector was sentenced to die for killing Martin, Dr. Reuterfors, the staff psychologist who had examined him at the federal medical center in Missouri, was asked by John Jewell, in a deposition, whether Rector might be able to understand "the Christian concept of forgiveness," and Reuterfors responded, "He probably would be. That's not really a particularly high concept. Little children, four, five, six years of age, are able to understand



"I was sad because I had no on-board fax until I saw a man who had no mobile phone."

the notion of seeking forgiveness and gaining forgiveness from parents for wrongs and so forth, so in many respects that's analogous to Mr. Rector's situation." Not quite a month before he was scheduled to be put to death, Chaplain Pigman was conducting for Rector one of the solitary devotional services in the prison's small chapel. "When we finished praying, he wanted to start talking about Swindler again," Pigman says. Rector seemed especially curious about him now. "At first, it was the usual 'Chaplain, who's John gonna kill next?' and 'John gonna kill me, Chaplain?' but then, in one of his odd little momentary shuttlings into a dimly sensed reality conveyed to him by others, he began asking Pigman, "Did John cry when he died? Was John ever sorry for the people he killed? Did God forgive John?" Suddenly, he said, "Chaplain, I'm really sorry I shot that man they say I shot. Do you think God will forgive me, too?" Pigman proceeded to tell him the story of the two condemned criminals crucified with Jesus, one taunting him but the other, after rebuking the first, imploring him, "Lord,

remember me when you come into your kingdom," and Jesus assuring him from the Cross, "This day shall you be with me in paradise." Pigman then told Rector that the same could apply to him "if he would give his life and heart to Jesus," he recounts. "And I'm happy to say he did." Pigman took Rector's huge, clumsy hands, and after another prayer—the two of them sitting alone in the gum little chapel room—they sang together "Amazing Grace," Pigman says, "and then Rickey's favorite of all, 'Jesus Loves the Little Children.'" A couple of weeks later, on Stella's last visit, Rector jubilantly informed her that he had "got saved" after Pigman told him that what Jesus had promised the criminal on the cross would happen with him, too. He then asked her, "You think that's true, Stella? Would Jesus do that? Is Jesus really gonna take me with him into paradise?"

Pigman had arranged a baptismal service for Rector, whose only misgiving, once he'd been reassured that there would be only one or two other chaplains there, was "How long you gonna hold me under, Chaplain?" A portable baptistry—a large fiberglass tub set in a

pine-plank frame—was brought into the prison's chapel and filled with water from a hose. In a Polaroid snapshot taken of the service, Rector sits humped slightly forward, with water up to his bare midriff, like a kind of enormous, bearded Buddha, looking a little dazed and uncertain but grinning proudly straight into the camera.

ON the final Sunday of Rector's life, Clinton, in a debate with his four Democratic competitors in New Hampshire, resonantly defended his commitment to the death penalty by declaring that Democrats "should no longer feel guilty about protecting the innocent." Back in Conway, Lieutenant Pearson, for his part, told the *Log Cabin Democrat* that he was confident that Clinton "will allow the execution because there is a pro-tough attitude against crime in this nation," and "he needs to project that image." Throughout the community, in fact, anticipation was quickening. One policeman told the *Log Cabin Democrat*, "I think he deserves to die and it's time. I think it'll be the conclusion of something that started back in 1981." Martin's daughter said that Rector's execution would release "a lot of relief," and that "I feel like Daddy will finally be put to rest." Her mother professed, "I'm not vengeful, but I feel it's scriptural."

ON January 21st, around six in the morning, Rector was transported through the winter darkness from Tucker prison back to Cummins, where the death chamber itself was still situated, and installed in a holding cell, just around a corner from the room where he was to be executed, by lethal injection. He would pass his last four days in a windowless concrete cubicle seven and a half feet square, painted a dull cream, dingily lit, like a perpetual late dusk, and containing, behind its barricades of bars and heavy metal mesh, only a steel commode and sink and a concrete platform with a mattress on it, where Rector sometimes used his rolled-up pants for a pillow. Pencilled on the cell's otherwise blank walls were a few whimsies from prior brief tenants: "Death Lives" and "Helter-Skelter" and a drawing of a devil's head.



From the moment of Rector's arrival, a prison guard, sitting outside Rector's cell at a tiny table just beyond a television set mounted on a shelf, began keeping what the prison termed a "death watch log," assiduously transcribing, on the ruled legal-size pages of a ledger, a record of virtually every movement and utterance of Rector's through the last days of his life. The first day began "6:40 AM—Inmate Rector received Breakfast . . . Pancakes, toast, Hot dogs, syrup, butter, and 1 cup of coffee and 1 cup of orange juice. . . 6:46 AM—Inmate Rector . . . began howling. . . 6:59 AM—Inmate Rector began dancing in his cell," and again, eight minutes later, "Inmate Rector began Howling and dancing in his cell." Such entries recur throughout the day: "Howling and barking while sitting on his bunk . . . walking back and forth in the Quiet Cell snapping his fingers on his right hand and began noise's with his voice like a dog." At one point during the first morning, Rector notified the guard, "I'm going to lay down now," and did so, drawing a blanket over him, and beginning to snore. This nap was interrupted when a prison official arrived and, the log notes, "checked both arms of the inmate." Shortly thereafter, "Inmate Rector layed down on his bunk and started howling."

At 1:56 P.M., the warden, Willis Sargent, appeared, "to get Inmate Rector to sign a Form saying that he want to die by legal injection." Rector had earlier announced to the guard, "I'm going to let them do it Friday because I don't want to be shot," and over the next three days there are other such entries as "Inmate Rector stated that he was going to let them do it Friday before they hurt him." Just seven hours before his execution, the log has him declaring, "I don't want to die, but I'm going to go on and take it because I don't want to get gased and shocked," as if, somehow, a canny choice of lethal injection to avoid other violences threatening him were all that his situation amounted to—a choice especially crafty because, he once assured the guard outside his cell, "if you eat grass lethal injection won't kill you."

At 2:53 P.M. on that first day, Rector received what was recorded in the log as "his evening meal"—turnips, brown beans, and chicken noodle soup, with

two small cartons of milk and four slices of bread. When he finished it, he pronounced, "That was a good meal." A little later, the log reads "inmate Rector asked for a cigarette and a light, while barking." After a while, when he was brought a helping of black-walnut ice cream, "he said they is my good ice cream," the log records, and notes that he sat on his bunk smacking it down with lavish appreciation, "saying how cold that Ice Cream fell going down." At five, he was "standing beside his bunk watching Channel 4 News about himself," and a few minutes later he was pacing about "in his underwear, shirt, and socks, dancing," then "sitting on his bunk making holling noise." He ended his day by watching the movie "Born on the Fourth of July" and "walking around cell barking, laughing, and howling." By ten, he had asked his guard if he knew what they would be bringing him for breakfast, and he had lain down on his concrete bunk and "grabbed his blanket and covered himself."

ONCE during the four days, while John Jewell was trying to explain to him the legal recourses still being pursued on his behalf, Rector abruptly brought up the Jennifer Flowers allegations, and said to Jewell, "S'pose that's true, about him and all them women? Don't matter to me, though, I'm for him anyway."

Just a day after the publication of a poll that showed Clinton leading all his Democratic rivals in New Hampshire, he found himself—through that week, as Rector's last court appeals were being denied one after another—in an uproar that could end his campaign, with an ever-expanding melee of reporters tumbling after him in a storm of shouted questions. He was "fighting for his political life," the *Wall Street Journal* said.

Meanwhile, in Cummins, Rector was awakened at 2:40 A.M. on Wednesday to receive a breakfast of eggs and biscuits and hot dogs, grits with gravy, and two cups of orange juice and two of coffee. About four that morning, standing at the bars of his cell, he began bellowing "Cold Duck! Cold Duck!"—the nickname, apparently, of some old acquaintance long lost in the wilds of his past. Rector later claimed to his guards that Cold Duck had been a "hit man," twelve times in prison, and "that he used to run

with him on the streets and that he sure would like to see him again." Throughout his last three remaining days, he kept bellowing "Cold Duck! Cold Duck!"

A little after seven that morning, the log notes, "Inmate Rector watched a Ch. 7 news report concerning himself and started laughing and dancing in his cell." Shortly before one that afternoon, "he stated, their going to kill me Friday," but then, only five minutes later, "Inmate Rector getting excited talking about another," meaning Cold Duck. "He is stomping his feet and barking." After a while, he told the guard, as the guard noted it, "I'm gone to Lay down so I can watch my show 'Santa Barbara.'" At 2:53 P.M., the log records, "Chow Time for Inmate Rector he had 2 cup milk 4, slick Bread, sour kurpt, and Brown bean." After the meal, he "asked for a cigarette and light" and "laid back down on his bunk and continued to smoke his cigarette and watched 'People's Court.'" Five minutes later, he was "making barking and howling noises." On the six-o'clock local-news telecast, the log continues, "Inmate Rector saw the news story about himself and when it was over, he stated to me, 'They are going to get me Friday at 9:00 oclock,' and then started clapping his hands together and laughing about it."

But at seven that evening there is the entry "Inmate Rector laid down on his bunk on his back and started making what sounded like crying."

LATE Thursday afternoon, Clinton left New Hampshire for Arkansas, to be on hand to respond immediately to final appeals and arguments on Friday. Before leaving, though, he took time to profess that one ambition of his candidacy had always been to inspire children and others trapped in grimly troubled circumstances,

as he, the stepson of a violent alcoholic father, once was, to make the most of their lives anyway, as he had managed to do. "I know some of the most difficult struggles in life are those that are closest to you," he said to a group of school-children.

As a matter of fact, Clinton had never been insensitive to the human cost of his decisions in capital cases. Little Rock's city attorney, Tom Carpenter, who has been a friend of Clinton's since the early seventies, remembers that before Clinton's first two executions, in 1990, he had called the Governor to explain his own reservations about one of them: "I told him, 'You know that I'm opposed to the death penalty. But the question is whether you feel it's the right thing in this particular case.' He let me know that he'd already heard some of the things I was telling him, that it would be very difficult. I told him, 'This one's just not right.' When he tried to reply, his voice broke. It was very difficult for him to finish the conversation. Later on, he thanked me for the

call, and his voice broke again." Indeed, during his New Hampshire campaign he evidenced uncounterfeited moments of feeling. At a senior-citizens' center, a woman told him, weeping, that she and her husband "don't have enough for drugs and food," and Clinton, leaning down, enfolded her for a long while in his arms, murmuring, "I'm so sorry, I'm so sorry," and tears welled in his eyes.

One of Arkansas's most distinguished writers, who has known Clinton for some years, said, "Bill Clinton doesn't have a monstrous streak in him—but he does have other kinds of streaks." Jeff Rosenzweig says, "One thing that's not been generally recognized about Clinton is the extent to which he came into the thrall of William Fulbright," in whose Senate office Clinton had served as an interne while he was a student at Georgetown. The Arkansas senator was a consummately civilized man, yet, for all his liberal apostleship over the years—most memorably concerning the nation's "arrogance of power" in the Cold War, and its Vietnam exploit in



"An apple! You must have read my mind!"



Dressing for Success

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particular—he remained, through the great moral campaigns of the civil-rights movement in the fifties and sixties, an implacable segregationist. To a number of his dismayed admirers it seemed a kind of ghastly tax of expediency on his honor, which he had deemed unavoidable for any senator from Arkansas at that time if he was to continue his larger work of conscience in the Senate; Rosenzweig suggests that this sort of moral computation was not lost on his acolyte Clinton. “I think in his heart of hearts Clinton would not have wanted to go through with Rickey’s execution,” he says, but, to protect his larger Presidential mission, “he figured he had to, applying the Fulbright rationale.”

During the week of the Jennifer Flowers furor, one of the questions being heard about Clinton’s political valid-

ity was, as *Time* posed it, “Suppose Clinton does sew up the nomination by mid-March and the Republicans discover a Willie Horton . . . in his back-ground?” And the director of the University of Arkansas’s governmental-studies institute commented to the *New York Times*, “The death penalty is about as good a way to get Willie-Hortoned as there is.” Rosenzweig asserts, “Clinton was then coming very much from the right, if you remember that time, and no way—*no way*—was he going to hand them an issue that might be used against him.” Stella’s pastor, the Reverend Kelan Motton, recalls, “Almost up to the very end, in back of everybody’s mind was, They really won’t do it—given Rickey’s condition, *surely* they aren’t *finally* going to do this. But, because it was an election year, what we forgot was that he

would go ahead and do it to prove a point, saying, ‘We fight crime.’” In fact, Clinton’s two previous executions were both held in an election year.

Clinton was not statutorily obliged to be in the state at all on the day of an execution; when an Arkansas governor is absent from the state, his authority, including that for commutation or approval of an execution, devolves upon the lieutenant governor, and in this case Lieutenant Governor Jim Guy Tucker had announced that he would not intervene in Rector’s execution. For that matter, a spokesman in Little Rock for both Clinton and Tucker had already indicated that Rector would not be granted a commutation. Obviously, then, the execution would have taken place even if Clinton had remained in New Hampshire, but, according to Rosenzweig, who had now joined Jewell in pressing Rector’s last appeals, Clinton returned anyway, because “he wanted to make the point that he did it.” The *Houston Chronicle* later remarked, “Never—or at least not in the recent history of presidential campaigns—has a contender for the nation’s highest elective office stepped off the campaign trail to ensure the killing of a prisoner.”

Soon after Clinton arrived in Little Rock, he received a call from Jesse Jackson, who urged him—saying, “Now, Bill, just on a moral, humanitarian basis”—to stay Rector’s execution. Clinton’s response, Jackson relates, was that “he’d been researching various ways to get around it, but it just couldn’t be done, there were doctors who’d said he was competent. Said he’d be praying about it, though.”

