

Episode 16: Death Row

Kayla: Hello and welcome to the Death Penalty Information Center podcast, exploring issues related to capital punishment. In this edition, we will be discussing the little-understood world of death row, exploring the conditions, the length of time prisoners spend on death row, and some of the special legal issues that arise regarding death row.

Anne: I am Anne Holsinger, the Special Projects Assistant at the Death Penalty Information Center.

Kayla: And I'm Kayla Sullivan, an intern at the Center.

Anne: First, we'd like to give you a sense of the size of death row in the U.S. and the characteristics of those who reside there.

Kayla: As of January 1, 2011, there were 3,251 people on death row in 36 states around the country. California has the largest death row, with 721 inmates, almost twice the population of the next-largest death row, which is Florida's, with 398 inmates. Texas, Pennsylvania, and Alabama complete the top 5. Despite their large death-row populations, California and Pennsylvania rarely carry out executions. Neither has had an execution in the last 5 years. The number of people on death row in the United States peaked in 2000, and has declined over the course of the last decade. This follows the declining use of the death penalty generally, as executions and new death sentences have also decreased in this time.

Anne: The NAACP Legal Defense Fund tracks the demographics of death row prisoners. Their most recent report, from January 1, 2011, found that 44% of death row inmates are white, 42% are black, 12% are Hispanic, and the remaining 2% are Native American or Asian. Only 60 women are on death row, accounting for less than 2 percent of the population. According to the Bureau of Justice Statistics, half of death row inmates have less than a high-school education, 42% completed high school, and only 9% have any college education. About 1% of death row inmates are under 25 years old, 51% are between 25 and 44, 45% are 45-65, and less than 3% are over 65.

Kayla: The term "death row" often refers to the prisoners sentenced to death, but it's also a real place. When we talk about "death row" as a place, we mean the section of a state prison where death-sentenced inmates are housed. For example, California's men's death row is located at San Quentin State Prison, which also houses lower-security prisoners. Male and female death row inmates are kept in separate facilities. Some states, such as Georgia, carry out executions at the same facility where most death row inmates are housed. Others, like Texas, have executions at a different facility.

Anne: Conditions on death row vary greatly depending on the state, but there are some commonalities. In almost every death penalty state, death row inmates are kept alone in

individual cells. Most states require inmates to remain in those cells 23 hours a day, with one hour allowed for exercise outside the cell. Less than half of death penalty states allow contact visits between the inmate and his or her family. In over half the states, death row inmates can only see their families while separated by glass or some other divider. Very few states allow death row inmates to participate in educational or work opportunities offered to other inmates, though some states allow access to prison libraries or correspondence courses. A comparison of death row conditions by state has been compiled by Professor Sandra Babcock of Northwestern University Law School and is available on the "death row" page of DPIC's website.

Kayla: Only death row inmates can fully describe what it's like to spend many years in such an environment. In an interview with CNN, Arkansas inmate Damien Echols described his experience: "I miss the stars. You know, I haven't seen the stars in years and years and years. I miss the rain. I miss food. I miss all these things. But what it comes down to the most -- and this is the thing that will scar me the most and that I'll carry with me as a scar the longest -- the thing I miss the most is being treated like a human being." Echols was recently freed from death row after 17 years when the evidence against him was discredited.

Louisiana inmate Billy Wayne Sinclair wrote the following vivid description in his book, "A Life in the Balance": "Deep in the recesses of the prison, the row was a lost world where every season was the enemy. Summer was the worst. It brought the funk of sweat, irritating gnats, bloodthirsty swamp mosquitoes, and pestering flies. The days were long and unbearably hot while the nights were sticky and stifling. I often prayed that the unending despair and agony of my caged world would explode, propelling my soul into oblivion. The heat seemed to accelerate cell madness, sinking us deeper into the extremes of absurdity."

Anne: Despite these harsh conditions, some death row inmates find opportunities for reform while they are incarcerated. Billy Neal Moore was a death row inmate in Georgia for 16 years before he was released. He pled guilty to the murder of a 77-year old man and was sentenced to death. He sought mercy and redemption through religion, ultimately gaining the forgiveness of the victim's family, who then successfully advocated to have his death sentence commuted. Moore was paroled in 1991 and has since become a Pentecostal minister who travels around the country telling his story and encouraging forgiveness and redemption. Perhaps the most famous example of a change-of-heart on death row was Stanley "Tookie" Williams. A founder of a Los Angeles gang, the Crips, he renounced his violent past and spent much of his time encouraging young adults to stay away from gang life. As a result of his writings and outreach to youth, Williams was nominated for the Nobel Peace Prize. He was executed in California in 2005.

Kayla: Only 15% of those who have been sentenced to death since 1973 have been executed. The average inmate who is executed spends well over a decade living in these isolated and sparse conditions. Many inmates have been on death row for over 20 years. Psychologists and other experts have argued that spending long periods of time in deprivation, combined with the tension of waiting for one's execution, causes some inmates to become delusional, suicidal, and even insane. The European Court of Human Rights, in extradition hearings for a German citizen

accused of murder in Virginia, agreed with the defendant's claim that the lengthy wait under the conditions of death row would be comparable to torture. The defendant was eventually extradited only with the prosecutor's promise not to seek the death penalty.

Anne: Supreme Court Justice Stephen Breyer and Former Justice John Paul Stevens have questioned the constitutionality of the long delays between sentencing and execution. When the Court declined to hear the appeals of two inmates – one who had spent nearly 25 years on Florida's death row and one who had spent nearly 20 years on Nebraska's, Justice Breyer dissented, saying, "It is difficult to deny the suffering inherent in a prolonged wait for execution." In a 2011 case involving a Florida inmate who had spent 33 years on death row, Breyer issued a similar dissent, in which he said "I have little doubt about the cruelty of so long a period of incarceration under sentence of death." He also argued that such a long stay on death row negates the reasons for inflicting the death penalty.

Kayla: One consequence of the conditions on death row and the long wait endured by most prisoners is that some prisoners choose to drop their appeals and "volunteer" for execution. A Nevada prisoner, Daryl Mack, told the court that he'd rather be executed than spend the rest of his life locked up on death row. He dropped his appeals and was executed in 2006. In California, Robert Lee Massie, who had spent 21 years seeking to overturn his conviction, dropped his appeals in 2000 to protest what he called the "snail's pace" of the California death penalty system. He was executed in 2001. In Pennsylvania, the only prisoners to be executed since 1976 have been three volunteers.

Anne: Many death row inmates are never executed. The Bureau of Justice Statistics reports that 416 inmates died of natural causes while on death row between 1973 and 2009. Of the 8,115 people sentenced to death between 1973 and 2009, over a quarter, 2,419, had their sentence or conviction overturned on appeal. That's more than twice the number who were executed during that time.

When an inmate is executed or dies in prison of natural causes, the inmate's family may claim the body. If the body is unclaimed, it may be cremated or buried in a prison cemetery. Inmates executed in Texas are buried in the Joe Byrd Prison Cemetery in Huntsville, where the grave markers of executed inmates are marked with an "x" before their inmate number.

Kayla: You can learn more about death row on our website, deathpenaltyinfo.org. Under the "Facts" tab, select "Death Row" to find statistics, studies, and analysis about death row. Thank you for joining us for this edition of the Death Penalty Information Center podcast.