AT three in the morning on the Thursday that Clinton was to return to Arkansas—the last full day of Rickey Ray Rector’s life—the prisoner was awakened and given a breakfast of pancakes with syrup and butter, hot dogs, and oatmeal with coffee and juice, and soon thereafter he was “walking around in his cell howling.” A while later, he requested, as he had once on Tuesday, that a phone call be placed, collect, to some long-ago consort of his, telling the guard, “I want her to have a baby,” but, as before, word was brought to him that she “would not except a collect call from the inmate.” Soon after that, Rector was brought a strawberry

RETURN TO LITTLE ROCK

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soda and a package of coconut cookies, and then he was visited by the warden and the prison medical supervisor, who, the log records, "told the inmate how the lethal injection procedure would be done." The log continues that the medical supervisor "told the inmate how he would go to sleep with little pain as possible," and he, too, "checked the inmate's arms." Shortly after their departure, Rector was once more standing in his cell "yelling 'Cold Duck.'"

Early that afternoon, he was taken out of his cell and led, shuffling in leg irons, with his wrists cuffed to a chain around his waist, to the visitation center, a spacious tin shed resembling a quonset hut, for a last meeting with Stella and two of his other sisters. "Every time he wanted a puff of his cigarette, I had to hold it up to his lips," Stella says. "Had to lift his Dr Pepper up to his lips every time he wanted a swallow. It was the first time we could really touch him after about seven or eight years of only being able to touch him through glass." He told her, under the momentary impression that it was the electric chair he was headed for, "I know they gonna fry me." She said to him then, "But, Rickey, when you close your eyes, you're gonna be with people who *care* about you. And this is not the last time you'll see us, you know. After tomorrow night, you *will* see us again, too, in Heaven."

When he returned to his cell, a little after four, he was given his "evening meal," the death-watch log notes, "consisting of one pork patty, turnups, cabbage, four slices of bread and milk." The local evening news came on at five, and when it mentioned his scheduled execution the next day Rector—though he had reacted the day before to a news telecast describing him as a "cop-killer" by complaining that "he didn't kill a cop but he wished he did"—morosely grumbled, according to the log, "I did kill those two people and I would do it again if anybody trying to take anything from me." Apparently, he was muddling the event for which he was to be executed with what he had been claiming throughout his imprisonment, with much agitation, were persistent thefts of his belongings.

He passed the rest of his last evening watching, in T-shirt and boxer shorts and socks, "Top Cops," then "Street Stories," and then "Knots Landing,"

while, the log observes, variously "howling and barking . . . singing & laughing." He paused once to ask, about his last meal, "when will he get his dinner tomorrow," the log says. "I told him around 3:00 pm." Finally, after watching "Cheers," he announced to the guard, "I'm going to sleep now and get ready for tomorrow," and, lying down on his right side, facing away from the guard's scrutiny, he immediately fell asleep.

By then, Clinton had settled into the Governor's Mansion in Little Rock for the next day's business.

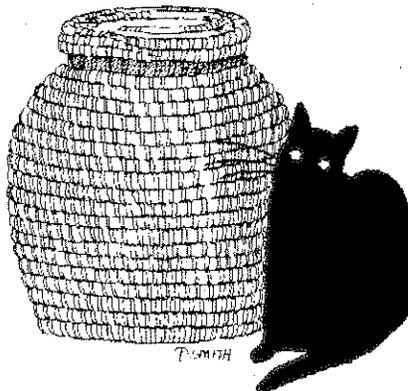
THE January 24th issue of the Conway Log Cabin Democrat informed the community—under the banner headline "CLOCK TICKING ON RECTOR'S EXECUTION"—that at three-thirty that afternoon a local radio station would begin carrying hourly reports on Rector's progress toward the death chamber, ending with a live broadcast from the prison when the execution was scheduled to take place, at nine o'clock.

Down at Cummins, Rector had been awakened at three that morning with the delivery of a tray holding his last breakfast—eggs, a hot dog, biscuits and gravy. He ate only the hot dog, and went back to sleep, waking up shortly before dawn. He then watched a local telecast about his imminent death and "stated that they were going to get him today," the log says. "Inmate Rector then started dancing and clapping his hands," and, a moment later, "hollering Cold Duck." But then he told the guard "that he probably would not see me anymore after I went home," the log noted. "He then stated 'that it was good meeting you.'" With that, he lay back down on his bunk and napped, was awakened again and asked if he wanted anything, and replied that he'd like a shower. Con-

ducted from his cell in handcuffs, he was allowed to take one, then returned to his cell and, having been supplied with fresh underwear and bed linen, quickly subsided into a deep sleep, snoring. But he awoke after only a few minutes, to notify his guard, "They are going to get me, I'm going to die tonight but I'll be asleep when I die." A little later, again he asked the guard about the last meal he had selected: "What time will get that steak & chicken, around 3:00 o'clock." At 10:44 A.M., he was brought his next-to-last meal—two pork chops with sweet potatoes and greens, two cups of jello, and milk. At 11:26 A.M., the log records, "he said I'm going to take a knapp," but only some eight minutes later, "Inmate got up off his bunk and stretched and said to me 'I will get that steak and chicken about 3 pm o'clock, I can't wait. I love that steak and chicken.'" A few minutes after that, he was pacing about his cell, "snipping his fingers on both hands, stomping his feet howling, and barking like a dog," and then, still swinging and dodging about his cell, he began to wail out, according to the log, "No mom. No Mom."

IN Little Rock, both Jewell and Rosenzweig had now begun trying to reach Clinton by phone. "After all," Rosenzweig says, "he'd said he was coming back only for this case." Jewell, meeting only with politely firm deflections from members of the Governor's staff, began "calling people I knew who might know how to get through to him," in a last, desperate effort to simply have it conveyed to Clinton somehow that "Rector was a totally different person" from the one who had shot Martin, that the case would "be easy enough to distinguish from other capital cases," and that "if ever there was a valid cause for clemency and the opportunity to demonstrate that he could show mercy, this was it." But finally, in a conference call, Clinton's counsel and his acting chief of staff collectively informed Jewell that, he says, "the Governor wasn't available to me, but they would pass my message on." He remarks, "It was pretty clear that was as far as I was getting."

Rosenzweig himself had begun at eight that morning to place a call every half hour, struggling to get through to Clinton, beseeching his secretary and chief counsel, "Look, the Governor *has*



said he was coming back to deal with the execution issue with Rector. I mean, who's he gonna talk to, if not the defense attorneys?" But, he relates, "I was told again and again, 'We've given him your message.'" Nonetheless, Rosenzweig pleaded throughout the morning to anyone he could get on the line, "Please, please have him call me. Because there're some things he needs to know."

Rosenzweig, as it happened, had grown up with Clinton, in Hot Springs, and his father had been Clinton's pediatrician. After graduating from Princeton and studying law at Southern Methodist University, in Dallas, Rosenzweig had returned to Arkansas to develop his practice. A pale, somewhat ruffled man, with a beard prematurely frosted after only forty years of age, Rosenzweig now operates at a constant pitch of urgency from a Little Rock office crammed with computer equipment, books, cartoons, and papers. Here, he continued trying to reach Clinton by phone, his final, thin hope being that in considering Rector's situation Clinton "had been dealing totally off paper, just the legal record of it." He explains, "I doubted deeply if he had actually talked with anyone who really *knew* Rector and the actual condition he was in. He needed to hear an affirmation from somebody who actually knew Rector and whom he knew, hear it himself ear to ear, plainly, that this guy was indeed truly zombied out, seriously, *seriously* mentally deficient, just no doubt about it." Also, Rosenzweig says, he calculated that "the politics of it he should be aware of as well—that Rector had been convicted by an all-white jury, and this was something that just might come to waylay him down the road."

But Clinton had now withdrawn into a resolute seclusion in the Governor's Mansion. What principally occupied him through that last day of Rector's life were continuing emergency sessions with aides and supporters about the Flowers crisis. He finally decided on an appearance with Mrs. Clinton on "60 Minutes," in a special broadcast that Sunday after the Super Bowl, which held the promise of an audience of twenty-four million households. "This weekend is a critical time for him," one adviser told the *Boston Globe*, and Clinton's campaign manager, David Wilhelm, explored with reporters in

Little Rock throughout the day the various hazards posed by the issue. James Carville, the campaign strategist, later reflected, "I think everybody understood . . . it was high noon."

In the meantime, in Cummins, Chaplain Pigman paid his last call on Rector, in the prison's visitation center. As the two sat at a small round table there, Rector in leg irons and manacles and chains, "I had church with him again," Pigman says. When Pigman was stirring to leave, Rickey said, "Aren't we gonna sing, Chaplain?" Recalling this ten months later, Pigman—a small, crisply neat, graying man in glasses—suddenly flushes, and his eyes blur with tears. "And we sang together for the last time 'Amazing Grace,'" he says, and then the little Sunday-school tune that was Rickey's favorite, their voices echoing over the tin shed: "Jesus loves the little children, all the children of the world. Red and yellow, black and white, they are precious in his sight. Jesus loves the little children of the world."

As the day wore on into the afternoon, even the warden at Cummins, Willis Sargent, who was a burly former Army noncommissioned officer, "seemed coming apart the closer it got," according to Stella's pastor, the Reverend Kelan Motton. Sargent confided to Motton, "Rickey's a harmless guy. This is not something I want to do." Ten months later, Sargent remarked, shifting uneasily behind his desk, that most of the public "just doesn't know how sensitive we are," and he went on to explain, "I dread to see these days approach. It's a hard business. You have to work hard to prepare yourself." He conceded that "executions are a part of the job that I accepted" but said, "I have mixed emotions." His voice sank to a murmur as he went on, "Legally, it's correct, but morally—morally—I don't know."

Around four that afternoon, Rosenzweig, in a frenzy of frustration over his failure to break through to Clinton, finally complained about his isolation to a local television reporter who had come by to interview him about the execution. Shortly thereafter, he left for Cummins, driving south out of Little Rock through darkening forestland, in about half an hour entering the northern outskirts of Pine Bluff on the Martha Mitchell Highway, passing through a shabby fringe of weedy auto scrapyards and

high-tension power lines. Then, at one large intersection, he pulled into a Road Runner filling station, across from a Burger King and a Western Sizzlin' Steakhouse, and, from an outside pay phone, called his office. He was told that shortly after the local newscast aired his protests about Clinton's unreachability Clinton's office had called with a request that Rosenzweig phone Clinton at the Governor's Mansion.

For a stretch of minutes then, Rosenzweig tried to get through to the mansion from the pay phone outside the Road Runner station, as traffic whisked past him on the highway—the warm January afternoon had now begun to dim and cool—but he kept getting a busy signal. Finally, he began frantically trying to call from both pay phones on the wall of the station, in rapid alternation, but he met with only recurrent beeps on both. He plunged back in his car and drove on through Pine Bluff as far as an E-Z Mart beside a Conoco gas station. From a pay phone at one end of the store's brick front, he at last managed to get through to the Governor's Mansion by first calling his office, telling his staff there to put him through, and, when someone at the mansion informed him that Clinton was in a meeting, insisting that Clinton at least be told he was returning his call. And after a few moments Clinton's voice came on the line: "Jeff, how are you?"

"Not real good," Rosenzweig remembers saying. "How're you?"

With just the smallest hang of a pause, Clinton said, "All right," with a sigh—his voice "real glum," Rosenzweig recalls.

Rosenzweig quickly undertook to describe Rector's condition. "The thing you got to bear in mind is, he really is greatly mentally defective. He's a zombie, he doesn't understand death is permanent, he's a *child*. If you're gonna execute people, this is just not the appropriate one."

"Well, why did Henry approve of it if it's as bad as you say it is?" Clinton asked, referring to Henry Woods, the federal district court judge in Arkansas who had denied Rector's appeals.

"His hands were tied because of the way the case was presented to him," Rosenzweig declared, and then posed to Clinton what in fact amounted to a fundamental issue about the whole system of law itself—that considerations of substance about Rector's true situation had



sifted out of the process by the time it reached the higher courts, so that the judges had been obliged to defer to Hartje's local ruling of competency. Rosenzweig then pleaded, with trucks booming by on the highway beside him, "The guy is truly, truly a human blank, just pathetic. If there's anything you can do, please do it—"

"Where are you?" Clinton suddenly asked.

"Where am I? I'm at a pay phone at a convenience store in Pine Bluff—I'm headed on down to the prison."

But Clinton ended their exchange with only a noncommittal geniality.

Rosenzweig now admits that he had made the effort to reach him with only minimal expectations, in view of the formidable political barometrics surrounding Clinton then. "But I thought he just might not want to be seen as merciless. And that we might be able to get a reprieve that could shift it into, you know, a less political time."

He drove on out of Pine Bluff. It was dark by the time he reached Cummins, and a hard cold had come into the January night.

Earlier that afternoon, at Cummins, Rector had asked the guard "what time the tie down team would come to get him," the log says, and shortly afterward fell asleep, snoring. Around one o'clock, a party of three men arrived, including an inmate, to prepare for Rector's short passage that night to the death chamber. The log records, "All locks were lubricated and visually examined. Inmate Rector layed down on the bunk quietly and didn't say anything." As soon as this operation was finished and the men left, though, "Rector walked to the center of the cell and began dancing and howling." Presently, a pint of black-walnut ice cream was brought to him, and he spooned it down while sitting on the edge of his bunk in his shirt, shorts, and socks. But upon finishing it he began bawling out, "Cold Duck! Cold Duck!" At 2:52 P.M., he was lying on his right side, his back to the guard, with his legs stretched out straight and stiff, his feet clamped together, and he was howling.

AT 2:57 P.M., his final meal arrived, with Rector watching its approach and snapping his fingers in impatient gloom: one steak, well done, fried chicken in heavy gravy, and brown

beans, with three rolls, cherry Kool-Aid, and a plump helping of pecan pie. He set to it, sitting on his bunk and facing, as he raptly chewed, a blank wall. He got up once to proclaim, "Chicken is good." When he had finished, he wiped his hands on a towel and ambled about a bit with his paper cup of Kool-Aid. The death-watch log notes that at this point, after his tray was taken away, "Kept the pecan pie."

Motton, Stella's pastor, now reflects, "The way Rickey would always eat, he would always save part of his dessert to eat just before he went to sleep," and Pigman says, "He was clearly planning to come back when the whole thing was over with. Rickey otherwise would have never left anything like a slice of pecan pie uneaten, never." Jewell had earlier declared, during one plea for a stay of execution in Little Rock circuit court, "When you sit down and, face to face, explain to somebody that they're going to die, and then the next thing they say is 'Man, when I get out on the street,' or, you know, 'Well, what's going to happen next?' . . . it leads me to the conclusion . . . that he doesn't grasp that he's going to die."

Motton remembers that when he visited Rector about thirty minutes after his last meal "he started asking me again about some friends from his childhood, twenty years ago, some of whom had died, even though I'd told him over and over they were dead. Even some of the people he said he wanted to be pallbearers at his funeral, when I asked him about that, they were already dead, though I'd told him about that, too." After praying with him, Motton left, and Rector lay back on his bunk and watched "Geraldo."

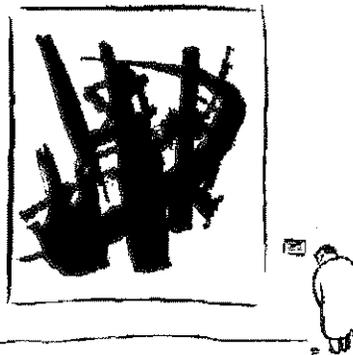
Soon, though, he began repeatedly rubbing his forehead, under the half-moon scar, first with his left hand, then

with both hands, then with his right. A little after six o'clock, after asking the guard exactly what time he was supposed to go to the death chamber, he watched a news story about his execution, now only a few hours away, which reported that all petitions for a stay and commutation had been denied, and he began mumbling, "I'm in trouble. I'm in trouble."

Rosenzweig arrived at Cummins around six o'clock and was taken in a prison car to the building—it was vanilla white—that housed the death chamber and the holding cell containing Rector. He found that Rector's beard had been shaved off, leaving his massive round face now slickly bare—"He did it because he knew I didn't like it," Stella says of the beard—and Rector told Rosenzweig, "Yeah, I wanna look good." While they were talking, a newscast appeared on the television set above them about Clinton's continuing political woes over the Jennifer Flowers affair, and it was then that Rector said with a grunt to Rosenzweig, "Don't none of that matter, I'm gonna vote for him for President."

Left alone again for a while, Rector lay back on his bunk, his hand lying across his forehead, his legs drawn up, and presently he inquired of the guard, though he was to be cremated, whether the guard had any idea when he was to be embalmed. Four minutes later, he was standing at the bars of his cell, chatting with the guard, according to the log, "about opposim and racoons and their teeth." Later, Rector spoke to Rosenzweig and Jewell about how he would be strapped down when the hour came, but then he began chatting to them about picking pecans.

At eight minutes after eight that evening, Rector was given a short-sleeved white shirt, white pants, and calf-length white athletic socks to change into. The last death-watch log entries report, "8:21 PM Inmate Rector appears to be nervous, pacing and asking questions . . . continues to pace in cell and is asking questions about dying. . . . 8:27 PM Tie-down team in death chamber lobby." At 8:36 P.M., Rector was taken out of the cell and led, surrounded by seven large prison guards in black helmets and carrying riot shields, to a tan metal door bearing the sign "Exit": it opened onto a tunnel into a short corri-



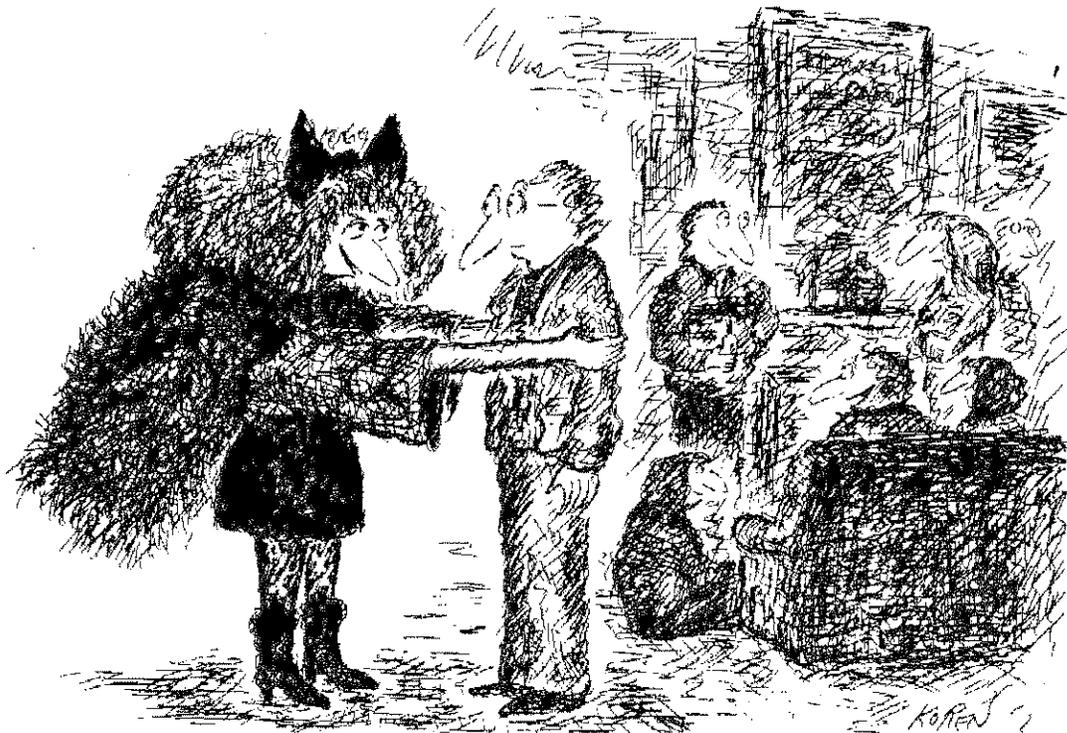
STEAK AND FRIED CHICKEN

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door that led into the execution chamber itself.

AROUND nine o'clock, a somewhat disparate delegation of thirteen witnesses was assembled by prison officials to watch the execution from what the prison called, with a certain mortuarial delicacy, "the viewing room." They included Motton, Jewell, and Rosenzweig, and also four Faulkner County law officers, among them Lieutenant Rodney Pearson. One of the officers explained his presence there this way: "I wanted to see justice served. You don't get that many chances." Pearson now says, "I was the only one left in the department who was originally associated with the case, and I went as a private citizen on behalf of those others. I wanted to close the books on it."

When Pearson arrived at Cummins, with others driven there in a van from Pine Bluff, and they all got out into the cold darkness of its hushed grounds, he noticed "about a hundred yards away from the death house, parked back in shadows with its parking lights on, this very large black stretch hearse, like a bird of prey." He said later, "It was an ominous feeling to see that hearse standing by to pick up the body of a human being that was still alive at that moment." The group was conducted into the viewing room—a concrete-block chamber painted cream, under low white ceiling tiles and with a streaky tan vinyl linoleum floor. Orange plastic chairs were ranged in three precise rows before a wall of four large glass panes, like department-store windows, across which a black velveteen curtain had been drawn from the other side. Affixed to opposite walls near the ceiling were two little boxes—one an automatic air-freshener and the other an insecticide spray mechanism. "Mosquitoes really get in



"I can tell—you like my being a little out of control!"

here in the summer," a prison guard politely explained when I visited the facility about ten months later. Also on the chairs that night were air-sickness bags, and a nurse was standing by to attend to anyone who might fall ill from what the group had gathered to observe.

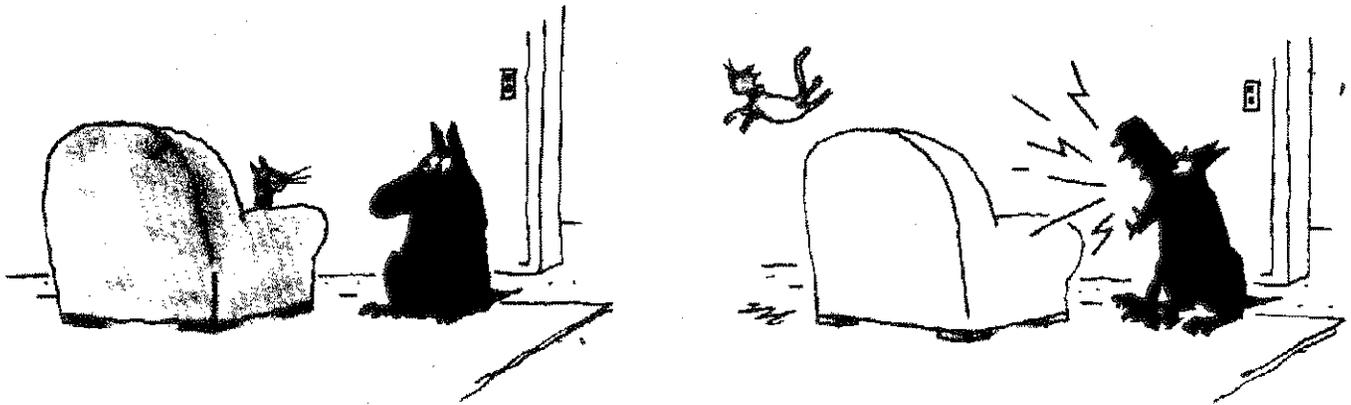
Pearson and two other Conway policemen took seats in the front row, beside the Reverend Mr. Motton, who had brought along a small Bible. The lighting in the room was discreetly dim, but along the top of the black curtains was a streak of light from the room beyond. Pearson now admits that "although I volunteered, I wondered if this was a good idea, when you're sitting there in a darkened room, and you know you are about to witness the death of a human being, a planned execution."

As the minutes passed, with a subdued rustle of voices, and an occasional stirring of the curtain from the passing brush of someone behind it, the group began to sense that something was amiss. Eventually, the director of the Department of Corrections, Art Lockhart, opened the door from the hall

to tell the assembled spectators that medical technicians were having some difficulty locating a serviceable vein in one of Rector's arms. With that, he stepped back, and the door was locked after him.

As it turned out, the witnesses had to sit waiting for a full hour, hearing from behind the curtain periodic hand slaps on skin and sudden great grunting groans ("That's him," Rosenzweig said once, from his seat in the last row) as the medical technicians made yet another stab at a vein. One witness, a sheriff from a neighboring county, observed to everyone after another groan from behind the curtain, "Sounds like they're really having trouble." In fact, the medical crew was soon increased from two to five in an urgent scrimmage—if the execution didn't take place before midnight, it would have to be postponed until another date decreed by Clinton—to find a vein that would not wilt at the needle's insertion, a difficulty later attributed to Rector's bulk and his regular dosages of the antipsychotic drug Mellaril. Rector himself, it is reported, once obligingly tried to help

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them find a suitable vein. At one point, after applying a local anesthetic, the medical crew employed a scalpel to slash into the crook of his arm, in what the attending supervisor, John Byus, a former military medic, afterward described as a "cut down" method of finding a usable vein. "He gave us quite a go," Byus admitted to the *Log Cabin Democrat*, remarking that he himself was not "a great advocate of injection," and preferred the old sure simplicity of electrocution. During that hour, eight outcries from Rector were heard. In the stillness in between, the automatic air-freshener on the wall would occasionally discharge, startling the people in the chairs below.

All this time, back in Conway, Stella, two of her sisters, and their families were collected in her small den watching television for further reports from Cummins. "We were all sitting holding hands," Stella recalls. "Just us, now, all alone." And, with the periodic announcements of the continuing delay, one of the sisters finally cried, "Lord, please lead him on! *Lead him on!*"

Shortly after nine o'clock in Little Rock, Carolyn Y. Staley, the director of the Governor's Commission on Adult Literacy and a particularly close friend of Clinton's—the daughter of a Hot Springs preacher, she grew up next door to him—left Temple B'nai Israel, where, although she is a Baptist, she sings every Friday, and heard on the car radio that Rector's execution was stalled. Staley, who is deeply opposed to the death penalty, remembers thinking, Oh, my God, *he's not dead yet*, and when she got home the thought came to her: Well, maybe he still doesn't have to die. She phoned Clinton at the Governor's

Mansion, prompted by concern over his gruelling week. It was then around nine-thirty.

Staley has always refrained from any strenuous discussions with Clinton about the death penalty, because, she says, "I know that Bill comes from some other place on this that I don't understand. He very much believes in life. I really believe he doesn't like capital punishment. But the people of the state he governs feel very strongly about crime and very strongly about the death penalty, and he has come to his own religious-slash-political terms with it. I don't believe he has any guilt about those things—executions—because he feels it's something he just has to do." Nevertheless, she says, that accommodation has not been without its own personal toll on him. One night after an earlier execution, Staley says, Clinton telephoned her and said, "I wish I'd known you were home all this time. I've been here all alone." He explained that because he had to remain bunkered in the mansion on the night of an execution, in order to be immediately reachable, he had "no distraction" from dwelling on what was keeping him confined there.

When Staley telephoned the mansion on the night of Rector's execution, a guard answered, and she said, "Is Bill in?" The guard, she relates, told her, "He's in conference now. He's surrounded by people." Staley said, "Would you just tell him that Carolyn called and I'm praying for him?"

Just moments later, she says, the phone rang. "And it was Bill." Clinton began the conversation, she recounts, "speaking in a whisper, these low, low whispers, kind of like, I'm not able to

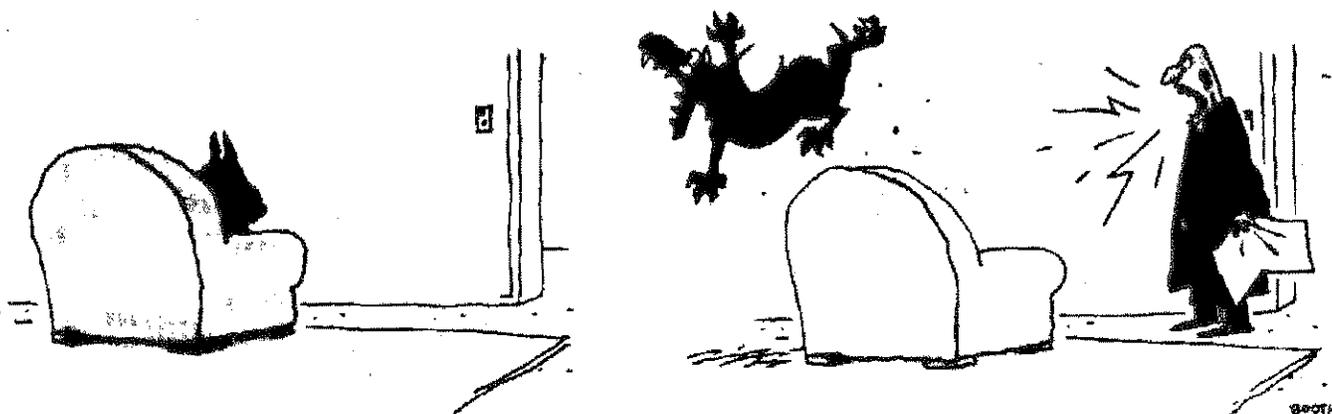
breathe, I'm destroyed.'" She told him, "I just wanted you to know that I'm praying for you about the execution tonight," and he replied, in a groan, "It's just awful. Just terrible, terrible." As she recalls it now, "I heard in his voice a self—a depth of anguish—I'd never, *never* heard in him before." Usually, she says, when Clinton was showing grief "he still had a very composed and statesmanlike demeanor."

She then told him, "You know, he's not even dead yet."

"*What?*" she remembers him exclaiming. "*What?*" From his startlement, it was obvious to her that the conference in which he had been absorbed had not exactly been a "blow by blow" account of Rector's fate. He then said, "I can't talk long, because Hillary just got home and we need to talk."

Staley told him, "Bill, I'm so sorry. We've had two executions this week, haven't we?" She meant the Flowers allegations. "He just groaned," she remembers, and they moved on into discussing that topic. Ultimately, she says, the conversation wound up "much more about the Gennifer Flowers matter" than about what was happening to Rector at that moment down at Cummins.

At last, the black curtains over the windows of the viewing room were pulled back, to reveal an antiseptically stark room, where fluorescent lights cast a shadowless glare on white-painted concrete-block walls. And on a hospital gurney that was bolted fast on its trolley wheels to the vinyl-tile floor, over the metal-plate fixtures for the electric chair, lay the vast bulk of Rickey Rector, bound with blue and



BOOTH

orange straps, and draped in a sheet up to his chin, his head held fast by a tan leather strap to a kind of V-shaped clamp of boards. His right arm was strapped to a narrow tray extending from the gurney's side. Blood was spattered on the sheet from the futile attempt with the scalpel, but now a catheter and a tube were at last in place, taped to the top of his right hand. His thick fingers were curled around a lump of gauze.

The tubing ran under the sheet covering Rector and then up to two bottles suspended above his head. They held some fluids that, when used in combination, are known as the Texas Mix: sodium pentothal, which slackens the muscles and depresses the central nervous system while beginning to induce unconsciousness; Pavulon, which blocks the exchanges between nerves and muscles, suppressing the respiratory system and beginning to arrest the heart; and potassium chloride, which stuns the heart to a stop altogether with an electrolyte imbalance—each one of these chemicals in a dosage heavy enough to be fatal in itself. This load of fluids was attached then to other connections that disappeared into a tiny, completely enclosed compartment just behind Rector's immobilized head, a cubicle three feet wide and five long, where two executioners were stationed, unseen, unknown.

On the wall above Rector were a circular, metal-rimmed Seth Thomas clock and a beige wall phone, and near the foot of the gurney was a wooden lectern, where the prison's last few bookkeeping notations on the prisoner were entered onto a standard form. Standing by the lectern were Lockhart,

holding a clipboard from which he was to read out to Rector the formal proclamation of his sentence just before its enactment, and Willis Sargent, the warden. Byus was still fretfully checking the whole setup, himself rigged with a headset to communicate with the executioners, in their little walled-off room. A heart-monitoring machine stood on the floor just below Rector; it faced outward, toward the viewing room, so that Rector couldn't see it. The windows separating the witnesses from this brightly lit tableau were one-way, and, from within the execution room itself, merely mirrored back its own confines.

Rector was breathing, the sheet rising and falling on his chest, and he was gazing dully into the middle of the room but glancing now and then toward Lockhart and Sargent. Then his mouth moved, in response to a query from Lockhart, and he delivered his last words (he had been rather strenuously coached over the last day or so by his attorneys and Motton, so he would not blurt out something unseemly). What he said was "Yeh, I got baptized and saved," but from the shadowy room on the other side of the glass, Rosenzweig recalls, "it was like sitting there watching a silent play." Then someone noticed that fluid had begun to drip from one of the bottles into the tubing. "It was so strange," Jewell says. "All so clinical-looking that automatically you feel that this is a hospital setting and somebody is being helped. But they are killing him." There was another unheard remark from Rector on the other side of the glass: "I'm gettin' dizzy." Pearson will now allow himself to observe, of the moments when the fatal

chemicals were being transmitted to Rector, "I could almost say he was very dignified at that part. I'll have to give him credit for that. Didn't blink, didn't flinch." Jewell says, "It just seemed unreal. Unreal. You're sitting there watching somebody like they're just falling asleep." After a few moments, Rector's eyes slowly closed—his last glimpse of life the flat glow of two fluorescent panels in the ceiling above him.

Some of the viewers now leaned forward, and others rose from their chairs and moved to the window for a closer look. Everyone was watching a luminous green dot still leaping on the heart-monitor screen. Then Rector's mouth sagged open. "You could see he was gasping for air," Motton says. Rosenzweig says, "There was this sort of small shiver that ran along his body," which Motton describes as something like "a slow shrug." Someone said, "It looks like it's flat-lining." Then "Oh, there was a jump. There's another flutter." But after that last lurch the green dot began tracing a steady, level line. At 10:09 P.M., nineteen minutes after the fluids had begun dropping into the tube, Rickey Ray Rector died.

LIEUTENANT PEARSON drove back to Conway that night with two of his fellow-officers, and reached the Conway Police Department around midnight. There, to two officers who had been at the house of Rector's mother that March afternoon almost eleven years before, Pearson described the execution of Bob Martin's slayer. One of the officers, as he listened, began to weep.

Stella says of the night after her brother's execution, "I slept well for the

very first time in years. It was over. It was lifted. I could rest."

Some eleven years, then, after Bob Martin was buried near his country place at Wooster, the body of his killer was brought back to Conway and, having been cremated, also buried in Faulkner County earth, under an oak tree, on a warm and overcast January afternoon. During the brief graveside service, Stella noticed a stranger standing nearby, a white man in a tan raincoat, who was weeping. He was "sobbing so hard," Morton, who also noticed him, recalls, that when, after the service, he walked over to the man, "it took me a hard time to get him composed to tell us what was wrong." It turned out that he was the son of one of the jurors at Rector's trial, who voted to condemn him to death. Before his own death, a few years later, the juror had passed on to his son his remorse and guilt over that judgment.



Chaplain Dennis Pigman was also at the burial service, and he saw another stranger, standing off apart from the family—"this young black girl, about eighteen or nineteen," he says. "She was all by herself, but she had this oddly familiar look to me. I went over and asked her who she was. She said, 'I'm his daughter,' and she began crying."

Shortly after Rector's execution, Pigman left the Arkansas prison system, and he has since undergone periodic sessions of psychotherapy. "I hate murder," he says today. "I hate murderers. But to execute children? What was done to Ricky Ray Rector was in itself, absolutely, a crime. A horrible crime. We're not supposed to execute children."

THE day after Rector's death, Clinton flew out of Little Rock for campaign appearances in Washington and Boston, and a rally that had been scheduled for that evening in Manchester, New Hampshire. In Washington, he presented himself in a candidates' forum before a convocation of Jesse Jackson's National Rainbow Coalition. "I know most of you in this room do not support the death penalty and disagree with the decision I made yesterday," he said. But, he went on, in all three of his executions now, he had

"prayed in private, not in public, for the souls of the condemned as well as those they killed," and, he said, "last night I thought of Mr. Rector" but "also of Robert Martin, the police officer who was killed in cold blood . . . and I prayed that I had not made the wrong decision." Mostly, though, he had to answer questions about Gennifer Flowers. On the Sunday after Rector's execution, he and his wife taped the "60 Minutes" interview about the Flowers matter, in Boston, and then flew back to Little Rock to watch the program in the Governor's Mansion.

Over the following months, there were only occasional comments on Clinton's decision to permit Rector's execution, and they mostly came down to what the black political analyst Eddie Williams said at a press conference in October for his Joint

Center for Political and Economic Studies: Clinton had "looked like he was strong on crime, since the American public seems to equate capital punishment with a position on crime," and he had "persuasively to the Reagan Democrats indicated he was a different sort of Democrat." Others observed that the Rector execution had at least served as a conclusive preemptive strike against any possible assaults, like those about his attitude toward law and order which had beset him in 1980. Indeed, once Clinton's campaign against Bush began, it came to be generally appreciated that his decision on Rector, as a California Democratic activist told the *Houston Chronicle*, "completely undermines" the Bush campaign strategists' "attempt to define Bill Clinton and Al Gore as out of touch with mainstream public and even mainstream Democrats." New York's seasoned political impresario David Garth put it more simply: "He had someone put to death who had only part of a brain. You can't find them any tougher than that."

In May, Clinton again interrupted his campaign to fly back to Little Rock, this time to sanction his fourth execution—of a white man convicted of murdering a state police investigator. In October, the day after a campaign spot began advertising his sternness about crime and his endorsement of the death

penalty, he set the date for still another execution.

ON Election Night in Little Rock, a wet and gusty evening, the downtown streets turned into something like state-fair midways: they were filled with the continuous roar of an enormous throng that seethed along sidewalk stands peddling nachos and hot dogs and funnel cakes. Massed around them were titanic satellite relay dishes, while generators were humming everywhere, cables were looped over the pavement, and smoke from barbecue stoves blew up through the white flare of klieg lights. A mammoth video screen on a flatbed trailer broadcast the progress of the national vote. Rumors of celebrity sightings ran through the crowd: Nicholson, Streisand, Madonna.

The next morning, in my motel room in Conway, I opened a plastic trash bag containing Rector's last belongings, which had been sent to Stella from Cummins. "This is his legacy," she had said in giving it to me. "This is all that's left of Ricky Ray Rector." Now I began taking out of the bag the final debris of his life. A number of little religious pamphlets and Rector's "Certificate of Baptism," on imitation parchment. An unused tube of toothpaste. Glasses in brown plastic frames of a clumsy bulkiness. A commissary request form, laboriously printed out by Rector, listing his "present account balance" as

97
cent
6 Dollar

and requesting "3 Salem Cigarettes 1 Hot Chocolate 1 Speed Stick," which came to seven dollars and thirty-one cents—thirty-four cents more than he had in the world at that point. And a letter to "Dear Mr. Rector" that read, "After a careful review of the information provided, your request for executive clemency has been denied. Sincerely, Bill Clinton."

THE following Sunday morning, in downtown Little Rock, I attended the eleven-o'clock worship service at Clinton's church, Immanuel Baptist, which is a citadel-like edifice of yellow-ochre brick with faintly Alhambran nuances. As the organist and the choir be-

gan booming over the sanctuary's grand expanses the anthem "In the Name of Jesus," Clinton came striding down the aisle, a Bible in his hand, and joined other worshippers in a pew at the front. Eventually, Dr. Rex Horne, an immaculately groomed man with a collegiate freshness about him, took the pulpit. His sermon that morning happened to be about God's commandment to Abraham to sacrifice Isaac. In Abraham, Horne said, God recognized "that there is a person to be tested," as he tests all believers on whether they will "do the right, noble thing, even if it's painful."

After the service, Clinton lingered to shake hands with well-wishers in front, below the pulpit. I wandered over to offer my congratulations. He still had that boyish earnestness I remembered from our meeting years before. His instant and somewhat startling affability, in fact—"What are you doing here? Where you staying? How long you gonna be here?"—prompted me, a day or so later, to call his office in Little Rock. Several friends of his had indicated that he just might feel moved to discuss the Rector case with me. In the event, however, a press aide said, "As you may know, the Governor has a policy of never commenting after executions," and another asked, "Could you send us a fax on that?" I did so, and got no response.

ON my last morning in Conway, with icy winds blowing under a brilliant-blue sky, I called on Stella, at the care center for the mentally retarded where she has been working for so long. She led me down a walkway between terraced lawn plots to the building where her patients—or "clients," as the center calls them—are quartered. "She's the bravest person with the greatest capacity for love of anyone I've ever met," one of her fellow-attendants volunteered to me. In a large, wide-windowed dayroom, about half a dozen of their charges were ranged in a semicircle of tall chairs—fastened into them, for all of them were in fact retarded to such an extent that working with them seemed a matter not so much of rehabilitation as of simple tending. Here, through the years of Rickey's imprisonment, Stella would sometimes wander over to a window in the middle of the day and, with the room around her filled, as always, with



"This is my husband, Leonard, at approximately one-third actual size."

the moans and gurglings and yowls of these even more profoundly marred human beings in her care, she would gaze out over the grounds while saying a silent prayer for her brother. Or she would retreat for a few minutes to her desk in the room, set off behind partitions to form a small enclosure of semi-privacy, for a brief solitary devotional.

A few days earlier, when she gave me the plastic bag containing her brother's possessions, she had said, "I'm voting for Clinton, yes. I don't have any bitterness. I've had to work at it, I admit. But the mercy Rickey wasn't able to get in this world has been granted him in the other, and I'm going to see him again one of these days, in Heaven. He paid his dues in this life. Did he ever. Probably nobody can ever know what he had to go through all his life, from its very beginning. Like my mother would say, 'A lot sees—but only a few knows.' I would only hope Bill Clinton never has to go through what my family—and the Martin family, too, yes—have gone through.

But if anything ever happened to him that I could help him with, I would help him. I would. Because I know that if I had any malice in my heart toward Bill Clinton it would separate me from Rickey—because it would separate me from God."

On Stella's desk was a large calendar pad with Bible verses written by her into the square spaces of its days ("Though you have made me see troubles, many and bitter, you will restore my life again; from the depths of the earth you will again bring me up"), and other verses, written on leaves from a small yellow notepad, were stuck up on the partitions around her. "These were all that kept me going," she said. Before I left her, she peeled one of them off and gave it to me. I did not finally read it until I was on the flight out of Arkansas. It was I Corinthians 4:5. "Therefore judge nothing before its time; wait till the Lord comes. He will bring to light what is hidden in darkness and expose the motives in men's hearts." ♦

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MAY 7 - 1992

Convicted Texas killer receives lethal injection

By MICHAEL GRACZYK

Associated Press Writer

HUNTSVILLE (AP) — Convicted killer Justin Lee May was put to death early today by Texas prison officials after attorneys unsuccessfully argued he was framed for a robbery-murder in 1978.

In his final statement, May, 46, expressed love for his sister and a woman he recently married by proxy. Both were present in the death chamber.

"I just want to tell them I love them and appreciate all their support," May said, when asked by Warden Jack Pursley if he had a final statement.

HE WAS pronounced dead at 12:18 a.m. CDT, six minutes after the lethal drugs began flowing into his arms.

Compared to other recent executions in Texas, May's reaction to the drugs was more violent. He went into a coughing spasm, groaned and gasped, lifted his head from the death chamber gurney and would have arched his back, if he had not been belted down. After he stopped breathing, his eyes and mouth remained open.

The execution came about four hours after the U.S. Supreme Court refused several final appeals. In November, the ex-welder came

within moments of receiving lethal injection before the high court halted the procedure.

May became the sixth inmate to be executed this year in Texas and the 48th since the state resumed carrying out capital punishment in 1982. The total is the highest in the nation.

IN HIS FINAL interview last week, May said he accepted execution but insisted he was innocent. "I have no fear because fear is the devil's work," he said. "It's not something I'm really crazy about doing, but I'm at peace with myself. It would be easier to face execution

if you had done the crime. It's hard to be executed for lies."

May's attorneys obtained affidavits from two key prosecution witnesses, both ex-convicts, who said May was not involved in the robbery and slaying at a Western Auto store in downtown Freeport, about 65 miles south of Houston.

May was convicted of capital murder and sentenced to die for the shooting death of Jeanetta Murdaugh, 43. The woman's husband, Frank, 42, also was killed during the holdup.

AUTHORITIES SAID May and an accomplice, Richard Miles, entered the store as customers with Miles going over to look at shotguns. Frank Murdaugh protested when Miles put a shell in the gun and a struggle ensued.

Mrs. Murdaugh, apparently coming to the aid of her husband, was shot twice in the head with a .32 caliber pistol and died in the store. Her husband, she said, died on route to a hospital. Miles and May got little, if any, cash but several guns in the holdup.

May said another man, who he knew only as "Indian," did the killings during a time when he was at a relative's home. It wasn't until more than six

years later, when May was serving his third prison term, that he was charged with the Murdaugh killing. Miles, of Freeport, was accused of participating in the shootings and testified against May as part of a plea bargain that gave him a 42-year prison term. Miles, now 48, was paroled in December 1990.

MILES IN November told May's attorneys May was not at the shooting scene. A second inmate, Oren Howard, also told defense attorneys his testimony was wrong when he heard Miles and May bragging about the killings while in prison. Neither inmate, however, would identify the gunman.

Landry executed for '82 robbery-slaying

By Michael L. Graczyk
Associated Press

HUNTSVILLE, Texas — Convicted killer Raymond Landry was put to death at 12:45 a.m. Tuesday, after a 14-minute delay when one of two needles sprang a leak, sending lethal liquid shooting about 2 feet across the room toward witnesses.

The procedure began at 12:21 a.m. but did not end until 12:29, and he was not declared dead until 12:45 a.m.

"There was something of a delay in the execution because of what officials called a 'blowout,'" said Texas Corrections Department spokesman Charles Brown. "The syringe came out of the vein, and the warden ordered the (execution) team to reinsert the catheter into the vein." Brown said he did not know

whether a second dose of the lethal chemical was administered. He said it was the first time such an incident had occurred during the Texas execution procedure.

Landry made no final statement and shook his head briefly when asked by Warden Jack Pursley whether he had something to say. At first he had no reaction to the drugs, and his lips either trembled or moved as he said a silent prayer.

Landry, 39, was sentenced to die by lethal injection for the 1982 robbery-slaying of a Houston restaurant owner.

Landry had been scheduled to be the first of a double execution, but the other condemned man, Samuel Hawkins, received a stay of execution from the U.S. Supreme Court late Monday night. The high court had earlier turned down a request

from Landry for a stay.

Hawkins, 45, dubbed the "traveling rapist" after admitting that he had committed 40 rapes, had faced injection for the 1976 rape and stabbing death of Abbe Rogers Hamilton in her home. She was stabbed as many as 20 times, and officials said it appeared that her killer tried to decapitate her.

Hawkins has a second death sentence for the abduction and slaying of a 12-year-old Amarillo girl.

Landry, a native of Lafayette Parish, La., had been labeled by state attorneys as the most likely to die among nine Texas death row inmates with execution dates.

An 11th-grade dropout, he had a lengthy criminal record, including arrests for sexual assault and abuse of a juvenile, assault, family neglect and petty larceny.

DALLAS MORNING NEWS

TUES. DEC. 13, 1988

P. 29A

mail@matthewrubenstein.com, 02:03 PM 9/12/01 -0700, Genaro Camacho

To: mail@matthewrubenstein.com
From: Michael Radelet <Michael.Radelet@colorado.edu>
Subject: Genaro Camacho
Cc:
Bcc:
Attached:

Document 1 of 8.

The Associated Press State & Local Wire

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August 27, 1998, Thursday, PM cycle

SECTION: State and Regional

LENGTH: 490 words

HEADLINE: Reputed marijuana smuggler executed for 1988 Dallas slaying

BYLINE: By MICHAEL GRACZYK, Associated Press Writer

DATELINE: HUNTSVILLE, Texas

BODY:

After expressing love to his family and praying, a reputed marijuana smuggler was put to death for the execution-style shooting of a Dallas-area man a decade ago.

"I'll be waiting for you in heaven," Genaro Camacho, 43, told his former wife, two daughters and a son who watched him receive lethal injection Wednesday night in the Texas death chamber. "I'm going home, baby. Bye bye." He coughed and uttered two long gasps. Nine minutes later, he was pronounced dead.

Camacho, the 12th Texas inmate to be executed this year, was condemned for killing David Wilburn, 25, of Pleasant Grove, who unwittingly stumbled into a kidnap plot that also left a woman and her 3-year-old son fatally shot.

The three murders in 1988 were among at least five killings authorities tied to Camacho.

One of the five was the dismembering of a Dallas topless dancer, Pamela Miller, 23, who was beaten to death and then had her body parts fed into a tree shredder after a botched drug deal.

Ms. Miller's mother, Nellie, was among witnesses to Camacho's execution.

mail@matthewrubenstein.com, 02:03 PM 9/12/01 -0700, Genaro Camacho

"May you now rest in peace my precious one," Ms. Miller, referring to her daughter, said in a statement released after Camacho's death. "I love you still."

Camacho, while on the death chamber gurney, ignored Ms. Miller, who watched through a window a few feet from him.

The execution was delayed nearly two hours. When last-minute appeals failed, prison officials then had difficulty finding suitable veins on Camacho, who had a drug use history, authorities said.

The killing that sent Camacho to death row occurred May 20, 1988, when Wilburn was shot in the head at the home of a neighbor, Sam Wright. Wilburn had walked into the home not knowing Camacho and two other men had burst in a few minutes earlier to collect a heroin debt.

When Wilburn was shot, Wright ran off. But a woman in his house, Evellyn Banks, 31, and her 3-year-old son, Andre, were abducted by Camacho's group, then shot three days later, buried in a shallow grave in Johnston County, Okla., and covered with kitty litter.

One of the Camacho's companions later told how his boss ordered the baby shot repeatedly because the child continued to make noises after the initial shot.

By the time the bodies were found about three months later, Camacho was in Mexico. He was arrested more than a year later as he tried to cross back into Texas.

Camacho, from Mercedes in the Rio Grande Valley, denied any role in the killings and disputed assertions by authorities that he was a drug kingpin who operated a lucrative smuggling business from Mexico.

Camacho was convicted on federal charges and sentenced to life in the deaths of Ms. Banks and her son.

While in prison, Camacho was stabbed in 1990 in a fight with two other condemned inmates. Three years later, he was implicated in a drug operation he ran from death row that resulted in two corrections officers being sentenced to federal prison terms.

LOAD-DATE: August 28, 1998

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LEVEL 1 - 11 OF 35 STORIES

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Austin American-Statesman

April 23, 1998

SECTION: Metro/State; Pg. B5

LENGTH: 455 words

HEADLINE: Texas executes man who killed San Antonio attorney at age 17; Second

BYLINE: MICHAEL GRACZYK

BODY:

HUNTSVILLE -- Joseph Cannon, condemned to die when he was 17, was executed Wednesday for the murder of a San Antonio attorney and mother of eight.

Cannon, 38, was pronounced dead at 7:28 p.m. after a second dose of lethal drugs was pumped into his arms.

The first dose failed when a vein in Cannon's arm collapsed. The needle had to be removed so the injection could be restarted, prison officials said.

File Search View Browse Services Help Yes! No!
Austin American-Statesman, April 23, 1998

Outside the prison, Cannon's mother fainted as witnesses emerged. She was taken to a Huntsville hospital by emergency technicians.

It was the second time in 148 lethal injections in Texas that officials experienced difficulty with the needle. Nearly 10 years ago, in December 1988, a similar vein collapse occurred during the execution of Raymond Landry.

Cannon, who spent more than half his life on death row, admitted he was a dangerous person when he killed Anne Walsh more than 20 years ago but didn't believe he should be put to death for something he did when he was 17.

"I don't know if something changed in my brain or the fact I've grown up and can appreciate the value of my wrongs," Cannon said last week. "I just want people to know that I'm sorry."

Walsh's brother, also an attorney, had represented Cannon in a burglary case and persuaded her to let him live at her home in September 1977 so he could remain on probation and avoid jail.

A week later, on Sept. 30, Walsh was shot repeatedly by Cannon when she came home for lunch. High on alcohol and drugs, he also tried to rape the 45-year-old woman and then drove away in one of the family's cars.

11-Minute Execution Seemingly Took Forever

By Wayne Greene
World Capitol Bureau

McALESTER — Robyn Leroy Parks took 11 minutes to die.

The Oklahoma City killer's execution at Oklahoma State Penitentiary looked painful and violent, although there was no outward violence and the drugs used ensured that it was pain-free.



Less than two minutes after Warden Dan Reynolds ordered the execution to begin, Parks' body began bucking under straps that held him to a gurney.

He spewed out all the air in his lungs, spraying a cloud of spit.

"This isn't real! This isn't real!" shouted Parks' girlfriend, Deborah Sutton.

"Oh, God, it isn't real," she sobbed into the arm of Mulik Mohammad, Parks' minister.

To his defenders, Parks was a gentle and possibly misjudged man. To the pro-death penalty demonstrators outside the prison, he was a heartless "scumbag" getting his just — and overdue — reward.

But inside the execution chamber, the issues of guilt and innocence were remote.

Reporter Brett Johnson of KWTN in the Oklahoma City area said he thought of the spasms that shook Parks' victim, and reporter Scott Gordon of KTUL-TV in Tulsa said he wondered why Parks didn't take the moment to proclaim his culpability.

Parks was sentenced to die for the 1977 murder of Oklahoma City service station attendant Abdullah Ibrahim.

The death looked scary and ugly. It was a sight sure to confirm the beliefs of opponents and See Parks on A-19

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 WLSA WORLD Wed. 3-11-92, pg. A-13
 STATE NEWS

• Parks

Continued from A-13
Proponents of capital punishment.

It was overwhelming, stunning, disturbing — an intrusion into a moment so personal that reporters, taught for years that intrusion is their business, had trouble looking each other in the eyes after it was over.

Parks' last clearly audible words, an answer to Sutton's shout of "I love you, Robyn," were: "I love you too, Deborah."

Several times, Parks groaned and turned his head back and forth, his eyes tightly shut. A vein on the left side of his neck stood out thickly.

Four minutes into the execution, Parks was hardly moving. His deep, troubled breaths were still audible in the viewing room. A minute later it seemed he must surely be dead. The breathing had stopped. The clenching of his jaw had stopped. His head was facing away from the witnesses, staring directly at Reynolds.

But the doctor overseeing the execution did not move from his heart monitor in the corner. Several times, Reynolds looked over to the doctor, and the doctor

could be seen gently shaking his head. Parks' heart beat on.

Witness Terry Hull, of Parks' defense team, put an arm around co-worker Cliff Everhart, who was bent over his knees. Ten minutes into the process, the doctor rose and bent closer to the heart monitor tape.

He put a stethoscope to his ear and listened at Parks' chest for a heartbeat. He checked the killer's eye dilation. "I pronounce him dead at 12:52," the doctor said. The curtain was drawn. The witnesses exhaled. The execution was over.

Afterward, the reporters — trained observers — couldn't agree on what they had seen or heard. Had Parks' last, nearly inaudible, words been "I'm still awake," or had it been some Islamic prayer?

Wasn't there someone else he had mentioned among those he wanted to thank for their efforts, after the Rev. Jesse Jackson, state Sen. Vicki Miles-LaGrange, Muhammad, Sutton and her children and his attorneys, but before his sisters and brothers and father?

And who was the unidentified witness sitting next to Corrections Director Gary Maynard and identified only as a "corrections dignitary"?

No one was satisfied with the answers. The process had overwhelmed the ability to record it.

The drama replays again Friday morning when reporters, witnesses and functionaries gather for the execution of Stephens County murderer Olan Randle Robison.

An anti-death penalty group will conduct a vigil Wednesday morning in front of the Governor's Mansion. The Oklahoma Coalition to Abolish the Death Penalty said its vigil would begin at 7 a.m. to protest the Robison execution, scheduled Friday.

Robison is to die by injection at 6 a.m. at OSP. He was convicted of killing three people at a rural Stephens County farmhouse in 1980. Wayne Greene, who covers the Department of Corrections from the World Capitol Bureau, was one of 12 media witnesses to the execution of Robyn Leroy Parks.

sanders melissa, Bennie

To: sanders melissa
From: "Michael L. Radelet" <radelet@soc.ufl.edu>
Subject: Bennie
Cc:
Bcc:
Attached:

Botch

Execution of slayer goes wrong
Delay, bitter tirade precede his death

page?

By Phil Long and Steve Brousquet
Published Thursday, June 8, 2000, in the Miami Herald

STARKE -- Florida's third death by lethal injection -- opposed by Pope John Paul II -- went awry Wednesday evening and was delayed for 33 minutes while technicians struggled to insert a poison-bearing IV into a 49-year-old murderer's body.

When curtains between the death chamber and witnesses finally opened, the condemned man, Bennie Demps, launched a seven-minute tirade. "They butchered me back there. I was in a lot of pain. They cut me in the groin; they cut me in the leg. . . . This is not an execution, it is murder."

After the execution, Florida State Prison Warden James Crosby said the delay was caused in part by the wait for final word from the U.S. Supreme Court and in part by the medical procedure.

The state had turned aside last-minute pleas from death penalty opponents who included Pope John Paul II, in its execution of Demps, who had dodged the electric chair for two 1971 killings but died for the stabbing death of a fellow inmate five years later.

The ex-Marine died at 6:53 p.m. Demps became the 47th prisoner to be executed since the state resumed executions in 1979, and the fourth since Bush became governor 18 months ago.

Demps was the first inmate to die in a scheduled evening execution, after prison officials changed the time from 7 a.m. to make it easier on corrections department personnel. Opponents of the death penalty, and Demps himself, claimed that a report on the death of inmate Alfred Sturgis, missing for 22 years, raised serious questions about Demps' guilt.

Anti-death penalty protesters held rallies in a half-dozen cities across the state as Demps died. Members of the newly formed South Florida Committee Against the Death Penalty met on the steps of the Miami-Dade Court house in downtown Miami.

sanders melissa, Bennie

Late Wednesday, the pope called on Bush to stop the execution.

But Bush, a convert to Catholicism in 1995, is a vocal supporter of the death penalty.

Demps had spent more than half his 49 years on Death Row.

He was originally sentenced there for a 1971 double homicide, north of Orlando. Then 20, he and two accomplices accosted a Connecticut couple and an Orlando real estate agent who had seen them opening a stolen safe. All were shot. Two died.

But a year after Demps got to Death Row, the U.S. Supreme Court ruled the death penalty unconstitutional. As a result, Demps and 96 other condemned inmates had their sentences commuted to life in prison.

Then in September 1976, just two months after the high court upheld Florida's new death-penalty statute, Demps was accused of holding down Alfred Sturgis, a prison snitch, while another inmate, James Jackson, stabbed him to death at the Florida State Prison near Starke.

Said to be implicated by Sturgis' dying words, Demps was again convicted of murder.

Demps' lawyers said a memo by a prison inspector, found 22 years after the original trial, contradicted a guard's testimony.

The Florida Supreme Court ruled Monday that the memo didn't warrant a new trial.

The U.S. Supreme Court Wednesday refused to overturn the Florida Supreme Court's ruling, and a federal appeals court in Atlanta turned down a request for a stay of execution.

Herald Staff Writer Lesley Clark contributed to this report.



THE PLAIN DEALER

Condemned killer complains lethal injection 'isn't working' Ohio's executioners struggle 40 minutes to find a working vein

Wednesday, May 03, 2006

John Mangels
Plain Dealer Science Writer

"This isn't working," convicted murderer Joseph Clark said Tuesday morning as the lethal cocktail of drugs that was supposed to end his life backed up in his ruined vein and his arm began to swell.

Clark was commenting on his own problem-plagued execution, which finally came to pass after an unprecedented 40-minute scramble to find a working blood vessel that would accommodate the trickle of anesthetic and poisons. But his sentiments are shared in a broader context by opponents of lethal injection, who are challenging whether the procedure is a humane way to end a prisoner's life. The incident at the Lucasville prison - which quickly became national news - is the latest in a recent string of events that have focused increasing legal and political scrutiny on capital punishment by the needle.

"This is happening at a time when everybody is looking at lethal injection," said University of Colorado sociologist Michael Radelet, who specializes in death penalty issues.

Later this week, the United Nations' Committee on Torture is expected to question U.S. officials about whether lethal injections violate international treaties.

"It's very clear there are real problems with how it's working," said Jenni Gainsborough, citing the Ohio incident.

She directs the Washington, D.C., office of the group Penal Reform International.

After the U.S. Supreme Court reinstated the death penalty in 1976, states began to explore more humane ways of ending convicts' lives than the electric chair or hangman's noose. Texas was the first to employ lethal injection, in 1982, and it quickly became the most popular means of dispatching inmates. Ohio adopted lethal injection when it resumed executions in 1999.

Legal challenges asserting the technique amounts to cruel and unusual punishment are not new. They have gained traction recently with the April 2005 publication of a study that raised questions about lethal injection.

Condemned inmates typically get a mix of three chemicals: a sedative to make them unconscious, a paralyzing drug to prevent convulsions, and an agent to stop the heart.

Writing in the British medical journal *The Lancet*, doctors who examined toxicology reports of 49 inmates executed in four states found that 21 had so little anesthetic in their blood that they could have been aware during the death process. (Critics questioned the tests' accuracy.)

The Ohio public defender's office is one of a number of groups that has filed federal civil rights lawsuits claiming the drugs are unreliable and corrections workers who administer them lack training.

The Ohio suit contends the combination of insufficient anesthetic and the paralyzing drug could render the inmate awake but unable to move or cry out while suffering a painful death by suffocation and heart attack.

Veterinarians are forbidden to use the combination to put dogs to sleep, said assistant state public defender Kelly Culshaw.

The Supreme Court heard oral arguments last week in a Florida suit raising similar concerns.

The complications that delayed Tuesday's execution raise another issue. Intravenous drug users like Clark who have damaged their veins are notoriously difficult to prepare for lethal injection. A surgical procedure called a "cut-down," which exposes deeper, bigger blood vessels, is one solution, but medical professional groups say doctors' and nurses' participation in executions is unethical.

The people who struggled to find a useable vein for Clark's execution included paramedics, but not a nurse or doctor, said Ohio corrections department spokeswoman Andrea Dean.

Similar problems with lethal injection have occurred at least a dozen times in other states over the years, according to a review by Radelet.

"This seems to be a method the states really don't have a grip on," said Richard Dieter, executive director of the Death Penalty Information Center in Washington. "They do it with what little training they have, but when something goes wrong, they don't know what to do."

Much of the work on Clark took place behind a closed curtain, which concerns the American Civil Liberties Union of Ohio.

Dean, who later recounted Clark's remark, said corrections director Reginald Wilkinson ordered the curtain closed "because he didn't want additional pressure on the execution team," not to hide anything.

The Ohio ACLU contends the entire lethal injection process, from intubation to declaration of death, should be visible, to help the public understand and debate its impact. In 2003, the organization sued the state over access. The case is pending.

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The Atlanta Journal-Constitution

June 27, 2007 Wednesday
Correction Appended
Main Edition

Triple murderer executed after 40-minute search for vein;
John Hightower, who killed wife, two stepdaughters in 1987, pronounced dead at 7:59 Tuesday night after voicing apology and thanks.

BYLINE: LATEEF MUNGIN; Staff

SECTION: METRO NEWS; Pg. 1B

LENGTH: 508 words

Jackson --- Triple murderer John Hightower apologized to his victims Tuesday night moments before being injected with deadly chemicals.

He said nothing, then after about 15 minutes blinked rapidly for some time. He yawned as his chest heaved and then became motionless.

He was pronounced dead at 7:59 p.m.

Hightower, 63, was convicted in 1988 of killing his wife and two stepdaughters.

The 7 p.m. execution was delayed until about 7:40 as nurses struggled to find a vein in which to administer the lethal injection, prison officials said.

Hightower was strapped on a gurney in the execution chamber, a small room with white cinderblock walls and rows of wooden benches at the prison 45 minutes southeast of Atlanta.

Hightower was in a separate room, but onlookers could see him through a large glass window. He appeared calm while lying on a gurney, a sheet over his body up to his chest, the tube in his arm snaked through a hole in a wall where officials administered a lethal cocktail.

Hightower was first injected with 2 grams of sodium pentathol, a sedative. Then he was injected with 50 milligrams of pavulon, a chemical that paralyzes. Then Hightower was given a dosage of potassium chloride, which stops the heart.

About 30 were on hand in the execution chamber, including Hightower's pastor, a friend and a paralegal who acted as his witnesses. No witnesses appeared for the victims' family.

When given the opportunity to speak his final words, Hightower thanked his family and friends - -- "and last but not least I want to thank my mother who stood by me for so long."

He declined an opportunity for a minister to pray for him.

The Georgia Supreme Court denied a stay of execution Tuesday afternoon.

Hightower spent most of the day visiting with friends, prison officials said.

He had requested a final meal of four fried pork chops, collard greens with boiled okra, fried corn, fried fatback, fried green tomatoes, corn bread, lemonade, one pint of strawberry ice cream and three glazed doughnuts.

Dozens of protesters stood outside the prison grounds Tuesday evening. Diane Corlett, a Episcopal minister, drove from North Carolina to protest the execution.

"They say it is humane," said Corlett. "But it is so inhumane. It is Draconian and twisted. I would have liked to see Mr. Hightower get life without the possibility of parole."

A jury of seven women and five men convicted Hightower in 1988 and sentenced him to die for murdering his wife, Dorothy Hightower, 41, and her two daughters, Evelyn, 19, and Sandra Reaves, 22, in 1987 at the family's Baldwin County home.

According to authorities, Hightower admitted he had been having marital problems. In the admission, he said he had been drinking and snorting cocaine hours before he entered the home where the victims were, placed a gun under a pillow in the room he shared with his wife and waited for everyone to go to sleep.

At about 3 a.m., police say, Hightower retrieved the gun and shot each of the three victims in the head. A 3-year-old girl in the house, his wife's niece, was found unharmed.



Staff Photo / Patrick Schneider

DEATH PROTEST: Michigan City police work to control distraught anti-death penalty demonstrators in front of the State Prison Wednesday night. Words had been exchanged with a few off-duty Indianapolis police officers who were present.

MORE STORIES ON TOMMIE SMITH EXECUTION INSIDE

- Relatives of Tommie Smith's victims make a point of traveling to Michigan City for the execution. Page A-2.
- The antiseptic method of execution didn't turn out to be very humane, columnist John Krull writes. Page D-1.

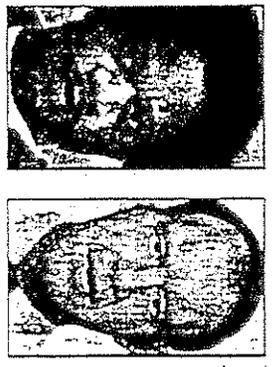
Problem with vein delays execution

By Suzanne McBride
STAFF WRITER

MICHIGAN CITY, Ind. — Tommie J. Smith's execution did not go off as expected.

Smith was declared dead at 1:23 a.m. today, more than a half hour after prison officials had thought the 42-year-old man would die by lethal injection.

The 12-person execution team



CAUSE AND EFFECT: Tommie J. Smith (left) was executed for killing Police Detective Jack Ohlberg (right).

had trouble finding a vein for the intravenous line, said a prison spokesman, Barry Northline.

The team tried twice to insert a line into Smith's neck, but when that failed they finally were able to put it into his left foot, said another prison spokesman, Pam Pattison.

Smith's eight witnesses to the execution were escorted into the viewing room shortly before 1 a.m., which was nearly an hour after they had expected to begin watching the execution.

See EXECUTION Page 2

EXECUTION

Continued from Page 1

Something is wrong." Dwight Resnover said about 12:20 a.m. Virginia Burns said she feared Correctional officers had begun the execution before the witnesses were in place.

By the time the witnesses filed out of the viewing room about 1:25 a.m., several were convinced they had not seen the entire execution.

Jackie Austin and Doug Mason said it seemed Smith was already unconscious when the witnesses got their first look at the execution chamber.

They must have started those injections long before we got there," said Burns, a South Bend resident who also served as a witness when Gregory Resnover was electrocuted in December 1994.

Prison officials said the witnesses saw all three drugs administered to Smith. The first drug rendered the condemned man unconscious; the second stopped his breathing; and the third shut down his organs.

Before the execution began, Pat-Usery said, Smith gave the execution team a final statement: "All that is necessary for evil to prevail is for man to do nothing."

Smith spent much of the night by himself because he chose not to have a spiritual adviser with him.

At one point, Judith Menadue, an Elkhart attorney, was going to have served as Smith's spiritual adviser. Indiana Department of Correction rules would have allowed a spiritual adviser to stay with the condemned man in the hours that preceded his death.

Smith was executed for the murder of Indianapolis Police Sgt. Jack Ohrborg in December 1980.

Smith refused a final meal because he was fasting. He had only a few visitors because he asked family and friends to stay away.

The execution is the first since the Indiana General Assembly changed the state's method of capital punishment in 1995.

Officials described the prison as uncommonly quiet Wednesday night, saying Smith was well-liked by other inmates.

Employees of a Michigan City funeral parlor picked up Smith's body for transfer to one in Marion, where his family had made arrangements.

Ohrborg, a homicide detective, died on Dec. 11, 1980, as he and several officers tried to arrest Smith and two others on robbery charges.

One of the other men arrested that morning — Gregory Resnover — was executed on Dec. 8, 1994, for his role in the Ohrborg slaying. As a result, many — including Smith himself — expected what was to come.

His final day began like most of the others he had spent during his 15 years on Death Row.

Smith spent much of the night by himself because he chose not to have a spiritual adviser with him.

Smith spent much of Wednesday morning and afternoon talking by phone with the many attorneys who have represented him over the years. One by one, they told him they were running out of places to appeal his death sentence.

Early in the day, Smith learned that the U.S. Supreme Court had denied the last of two pending appeals. By mid-afternoon, Smith knew the Indiana Supreme Court had ruled that his death sentence was "legal and appropriate."

On Wednesday morning, Smith's attorneys had asked the state Supreme Court to halt the execution so the five justices would have time to examine evidence that they said was not considered during Smith's 1981 murder trial.

That evidence, Smith's attorneys said, would show that one of the prosecution's key witnesses, Gregory Johnson, lied when he said he wasn't a police informant.

The attorneys said Hollis B. Members, who is an inmate at the Indiana State Prison, came forward with this information last week because he wanted to clear his conscience.

Members maintained that

Johnson, a former cellmate, wanted Smith arrested on robbery charges because he was miffed Smith had not helped him escape from jail, and Johnson suspected Smith was seeing his girlfriend.

The Supreme Court met Wednesday to consider this evidence and concluded it "could have been discovered before trial with due diligence, is not worthy of credit, and would probably not produce a different result on retrial."

That decision was the last legal opinion to be issued in Smith's case.

As Smith waited for the final word on his appeals, he met with his longtime companion, Mary Rivers. Smith also saw Virginia Burns, a friend he met a few years ago through Gregory Resnover, and Mark Earnest, one of his attorneys.

Smith said goodbye to most of his friends and family several days ago, said Indianapolis attorney Andy Maternowski. In fact, Smith asked his family members, most of whom live in Marion, not to visit the last few days.

"He doesn't want to put them through it," Maternowski said, adding that Smith seemed "ready to go" when he talked to him by phone Wednesday.

When Earnest said goodbye to Smith about 4:30 p.m., Smith told the lawyer that he wished he and several others had been working on his case from the beginning. He thanked Earnest, Alan Freedman,

Carol Helse, Maternowski, Menadue and Thomas Schornhorst for representing him over the years. Smith long maintained that if what he considered competent, committed attorneys had handled his case during the trial and his first appeal, he would not have ended up on Death Row.

Richard Plath, Smith's trial lawyer, has said he did the best he could.

Staff writer John Krull contributed to this report.

THE INDIANAPOLIS NEWS

Chief suspect in bombing	5B	EDITORIAL: An effort to limit damage awards in lawsuits is too drastic a remedy	6B	COMMENTARY: Welfare is a corrosive force that contributes to social decay	7B	OBITUARIES	4B	WEATHER	8B
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ST. LOUIS POST-DISPATCH

T. LOUIS/REGION

SECTION B

FRIDAY, MAY 5, 1995

Too-Tight Strap Hampered Execution

Coroner: Chemical Flow Was Impeded

By Tim O'Neil
of the Post-Dispatch Staff

An overly tight leather strap binding the arms of killer Emmitt Foster probably slowed his execution by injection early Wednesday, said the coroner who pronounced him dead.

Washington County Coroner William "Moe" Gunn said Thursday that Foster's heartbeat stopped a few minutes after a prison worker loosened the strap, which bound Foster to the gurney. Gunn said he believed the strap had restricted the flow of the lethal chemicals into Foster's vein.

Foster, 43, of St. Louis, was executed in

the Porosi Correctional Center for the murder of a softball teammate during a robbery 12 years ago in St. Louis County.

He was not pronounced dead until 12:33 a.m. Wednesday — 30 minutes after the executioners began running chemicals into his right arm through an intravenous catheter. Prison workers closed the blinds to the windows of the execution chamber at 12:10 a.m. and did not reopen them until 12:36 a.m., three minutes after he was pronounced

dead.

The official witnesses, including reporters, could not see into the chamber during that time. One witness refused to sign the routine statement that she had witnessed the execution.

In Missouri's 11 previous executions by injection, death came from seven minutes to 20 minutes after administration of the first of two lethal doses.

Foes of the death penalty said the incident

contradicts Missouri's position that the use of lethal injection is a less painful method of execution than an electric chair or a gas chamber.

George Lombardi, a spokesman for the Missouri Department of Corrections, said Thursday that the execution "did take a bit longer than they usually do." He said prison staff members followed normal procedures.

Gunn, the coroner, called the incident "a little error. It's not like the guy suffered."

Gunn said he entered the execution chamber about 12:27 a.m. to inquire why Foster

See EXECUTION, Page 4



**2 Lemay
Gambling
Boat Bids
Are Close**

Metropolitan

The Kansas City Star
May 4, 1995
Pg C-8

Execution procedure questioned

Blinds were drawn early, despite a law requiring witnesses.

By JIM SALTER
The Associated Press

ST. LOUIS — As condemned killer Emmitt Foster lay dying on a gurney Wednesday, several minutes after the first lethal injection was pumped into his body, blinds were drawn between the execution and witness rooms.

Twenty-six minutes later, several persons, including reporters who under state law were to witness the execution, were told by prison officials that Foster had died.

Some witnesses and lawmakers Wednesday questioned the secrecy of these critical moments of the execution. Another lawmaker was worried about the length of time it took to kill Foster, who was convicted of murdering a softball teammate in 1983.

Corrections officials, however, said all they were trying to hide

were the identities of a few workers called in to check out a potentially faulty execution machine. They said it took longer than normal for Foster to die, but they contended that his suffering was minimal.

The execution of Foster, 43, began at 12:03 a.m. Wednesday at the Potots Correctional Center.

Seven minutes after the procedure began, the blinds were drawn on the four windows at the execution room.

"It just seemed like the longest time," said Brad Farrell, a reporter for the MissouriNet radio network who had witnessed three previous executions. "And I could see that he was still breathing."

Farrell said Foster was "gasping, slightly convulsing" when the blinds were drawn at 12:10 a.m.

Another reporter who has covered four executions, Ed Schaffer of The Associated Press, agreed that Foster was having "some abdominal convulsing" when the blinds were closed.

"I saw no sign of breathing," Schaffer said, but added that there was no way for a layman to tell

through the glass-and-cinder block barrier whether Foster was dead.

The 10 witnesses were held in their seats for 26 more minutes.

At 12:36 a.m., a corrections official said Foster was checked and declared dead at 12:33 a.m., although Corrections Department spokesman George Lombardi said the exact time of death was uncertain.

"It just took a little bit longer than normal," Lombardi said.

He added that Foster was unconscious soon after the process began and did not suffer because of the ordeal.

Missouri resumed carrying out the death penalty in 1989. In the previous 11 executions, death came seven to 20 minutes after the first lethal dose.

Corrections officials at first thought the machine that administers the lethal dosage might be malfunctioning. That's why the blinds were closed, Lombardi said.

"Normal protocol," he said. "We could not determine at that time after the first drug was ad-

ministered why the machine lights were not lighting appropriately. Staff did have to come out to find out what was going on. We have a duty to protect the anonymity of the people involved in the execution process."

Officials determined the machine was working but never reopened the blinds. Lombardi said officials thought Foster's veins, apparently damaged by years of heavy drug use, collapsed after the first injection, slowing the process.

Still, some witnesses questioned the decision to obstruct the view of the execution. Several, including Schaffer, refused to sign the state affidavit stating they had witnessed the execution until a coroner proclaimed Foster dead.

Even then, Farrell and another MissouriNet reporter, Cheri Thomas, would not sign.

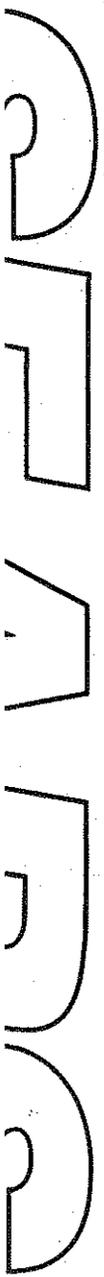
"My feeling is, they had a problem. Maybe they just weren't sure what to do," Farrell said. "I just couldn't sign something I didn't witness."

Lawmakers also expressed concern.

- 115 of 125
- Renovating cells at the Topeka Correctional Facility's central unit house two inmates each. The project would add space for 56 minimum-security female inmates.
- Adding an open dormitory in basement of a cell house at the Thomson Correctional Facility.
- 100 medium-security male inmates.
- Converting warehouse space into an open dormitory for 115 minimum-security male inmates at El Dorado Correctional Facility.
- Remodeling an old unit for minimum-security female inmates providing for minimum-security inmates. The project would cost \$8 million.
- Transferring the idle Garland building at the Winfield State Hospital and Training Center to the Department of Corrections and turning it into space for an additional 96 minimum-security inmates.
- At the end of April, the department had in its custody 6,733 inmates. Its institutions had a capacity of 6,829, which means the prison system was 98.6 percent full.

Racism

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TEXAS
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Huntsville, TX
Item
(Cir. D. 5,606)

MAY 7 1992

BIA

Convicted killer May dies

495

By ROBERT WERNSMAN
The Huntsville Item

Death came to Justin May at 12:18 a.m. today, nearly 14 years after the murder of a Freeport woman for which he was sentenced to die by the state of Texas.

His sister and a female friend stood within feet of the man who told them "I just want to tell 'em I love 'em very much" when May was asked if he had any final words.

"I love you, I love you," repeated Sandra Manning, identified officially as his friend. She told prison officials they'd married by proxy months ago, although no paperwork proved that.

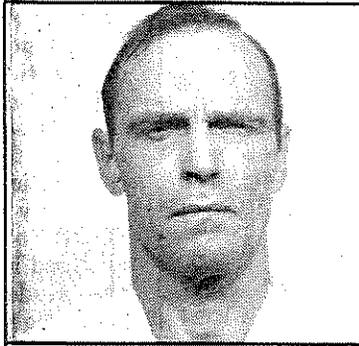
The U.S. Supreme Court at 7:42 p.m. CDT on Wednesday rejected, without dissent, two applications for stays of execution and two appeals for his case to be heard, said court spokeswoman Toni House.

The rejection led the way for May's execution within the walls of the Walls Unit.

His execution was the 48th in the state since capital punishment resumed in 1982. He had come within minutes of execution in November.

Time of death was established by the attending physician as 12:18 a.m., six minutes after the lethal injection began passing through the intravenous line, officials said.

May's reaction was obvious.



Justin May

He gasped, coughed and reared against his heavy leather restraints, coughing once again before his body froze and May's life had, by appearance, ended.

The dozen witnesses were silent, except for the sobs and prayers of the convict's personal witnesses.

May's attorneys were contending the 46-year-old ex-welder, convicted earlier of three other killings, was innocent and not involved in the June 27, 1978 shooting death of Jeanetta Murdaugh, 43. The woman's husband, Frank, 42, also was killed during the robbery at the couple's Western Auto store in downtown Freeport, about 65 miles south of Houston.

May said another man, whom he knew only as "Indian," did the killings during a time when he was at his mother's home.

Background information provided by the Associated Press.



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Las Vegas Review-Journal (Las Vegas, NV)

October 5, 1998 Monday, FINAL EDITION

SECTION: A; Pg. 1A

LENGTH: 1645 words

HEADLINE: Nevada executes killer

BYLINE: Sean Whaley

BODY:

By Sean Whaley
Donrey Capital Bureau

CARSON CITY _ Roderick **Abeyta** mouthed the words 'I'm sorry,' to three members of Donna Martin's family before quietly lying down and being executed by lethal injection early today.

Abeyta killed Martin, his former girlfriend, in Las Vegas in 1989.

The inmate, who refused a sedative to relax him for the execution, was strapped to a table in what was formerly the gas chamber at the Nevada State Prison. He was administered intravenously a combination of three drugs, two of them lethal.

Abeyta went to his execution voluntarily, saying it was morally wrong for him to fight his sentence. It was the first execution in Nevada in more than two years and the seventh since capital punishment was reinstated by the 1977 Legislature.

Eight media representatives, nine witnesses and several prison officials observed the execution through a glass partition.

At 11:48 p.m. Sunday, the curtains were lowered in the execution chamber so the intravenous needles could be inserted away from witnesses.

Two of the witnesses, members of Martin's family, sobbed quietly as the execution was performed. At 12:13 a.m. the blinds were raised and **Abeyta** could be seen strapped to the table, staring straight up. He

25 minutes to find a vein?

took a few breaths and then was still.

'He was very calm throughout the process and just submitted to the process as he said he would,' Prison Director Bob Bayer said.

Just hours before the execution, about two dozen people from area Catholic churches held a candlelight vigil near the prison grounds, protesting Abeyta's death.

They held signs that said: 'Jesus was executed. What would he say?' And 'We pray for those who carry out the execution.'

Minden resident Dirk Wunderlich said protesters were urged at weekend church services to come out Sunday evening and peacefully object to the execution. The Catholic Church has long been an opponent of capital punishment.

'We view it as not really different from the original crime,' Wunderlich said.

Inside the prison, Abeyta spent his final hours watching television and making calls. He did not request any special food for his last meal. He was sent a tray with the same food the rest of the inmates ate for dinner Sunday: tossed green salad with Russian dressing, Salisbury steak with gravy, oven-browned potatoes, steamed tomatoes, rolls and butter, fruit Jell-O and iced tea.

Department of Prisons spokesman Glen Whorton said Abeyta was moved to the 'last night' cell, just across from the execution chamber, at about noon. He received no family or other outside visitors but spent time with prison Chaplain Al Fry.

Father Jim Kelly, who counsels inmates at Ely State Prison where Abeyta had served time on death row, also visited with him.

Abeyta, 44, had been on death row only a short time, having been convicted by a jury in 1996 for the murder of Martin, 38, in October 1989.

But like several death row inmates before him, Abeyta chose to proceed with his execution rather than fight his sentence in the courts.

Abeyta said he voluntarily underwent a psychological examination to preclude the U.S. Public Defender's office from interceding on his or a family member's behalf to stop the execution, as has been done in other death penalty cases.

As a result, there were no last-minute appeals or court decisions that could have stayed the execution. Only Abeyta himself could have stopped it.

In an interview Sept. 25, Abeyta said: 'You would have to be some kind of superhuman not to have some kind of thoughts about it. But I also know I'm not going to let my instinct for survival kick in.'

His execution was protested by Bishop Phillip Straling of the Catholic Diocese of Reno, who said it 'denies the sacredness of life, which mandates that no human life can be taken away as punishment.'

But Abeyta, who is Catholic, said the Bible told him that he had to submit to the rule of the state, even if it meant his execution.

Abeyta lived with Martin at 740 N. Ninth St. for about six to eight weeks in the spring of 1989 just after his parole from prison on a robbery charge. But Martin asked Abeyta to move out because of a concern he was stealing from her landlord.

He returned to Martin's home in October, however, with his half-brother, Casey Korsmo, to steal property to finance what he described as a five-day drug binge.

Korsmo, who pleaded guilty in 1994 to first-degree murder in exchange for a chance at parole beginning in 2003, said at Abeyta's trial that he heard gunshots shortly after the two men broke into Martin's home.

Martin was killed with two shots to the back of her head from a .25-caliber handgun.

Abeyta could have appealed his case for years but said he was ready to accept his sentence.

'As a Christian, I believe it would be wrong for me to seek a protracted appeal process or to seek further representation, because to do so would be to avoid accountability,' he said.

Abeyta said it was his addiction to methamphetamine that led him into the criminal world. His criminal behavior grew progressively worse.

He served time in California for various crimes. In 1979, he was convicted in Nevada of robbery with a deadly weapon and battery with a deadly weapon. He was in prison until his release on parole in March 1989.

He met Martin shortly after and committed the murder only seven months later.

Abeyta also said he was abused as a child by his father while growing up in the Bay area but said he did not blame either his drug habit or his family for the murder.

'I've got no one to blame,' he said. 'It's not because of my culture or my family. There are always dysfunctional families. Everything I ever did was always of my own choosing. Not that I wanted to do what was wrong. You just kind of give up on life when you're on the wrong path and there's nothing to change it.'

Abeyta agreed to an interview because he wanted the Martin family to know the regret he felt for the murder.

'I would just basically like the Martin family to know truly how sorry I am,' he said. 'By my actions, I realize how much anguish and pain I caused them.'

Martin's mother, Pearl, testified at Abeyta's trial. 'There have been many, many tears, and there will be more,' she said.

While Abeyta decided recently to proceed with his execution, he did not always feel that way. The trial took so long from the time of the crime because Abeyta's mental health was being evaluated.

In the interview, Abeyta said he faked mental illness in an effort to avoid taking responsibility for Martin's death.

But Abeyta said he finally decided that he could not reconcile his use of the court system to delay his sentence with his Christian beliefs and decided to accept his punishment instead.

Executions in Nevada since the death penalty was restored in 1977 by the Legislature:

1979: Jesse Walter Bishop, 46, executed Oct. 22 for killing David Ballard in the El Morocco in Las Vegas. The last man to die in Nevada's gas chamber, he went to his execution voluntarily. It was the first execution in Nevada since Thayne Archibald was put to death in 1961.

1985: Carroll Cole, 47, executed Dec. 6 for killing Marie Cushman in Las Vegas. He was the first to die by lethal injection in Nevada and, like Bishop, wanted to be executed.

1989: William Thompson, 51, executed June 19 for the murder of transient Randy Waldron in Reno. Four days later, Sean Flanagan, 27, was executed for murdering Albert Duggins and James Lewandowski, both of Las Vegas. Both inmates waived their appeals.

1990: Thomas Baal, 26, executed June 3 for killing bus driver Frances Maves in Las Vegas. He resisted efforts by his parents to appeal his sentence.

1996: Richard Moran, 42, executed March 31 for the murders of Sandra Devere, 25, and Russell Rhodes, 27, in the Red Pearl Saloon in Las Vegas on Aug. 2, 1984. Moran also killed his former wife, Linda Vandervoort, 26, nine days later. The death of Moran, who fought his death sentence, marked the first involuntary execution in Nevada in 35 years.

EXECUTIONS

Total number of inmates executed as of March 31, 1998

Texas	147
Virginia	49
Florida	43
Missouri	31
Louisiana	24
Georgia	22
Alabama	16
Arkansas	16
South Carolina	14
Illinois	11
Oklahoma	10
North Carolina	9
Arizona	9
Delaware	8
→ Nevada	6
Indiana	6
Utah	5
California	4
Mississippi	4
Nebraska	3
Pennsylvania	2
Washington	2
Maryland	2
Oregon	2
Montana	2
Kentuck	1
Colorado	1
Idaho	1
Wyoming	1

Methods of execution used in the United States:

Thirty-eight states have a death penalty and use at least one of five forms of execution. Some states allow the inmate to choose, such as Utah, which offers the firing squad or lethal injection. Washington offers hanging or lethal injection.

Lethal injection - Nevada, which pioneered the use of the gas chamber in 1924, switched to lethal

injection in 1983. This method of execution is used by most states.

Other forms of execution used in the United States are:

Electrocution - Used in several states, including Virginia, Tennessee, Alabama and Florida.

Gas chamber - Used in several states. In Arizona it is used only for inmates sentenced to death before November 1992. Those sentenced later are executed by lethal injection.

Hanging - Used in Delaware for inmates sentenced to death before June 13, 1986, lethal injection after that date. Also used in Montana and Washington.

Firing squad - Used in Idaho and Utah.

Executions since 1976 - There have been 451 executions since the 1976 reinstatement of capital punishment.

*Through March 31.

Source: The NAACP Legal Defense and Educational Fund Inc. Capital Punishment Project.

Mike Johnson/Review-Journal

LANGUAGE: ENGLISH

LOAD-DATE: October 7, 1998

◀ Previous Document 10 of 20. Next ▶



Search Terms: abeyta

To narrow your search, please enter a word or phrase:

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times and robbed.

Garner, who had hitched a ride with Elkins, was acquitted of murder in October 1990 and testified against Elkins.

Elkins was arrested several days after the killing in Dallas when his girlfriend turned him in. He had given her three of Mrs. Whitt's

Esc-chr: ^I help: ^I? port:2 speed: 9600 parity:none echo:rem VT320

LEVEL 1 - 12 OF 21 STORIES

Copyright 1997 Chattanooga News-Free Press Company
Chattanooga Free Press

June 13, 1997, Friday

SECTION: NEWS; Pg. A7

LENGTH: 217 words

HEADLINE: Killer Helps Officials Find A Vein At His Execution

BYLINE: By The Associated Press

BODY:

COLUMBIA, S.C. -- Muffled comments were heard, then the condemned killer asked, "Should I lean my head down a little bit?" as prison officials searched for a vein to pump in the lethal chemicals.

They finally found one in Michael Eugene Elkins' neck, and the deadly mix of drugs began flowing. He was pronounced dead today at 12:58 a.m.

Esc-chr: ^I help: ^I? port:2 speed: 9600 parity:none echo:rem VT320

Chattanooga Free Press, June 13, 1997

Elkins' body had become swollen from spleen and liver problems, which made finding a vein difficult, said his lawyer, Kevin Bell.

Elkins, 41, was convicted of robbing and stabbing 59-year-old Patricia Whitt eight times after she stopped to help him and another man who feigned car trouble along Interstate 95 near the Georgia state line.

"My life for hers is a poor trade, but it's all I could offer," Elkins said in a final statement read by Bell at 12:40 a.m.

Mrs. Whitt had met Elkins and Ralph Garner earlier on the night of July 9, 1990, when they helped fix her car, which had overheated on Interstate 95. She gave them \$10 for their trouble.

Elkins was arrested days later after his girlfriend turned him in. He had given her three of Mrs. Whitt's rings. Garner, who was acquitted of murder, testified against Elkins.

He withdrew last-minute appeals "out of sorrow and respect for Ms. Whitt and her family," his final statement said.

Houston Chronicle

H/C ~~May 27, 1981~~ May 27, 1981 P. 11
Witnesses to an execution

WATCHING the state execute her client was the hardest thing Houston attorney Karen Zellars said she has ever had to do.

As she watched Stephen A. McCoy receive his lethal injection early Wednesday for the 1981 rape and strangulation of Houston teen-ager Cynthia Darlene Johnson, he winked at Ms. Zellars — a signal the two had worked out ahead of time to indicate he was ready to go.

Shortly afterward, though, McCoy began gagging and coughing deeply, his back arching off the gurney in the death chamber at the Huntsville "Walls" Unit of the Texas Department of Corrections. He breathed a deep, long moan, closed his eyes and stopped breathing.

The normal solitude of the death chamber was shattered then, when Robert Hurst, a reporter for Houston radio-station KTRH, witnessing the execution, fainted, crashing into one of four other media witnesses.

That, Ms. Zellars said, is when she nearly lost control herself.

"When he looked at me I felt a purpose there," she said. "He winked at me and that was our signal. I stayed with him until the first violent heave. (His reaction) was more violent than I had expected. Then I heard the choking.

"The next thing I realized, every-

body was gasping. I had no idea what it was. I really felt we were going to have a chain reaction. Y'all almost lost me when he went down," she said, referring to Hurst.

It was the first time a witness had fainted at an execution since they were resumed in 1982, and one of the most violent reactions from an inmate, according to one veteran execution reporter, Associated Press' Mike Graczyk.

Even Attorney General Jim Mattox, who also witnessed McCoy's death, commented on the prisoner's reaction.

"This execution differed only in that the inmate seemed to have had a somewhat stronger reaction," he said. "The drugs might have been administered in a heavier dose or more rapidly."

Despite McCoy's reaction, Mattox said he did not doubt the appropriateness of McCoy's punishment.

"There was no remorse, no drugs, no alcohol, no real explanation for the violence except they were just mean," Mattox said of McCoy and his two co-defendants, James E. Paster, 43, and Gary LeBlanc, 42.

"This is one of those cases where it's difficult to have any compassion for the individuals involved. It was a particularly heinous crime, with total disregard for humanity."

Kathy Fair, Huntsville Bureau

Houston Chronicle

not on Lexis

LEVEL 1 - 9 OF 15 STORIES

Copyright 1995 St. Louis Post-Dispatch, Inc.
St. Louis Post-Dispatch

May 8, 1995, Monday, FIVE STAR LIFT Edition

SECTION: EDITORIAL; Pg. 6B

LENGTH: 410 words

HEADLINE: WITNESSES TO A BOTCHED EXECUTION

BODY:

The execution of Emmitt Foster at the Potosi Correctional Center is a particularly sordid chapter in Missouri's capital punishment experience. Foster took 30 minutes to die after the chemical cocktail began entering his system. When the process did not work as it should, the state closed the blinds rather than allowing the witnesses to the execution to do their job. The embarrassment about a botched execution is understandable but not excusable.

At 12:03 a.m. on Wednesday, sodium pentothal was introduced into Foster's veins as an anesthetic. It was followed by two more drugs that constitute the lethal injection that was designed to be more humane and less cruel than the

St. Louis Post-Dispatch, May 8, 1995

gas chamber, electric chair, firing squad, hanging or other methods of capital punishment used in the past.

But Foster's death took far longer than the deaths of 11 other prisoners executed by Missouri since 1989. Officials say the leather strap binding him to the gurney was too tight and acted as a tourniquet, restricting the flow of chemicals into his bloodstream. When he wasn't dead after seven minutes, prison officials closed the blinds on the window into the chamber, blocking the view of witnesses there to see that the procedure was carried out properly. The blinds were reopened at 12:36, three minutes after Foster had been pronounced dead. Two witnesses refused to sign the standard affidavit that they had done their jobs because they said they did not witness the entire procedure.

Washington County Coroner William "Mal" Gum minimized the problem, calling it "a little error. It's not like the guy suffered." Officials said the blinds were closed so that workers who went in to figure out what was taking so long could not be identified by the witnesses. That concern could have been eliminated by having the workers disguise themselves in some way; the state should not have violated its own procedures.

Besides, why shouldn't the public's representatives get to see what happens when the best laid plans for killing a prisoner go awry? The state tries to

St. Louis Post-Dispatch, May 8, 1995

make executions seem so clinical and so painless that the harsh truth of what is happening recedes into the background: The government is premeditatedly lowering itself to a criminal's level by taking yet another life. Emmitt Foster's slow death and the state's frantic reaction bring home once again what capital punishment really means - and make one more argument for no more executions.

LANGUAGE: English